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House of Representatives

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

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
April 18, 2007.

I hereby appoint the Honorable ANNA G. ESHOO to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

The Reverend Ron Jackson, East Gaffney Baptist Church, Gaffney, South Carolina, offered the following prayer:

Eternal God, our Heavenly Father, Your praise will always be upon our lips because You are the wonderful counselor, the mighty God, the everlasting Father, the Prince of Peace.

We thank You for every blessing of life. You have been so good to us. We are grateful for the privilege of living and working in this great country.

Thank You for our President and every Member of this body. May there be love for You and love for one another because love never fails. Bless each marriage and strengthen every family.

Bless our military personnel around the world. Give each one strength, grace, wisdom and courage. Comfort those families who have experienced the death of a loved one in service of our country.

Loving Father, please minister to the devastated families, students and others who are dealing with the tragedy that has occurred at Virginia Tech University.

Now I pray that You would give wisdom and clear guidance to each Member of this body as they conduct our Nation's business today.

I offer this prayer in the wonderful name of our all sufficient Lord.

Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. STEARNS 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.

CALENDAR WEDNESDAY

The SPEAKER pro tempore. Today is the day of Calendar Wednesday. The Clerk will call the roll of committees.

The Clerk called the committees.

PARLIAMENTARY INQUIRIES

Mr. SESSIONS. Parliamentary inquiry, Madam Speaker.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. SESSIONS. I understand that the procedure that the Chair just went through is known as Calendar Wednesday. Is it correct that any bill reported by a committee and placed on the Union or House calendar could have been called up by the chairman as the committee name was read?

The SPEAKER pro tempore. A nonprivileged bill otherwise in order may be called up on formal authorization by the reporting committee.

Mr. SESSIONS. Further parliamentary inquiry, Madam Speaker.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. SESSIONS. H.R. 1429, Head Start Reauthorization, was reported out of the Ed and Labor Committee on March 23, 2007. Would it have been in order for the chairman or his designee to call up H.R. 1429 at this time?

The SPEAKER pro tempore. Clause 2(b) of rule XIII is sufficient authority for the chairman of a committee to call up a bill on Calendar Wednesday.

Mr. SESSIONS. Further parliamentary inquiry, Madam Speaker.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. SESSIONS. Similarly, H.R. 493, the Genetic Information Nondiscrimination Act, was reported by the Ed and Labor Committee on March 5, 2007. Would it have been possible to call up H.R. 493 at this time?

The SPEAKER pro tempore. Yes.

Mr. SESSIONS. Further parliamentary inquiry, Madam Speaker

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. SESSIONS. Is it in order for Mr. MCKEON, the ranking member of the Education and Labor Committee, to call up the bill under his committee's jurisdiction, Head Start?

The SPEAKER pro tempore. A committee member other than the chairman must have specific authorization of the committee to call up a bill on Calendar Wednesday.

Mr. SESSIONS. Further parliamentary inquiry, Madam Speaker.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. SESSIONS. Is it in order for any member of the minority to call up a bill during the call of the committees?

The SPEAKER pro tempore. A committee member other than the chairman must have specific authorization

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of the committee to call up a bill on Calendar Wednesday.

□ 1010

Mr. SESSIONS. Further parliamentary inquiry, Madam Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. SESSIONS. Is the chairman of the committee the only person that is in order to call up a bill during the call of the committees on Calendar Wednesday?

The SPEAKER pro tempore. Calendar Wednesday business may only be called up on formal authorization by the reporting committee. Clause 2(b) of rule XIII is sufficient authority for the chairman of a committee to call up a bill on Calendar Wednesday.

INTRODUCTION OF THE REVEREND RON JACKSON, GUEST CHAPLAIN

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

Mr. SPRATT. Madam Speaker, today's opening prayer was given by the Reverend Ronald B. Jackson. Reverend Jackson serves as the minister of East Gaffney Baptist Church in Gaffney, South Carolina, a pulpit that he has filled with distinction since 1989.

Reverend Jackson's ministry is based in East Gaffney Baptist Church, but not confined there. He has a television ministry in Greenville and a radio ministry in Gaffney. He is a prominent preacher, for sure, but he is also a pastor who has been recognized for service throughout the Southeast. He has established, for example, a foundation to help needy ministers and their families called the Parsons' Pantry Fund.

Three years ago, Governor Sanford awarded him the Order of the Silver Crescent, our State's highest award for volunteer service.

Reverend Jackson has spread the gospel from the Second Baptist Church of Great Falls, South Carolina, where he was called to the pulpit, to Bethel Baptist Church in Charleston, South Carolina, and even to Bourbon Street in New Orleans, where he was assistant chaplain, before coming home to South Carolina and eventually settling in Gaffney.

Reverend Jackson is married to Karen A. Jackson. They have two children, Kimberly McMillin of Inman and Bryan Jackson of Gaffney; and three grandchildren. Karen also has a son, Brock Burgess, of Gaffney.

On behalf of the House, I want to thank Rev. Jackson for his inspiring prayer and the Speaker and Rev. Coughlin for asking him to open today's session.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 15 one-minute requests from each side.

THE IRAQ WAR

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

Mr. NADLER. Mr. Speaker, 4 years ago, the United States invaded Iraq, ostensibly to eliminate weapons of mass destruction. When no such weapons were found, instead of declaring victory and bringing the troops home, the administration in its arrogance decided to dismantle the major institutions of Iraqi society and settle into a long-term occupation in order to remake Iraq in our own image.

The dismantling of Iraqi institutions, the army, the Baath party, et cetera, led to the breakdown of the delicate balances in Iraqi society and the emergence of civil war between Sunnis and Shiites. The continuing occupation led, as occupations do, to the development of a nationalist insurgency.

Now we have Sunni, Shiites and the insurgents shooting at each other and all shooting at American troops. This will go on as long as the occupation continues. The only way out is for Congress to mandate a timetable for a phased withdrawal of our troops.

Only such a mandate can get the Iraqi Government to step up to the plate. As Defense Secretary Gates said yesterday, the strong feelings expressed in the Congress about the timetable probably has had a positive impact in terms of communicating to the Iraqis that this is not an open-ended commitment. Only a mandated timetable for withdrawal will end the endless occupation and end the endless bloodshed of young Americans.

USING PATIENT CARE MANAGEMENT TO IMPROVE HEALTH CARE

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

Mr. TIM MURPHY of Pennsylvania. Mr. Speaker, eighty percent of health care dollars are spent treating chronic illnesses. These are complex cases where patients have multiple doctors, treatments, medications and tests. Errors can result from confusion and miscommunication, but case management can be effective in reducing these errors.

However, Medicare and Medicaid do not reimburse for patient care management. Unnecessary hospitalizations increased from about 1 percent for a patient with just one condition to 27 percent for a person with eight chronic conditions.

The Federal Government will pay billions to treat chronic illness that could have been prevented. The University of Pittsburgh Medical Center found that care management can reduce re-hospitalizations of diabetics by 75 percent. Another study reduced hospitalizations of patients with heart disease by 50 percent. We cannot continue to finance a broken health care system and expect different results.

We need to transform our health care system to make sure that we focus on patient safety, patient quality and patient choice. I urge my colleagues to learn more about patient management care programs by visiting my Web site at murphy.house.gov.

DEALING WITH VIOLENCE IN AMERICA

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

Mr. KUCINICH. Mr. Speaker, environmental awareness has created an awareness of the urgency of collective action to save our planet. We need a similar commitment to dealing with violence in America. Would that the tragic events in Blacksburg, Virginia, which took 33 lives, be an isolated example of the effects of gun violence in America.

In fact, about 32 people perish each and every day in America in handgun-related incidents. The level of violence in our society constitutes a national emergency. I am offering the following approach to change America's direction, away from death and disintegration and towards life and social cohesiveness. First, passage of legislation to create a Cabinet level Department of Peace and Nonviolence, H.R. 808; second, passage of H.R. 676 to create Medicare for all, not-for-profit health care system focusing on mental health care issues; and, third, a ban on handguns, legislation which I am currently drafting.

America is being engulfed in violence every day. Let's show that we have the wisdom and the courage to come from our hearts to meet this challenge.

GO GATORS

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

Mr. STEARNS. Mr. Speaker, as we continue to mourn the recent tragedy at Virginia Tech, we are reminded once again how fragile life is. Notwithstanding this tragedy, I would like to take a short moment to acknowledge the accomplishments of the University of Florida, which I represent in Gainesville, for repeating as men's national basketball champions.

This historic championship makes the Gators the first team since 1991–1992 to win back-to-back national titles and become only the seventh school ever to repeat as champions. With the Gators' 84–75 victory over the Ohio State Buckeyes, Florida remains the only school in the NCAA history to hold both the men's basketball and football championship titles in the same year.

The Florida Gators are excellent representatives of both the university and

the great State of Florida in their focused persistence and unassailable desire to succeed. My colleagues, I take great pride in representing the University of Florida and congratulate Coach Billy Donovan and the entire university on this great accomplishment.

THE NEW DEMOCRATIC CONGRESS

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

Ms. LORETTA SANCHEZ of California. Mr. Speaker, over the past 3 months, the new Democratic Congress has reached across the aisle to work with Republicans on legislation that is going to produce positive results for the American people. We vowed to run this House differently than the Republicans, and since day one, we have lived up to that promise.

During our first 100 hours, we passed legislation increasing the minimum wage, reducing the cost of prescription drugs, making college more affordable, securing our Nation by implementing the 9/11 recommendations and ending subsidies for big oil companies.

Since that time, we passed legislation that changes the direction of the war in Iraq, but also fully funding our troops and supporting our veterans. At the end of last month, we also passed a budget resolution that balances our budget within 5 years, something that the Bush administration and his budgets have not been able to do.

Not only is our budget fiscally responsible, it also increases the funding for children's health care, for education and for veterans health care, all without raising taxes. Yes, we are going in a new direction.

IMMIGRATION

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, most of us just returned from 2 weeks talking with constituents. In the Third District of Texas, folks only had one thing on their mind, illegal immigration.

They were hopping mad that illegal immigrants come into this country at all. They told me any proposal that would grant automatic American citizenship to illegal immigrants would be blanket amnesty, and they're right.

People have waited years to become American citizens through the legal proper channels. Granting blanket amnesty to untold millions of illegal immigrants undercuts the merits of creating a legal citizenship program. Just like in the 1980s, if we grant amnesty now, many more illegal immigrants will simply flock into our country and demand their day for amnesty. America must be a Nation that respects the rule of law and enforces it.

□ 1020

TIME FOR NEW DIRECTION IN IRAQ

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

Mr. EMANUEL. Mr. Speaker, during the President's weekly radio address, he accused the Democrats of spending 68 days pushing legislation that would undercut our troops.

During his tour of the Middle East yesterday, Defense Secretary Robert Gates said, ''The debate in Congress has been helpful in demonstrating to the Iraqis that American patience is limited.'' He goes on to say, it has a positive impact ''communicating to the Iraqis that this is not an open-ended commitment.''

So who's right? Either the Secretary of the Defense, who is calling for the Iraqis to take ownership of their country, or the President, who is playing politics here at home? The Congress has provided the President the one thing he has refused to develop after 4 years of war: a policy to get the Iraqis off the sidelines and onto the field.

So after years of chaos and bloodshed, when the administration asks for more troops and more time and more of the same, we are calling for accountability of the Iraqis and a responsible redeployment of U.S. troops. Our troops are bearing all of the responsibility for the President's policy, and the Iraqis have no accountability.

Secretary Gates, thank you for your honest assessment of what it takes to bring a new direction to Iraq.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. ANDREWS). The Chair reminds Members to direct their remarks to the Chair and not to others, as in the second person.

YVETTE CADE—VICTOR NOT VICTIM

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

Mr. POE. Mr. Speaker, in 2005, Yvette Cade walked into the Maryland courtroom of District Judge Richard Palumbo to extend the restraining order she had on her estranged husband. She was tired of the abuse. She wanted ''an immediate and absolute divorce.''

Judge Palumbo, however, refused to grant the victim's request, made snide remarks and dismissed the assault case, including the protective order. Two weeks later, Yvette Cade's estranged husband walked into her place of business, doused her with gasoline, struck a match and set her on fire.

Miraculously, Yvette Cade survived this brutal attack. She received third-degree burns over 60 percent of her body, yet she refused to let her physical injuries silence her voice. She became an outspoken advocate against domestic violence, urging women in abusive relationships to leave. She has appeared on ''Nancy Grace'' and ''Oprah.''

During this National Crime Victims' Rights Week, we honor remarkable people like Yvette Cade who speak out for victims. Tonight, the Congressional Victims' Rights Caucus will award Yvette Cade the Unsung Hero Award for triumphing over her personal tragedy to become a victor rather than a victim.

And that's just the way it is.

FINDING A BETTER WAY IN AMERICA

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

Mr. KAGEN. Mr. Speaker, I rise today to ask all of us what kind of Nation are we when we neglect the needs of our senior citizens.

In the past 2 weeks, I have received over 15,000 cards from voters in Wisconsin, just like this one from Elaine in Peshtigo which reads: ''I am soon an 80-year-old woman and a widow. My husband and I farmed, and we certainly had hard times the first years. But the years now are harder for old people. Oil companies take a huge profit. The CEOs make a salary no man on Earth is worth. The pill companies are taking huge profits with no consideration for our old people. The people of my generation lived through the Depression, World War II and two more wars, and now, in our old age, we face other obstacles.''

My friends, there is a better way of doing things in America, and by working together, we will find it with no patient left behind.

BALANCE BUDGET BY CONTROLLING SPENDING

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

Mr. RYAN of Wisconsin. Mr. Speaker, the battle of ideas is alive and well here in the House of Representatives where we have two different parties with two different philosophies; and nowhere is that more clear than in the budget debate that is occurring today.

In the budget that passed the House before the Easter recess, the majority passed the largest tax increase in American history. I just held 34 town hall meetings in my First Congressional District of Wisconsin, and my constituents are telling me they don't want to see the per-child tax credit get cut in half. They don't want to see the marriage penalty come back. They don't want to see income tax rates raised across the board. They don't want to see the death tax come back in full force.

The tax cuts that passed in 2001 and 2003 created 7.6 million new jobs. We don't need tax increases; but, unfortunately, the budget that the majority passed here does just that. It gets rid of all of that tax relief that created all of these jobs, and it gives the American people the largest tax increase in American history. I think it is wrong.

We on this side of the aisle, the minority, we believe in a different path: Balance the budget by controlling spending and keep taxes low. That's the way to go, Mr. Speaker.

AMERICAN PEOPLE CALL FOR CHANGE

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

Mr. ALTMIRE. Mr. Speaker, Democrats in Congress have heard the call for change delivered by the American people last November. In just 3 months, we restored the necessary oversight of the administration and reformed the ethics rules of the House to lessen the influence of lobbyists and add transparency to the legislative process.

We answered the call for change in direction in Iraq and kept our promise to our Nation's veterans by voting to increase VA health care funding by $11 billion.

We passed meaningful legislation that will help middle class families, lowering the cost of student loans and prescription drugs.

And although we won't be able to dig ourselves out overnight from the mountains of debt Congress and the administration built up over the past 6 years, the new Democratic Congress passed a budget that achieves balance in 5 years without raising a penny of taxes.

In short, Mr. Speaker, we have listened to the American people and changed the way Congress does business.

MINNESOTANS SAY: STOP RAISING TAXES

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

Mrs. BACHMANN. Mr. Speaker, last Saturday, 7,000 Minnesotans stood on the steps of the St. Paul capitol in our State for the purpose of standing for freedom. It was a beautiful, sunny, ebullient Saturday morning, and 7,000 hardworking Minnesotans took their time away from their families and away from their work to stand on the steps of our State capitol to say: Enough is enough, stop raising my taxes.

The last vote I took in this body prior to our recess had the Democrats calling for the largest tax increase in American history and the largest spending increase in American history.

The people in Minnesota, Mr. Speaker, asked me to come back to this body to fight for their freedom and to fight for the ability to hold on to more of their hardworking income, and that is exactly what we intend to do.

SUPPORT STEM CELL RESEARCH

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

Mr. SIRES. Mr. Speaker, last week the Senate followed our lead and passed legislation to advance potential life-saving stem cell research. The legislation now heads to the President's desk where he has already threatened a veto.

I hope the President will finally listen to an overwhelming majority of the American people, a bipartisan Congress and scientists who say this research can save millions of lives.

As the American Association for the Advancement of Science has argued: We owe it to those with serious illnesses to vigorously pursue both adult stem cell research and embryonic stem cell research.

This is not a partisan issue. In fact, many in the President's own party recognize the potential that exists if scientists are allowed to expand their research.

Mr. Speaker, over the last 7 years, the President has only vetoed one bill, and that was a similar stem cell research bill that passed the Republican Congress last year. The President should seriously reconsider his veto threat so we can begin life-saving research.

TAX CUTS CANNOT BE ALLOWED TO EXPIRE

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

Ms. GRANGER. Mr. Speaker, if Washington Democrats get their way, millions of Americans will see their taxes go up by billions of dollars. In a Gallup Poll released earlier this week, 53 percent of the American people said their Federal income taxes were too high, yet the Democrat leadership has decided to move forward with the highest tax increase in American history.

In an editorial by the Wall Street Journal, they said, ''A tax increase of that magnitude could well lead to a recession and a plunge in receipts.''

Take these examples as evidence that letting the Republican tax cuts expire would only wreak havoc on millions of American checkbooks. Over 115 million taxpayers would see a $1,716 increase in their tax bill in 2011. For 84 million women, it would be an increase of over $1,900. And for 42 million families with children, an increase of over $2,000 would become a scary reality.

Chasing increased spending with higher taxes is not the path of fiscal responsibility and will not lead to further economic prosperity. These tax cuts should not and cannot be allowed to expire.

□ 1030

DEFUSING THE WILL OF THE AMERICAN PEOPLE

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

Mr. McDERMOTT. Mr. Speaker, the President is going to talk to the congressional leaders about Iraq. It is his way of trying to defuse the will of the American people. He is going to talk about his vision for a military victory in Iraq. He is going to talk about his military escalation and how well it is working.

He is not going to talk about the bombing in the Green Zone last week, or the fact that about 3 hours ago there were 127 Iraqis killed by a suicide bomber. And it is only early morning. There is plenty of time left in this day.

The President will say there are good days and there are bad days. In truth, there are only bad days, and worse days in Iraq.

The only thing worth talking about is protecting our soldiers by getting them out of the Iraq quagmire. That is the only discussion worth having, because setting a timetable is the only way to protect and defend the U.S. soldiers he keeps sending into harm's way.

Don't give him an inch, Mr. Speaker. Bring our troops home.

THE TAX CREDIT GAP

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

Mrs. MALONEY of New York. Mr. Speaker, American families are leaving billions of dollars on the table each year by not claiming tax credits that help families pay for child care, to send their children to college, save for retirement, or work their way into the middle class.

Taxpayers claimed nearly $83 billion in tax credits in 2004. But families missed out on over $10 billion in unclaimed tax credits, according to a new estimate from the Joint Economic Committee. You can find this report on my Web site at maloney.house.gov.

The IRS can help close this tax credit gap by reporting on the characteristics of households not taking advantage of these credits. This will help us conduct better outreach to families who are missing out on credits that reward their hard work and help them get ahead.

BRING THE TROOPS HOME

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

Mr. COHEN. Mr. Speaker, during the break, I was home in my district in

Memphis, Tennessee, and I spoke to 40 soldiers who had been to the Middle East. They were being honored. I asked many of them if they wanted to return. Most, nearly all, said, ''No. Why are we there and what are we accomplishing?''

I asked groups about their thoughts, and almost to a one, they said, ''Bring the troops home; don't stay the course.''

Mr. Speaker, I would submit to the President that he went to war under Donald Rumsfeld's opinion that you fight the war with the troops you have got.

Mr. Speaker, I would suggest that the President should support the troops with the bill that the Congress sends him. We have sent him a bill that supports the troops, supports the veterans and, yet, brings our troops home. We must end this foolishness in Iraq, the loss of American lives and the spending of our tax dollars in a country where we are not wanted.

HONORING SLAIN UTICA POLICE OFFICER THOMAS LINDSEY

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

Mr. ARCURI. Mr. Speaker, on Thursday, April 12, 32-year-old Utica police officer Thomas Lindsey was shot and killed in the line of duty during a routine traffic stop in Utica, New York, my hometown.

A 5½-year veteran of the Utica police force, Tom served for more than a year with an elite squad tasked with handling special assignments. Tom was the kind of guy that, as a teenager, he traveled to Mexico one summer just to build churches. And prior to his tenure as a Utica police officer, he served our Nation honorably as a U.S. Marine as an embassy guard.

As a former district attorney, I had the distinct privilege of working hand in hand with the dedicated men and women of the Utica Police Department. This loss affects those brave men and women and their families hardest of all.

Tom put his life on the line in the Marines and as a police officer, and he paid the ultimate sacrifice to protect his country and the community. Losing someone like Tom is a great tragedy, but in this tragedy there is a lesson. We must learn from the way Tom lived his life and his commitment to public service, his community and his country.

My prayers are with Tom's mother, Carmella Lindsey-Schisler, his girlfriend, Lisa, and his family and coworkers.

I hope everyone can take a moment today to thank the men and the women in their local police departments who serve them so well.

ORWELLIAN DEMOCRACY

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

Mr. PRICE of Georgia. Mr. Speaker, Orwellian democracy is alive and well here in Washington. Our friends on the other side seem to think that if they just say something, it is true.

Talk about the budget. We have heard this morning that they are going to balance the budget without raising taxes. Funny thing is, the budget that they passed will do this: Between 2010 and 2011 their budget will raise taxes on ordinary income from 35 to 39.6, capital gains from 15 percent to 20 percent, dividends from 15 percent to 39.6 percent, estate tax, 0 percent to 55 percent. Child tax credit goes from $1,000 to $500, and the lowest tax bracket goes from 10 percent to 15 percent. $400 billion in new taxes.

Mr. Speaker, they may be saying one thing, but they are doing completely the opposite. They may be able to fool themselves, but they won't fool the American people.

HONORING THE SACRIFICE OF LIVIU LIBRESCU

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

Mr. AL GREEN of Texas. Mr. Speaker, I rise to thank God for Mr. Liviu Librescu.

Monday was Holocaust Remembrance Day, Mr. Speaker. Mr. Liviu Librescu was a teacher for 20 years at Virginia Tech. He was a husband and a father, 76 years of age, and a Holocaust survivor.

On Monday, on Holocaust Remembrance Day, he blocked the doorway to a classroom to protect the students in that classroom from almost certain death. And in so doing, he sacrificed his life. He survived the Holocaust and made the ultimate sacrifice. He gave his life so that others could live. Thank God for him.

May God bless his family and all of those who have suffered at Virginia Tech.

DEMOCRATS TAKE IRAQ IN A NEW DIRECTION WHILE PRESIDENT BUSH THREATENS TO VETO NEW COURSE

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

Mr. PAYNE. Mr. Speaker, the new Democratic Congress has made good on its promise to change the direction of the war in Iraq while providing critical funding for our veterans and our wounded soldiers. Yet, the President is still threatening to veto a final conference report when it comes out of this Congress.

Why would the President veto a bill that requires Iraqis to take control of their country by meeting key security, political and economic benchmarks the President himself established?

Why would he veto a bill that provides greater protections for our troops and our veterans than what was originally requested by the President?

The supplemental provides 1.7 billion more for military health care, which includes facility upgrades at Walter Reed and other hospitals that require renovation. We also provide an additional $1.7 billion for veterans health care to ensure that they have access to quality care. The veterans I have met with from New Jersey have told me that this is one of their top priorities.

I have been opposed to the preemptive war in Iraq from the beginning because the administration has failed to explore diplomatic solutions. And therefore the stay-the-course strategy is wrong. And I hope that the President will sign and not veto this bill.

PRESIDENT BUSH SHOULD LISTEN TO SECRETARY OF DEFENSE GATES WHO SAYS CONGRESS' TIMELINES ARE USEFUL

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

Mr. PALLONE. Mr. Speaker, as the President prepares to meet with congressional leaders today to discuss the emergency supplemental, he should listen to his own Secretary of Defense, who said that Congress' timelines have been useful in forcing the Iraqi Government to make compromises that have been elusive in the past.

While traveling in the Middle East, Defense Secretary Gates said yesterday, and I am quoting, ''The debate in Congress has been helpful in demonstrating to the Iraqis that American patience is limited. The strong feelings expressed in the Congress about the timetable probably have had a positive impact in terms of communicating to the Iraqis that this is not an open-ended commitment.''

And that is what Democratic Members of this House have been saying for weeks. It is time to hold the Iraqi Government accountable and pressure them to meet the President's own guidelines.

If President Bush refuses to listen to this Democratic Congress and leaders that he is meeting with today, it would be nice if he would at least listen to his Defense Secretary, who is saying that our efforts to change the direction of the war in Iraq are having a positive effect.

□ 1040

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken later today.

OFFERING HEARTFELT CONDOLENCES TO THE VICTIMS AND THEIR FAMILIES REGARDING THE HORRIFIC VIOLENCE AT VIRGINIA TECH AND TO STUDENTS, FACULTY, ADMINISTRATION AND STAFF AND THEIR FAMILIES WHO HAVE BEEN AFFECTED

Mr. SCOTT of Virginia. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 306) offering heartfelt condolences to the victims and their families regarding the horrific violence at Virginia Tech in Blacksburg, Virginia, and to the students, faculty, administration and staff and their families who have been deeply affected by the tragic events that occurred there.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 306

Resolved, That the House of Representatives—

(1) offers its heartfelt condolences to the victims and their families regarding the horrific violence at Virginia Tech in Blacksburg, Virginia, and to the students, faculty, administration and staff and their families who have been deeply affected by the tragic events that occurred there;

(2) expresses its hope that losses from the mass shooting will lead to a shared national commitment to take steps that will help our communities prevent such tragedies from occurring in the future; and

(3) recognizes that Virginia Tech has served as an exemplary institution of teaching, learning, and research for well over a century, and that the University's historic and proud traditions will carry on.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. SCOTT) and the gentleman from California (Mr. MCKEON) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. SCOTT of Virginia. Mr. Speaker, I request 5 legislative days during which Members may insert material relevant to H. Res. 306 into the RECORD.

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

There was no objection.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

(Mr. SCOTT of Virginia asked and was given permission to revise and extend his remarks.)

Mr. SCOTT of Virginia. Mr. Speaker, I rise this morning to offer my deepest sympathies to the victims and their families who suffered the horrific shooting tragedy at Virginia Tech on Monday morning. My thoughts and prayers go out to them, the students, faculty and staff of the university.

Virginia Tech is one of the largest schools in Virginia, providing higher education to more than 28,000 students. The effects of this tragedy can be felt all across the Commonwealth of Virginia, in the Halls of Congress and in every corner of this Nation. I represent hundreds of Virginia Tech families, perhaps thousands of alumni, and members of my staff have friends and family who currently attend Virginia Tech.

Schools are meant to be sanctuaries of learning and, most importantly, sanctuaries of safety. Parents who send their children off to college with all the potential that a college education represents should be content that their children will be safe.

As we mourn with the Virginia Tech community, this Congress must explore every possible avenue towards determining what can be done to prevent this kind of tragedy in the future, whether in high schools or college campuses or on business premises or other places where people may congregate. Yet we must be realistic. From what we are hearing regarding this tragic incident, it is not clear that any law would have been effective in deterring the kind of senseless acts that occurred. Anyone willing to indiscriminately shoot down innocent people and then kill themselves afterwards would not likely be deterred by any law. Nonetheless, we must work with our colleges and universities in developing ways to anticipate, identify and prevent any such threats that we can. Some evidence is emerging that indicates that there may have been signs of mental disturbances in the alleged shooter, and this may suggest information which could lead to things to look at to avoid these tragedies in the future.

But, Mr. Speaker, today we stand together to wish a speedy recovery for the injured and to mourn with the families of the victims who died in this horrific tragedy. Virginia Tech is and will remain one of the Commonwealth of Virginia's finest institutions of higher learning, and its proud traditions will carry on beyond this darkest hour. This event will be with the students, faculty and staff of Virginia Tech for the rest of their lives, but we must not let tragedies like this stop people from living their dreams. I hope that some day all members of the Virginia Tech community will be able to celebrate life and learning on the campus again.

Finally, Mr. Speaker, I would like to introduce into the RECORD the powerful statement presented at the service yesterday at Virginia Tech by Nikki Giovanni. That service was attended by nine of the eleven members of the Virginia delegation to Congress and both of our U.S. Senators. So I will insert that statement into the RECORD.

We are Virginia Tech.

We are sad today, and we will be sad for quite a while. We are not moving on, we are embracing our mourning.

We are Virginia Tech.

We are strong enough to stand tall tearlessly, we are brave enough to bend to cry, and we are sad enough to know that we must laugh again.

We are Virginia Tech.

We do not understand this tragedy. We know we did nothing to deserve it, but neither does a child in Africa dying of AIDS, neither do the invisible children walking the night away to avoid being captured by the rogue army, neither does the baby elephant watching his community being devastated for ivory, neither does the Mexican child looking for fresh water, neither does the Appalachian infant killed in the middle of the night in his crib in the home his father built with his own hands being run over by a boulder because the land was destabilized. No one deserves a tragedy.

We are Virginia Tech.

The Hokie Nation embraces our own and reaches out with open heart and hands to those who offer their hearts and minds. We are strong, and brave, and innocent, and unafraid. We are better than we think and not quite what we want to be. We are alive to the imaginations and the possibilities. We will continue to invent the future through our blood and tears and through all our sadness.

We are the Hokies.

We will prevail.

We will prevail.

We will prevail.

We are Virginia Tech.

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

Mr. MCKEON. Mr. Speaker I yield myself such time as I may consume.

Mr. Speaker, the headline atop the front page of yesterday's edition of the Virginia Tech student newspaper captured what all of us are feeling right now: ''Heartache.'' On behalf of my colleagues on the Education and Labor Committee, my staff, my family, and my constituents, I extend my deepest sympathy and offer my prayers to Virginia Tech students, staff, administration and families.

Our institutions of higher education are places where students begin to embrace adulthood, where they begin to relish a new found freedom and indeed where they begin to realize their dreams. For that to be cut short for these young men and women by such a senseless act is beyond anyone's comprehension. So all we can do is mourn, comfort one another and pray that the Virginia Tech community and our Nation may begin to heal in the aftermath of this unspeakable tragedy.

The collective feeling inside of this building over the last few days is much like the feeling we experienced on September 11 and the days that followed when we cast aside our differences and united to stand with the victims, their families and their communities. Today, just as back then, it is a time not for politics or a time to take advantage of such a horrific turn of events to push a partisan agenda. And similarly today, just as back then, it is not a time to misdirect any blame toward anyone other than the perpetrator of this massacre. In this case, as we currently understand it, this blame belongs squarely to a single gunman who acted selfishly, brutally and without regard for human life.

Mr. Speaker, I also believe that we owe sincere and heartfelt gratitude to Virginia Tech's administration, law enforcement officers, faculty and students for the way they have handled these last 3 days. Simply put, no one

could have imagined this series of crimes that has risen to the level of the deadliest in U.S. history. These men and women have done their very best to respond to it. And as we witnessed at the convocation a day ago in Blacksburg, they are doing so with a deep respect and love for the campus they call home.

May that spirit carry them through the difficult weeks, months and years ahead. And may we learn from their example as we tackle the challenges that we face as a Nation in the aftermath of this great tragedy.

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

Mr. SCOTT of Virginia. Mr. Speaker, I yield such time as he may consume to my colleague from Virginia (Mr. BOUCHER), the representative of the Ninth Congressional District, the home of Virginia Tech.

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

Mr. BOUCHER. Mr. Speaker, I want to thank the gentleman from Virginia (Mr. SCOTT) for yielding this time, and I thank him for his remarks and also express that same appreciation to the gentleman from California for the eloquent remarks that he just rendered on the floor. It is with a heavy heart that I offer these comments today.

The tragedy on Monday of this week was of a scale and a senselessness that defies explanation. And it came to a university campus that is known across our Nation for its friendliness, its peacefulness, and the close association among the faculty and the students.

Yesterday afternoon a campus-wide convocation demonstrated to the world that Virginia Tech's unity and sense of purpose will be maintained and strengthened. The convocation was attended by President Bush; by Virginia's Governor, Tim Kaine; and by the members of Virginia's congressional delegation, both House and Senate. And I want to express my appreciation to the Members of the House who traveled yesterday to Blacksburg to show support for the Virginia Tech community and to comfort those who have lost loved ones.

I also want to take the opportunity in these remarks to offer some personal thoughts. To Virginia Tech President Charles Steger and the professional staff of the university, thank you for the poise, the dignity and the strength that you have demonstrated under the most difficult and challenging of circumstances.

□ 1050

To the skilled first responders of Blacksburg and Montgomery County, thank you for your dedication and for your outstanding service on Monday that saved lives and prevented our loss from being even greater.

To the families and the friends of the victims, profound sympathy for your loss of young lives full of promise and mature lives of major contribution.

The resolution before the House this morning is sponsored by all of the Members of the House delegation from Virginia. Through the resolution, Congress offers its heartfelt condolences to all who have suffered loss, and it recognizes that Virginia Tech has served as an exemplary institution of teaching, of learning and of research, and that the university's proud traditions will continue.

Today, we mourn an enormous loss from a violent and senseless act. Tomorrow and in the months to come, the resilience of southwest Virginians and the spirit of our region that has helped to make Virginia Tech a great institution will assure that that university has an even stronger future. To that end, we in the House today pledge our support.

Mr. Speaker, I urge approval of the resolution.

Mr. MCKEON. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. CANTOR).

Mr. CANTOR. Mr. Speaker, having returned from a heart-wrenching trip to Virginia Tech yesterday, it is hard to stand here and find words to express the pain and sorrow that has befallen that community. As a parent of a student approaching college age, there is absolutely nothing more upsetting than seeing young people cut down in the prime of their lives.

I will never forget, Mr. Speaker, the raw emotions that filled that convocation arena yesterday as I, along with my colleagues from Virginia, mourned with some 12,000 friends and family members of victims, half of whom at least were clad in Hokie maroon and orange. Nor will I forget the sight of a bereaved father who, overwhelmed with grief, simply collapsed.

When an act of random cruelty bewilders us and pulls us down, the sort of love, generosity, courage and heroism we have seen in Blacksburg and its response serves as a counterforce. It replenishes us and demonstrates, as the Bible says, that ''love is strong as death.''

We Virginians are resilient people, and I already know that under the strong leadership of President Charlie Steger, our brothers and sisters at Virginia Tech will band together and make it through this tragedy.

Mr. Speaker, in response to a moving plea from Virginia Tech's resident poet toward the end of the convocation ceremony, the crowd there erupted into cheers of ''Let's go Hokies.'' It was a moving call to action. Let the healing begin.

Once again, Mr. Speaker, I stand here with a heavy heart, and extend my deepest sympathies, especially to the families of those students who lost their lives.

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

Mr. MCKEON. Mr. Speaker, I yield 4 minutes to the gentleman from Virginia (Mr. GOODE).

Mr. GOODE. Mr. Speaker, on April 16, 2007, the news from Virginia Tech and Blacksburg grew worse as the day progressed, and as evening fell the number of students and faculty killed reached 33. Included in that number was the apparent assassin, a fellow student who came to this country from South Korea at an early age. The death toll of 33 makes the tragedy at Virginia Tech one of the deadliest at educational institutions in the history of the United States.

Words cannot express the sorrow and hurt that the families of the victims are experiencing. We cannot bring these mostly young men and women back to the classroom, to the sidewalks of Blacksburg or to their families and loved ones. But we can always remember and know that their spirit, energy and enthusiasm in making Virginia Tech one of the finest institutions of higher education in the world will never die and will live in our memories forever.

At yesterday's convocation at Cassell Auditorium in the heart of the Virginia Tech campus, those gathered heard President Bush, heard the Governor of Virginia, heard ministers of various religions around the globe, and heard leaders of the Tech community. In a spontaneous happening towards the end of the program, one gentleman stood forth and led in the Lord's Prayer as it was prayed in unison by thousands of students, families, government leaders and others in the Virginia Tech community.

May God bless the families of the deceased, the students at the institution, Virginia Tech, and our country in this time of sorrow.

Mr. SCOTT of Virginia. Mr. Speaker, I am pleased to yield 1 minute to the gentlewoman from California (Ms. PELOSI), the Speaker of the House.

Ms. PELOSI. Mr. Speaker, it is with deep sadness that Congress today recognizes the tragedy that indeed struck our country when it befell the community of Virginia Tech on Monday. We offer our condolences to the many who now grieve. I want to particularly extend my condolences to our colleagues here for the sorrow that has taken place in their State.

But the sorrow of parents who lost their children, students who lost their friends, and a community which lost 33 of its own is beyond any comfort we can give in words. Words are totally inadequate. In the days that follow, the mourning and questioning that has already begun will continue. And as it does, the thoughts and prayers of this Congress and, indeed, this Nation, will remain with the students of Virginia Tech and their families.

Among the victims there was a student resident adviser known affectionately as ''Stack,'' a young woman whose love for horses led her to study veterinary science; one of the world's great researchers on cerebral palsy; and a Holocaust survivor who became an expert on aeronautics.

These victims, of different backgrounds and different ages, are united

in their love of one of America's great learning institutions, Virginia Tech. And today and in the days to come, as we grieve their loss, we are all Hokies.

When Robert Kennedy announced to the people of Indianapolis the news of the assassination of Rev. Martin Luther King, he offered comfort with the words of an ancient Greek playwright, Aeschylus, when he said, ''Today, when no words can describe our sadness, or heal our grief, these words again give our Nation hope. In our sleep, pain which cannot forget falls drop by drop upon the heart until, in our own despair, against our will, comes wisdom through the awful grace of God.''

Today, on behalf of the students, faculty, staff and families of Virginia Tech, we pray for that wisdom.

I hope that it is a comfort to all who are grieving today that so many people in our country, indeed, in the world, mourn their loss and are praying for them at this sad time.

Mr. MCKEON. Mr. Speaker, I yield 4 minutes to the gentleman from Virginia (Mr. TOM DAVIS).

Mr. TOM DAVIS of Virginia. Mr. Speaker, it is with great sadness that I address this Chamber today. As the parent of four children in college, I share the horror and the rage, the grief and the sorrow of the larger Virginia community.

I rise today to urge my colleagues to support this resolution expressing our sorrow and offering condolences over the tragic events that took place Monday at Virginia Tech. Our hearts, our prayers and our thoughts go out to the families of those who lost lives, the injured and their families, and all those affected by this terrible tragedy, including the family of the troubled young man who perpetrated this crime.

□ 1100

The coming together of communities, the reaching over the fences to lend a hand of support at this hour of need has been touching. From the Washington Nationals wearing Virginia Tech caps last night, to the community groups that gathered spontaneously across the Commonwealth to share their sorrow, the picture of the Commonwealth today is one we can, as usual, take great pride in. Yesterday I traveled with my colleagues to Blacksburg for the convocation, and last evening over 500 Korean Americans assembled at the Fairfax County Government Center to express their outrage, to offer their prayers, to start the healing process that follows such tragic events.

Mr. Speaker, we Virginians are known for looking out for each other and this has been no different. The outpouring of love, sympathy and caring for each other has been astonishing. The pictures of students comforting each other, of students and teachers helping each other search for answers in these dark hours has been particularly moving. All of us around the Commonwealth must come together to find the strength to move forward. We're family. We've been deeply wounded. That's what families do when they're hurt. They look to each other for strength, for inspiration and for meaning. Mr. Speaker, we hurt for the victims and we honor their lives. That's what families do. We close ranks and lend each other support in our darkest hours. Benjamin Franklin said more than 200 years ago that those things that hurt instruct. Let us learn from this. Let us hurt. It's good for the soul. It helps us to heal. It is, sadly, the only way to move forward.

Again, I urge my colleagues to support the resolution.

Mr. SCOTT of Virginia. Mr. Speaker, I yield to the gentleman from Maryland (Mr. HOYER), the majority leader, 1 minute.

Mr. HOYER. Mr. Speaker, I join all 434 of my colleagues in rising to express our sorrow, our regret, our sympathy, yes, and in some respects our outrage that this calamity has been visited on so many of our promising and wonderful young people.

Mr. Speaker, as a grieving Nation tries to comprehend the senseless, horrific violence on the campus of Virginia Tech University on Monday, the full scope of this tragedy is only now beginning to come to light. Thirty-two innocent people, 32 young people of promise, some people not so young who were at great risk and survived, 32 people were stolen from their families and friends at the hand of a deeply disturbed young man who ended the carnage by taking his own life. More than two dozen others were injured during this random, murderous rampage.

Today, a profoundly saddened Nation recognizes that these were not mere strangers, although we may not have known the victims personally. They were members of our national family and in so many ways they were a reflection of us. They were hope for the future. They were brothers, sisters, mothers and fathers who were so full of life, hope and promise for a better future, for themselves, their families, their country and indeed the world.

Those slain included a 20-year-old political science major from Dumont, New Jersey, who attended Virginia Tech on an Air Force scholarship; an 18-year-old freshman from Centreville, Virginia who distinguished herself in drama and on Virginia Tech's dance team; a 22-year-old senior from Martinez, Georgia who was majoring in psychology, biology and English and who served as a role model for many; a 76-year-old engineering professor and Holocaust survivor who survived one of the worst terrorists and despots the world has ever seen, Adolf Hitler, to come home and to teach young people, to make them better able to meet the future and to have that ability robbed from him by a senseless act. And so many others, Mr. Speaker.

We may never know the answer to the question ''Why?'' Why have so many loving, promising people been taken through such senseless violence? However, let us mourn their loss and extend our heartfelt condolences and sympathy to their families and to their friends and to their fellow students.

Today, our thoughts and prayers are also with those who have been injured as well as Virginia Tech's students, faculty and staff, alumni and the entire campus community as they endeavor to cope with this monumental tragedy. Let us remind them they are not alone. Not only are they in our hearts but they will be in our prayers. I thank the gentleman from Virginia for giving me this time to join him and the Virginia delegation in recognizing the tragedy and reflecting our remembrance of those who have been hurt, those who have lost their lives, and those whom they left behind.

Mr. MCKEON. Mr. Speaker, may I inquire as to the amount of time left.

The SPEAKER pro tempore. The gentleman from California has 11 minutes. The gentleman from Virginia has 12 minutes.

Mr. MCKEON. Mr. Speaker, at this time I am happy to yield 4 minutes to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. I thank the gentleman. I thank the majority leader and the Speaker and the other Members of our delegation for their comments.

The tranquil campus of Virginia Tech and the town of Blacksburg has been shattered by the actions of a lone gunman. The horror that the Virginia Tech community has experienced this week is something that every parent, every American hopes they never have to learn has affected their families and friends.

I have a great appreciation for Virginia Tech, one of America's preeminent research institutions, having advanced from one of the original land grant universities. Thousands of people in my district which neighbors Blacksburg have gone to school there, have sent their children there, and are members of Hokie Nation. During my time in this body, I have had graduates and students of Virginia Tech work and intern for me. For years I have known what a special place it is, with its affiliated campuses and offices spread throughout the Sixth District and across the great Commonwealth of Virginia. Yet it is with great sadness that the rest of the world has come to know the compassion of Virginia Tech only through this tragedy. Although this horrendous and unspeakable violence showed the worst of mankind, it also showed what those of us who have been a part of the Tech community for years have always known—the students, the instructors, the administrators, and the citizens of Blacksburg care deeply for one another and take great pride in their community. Even in the worst circumstances, the Virginia Tech community showed great compassion for their fellow man and did what they could to help each other. Liviu

Librescu, a survivor of the Holocaust, blocked the doorway of his classroom so that his students could climb out the windows to safety. Ryan Clark, a resident adviser in the West Ambler Johnston Hall, rushed into the hallway to help his fellow students when the first attack came and became the second victim. And I was deeply saddened to learn that one of my constituents, Henry Lee, a graduate of William Fleming High School in Roanoke, was among those who died in the attack on Norris Hall. Two other of my constituents from Harrisonburg, Virginia, Heidi Miller, an undergraduate, and Guillermo Colman, a graduate student, were wounded and thankfully are okay. Now, following this brutal action, throughout the campus and community, students are relying on each other to cope with what has happened, but they will not let the sorrow and pain that has overtaken them this week be the lasting legacy to those whose lives were lost. Under the leadership of President Charles Steger, the Virginia Tech community will become stronger as a result of this. Their compassion will reach far beyond the town of Blacksburg, deep into what is affectionately known as Hokie Nation. Their vocal pride in their community will not be silenced by the actions of one misguided soul.

□ 1110

I was very moved as I witnessed the process begun yesterday at the convocation at Cassell Coliseum. Speaker after speaker, including the President, the Governor, and so many great leaders at Tech spoke of not only the grief, but of overcoming the grief and moving forward to a brighter and better future.

For the families who have lost sons and daughters, fathers and brothers, mothers and sisters, I grieve for you and your loved ones. You will forever remain in the prayers of this Nation, and I hope that in time you can come to find peace.

For the Virginia Tech community, although we grieve today, and what has happened will never leave our minds, I know that you will take this tragedy and use it to build a stronger campus and a more compassionate community for all.

Mr. SCOTT of Virginia. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from New Jersey (Mr. PAYNE).

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

Mr. PAYNE. Mr. Speaker, I join with my colleagues in expressing my deep condolences to the families of Virginia Tech University.

Let me begin by commending Representative BOBBY SCOTT for introducing this very important resolution. As you know, Representative SCOTT is a member of the Education and Workforce Committee and has shown a tremendous interest in young people throughout his State and the Nation, and this exemplifies the deep concern that he has for all of our children.

Let me commend the Virginia delegation for its coming together and uniting with the Governor of the State of Virginia with the State legislators, with the students to see about a way that healing can start. To the families and friends of the 32 victims, to the students, to the faculty and the staff, to the alumni of Virginia Tech, we express our condolences.

As a member of the Education and Workforce Committee, we are deeply concerned about the future of our Nation. We are concerned about our young people whether they are in preschool, in elementary or secondary education, whether they are in the institutions of higher education. And we continually learn, and we have to continually change as Toffler said in his book, ''Future Shock,'' 20 or 30 years ago, that if institutions and agencies do not change internally with the same rate of change externally, then those institutions or agencies become obsolete. And this is, again, another example of how we have to rethink how we operate. New Jersey had 4 students of the 32 who perished in this senseless act, and so our hearts are heavy, also.

I think that we have to see how we can assist. Those of us in New Jersey heard little about Virginia Tech 20, 30 years ago until they became a part of the Big East, and then we did hear about Virginia Tech because they had overwhelming sports teams, they had such tremendous student support. It is a great institution. And we know that they left the Big East for the ACC, but we have fond memories of our competitive competition.

I am a Seton Hall graduate, so we were competing many times.

But I think that we have to use this example to see how we can heal. I think that we need to take this tragedy and see how we can better identify students who have problems, students who go to elite schools, who are lonely, students that have situations that need to be dealt with.

We have in our inner cities many young people who don't have the opportunity to go to higher learning. We need to really, I think, as a former national president of the YMCAs of the United States, I think we need to focus more of our attention on the young people. A Nation that loses its young is losing a part of its future. We need to really spend more time on our young so that we develop them, so that we can nurture them, so that we can be sure that our country can be all that it can be as we move through this new millennium.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself 30 seconds.

I would just like to thank the gentleman from New Jersey who points out that this is a national incident with students from all over the country. And I would like to thank him for recognizing me as one of the sponsors of the resolution. The Virginia delegation came together to present this resolution under the leadership of Mr. BOUCHER, so we appreciate his leadership today.

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

Mr. MCKEON. Mr. Speaker, at this time I recognize the gentleman from Virginia (Mr. WOLF) for 3 minutes.

Mr. WOLF. I want to thank Mr. SCOTT and Mr. BOUCHER for bringing this resolution up.

Words are inadequate at this time. And our community and our State and the Nation have been devastated by what has taken place.

Mr. Speaker, it is with a heavy heart that I rise today in support of this resolution offering the condolences of the House to the victims and their families of the horrific violence at Virginia Tech in Blacksburg, Virginia, on Monday morning, and to the students, the faculty, administration, staff and their families who have forever been changed by this tragedy.

My heart is heavy for the entire grieving Virginia Tech community and the families in the 10th District of Virginia who are mourning today because the young, promising lives of their children have ended. According to the morning news we have received, there are going to be at least five victims who call the 10th Congressional District, my district, home.

There really are no words that can adequately express, and as a father of 5 children and a grandfather of 12, words you can say, that can express the sorrow we are feeling for the families today. But with this resolution, it is my hope that the families in my district and the families and loved ones of all the victims will know that this district, this Commonwealth of Virginia and indeed the entire Nation are with them in spirit, offering them our heartfelt sympathy and prayers.

With my colleagues in the Virginia delegation, I attended the very moving and emotional convocation yesterday in Blacksburg. I was impressed with the Tech community, the students and staff, administration. President Bush did an outstanding job, as did Governor Kaine, in addressing the students and the administration. It was truly a feeling of family coming together to offer love and support to each other in their time of grief and loss.

There is still a numbness and incredulity about what happened on the Virginia Tech campus just 2 days ago. The wounds in Blacksburg are deep, but with the unity of spirit and the deep faith I felt yesterday on the Tech campus, it is my hope that as the tomorrows come, this outstanding institution and all those who are associated with it will find hope and peace.

May God bless all of us at this very, very difficult time.

Mr. SCOTT of Virginia. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Colorado (Mr. PERLMUTTER).

Mr. PERLMUTTER. Thank you, Mr. SCOTT.

To the members of the Virginia delegation, I am here with a heavy heart, as all of you are. This is the kind of tragedy whose ripples will affect the faculty, the staff, law enforcement, Blacksburg and the State of Virginia for a long time.

Eight years ago tomorrow we had Columbine in my area. I live about 2 or 3 miles from Columbine. The emotions that I feel and the grief that I feel for you bring back a lot of memories. I wish I hadn't seen this play before; I wish I didn't know this script. But I can assure all of you, if you need anything, you have friends in Colorado. We have been through this before.

It is a difficult time. There will be mourning; there will be finger pointing; there will be all sorts of things. And I would just say to all of you, we feel your pain. Your sons and daughters are our sons and daughters.

□ 1120

We will be there, whatever you need. We have been through this. The disbelief and the despair that all of us feel today, we felt 8 years ago. If we can help in any way, you have friends in Colorado.

Mr. SCOTT of Virginia. Mr. Speaker, I am pleased to yield to my colleague from the Eighth Congressional District of Virginia (Mr. MORAN) 4 minutes.

Mr. MORAN of Virginia. I thank my good friend and colleague for yielding, and I appreciate the fact that this resolution has come to the floor.

It is difficult to imagine a more heartbreaking moment than to have a family receive a call from the university, where they thought they had sent their child to a secure, nurturing, learning environment, only to find out that their child's life has been cut off before any of their potential could be realized. What a horrible loss. And to think that more than 30 of those calls have had to take place over the last 2 days.

This is a time for grieving, for trying to console. But, Mr. Speaker, as important and appropriate as it is to grieve after the fact, I think it may be even more appropriate for this body to stand up before the fact, because we know that this type of tragedy, perhaps not in as large a scale, but this type of tragedy will happen again. Whether it is in the workforce or on a college campus or a high school campus or on the street, innocent victims will be mowed down. And it happens more often in our country than in any other civilized nation, than in any other civilized nation on this planet. And the reason, Mr. Speaker, is because it is simply too easy to obtain a firearm.

If you are a criminal or mentally deranged or simply emotionally upset, virtually anyone can go to a store, even a retail department store, and buy a weapon of mass destruction. That is what has happened here and will happen again. And I know that the National Rifle Association is able to brag that it controls the gun control agenda now from the White House. And the majority of Members of Congress are not going to stand up to the NRA. But the fact is, Mr. Speaker, I think we have a responsibility, particularly at moments like this when we are so acutely aware of the carnage that the proliferation of weapons throughout our society creates. When we are aware of the tragedy that this laxity causes, this lack of courage to stand up to gun manufacturers and say it is time, Mr. Speaker, no matter how politically difficult it might be, to try to reduce the number of weapons in our society. I'm not talking about those that are meant for hunting. People in Canada have all kinds of guns, but their rifles are used for hunting. They are not used for stalking and killing other human beings.

It is the proliferation of handguns, the kinds of guns that were used in this tragic incident and the ammunition clips that should be banned under the assault weapon legislation we let expire that have to be brought under control. And it is we, the people's representatives, who have to stand up and do something about this so that it doesn't have to occur again. As appropriate as it is, as I said, now to grieve with those families and to offer condolences, it is more imperative that we stand up before the fact, before another such tragedy occurs because of our lack of political courage.

Mr. MCKEON. Mr. Speaker, I would urge our colleagues to support this resolution.

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

Mr. SCOTT of Virginia. Mr. Speaker, we would urge passage of the resolution. I want to thank my delegates from Virginia. The Virginia delegation came together on this. We were together yesterday, and we appreciate the support from across the country. We urge passage of the resolution.

Mr. HOLT. Mr. Speaker, there are no words to describe the sorrow and the pain that we feel about the catastrophe that unfolded at Virginia Tech on Monday, April 16th. The most deadly shooting in our nation's history, it is indeed a tragedy of monumental proportions.

Among the 33 deaths in the attack at Virginia Tech were several New Jerseyans: Matt La Porte of Dumont; Michael Pohle from Raritan Township; and Julia Pryde, a biological systems engineering graduate student from Middletown and a resident of the 12th Congressional District. Two other Virginia Tech students killed in the attack—Mary Read and Caitlin Hammaren—had ties to New Jersey, and another—Sean McQuade of Mullica Hill—remains in critical condition.

Schools, colleges, and universities should be a safe refuge for students and faculty. They are environments that are open to new ideas, encourage learning in all aspects of academics and life, and help young adults to discover themselves and prepare for a career. Like students at colleges all over the country, the students at Virginia Tech are ambitious, intelligent, and community-oriented young people. They chose Virginia Tech, I presume, because of its high academic quality and because of the safe, pleasant community where the university is located.

I cannot begin to understand the pain and confusion that students must feel about the tragic events that have gripped the quaint town of Blacksburg. I can only begin to understand the panic and terror that parents, family members, and friends must have felt wondering about the safety of their loved ones.

In times of tragedy like these, it is important for a community to come together to help each other come to terms with the calamity that has occurred. I hope and pray that the friends and family members of the victims, the students and faculty at Virginia Tech, and others find solace and comfort as we deal together with this historic and heartbreaking episode.

This tragedy should lead other schools to review and develop their own plans for security, emergency response, and communication. Also, Congress and the entire country should reflect on what appears to be a culture of ever-increasing violence, on the psychology and methods of perpetrators of violence, and on the easy availability of guns. If there is a federal role in dealing with these matters, and I think there is, Congress should act.

Mr. RANGEL. Mr. Speaker, these words that I speak today do not come easily. They flow forth from a deep reservoir of sorrowful emotions that compel me to take this podium.

What we witnessed on the campus of Virginia Tech was too much. Too much for anyone to bear. Too much for a nation to bear. America weeps, Mr. Speaker.

In my life, I've seen the horrors of war. It is something I wish upon no one. To have battlefield casualties on an American college campus, is something I never thought I would see.

33 lives . . . 33 young, bright lives on the cusp of experiencing the greatness that life has to offer.

We must be mindful of everything we do. We must ask ourselves what we are doing that has created a world where this could happen. As much as it hurts we must reexamine what kind of society we want to be.

I cannot even begin to comprehend how such a terrible tragedy like this came to pass. It would be too easy to say that this horrific incident calls for some type of action by this body.

That may become necessary, but that is for another day. Today is a day for us to look within ourselves. To examine who we are as a people and never forget what happened on April 16, 2007.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to support the resolution. But I do so with a heart still full of sorrow over a loss so overwhelming. Two days ago, on Monday, April 15, 2007, at Virginia Tech University, one of the nation's great land grant colleges, we witnessed senseless acts of violence on a scale unprecedented in our history. Neither the mind nor the heart can contemplate a cause that could lead a human being to inflict such injury and destruction on fellow human beings. The loss of life and innocence at Virginia Tech is a tragedy over which all Americans mourn and the thoughts and prayers of people of goodwill everywhere go out to the victims and their families. In the face of such overwhelming grief, I hope they can take comfort in the certain knowledge that unearned suffering is redemptive.

Mr. Speaker, Virginia Tech is a special place to those who claim membership in

''Hokie Nation.'' Founded in 1872 as a land-grant college named Virginia Agricultural and Mechanical College and located in Blacksburg, 38 miles southwest of Roanoke, Virginia Polytechnic Institute and State University, or ''Virginia Tech,'' is now a comprehensive, innovative research university with the largest number of degree offerings in Virginia, more than 100 campus buildings, a 2,600-acre main campus, off-campus educational facilities in six regions, a study-abroad site in Switzerland, and a 1,700-acre agriculture research farm near the main campus. Through a combination of its three missions of teaching and learning, research and discovery, and outreach and engagement, Virginia Tech continually strives to accomplish the charge of its motto: Ut Prosim (That I May Serve).

Virginia Tech is home to 28,469 students and 1,304 full-time faculty members, who together created an environment conducive to learning, discovery, and achievement. Little wonder the typical freshman admitted to the Class of 2010 had a high school grade point average of 3.80, and an average cumulative SAT reasoning test score was 1231. ''Hokie Nation,'' is comprised of more than 190,000 living alumni from every state and more than 100 countries.

Virginia Tech offers bachelor's degree programs through its seven undergraduate academic colleges: Agriculture and Life Sciences, Architecture and Urban Studies, Engineering, Liberal Arts and Human Sciences, Natural Resources, Pamplin College of Business, and Science.

The university offers masters and doctoral degree programs through the Graduate School and a professional degree from the Virginia-Maryland Regional College of Veterinary Medicine. It is also a research powerhouse. In fiscal year 2006, the university generated $321.7 million for research program. Each year, Virginia Tech receives significant external support for research, instruction, Extension, and public service projects. Support for these projects originates from an ever-expanding base of sponsors. Today, nearly 775 sponsors fund more than 3,500 active projects. Researchers pursue new discoveries in agriculture, biotechnology, information and communication technology, transportation, energy management (including leadership in fuel-cell technology and power electronics), and a wide range of other engineering, scientific, social science, and creative fields. This research led to 87 disclosures, 17 patents, and 20 licenses in calendar year 2005.

But that seemed to matter little on Monday, which was the last day on earth for more than 30 members of the Virginia Tech family. Among them were future scientists, engineers, teachers, doctors, soldiers, fathers, mothers, friends, and leaders. All of them cut down in a hail of bullets before they reached the prime of their lives. So many promising lives interrupted; so many promising lives wasted.

The New York Times noted in its editorial that as the investigation of the Virginia Tech shootings unfolds in coming days, it will be important to ascertain whether there were any hints of the tragedy to come and what might be done to head off such horrors in the future. Campuses are inherently open communities and it is not easy to guarantee a safe haven.

But the carnage at Virginia Tech also commands that we here in this body take a stand against senseless acts of violence whether here in our own country or elsewhere around the world. It is long past time for our national community to declare that injuries inflicted on any member of the community by another simply based on hate or hatred of differences poses a threat to the peace and security of the entire community. For that reason alone, such conduct must be condemned and punished severely, if not prevented altogether.

As the poet Nikki Giovanni stated so eloquently yesterday in her stirring address at the convocation held by the university yesterday in Blacksburg:

We are Virginia Tech.

We are sad today, and we will be sad for quite a while. We are not moving on, we are embracing our mourning.

We are Virginia Tech.

We are strong enough to stand tall tearlessly, we are brave enough to bend to cry, and we are sad enough to know that we must laugh again.

We are Virginia Tech.

We do not understand this tragedy. We know we did nothing to deserve it, but neither does a child in Africa dying of AIDS, neither do the invisible children walking the night away to avoid being captured by the rogue army, neither does the baby elephant watching his community being devastated for ivory, neither does the Mexican child looking for fresh water, neither does the Appalachian infant killed in the middle of the night in his crib in the home his father built with his own hands being run over by a boulder because the land was destabilized. No one deserves a tragedy.

We are Virginia Tech.

The Hokie Nation embraces our own and reaches out with open heart and hands to those who offer their hearts and minds. We are strong, and brave, and innocent, and unafraid. We are better than we think and not quite what we want to be. We are alive to the imaginations and the possibilities. We will continue to invent the future through our blood and tears and through all our sadness.

We are the Hokies.

We will prevail.

We will prevail.

We will prevail.

We are Virginia Tech.

Mr. Speaker, we will prevail against senseless acts of violence. We will prevail against uncontrolled rage and anger. We will prevail against hatred and intolerance.

Today we are all members of the Hokie Nation. We are Virginia Tech.

Mr. ORTIZ. Mr. Speaker, I rise today with a heavy heart to lament the tragedy that has held our attention and broken our hearts nationwide as we hear more and more about the massacre at Virginia Tech this week . . . And I thank my friend the gentleman from Virginia for bringing this resolution to the floor today.

Sometimes a child of this nation is pathologically disturbed beyond control or even hope of understanding that murderous pathology . . . but in the events that follow horror—Columbine, or 9–11, or the massacre at Virginia Tech . . . or standing on a faraway battlefield . . . or even the spectacle of being the object of nation ridicule . . . our children have inspired us with their guts and their fast reactions in the face of numbing shock.

They reacted well to events that defied understanding, and touched our hearts and gave us a glimpse of our future. Our nation is in the hands of these extraordinary young people, all over the nation . . . those almost too young to remember Columbine, tempered by their early teenage prism of 9–11. This nation should find our comfort in the lessons from our children: adversity brings hope and when the worst of humanity shows itself, the best of humanity raises up to heal together.

Just now, there are thousands of facts still unknown about the Virginia Tech massacre . . . thousands of second guesses about all manner of the university response . . . and certainly thousands of questions and many more stories to come.

Today, I join parents from South Texas and around the nation as we pray for the students that were lost in Blacksburg, for their families . . . and for the millions of students and parents now psychologically wounded by the reality that students in college are hardly safe from dangerous minds and wounded souls.

To the families of those who lost loved ones, whose loved ones were wounded, and for the families of those students at Virginia Tech mourning their friends . . . know that this House—and the larger American family—are praying for them and standing with them at this most difficult moment. We are also praying for the family of the gunman; and we urge that there be no retaliation for these hideous acts.

When a parent sends a child to college, we are so proud. We are also worried about the choices they will make as they leave the safe harbor of our homes and neighborhoods . . . but today, there's a whole new horror to contend with.

As we learn more in the coming weeks, my colleagues and I are committed to finding new solutions to the monumental problems our schools and colleges face in protecting the safety of our children. And we will remain forever sobered by the fact that nothing can ever completely protect us—or our children—from a madman intent on killing.

Mrs. CHRISTENSEN. Mr. Speaker, I too rise in shock and dismay over the events that unfolded on the campus of Virginia Technical Institute on Monday this week.

My community is fortunate that none of our students there were injured or killed, but our grief remains at the loss of the 31 students and teachers who were killed, and the obviously disturbed young man who orchestrated this horrible tragedy.

When we send our children off to College, we do so with anxiety just because they are leaving the ''nest''. They are growing up and the relationship between us is changing. Never in our wildest imagination or fears do we think that we are sending them into harms way. All of that changed on Monday!

And so I sadly join my colleagues in support of H. Res. 306 to offer the heartfelt condolences on behalf of the people of the U.S. Virgin Islands to the victims, their families, their fellow students and faculty.

In doing so I take this opportunity to also remember the losses suffered at Kent state, I have a dear friend, Corinne Forbes Plaskett who was a student there at the time. She has never forgotten the horror of that experience and I am sure the events of Monday have reawakened memories for her and others who were there at that time in Ohio.

May God bless all who were affected by both events, and may He bless us all!

Mr. BISHOP of New York. Mr. Speaker, I rise today in support of H. Res. 306, expressing our condolences to the victims and the families involved in the tragedy which occurred this week at Virginia Tech University.

April 16 brought terrible loss to all Americans and particularly to those who are part of a college or university. The nearly 30 years I spent working on a college campus were some of the most fulfilling of my life. I know how much a campus can become a community and the people within it, a family. In some ways, a campus is a haven—of learning and growth—in which students feel safe and free to pursue their dreams and aspirations. To young Americans, a campus is among the last places where such horrific fears could be realized.

When we look back on what occurred this week at Virginia Tech, we will honor those whose lives were taken and those who gave their lives to protect others. We will remember that we can never safeguard against every threat. Still, we can take steps to protect the precious communities in which we live. We must do more to ensure that lethal weapons do not fall into the wrong hands. We must equip campuses and cities with adequate emergency communication systems, so that critical information gets out in time.

In the meantime, Mr. Speaker, we stand with the friends and family members around the world who lost loved ones on that tragic April morning in Virginia.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and agree to the resolution, H. Res. 306.

The question was taken.

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

Mr. SCOTT of Virginia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

COMMENDING THE ACHIEVEMENTS OF THE RUTGERS UNIVERSITY WOMEN'S BASKETBALL TEAM

Mr. PAYNE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 300) commending the achievements of the Rutgers University women's basketball team and applauding the character and integrity of their student-athletes.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 300

Whereas under head coach C. Vivian Stringer the Rutgers University Scarlet Knights women's basketball team finished their extraordinary 2006–2007 season with a 27–9 record;

Whereas after losing four of their first six games the Lady Knights refused to give up and spent their Winter Break in the gym honing their skills and working to become a better team for the rest the season;

Whereas on March 6, 2007, Rutgers upset top-seeded University of Connecticut for their first-ever Big East Championship title;

Whereas the young women displayed great talent in their run to the Final Four of the women's National Collegiate Athletic Association (NCAA) tournament;

Whereas five freshmen played an integral role in the team's march to the championship game;

Whereas the Lady Knights showed enormous composure with tournament wins against teams playing in their home States;

Whereas through hard work and determination this young team fought through improbable odds to reach the NCAA title game;

Whereas the team was just the 3d number 4 seed in history to reach the championship;

Whereas the Lady Knights made school history as the first athletic team from Rutgers to play for any national championship;

Whereas during those 3 weeks, the Scarlet Knights brought excitement to the NCAA tournament and captured the hearts of basketball fans throughout New Jersey and across the Nation;

Whereas Rutgers students, alumni, faculty, and staff, along with countless New Jerseyans are immensely proud of what the team accomplished this past season;

Whereas the members of the team are excellent representatives of Rutgers University and of the State of New Jersey;

Whereas these young women are outstanding individuals who are striving to reach lifetime goals both on and off the basketball court;

Whereas the Lady Knights epitomize the term student-athlete with a combined B+ grade point average;

Whereas by excelling in academics, music, and community service, Katie Adams, Matee Ajavon, Essence Carson, Dee Dee Jernigan, Rashidat Junaid, Myia McCurdy, Epiphanny Prince, Judith Brittany Ray, Kia Vaughn, and Heather Zurich are great role models for young women across the Nation; and

Whereas the Lady Knights embody integrity, leadership and class: Now therefore be it

Resolved, That the House of Representatives—

(1) commends the amazing performance of Rutgers University women's basketball team in the NCAA tournament; and

(2) expresses its admiration for the achievements and character of this team of remarkable young women;

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PAYNE) and the gentleman from California (Mr. MCKEON) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PAYNE. Mr. Speaker, I ask unanimous consent that Members may have 5 legislative days during which Members may insert material relevant to H.R. 300 into the RECORD.

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

There was no objection.

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

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

Mr. PAYNE. Mr. Speaker, as a representative from New Jersey, I am pleased to rise here in the United States House of Representatives to praise the remarkable young women of Rutgers University, the Rutgers women's basketball team, the Scarlet Knights, and their inspiration, Coach C. Vivian Stringer. They are true champions, not only for their academic and athletic achievement, but for the dignity, strength and class they have shown during this ordeal.

These 10 young women overcame disappointing losses early in the season to advance amazingly to the Final Four. They lost four out of their first seven games. But around the Nation, fans watched as the Scarlet Knights of Rutgers, who lost four of their first seven games, defeated Duke's Blue Devils in the last seconds in an exciting 53–52 upset, the same team that had lost to Duke by 20 points earlier in the season. This victory followed a lopsided defeat of the very strong LSU women's team by a 59–35 score.

When the ugly incident with Don Imus on his morning show cast a shadow over their success, these young women showed what they are made of. In standing up for themselves and their school, they also made a stand on behalf of all young women who insist on being treated with respect and refused to be insulted, as Don Imus did to them, and stereotyped, as he used these disparaging words to describe these wonderful young women.

□ 1130

Don Imus and those of his ilk vastly underestimated New Jersey's strong and proud Scarlet Knights. He underestimated the pride we in New Jersey feel in the remarkable women of this remarkable team. As a matter of fact, during the 13 original States, New Jersey had a theme, and it just said: Do not tread on us. And that meant we are a proud, small State, but do not mess with us. Don Imus did not know the history of New Jersey.

Don Imus may have had a microphone, but he was no match for these young women and their coach who so eloquently spoke up for what is right and what is fair. I am so proud that through their action they were able to persuade two major networks, MSNBC and CBS, as well as numerous advertisers that the days of using the public airwaves to ridicule and debase anyone they choose are over. He did not realize that these women, as I said, at that initial press conference, that they had, with the 10 of them, all underclass persons, dressed in their uniforms, sitting up proud, people who will be future

lawyers and musicians, all top students. As they spoke, as they introduced themselves, it was just a joy, and so Don Imus really did a favor to these young women because it gave America a chance to put a face with a name, to listen to what he said and what he called them and to see just the quality of these young people.

Let me add that it is time that the Federal Communications Commission start doing its job by halting the use of racial and gender slurs over the public airwaves. As long as there is weak enforcement, there will continue to be hate language used by the so-called shock jocks.

As a matter of fact, there was a great outcry when at the Super Bowl there was an indecent of exposure, and there were fines levied because there was some equipment failure, and therefore, there was an outrage of indecency.

However, it is allowed for people to say whatever they want to say. As a matter of fact, in countries, radio has been used to foster hate. As in Rwanda, it was hate radio, Radio Colline, that went on to say, let us get this genocide going; you know what those people look like, go and get them. And it was the radio that pushed this, and so we have to be careful about what we allow to happen on the airwaves. History has shown us that words matter, and when society accepts ugly language, ugly incidents will follow.

I call on the networks to examine their record of hiring minorities for top on-air and executive positions so that African Americans are fairly represented in the media. One reason that the networks made the decision to discontinue the Imus show was that the network employees let the management know how disturbed and offended and embarrassed they were to work for that company. That was the overriding factor, and then the sponsors said that they would withdraw their sponsorship.

And so we will not allow these demeaning commentaries to continue. I once again applaud those young women and their fine coach from the Scarlet Knights at Rutgers University.

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

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

Mr. Speaker, I rise in support of this resolution to honor the women's basketball team at Rutgers University for their incredible accomplishments on the court, as well as their courage and integrity off the court.

Led by head coach Vivian Stringer, the Scarlet Knights won their first ever Big East conference tournament championship this year and advanced to the national championship in Cleveland just 2 weeks ago. Though they lost that game to the University of Tennessee, these young women made the 2006–2007 season one to remember for Rutgers students, alumni and fans.

Unfortunately, just hours after the national championship game, they were confronted with some disheartening comments by a radio personality. Throughout all the media coverage that followed these comments, these young women handled themselves with an impressive amount of integrity, with grace and with strong character. As a result, it is their accomplishments on the court, not the comments off the court, for which they should and will be remembered.

Mr. Speaker, the Rutgers University women's basketball team is comprised of student athletes in the truest sense. They have an impressive collective grade point average, a solid selection of majors and a record in the classroom that matches their great work on the hardwood. On the court, these young women have dedicated themselves to improving and honing their skills through many hours of practice both during the school year and during academic recesses.

Mr. Speaker, I congratulate the Scarlet Knights on these accomplishments and wish them the best of luck in all they will take on in the future, and again, I am pleased to honor these young women through this resolution. I believe they have set an example from which many other collegiate athletes can learn.

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

Mr. PAYNE. Mr. Speaker, I yield as much time as he may consume to the gentleman from New Jersey, from the Sixth District (Mr. PALLONE) whose district is the New Brunswick Rutgers. Newark Rutgers is in my district, and I know Camden Rutgers is in your district, Mr. Speaker. So we yield to the gentleman.

Mr. PALLONE. Mr. Speaker, I want to thank my friend Donald Payne for the introduction and for the comments that he made.

Mr. Speaker, I am very proud to be the sponsor of this resolution honoring the Rutgers University Scarlet Knights women's basketball team, and I applaud their character and integrity. These remarkable young women are a class act, and I am proud to represent them and Rutgers University here in Congress.

Rutgers had a Cinderella season that saw them come back from some devastating early season losses, including a 40-point loss to Duke University. In fact, after losing four of their first six games, the Scarlet Knights refused to give up and spent their winter break in the gym honing their skills and working to become a better team for the rest of the season.

Under head coach V. Vivian Stringer, the Scarlet Knights finished their extraordinary season with a 27–9 record. To cap it off, Rutgers upset top-seeded University of Connecticut for their first ever Big East championship title. They had lost to UConn twice in the regular season.

During the NCAA tournament, they upset top-seeded Duke University in the second round and remained poised with wins against teams playing in their home States. The team brought excitement to the tournament and captured the hearts of basketball fans throughout New Jersey and across the Nation. Through hard work and determination, this young team fought through improbable odds to reach their first ever NCAA title game.

A day after their loss, outrageous comments were made about the team by Don Imus on his CBS radio and MSNBC show. Afterwards, the team showed great courage in choosing to meet with him so he could see firsthand how wrong his sexist and racist comments were. During this emotionally and mentally exhausting ordeal, these remarkable young women maintained enormous composure as they became media headlines for controversy.

The Scarlet Knights women basketball players are excellent representatives of Rutgers University and of the State of New Jersey. By striving to reach lifetime goals, both on and off the basketball court, they are great role models for student athletes across the Nation. Even with a grueling sports schedule, the players have managed their priorities well. They have maintained academic excellence with a combined B-plus grade point average and are actively involved in the community.

Mr. Speaker, these women are the future leaders of tomorrow. Last week, when faced with adversity, they proved their promise when they stood in front of the entire Nation with dignity and grace.

I think I can speak for Rutgers students, alumni, faculty and staff along with my colleagues here and countless New Jerseyans when I say, we are immensely proud of this team. They deserve to be honored for their hard work, dedication and heart.

I am hopeful that my colleagues will recognize these fine women by passing this resolution today.

□ 1140

Mr. PAYNE. Does the gentleman from California have any further speakers?

Mr. McKEON. We have no more speakers. Do you have any?

Mr. PAYNE. We have no additional speakers.

Let me conclude by thanking the gentleman from California and thanking my colleague from New Jersey. We commend the young Scarlet Knights for the outstanding job that they did.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H.R. 300, which congratulates the Rutgers University Women's Basketball Team, coached by the incomparable C. Vivian Stringer, on their extraordinary basketball achievements and applauds their character and integrity as student-athletes. The Rutgers Lady Scarlet Knights women's basketball team embodies all that is great about women's sports: intelligence, toughness, tenacity, leadership and, most of all, class.

The Lady Scarlet Knights also showed the power of athletics in unifying a community, be it Rutgers University, the entire state of New Jersey, or the United States.

That is why it was so disheartening that certain individuals would take this occasion to utter a few disgusting and divisive comments. I strongly condemned those words. There is absolutely no excuse for that kind of conduct, and Don Imus was right to apologize.

What we must do now is address this situation as a country. We must start a dialogue that not only helps to heal the wounds that this type of hateful language renews, but also brings us to a better place as a society.

The Rutgers women's basketball team has been a great inspiration to all of us in this country. These young women are some of the best our country has to offer, and they set an example for girls all across New Jersey and the United States.

The Lady Scarlet Knights completed a dream season, making it all the way to the national championship game where they fell to the Lady Vols (34–3) of the University of Tennessee. The Scarlet Knights (27–9) were appearing in their first-ever championship contest. They made it to the championship game by winning eight consecutive games, including the Big East Conference Tournament and the championship of the Greensboro Regional.

The Lady Scarlet Knights are champions. Congratulations to C. Vivian Stringer, her coaching staff and her exceptional basketball team.

Mr. ORTIZ. Mr. Speaker, I rise today to join the chorus of voices in commending the achievements of the Rutgers University women's basketball team and applauding the character and integrity of their student-athletes in the face of unmitigated outrage and public humiliation.

This is to thank these young women—and their coach—for the life lessons they taught all of us, both on and off the basketball court. Their stoic dignity and remarkable grace under tremendous pressure and embarrassment were nothing short of a central moment in our national life.

I may be the only one who didn't listen to Don Imus' radio show—I've never been a fan of talk radio, particularly talk radio that exists to exacerbate the pathology of hate speech among us that pointedly seeks to diminish our fellow citizens because of race or gender.

Many people find that funny. I don't . . . and submit that if something is truly funny, everybody laughs. When an audience sucks in their breath in horror, they are not amused.

Free speech? Of course it is, and anybody in this country can say anything they want to, anytime they wish, and they can be as hateful or mean as they choose to be. But, Imus' show went out over the public airwaves—owned by all of us—and was supported by advertisers at MSNBC and CBS. Free speech does not mean you can hurt people over the public airwaves, and it does not mean advertisers must continue to support that hateful speech. So let us not blur the issue on that.

The young ladies of the Rutgers women's basketball team overcame all the odds to get to the final game of the NCAA women's championship, and they came heartbreakingly close to winning the national championship. Their grace and extraordinary sportsmanship was first evident at that game and afterwards . . . then under the glare of the national spotlight as objects of Imus' cruel ridicule.

It is important to note here that it was the advertisers on Imus' show that showed the most backbone in pulling their ads, essentially saying: our consumers don't appreciate this, goodbye. Had they not pulled their ads, Imus would have completed the familiar cycle of apology and continued ridicule of women and minorities in the name of humor.

The advertisers could not help but be moved by the image of these student athletes calmly relating how the words that hurt so much affected them. Their quiet dignity moved this nation—and was the exact opposite image of a shock jock trying mightily to hold onto a job so he could continue to make fun of them and many other minorities.

I thank these young women—and the leadership of their coach—in teaching all of us a lesson in how this nation treats all our citizens, how we use the public airwaves, and the power of consumers with advertisers in winnowing out that which is hateful entertainment.

Mr. HOLT. Mr. Speaker, I rise to commend the Rutgers women's basketball team for making all New Jerseyans proud through their athletic and academic achievements, as well as through the intelligence, dignity, and class that they showed in response to hateful, racist, and sexist remarks made about and against them. As one of two Members of Congress who represents Rutgers University here in Congress, I would like to pay tribute to them.

The Scarlet Knights had a remarkable season, winning 27 games on their way to the national championship game. The Big East Champions played hard and displayed all the attributes of a championship team—hustle, dedication, skill, and teamwork. But what distinguished this team most, in my opinion, is not what happened during the season, but after it.

It is unfortunate that the end of this amazing season was marked not by a celebration of their achievements on the basketball court and in the classroom, but by ignorant, racist, and sexist remarks by a radio personality. The players and coaches were understandably hurt and angry, and their reaction to these hateful words shows why all New Jerseyans deserve to be proud.

The players and Coach Vivian Stringer reacted with restraint, eloquence, and dignity. They engaged with the person who had insulted them. They told their personal views of why his words were so hurtful and inappropriate, and they accepted his apology. I hope that this incident will lead to a broader dialogue about race relations in this country. I look forward to working with community and religious leaders, elected officials, and others in New Jersey to foster an atmosphere where such comments are not only condemned, but do not happen in the first place.

We hold up college athletics not for the entertainment of alumni and fans, but because we believe athletic participation builds character. These women of the Rutgers basketball team showed that they have character.

Mr. GARRETT of New Jersey. Mr. Speaker, I rise today to congratulate the Rutgers University women's basketball team on their outstanding 2006–2007 season.

As highlighted in this resolution, the Lady Knights sacrificed their own personal vacations over winter break to stay at school and train for their well-deserved victories in 2007.

It is this dedication that gained them the Big East Championship title and a spot in the women's NCAA final four. It also made them the very first athletic team from Rutgers to earn a spot playing in a national championship. Their hard work, perseverance, and extraordinary skill have set an excellent example for athletes everywhere: women and men alike. And, as the national media spotlight turned on them in the wake of the ugly remarks by radio shock jock Don Imus, they maintained the same poise and grace under pressure that they exhibited on the court.

I would especially like to extend my congratulations to sophomore, Heather Zurich of Montvale, New Jersey. Her performance with the Lady Knights as forward was an integral component to the team's success this season.

The Rutgers University women's basketball team is a great source of pride to their campus and all of us New Jerseyans. I applaud their accomplishments and look forward to hearing of their future successes.

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

Mr. MCKEON. Mr. Speaker, I urge passage of this resolution, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PAYNE) that the House suspend the rules and agree to the resolution, H. Res. 300.

The question was taken.

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

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

The yeas and nays were ordered.

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

HONORING THE 53,000 SOLDIERS, SAILORS, AIRMEN, MARINES, AND CIVILIANS THAT COMPRISE THE NATION'S SPECIAL OPERATIONS FORCES COMMUNITY

Mr. SMITH of Washington. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 305) honoring the 53,000 soldiers, sailors, airmen, Marines, and civilians that comprise the Nation's special operations forces community.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 305

Whereas the failure to organize, train, equip, and plan special operations forces (SOF) missions in a joint environment ultimately led to the aborted military operation Eagle Claw, more commonly referred to as Desert One, where eight servicemembers lost their lives attempting to rescue American hostages held in Tehran;

Whereas this failure led to Congressional passage of the Goldwater-Nichols Department of Defense Reorganization Act of 1986, which established the United States Special Operations Command and the principle legal authority for the United States military to organize, train, equip, and operate jointly;

Whereas April 16, 2007, marks the 20th year anniversary of the establishment of United States Special Operations Command at MacDill Air Force Base, Florida;

Whereas United States Special Operations Command is comprised of—

(1) United States Army Special Operations Command at Ft. Bragg, North Carolina;

(2) Naval Special Warfare Command at Naval Amphibious Base, Coronado, California;

(3) Air Force Special Operations Command at Hurlburt Field, Florida;

(4) Marine Corps Forces Special Operations Command at Camp Lejeune, North Carolina; and

(5) Joint Special Operations Command at Ft. Bragg, North Carolina;

Whereas the most visible SOF mission is direct action, but SOF missions also extend across the vast operational spectrum to include unconventional warfare, counterterrorism, counterproliferation, counterinsurgency, strategic reconnaissance, civil-military operations, foreign internal defense, psychological and information operations, humanitarian assistance, and theater search and rescue;

Whereas the President, in the 2004 Unified Command Plan, expanded the role of United States Special Operations Command to serve as the ''lead combatant commander for planning, synchronizing, and as directed, executing global operations against terrorist networks in coordination with other combatant commanders'';

Whereas special operations forces are ideally suited to meet the asymmetric threat posed by violent Islamists who promote intolerance, stifle freedom, and destroy peace;

Whereas the United States has called on the special operations community to promote freedom and democracy around the world in places such as—

(1) the Island of Basilan in the Philippines, where Army Special Forces teams and Navy SEALs continue to successfully develop partner nation capacity that has significantly improved Philippine security and has furthered America's national security interests in the Pacific region;

(2) South America, where SOF personnel continue to train and cooperate with local forces to thwart illicit drug trafficking and terrorist activity;

(3) the Horn of Africa, where Marine special operations and other SOF personnel work closely with coalition partners to promote regional stability;

(4) Afghanistan, where Air Force combat controllers and other SOF personnel significantly contributed to the liberation of a nation from an oppressive regime and continue efforts to maintain the peace and promote democracy in that country; and

(5) Iraq, where SOF personnel have admirably served in support of coalition forces;

Whereas the SOF community consists of numerous individuals recognized for acts of distinction and valor, including 48 Congressional Medal of Honor recipients;

Whereas the 2005 Quadrennial Defense Review recognized the importance of SOF and the critical role that it plays in the War on Terror and called for an increase of 15 percent in SOF beginning in fiscal year 2007; and

Whereas the core principles of the special operations community, known as the SOF Truths, hold that—

(1) humans are more important than hardware;

(2) SOF cannot be mass produced;

(3) quality is better than quantity; and

(4) competent SOF cannot be created after emergencies occur: Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors the sacrifices and commitment of the 53,000 soldiers, sailors, airmen, Marines, and civilians that comprise the Nation's special operations forces community and recognizes that it owes each and every one of them a debt of gratitude;

(2) honors the families of the Nation's special operations forces warriors who are there day-in and day-out while their loved ones are deployed around the world; and

(3) recognizes that the United States military should seek to replicate the success that the special operations forces community has achieved throughout the War on Terror.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. SMITH) and the gentlewoman from Virginia (Mrs. DRAKE) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

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

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

There was no objection.

Mr. SMITH of Washington. Mr. Speaker, I yield myself as much time as I may consume.

This resolution is to honor our special forces on their 20th anniversary. I will have much more to say about this, but at this point I want to reserve the balance of my time and thank Congresswoman DRAKE for her leadership on this issue as the prime sponsor of the bill and allow her to speak first.

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

Mrs. DRAKE. Mr. Speaker, I yield myself as much time as I might consume.

I would like to thank Mr. SMITH, the chairman of the Terrorism and Unconventional Threats Subcommittee, and Mr. THORNBERRY, the ranking member, for their support and for working in a collaborative way to quickly bring this resolution to the floor.

I rise today to honor the brave men and women of the United States Special Operations Command. The Second Congressional District of Virginia is home to Naval Amphibious Base Little Creek and Dam Neck and is home to Naval Special Warfare Group TWO and Naval Special Warfare Group FOUR, as well as Naval Special Warfare Development Group. The fine sailors, airmen, soldiers, marines and civilians of the command hold a special place in my heart, as they do for many of my colleagues on the Terrorism and Unconventional Threats and Capabilities Subcommittee and on the Armed Services Committee.

This resolution is both proper and timely, as the 20th year anniversary of the establishment of the United States Special Operations Command in Tampa was this past Monday, April 15. Since that time, SOCOM has been involved across the globe as the ''tip of the spear,'' providing for our Nation's security across the continuum of conflict.

On September 20, 2001, in preparing this country for the war on terror, President Bush said, ''Our response involves far more than instant retaliation and isolated strikes. Americans should not expect one battle, but a lengthy campaign, unlike any other we have seen. It may include dramatic strikes, visible on television, and covert operations, secret even in success.''

Since the attacks of September 11, 2001, SOCOM has been leading the way in the war on terrorism and in promoting peace and security around the globe by conducting the full range of special operations missions. We are here today to honor those men and women who operate with little recognition, the ones whose successes remain unnoticed by the world at large.

□ 1150

We face an enemy vastly different from the one 20 years ago. Our enemy hides in the shadows, within society, and it is no longer bound by convention.

As my colleagues know, I have on many occasions come to this floor to talk about the mainstream media and their seemingly unwillingness to address the positives regarding our military and their achievements throughout the war on terror. As little as the American people hear about the successes of our conventional forces, they hear less about the successes of our special operations forces.

That is why this resolution is timely and important. The men and women of SOCOM are there, every day, with little or no logistical support, building relationships and providing security in some of the most remote places across the globe.

Mr. Speaker, we honor all those who wear the uniform. But today, I believe it is important that we honor those patriotic men and women that comprise our special operations community.

U.S. SOCOM's vision sums this up: To be the premier team of special warrior, thoroughly prepared, properly equipped and highly motivated at the right place, at the right time, facing the right adversary, leading the global war on terrorism, accomplishing the strategic objectives of the United States.

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

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

As Mrs. DRAKE pointed out, we are honoring the 20th anniversary of the forming of the command on special forces, and I think it is important to remember why Special Operations Command was set up. It was in reaction to the failure of the Desert One rescue attempt of the Iranian hostages, and there were a lot of lessons learned from that and a lot of studies that went into it.

Two of the biggest ones were, one, we needed a better joint structure. The military was too divided in its various service components, and they did not work together. We had large numbers of assets that could function a lot better if they could be brought together in a coordinated fashion, and this is something that was embodied in the Goldwater-Nichols changes throughout the services and especially on the Special Ops Command to try to bring those forces together.

Secondly, we didn't really have groups that were trained for that type of mission, for the ability to go in and rescue hostages, to do the direct action missions that required very specialized training. So the command was formed to help address those two issues and has been a fabulous success.

As Mrs. DRAKE pointed out, we now have over 53,000 people who are part of Special Operations Command performing some of the most important tasks in our military and performing them very, very well. Our capabilities have been enormously enhanced because of the Special Operations Command. There are many of them stationed throughout the U.S. and throughout the world. I am very proud at Fort Lewis and in McCord to have the first special forces group at Fort Lewis and the 22nd Special Tactics Aviation Command at McCord. And I have also had the opportunity to visit many of these units in various places throughout the country and throughout the world, and they are serving us very, very well.

As we move forward, I think the important thing we are trying to develop on the Terrorism Subcommittee on Armed Services is to bring into play another important piece of what the special operations forces do. There is a tendency to think of them as the direct action guys. They find bad guys and take them out. If we have hostages that need to be rescued, they go get them. But there is another very important task that they perform, and this is in the unconventional warfare, indirect action piece.

We are now active in well over a dozen countries throughout the world where our special forces folks go into the community, work very closely with local communities to help stop insurgencies before they take root. We are doing this in the Philippines, and we are doing this in Central Africa. And it is having enormous benefits.

It is far, far better to get in early, help train the locals in terms of how to protect themselves and then to help them with their local population on the issues that are most important.

We had testimony yesterday from a former special operations person who said when they first went into Northern Africa, the best thing they did was they brought a dentist with them. The locals so desperately needed that help; when we gave it to them, they then helped us deal with the insurgency problem.

Whether it is bad schools or bad water supply, our special forces people are getting engaged with the local community, understanding the culture and learning the language and becoming helpful. That, I believe, is the future of our battle against al Qaeda and many, many other insurgent movements, is to get the population on our side, hearts and minds before we have to engage in the type of military action that is by definition messy and not always as focused as we would like it to be. Let's get the insurgency stopped before it starts, and that is what our special forces can do and are very well trained to do.

To move forward with this, to continue moving forward on the mission, I think we need to do two things: One, we need to grow the force, never sacrificing quality for the sake of quantity, but to grow the force and to set up the training system necessary and the recruitment system necessary. We are going to need more special operations forces in the wars we are now fighting.

The second thing is to get that emphasis on indirect action. We will, I believe, need to make some restructuring within the Special Operations Command to get that emphasis on indirect action because for so long the emphasis has primarily been on direct action.

So those are issues that we want to work on. I am very pleased to join with Congresswoman DRAKE in honoring our Special Operations Command on the 20th anniversary of their existence.

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

Mrs. DRAKE. Mr. Speaker, before I recognize our next speaker, I would like to take a moment and extend my deepest sympathies and support to the grieving Virginia Tech family.

This week we witnessed a tragedy of overwhelming proportions that has destroyed the lives of many innocent victims. While the consequences are devastating, I was inspired by the ability of students, alumni, faculty, family and neighbors to come together, driven by a sense of community and compassion, to support others in their time of need.

Mr. Speaker, I will submit a further statement for the RECORD.

Mr. Speaker, I would like to yield 2 minutes to the gentleman from North Carolina (Mr. HAYES).

Mr. HAYES. Mr. Speaker, I thank the gentlewoman from Virginia for yielding me this time.

I rise today to salute our Nation's special operations forces as a cosponsor honoring the 20th anniversary of United States Special Operations Command.

As we continue to fight the global war on terror, special operations forces are making incredible contributions and playing a most essential role in winning this war. They truly are the tip of the spear.

As co-chair of the Special Operations Caucus, I am very proud my district is home to Fort Bragg, which is home to Army Special Operations Command and Joint Special Operations Command and the John F. Kennedy Special Warfare School.

But Fort Bragg is only part of the amazing force that comprises Special Operations. Members of the Navy, Air Force and the new Marine Corps Special Operations Commands also play critical roles in addressing the threats we face as a Nation.

These quiet professionals are promoting freedom through their service around the world. During my visits with special operators here, at home and overseas, I have consistently been struck by their unwavering dedication, commitment and capability.

The role of these special operations forces is only going to grow, and as they grow, it is vitally important that we keep the soft truths closely in mind: Humans are more important than hardware; quality is better than quantity; SOF forces cannot be mass produced; SOF cannot be easily created after emergencies occur.

The service and sacrifice of the 53,000 members of the special operations community and that of their families are a major part of what creates and maintains the freedom we all enjoy.

I am honored to be able to work on behalf of our special operators. I salute these quiet professionals in the United States Special Operations Command on its 20-year contribution to our national security. I thank Chairman SMITH and Ranking Member THORNBERRY.

Mr. SMITH of Washington. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Ms. CASTOR).

Ms. CASTOR. Mr. Speaker, I thank the distinguished chair of the terrorism subcommittee, Mr. SMITH.

Mr. Speaker, I rise to honor the commitment, dedication and sacrifice of the men, women and extended family of Special Operations Command. Special Operations Command is located in Tampa, Florida, at MacDill Air Force Base in my district, and I am very proud to use this week, the 20th anniversary of the command's founding, to salute their service.

There is little doubt that a need still exists for the well-coordinated special forces.

□ 1200

There are just some things that conventional forces are not set up to do. Special forces have been around for centuries. But SOCOM can directly trace its roots to the Office of Strategic Services, the OSS, the intelligence agency that was formed during World War II.

Tampa resident Art Frizzell, who is 87, served as an OSS agent. He parachuted behind German lines in France and worked with French partisans to blow up bridges and help organize the resistance during World War II.

In many ways, Frizzell said, special operations were as much about brains and unconventional warfare in the 1940s as they are today. We recognized, Frizzell said, that we had to be flexible. We did the job that nobody else could do.

So at this 20th anniversary, we salute the brave men and women who have served our country in the special operations, much of which you will never understand or know. But the American people trust in their service.

So on this day, on behalf of the Florida's 11th District, proud home of Special Operations Command, we salute your service and thank you.

Mrs. DRAKE. Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota (Mr. KLINE).

Mr. KLINE of Minnesota. Mr. Speaker, I thank the gentlelady for her thoughtfulness and leadership in bringing this resolution to the floor.

I rise in strong support of H. Res. 305. Mr. Speaker, next week will mark the 27th anniversary of Operation Eagle Claw, better known to most Americans as ''Desert One,'' which the distinguished chairman mentioned moments ago.

On April 24, 1980, a task force consisting of Army special forces, Army Rangers, Air Force special operations wing personnel and the Navy, Marines and Air Force succeeded in moving thousands of miles, undetected, until reaching a remote location in the Iranian desert 200 miles from Tehran in an effort to rescue the American hostages being held at the American Embassy.

A combination of helicopters and C–130 aircraft rendezvoused with the intention of rescuing these hostages in Tehran the following evening. Due to mechanical failures and weather problems, only six out of eight helicopters successfully arrived at the Desert One rendezvous. Once the six helicopters arrived, the rescue attempt was dealt a final blow when it was learned that one of the helicopters had lost its primary hydraulic system.

As the various aircraft began moving into position to return to their respective launching points, one of the helicopters, flown by one of my very best friends, collided with a C–130 aircraft on the ground. Flames engulfed the helicopter and the C–130, which resulted in the death of five airmen and three marines.

During my 25 years in the Marine Corps, I had the good fortune to know many of the heroes of that day, and I did, in fact, count many of them as my best friends. These brave men were asked, and all proudly volunteered, to undertake the challenge of rescuing their fellow Americans in a mission of the utmost secrecy and gravest danger.

Members from all branches of our armed services came together, bringing with them the best of skills and experience, but it was not enough to do the job. In the end, inadequate equipment, tremendous dust storms, extraordinary logistical challenges contributed to the mission's failure. But these circumstances in no way diminished the skill and bravery of the men who took on this hazardous mission against all odds.

Out of the ashes of Operation Eagle Claw arose the organization that we honor today. In 1986, Congress established a new unified command for special operations forces, designated as the U.S. Special Operations Command. And today we gratefully honor the 20th anniversary of SOCOM's founding and the men and women who fill its ranks.

Like their predecessors, the men and women that comprise today's special operations forces have accepted the challenge of tackling some of the most difficult and dangerous missions assigned to our military. As we have witnessed in Iraq, Afghanistan, the Horn of Africa, the Philippines and in many other locations across the globe, they have handled these missions with honor and skillful professionalism.

To those who perished in Operation Eagle Claw and the many SOCOM missions since then, we offer our sincere appreciation. And to those who carry on their noble mission, we pledge our Nation's support.

Mrs. DRAKE. Mr. Speaker, I yield 4 minutes to the gentleman from New Jersey (Mr. SAXTON).

Mr. SAXTON. Mr. Speaker, I have the highest regard for every man and woman who serves in the United States military. Whether they be a member of the Air Force or the Army or the Marine Corps or the Navy or the Coast Guard, everyone who volunteers to serve our country deserves the gratitude of every American citizen. And to the extent that they have provided the great service to our country, we all thank them, each and every one.

Just as people volunteer to be in the military, some people, various people, in the military volunteer to do different things. And those who volunteer to be members of the Special Operations Command are often referred to as the ''tip of the spear.'' This is the insignia on this plate of the Special Operations Command. It is the tip of the spear. And we refer to them as members of an organization that is the tip of the spear because they volunteer to put them themselves in great danger very often. They do it for our country. They do it for our government. They do it for their families and their friends and neighbors; and it makes them, in my view, a very special cadre of people in the United States military.

Today, there are 53,000 soldiers, sailors, airmen and marines in the joint organization made up of members of all four services known as the Special Operations Command. The acronym, of course, that we use is SOCOM. These are highly trained individuals who devote themselves and commit their lives to the very defense of our country.

There are people in the Special Operations Command who take part in something called direct action. The Navy SEALs would be such an organization, Naval Special Warfare Command actually is the formal name, or Navy SEALs as they more generally are known as people who are often direct actors.

And then there are special operations folks who are indirect actors, who try to manipulate, if you will, the shape of the battlefield or attitudes on the battlefield among our enemies that would be beneficial to us. These are civil affairs people and psychological operations people and others who take part in an indirect way rather than in a so-called direct way.

Since SOCOM's inception, the special operators have conducted high-profile missions, including operations to establish a democratic government in Panama, hunting Scuds during the first Gulf War, providing relief to Kurds during Operation Provide Comfort, and the mission to capture Mohammed Hadid in Somalia, and many other operations around the world.

Not only did they put themselves in great danger, and not only do they perform a great duty to our country, but they do it at great sacrifice for themselves and their family. They train constantly. They have deployed very often and they are, indeed, a credit to themselves, a credit to their families, who pay a sacrifice as well, and a great credit to our Armed Forces.

So I rise today to commend the gentlelady from Virginia (Mrs. DRAKE) for offering this resolution. It is certainly one that is well deserved on this 20th anniversary of the establishment of the United States Special Operations Command.

Mr. SMITH of Washington. Mr. Speaker, I am pleased to yield 2½ minutes to the gentleman from Georgia (Mr. MARSHALL).

Mr. MARSHALL. Mr. Speaker, I am pleased to address the House on the occasion of the 20th anniversary of the creation of SOCOM. And today we not only pat ourselves on the back for having created SOCOM, but at the same time, we honor and recognize all of those military personnel for SOCOM who have done so much for this country over the years.

Twenty years seems like a long time, but in the course of history it is not a very long time. And if you think about all of the engagements that we have had in recent years and the challenges that we likely face as a country over the next few decades, SOCOM is going to be around with us for quite some time. And it brings to the table capacities that we vitally need.

□ 1210

Our experience in Iraq shows us that we simply cannot compel indigenous societies to do what we wish them to do. We have got to persuade them to work with us to bring peace and security, not only for their countries but throughout the world. And in order to do that, our special forces, part of SOCOM, are extraordinarily effective.

We have direct action operators, and then we have indirect action. Direct action is us, in a very sophisticated way, doing what we need to do to affirmatively address with military force, kinetic force, problems that we perceive, and SOCOM is very, very effective at delivering direct action.

But there is also the indirect action. The ability of special forces to work with indigenous populations to get them on our side, if that is the right term, and to persuade them to develop their capacity to provide security for themselves, which in turn provides security for us. We all recognize that, in this new era where there is a growing lethality of hatred, where one or two or a small group of individuals located somewhere in the world can obtain things that are very, very deadly, dangerous to the United States and the Western world, and deliver them to us, in an era in which individuals can do this worldwide, we have got to be able to network. We have got to be able to

create effective Security Forces among indigenous populations, and special forces brings that kind of capability to the table.

So I expect we will grow SOCOM. I expect SOCOM will be in the future a very important part of our Nation's defense. I thank all of the men and women in SOCOM for the great service they have provided and congratulate SOCOM on its 20th anniversary.

Mrs. DRAKE. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. THORNBERRY).

Mr. THORNBERRY. Mr. Speaker, I thank the gentlewoman for yielding.

Mr. Speaker, I rise in support of this resolution and especially in support of the commitment and dedication that lies behind it, both the troops that make up the Special Operations Command and the Members here in the House who support them.

The gentlewoman from Virginia (Mrs. DRAKE) conceived of this resolution as a way of recognizing the unique contribution that these forces make to our national security, and she has been a leader in advocating on their behalf. The gentleman from North Carolina (Mr. HAYES) has been one of the strongest advocates for Special Operations Command, not only their value to the country but also what they need to carry out their job, and he, along with Mr. MCINTYRE of North Carolina, are co-chairs of the Special Operations Forces Caucus here in the House. The gentleman from Florida (Mr. MILLER) has also been a leading advocate for special operations forces, as has been, of course, the gentleman from Georgia (Mr. MARSHALL), the gentleman from Minnesota (Mr. KLINE), who have unique military backgrounds to contribute. And I have got to say that the chairman of this subcommittee, Mr. SMITH, as well as the previous chairman, Mr. SAXTON, work not only for recognition but also to see that these forces have the resources, the support, the organization they need to carry out their job. This is not just a one-time recognition. This is something that a number of dedicated Members work on throughout the year to provide the backup support that these folks need.

Mr. Speaker, warfare is always changing. The kinds of skills and missions that our special operations forces bring are absolutely critical to today's fight but even more critical to the national security challenges ahead, both the direct action and the indirect action. Bringing precise targeted effects without a large number of troops, without a big logistical tail, that is very important. It is also very important to help train other militaries so that they can work with us and we are not dependent upon our troops to do all the things that need to be done.

So this is an important resolution, but the commitment and dedication of the gentlewoman from Virginia and my chairman from Washington are the crucial elements that help these folks do their job day in and day out. It deserves our support.

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

Mr. SMITH of Washington. Mr. Speaker, I yield myself such time as I may consume just to say one quick thing.

The bipartisan agreement on our support for the Special Operations Command and the support for the mission I think is something that would surprise a great many people and something we need to focus on.

And I want to thank Mr. THORNBERRY, Mr. SAXTON, Mrs. DRAKE, Mr. KLINE, the subcommittee that is focused on this issue. We are very much in the same place on what we need to do to be ready to combat the threat we face from al Qaeda and other insurgent groups, and I think it speaks very well of the committee, both the subcommittee and the broader committee, that there is such bipartisan agreement on how to approach this fight. I think a lot of times the national focus is on where we disagree as parties when, in fact, there is an enormous amount of agreement on critical pieces of how we need to proceed with this. So I appreciate Mrs. DRAKE's bringing this resolution to the floor so we can talk about that, and I look forward to working with her and all the members of the committee in a bipartisan fashion to move forward on these issues.

Mr. McINTYRE. Mr. Speaker, I rise today in support of the commitment, dedication and sacrifice of the men, women and the extended family of the Special Operations Command (SOCOM).

This week marks the 20-year anniversary of the Command's establishment, and I am pleased to support H. Res. 305, which honors the 53,000 soldiers, sailors, airmen, Marines, and civilians that comprise the Nation's special operations forces community.

As one of the founders and Co-Chairman of the House Special Operations Forces (SOF) Caucus, I know firsthand how important these warriors are to our military efforts. During my tenure in Congress, I have represented all or parts of Fort Bragg, which is home to the U.S. Army Special Operations Command and the Joint Special Operations Command—vital components of the U.S. Special Operations Command. I have also represented Camp Lejeune, which is now home to the Marine Special Operations Command.

As you know, the Special Operations Command, which was established on April 16, 1987, is unique—it ensures joint training, equipping, planning and operations of our SOF forces. Before 1987, U.S. Special Operations Forces operated on an impromptu basis and were often used to the point of exhaustion and then disbanded once a specific crisis had passed. Since then, however, they have participated in a wide range of global military operations, including peacetime engagement and a major theater war, Operation Desert Storm.

Today, our SOF forces are embedded in the most important operation since their inception—the Global War on Terrorism. Their core tasks include counter-terrorism, counter-proliferation of Weapons of Mass Destruction, special reconnaissance, psychological and information operations, civil-military operations and unconventional warfare.

SOF forces are truly at the forefront of our current military operations, and, it is important that we draw our attention to them today and recognize their tremendous efforts and sacrifices, including leaving their families and friends for deployments to several countries throughout the world at months at a time. As a member of the U.S. House Armed Services Committee Subcommittee on Terrorism and Unconventional Threats, which has jurisdiction over our SOF forces, I am committed to ensuring that we do our part to meet the needs of our special operators and the officials who are charged with leading them into the battlefield. It is essential that we recognize and support their efforts, and I am confident that this resolution does just that!

Thank you Mr. Speaker, may God bless you and our fine men and women who serve in our Special Operations Forces.

Mr. ORTIZ. Mr. Speaker, I rise today to pay tribute to the premiere component of today's forces, our Nation's Special Forces including soldiers, sailors and marines. These are the forces we turn to when we must do the impossible, do it quietly, and do it smartly. I am proud to commend them on their 20th year of service to this Nation.

Our Special Forces were born of necessity in the aftermath of the aborted military operation attempting to rescue American hostages held in Iran. Since that time, they have been the very tip of our spear; they are the first forces to go into the dangerous places, and it is upon their resilience and brilliance that rest our success or failure in the early going of any operation to which we have committed our military forces.

The past 25 years have seen a marked shift in the operational spectrum of threats, and Special Ops is our answer to unconventional warfare, counterterrorism, counterinsurgency, strategic reconnaissance, civil-military operations, psychological operations, humanitarian assistance and search and rescue.

Special Forces are so important to the current conflicts in which we are engaged, they are the lead combatant command, covering both wars.

Special Forces is populated with many individuals recognized for distinction and valor, including 48 Congressional Medals of Honor. While bombs and bullets are our blunt force, the Special Forces is our scalpel. They are forged in four common truths: Humans are more important than hardware; Special Forces cannot be mass-produced; quality is better than quantity; and capable Special Forces cannot be created after an emergency.

Today we honor that mindset, and thank these Special Forces for their leadership and bravery. We also honor their families, who offer them tremendous support while they are deployed.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H. Res. 305, which honors the 53,000 soldiers, sailors, airmen, Marines, and civilians that comprise the Nation's Special Operations Forces community. This week marks the 20th anniversary of the Command's founding on April 16, 1987, at congressional direction, pursuant to passage of the Goldwater-Nichols Defense Reorganization Act of 1986. The unique structure of the Command ensures joint training, equipping, planning, and operations. Special Operations Forces personnel are currently executing their duties in over 50 nations throughout the world.

The Special Operations Command was created following a congressional assessment of the unsuccessful attempt to rescue 53 American hostages held in Iran in 1980. Among the major shortcomings identified was the inability of the military to operate effectively in a joint manner, particularly due to differences in equipment and lack of coordinated training. This deficiency was directly addressed by the establishment of the Special Operations Command, which allowed for the creation of a truly joint force with the authority to organize, train, and equip for complex national security challenges.

The Special Operations Command currently consists of over 53,000 individuals, including Army Special Forces personnel, Air Force Special Operations personnel, U.S. Navy SEALs, and Marine Special Operators. Its core tasks include counter-terrorism, counter-proliferation of weapons of mass destruction, foreign internal defense, special reconnaissance, direct action, psychological and information operations, civil-military operations, unconventional warfare, and the ''synchronization'' of the war against terrorism.

I fully support the Command's ongoing commitment to its primary focus of neutralizing terrorists and destroying their associated networks. The Command should be encouraged and fully resourced to balance its focus between ''direct'' and ''indirect'' action—or between the ''kinetic'' mission and the effort to ''win the hearts and minds.'' I also believe that greater emphasis should be afforded to humanitarian and counter-insurgency missions.

I sincerely appreciate the efforts and sacrifices of the 53,000 soldiers, sailors, airmen, Marines, and civilians that comprise the Nation's Special Operations Forces community. I urge all my colleagues to join me in supporting the 53,000 brave men and women who risk their lives in the most dangerous of missions to preserve our freedom. Vote aye on H. Res. 305.

Mr. SMITH of Washington. Mr. Speaker, I'm proud to work with Representative DRAKE to mark the 20th anniversary of founding of the Special Operations Command.

Congress established SOCOM on April 16, 1987 in response to the failure of the Desert One mission to rescue American hostages in Iran. We learned two main lessons from Desert One. First, we needed a better joint command structure; our military was too divided and did not work well together, due to a lack of interoperable equipment and a lack of familiarity and joint training among the various branches. Second, we lacked forces trained for these kinds of missions. The establishment of SOCOM was meant to address these shortcomings.

SOCOM has been a fabulous success. We have roughly 53,000 special operations personnel operating in more than 50 countries around the world, taking direct action to counter terrorists and working with local populations to prevent terrorists from taking root.

I am especially proud of the three special operations force components housed in the 9th District of Washington: the Army 1st Special Forces Group (Airborne) and the Army 160th Special Operations Aviation Regiment (SOAR)—4th Batallion at Fort Lewis and the Air Force 22nd Special Tactics Squadron at McChord Air Force Base. I've also been able to visit several other components of our special operations forces across the country and around the world, and they are doing a fantastic job.

Going forward, we need more special operations forces to fight the spread of the totalitarian ideology pushed by al-Qaeda and related groups. Consistent with the 2006 Quadrennial Defense Review, we will seek to grow SOCOM forces by 15 percent. We will not sacrifice quality for quantity, but we must have the capability to train more special operations forces to face complex national security challenges.

And, we must ensure proper emphasis on indirect action. Often when people think of special operations, they think of direct action against terrorists. But much of SOCOM's mission involves less dramatic but essential work. Special operations forces are currently working in well over a dozen countries to prevent al-Qaeda and other organizations from taking root. They train locals to defend themselves and help local populations improve their living situations so that they are less susceptible to terrorist recruitment.

Getting to know local populations, learning the languages, becoming helpful to them—these steps are vital to preventing insurgencies and terrorist groups from taking hold. We recently heard from a special operations veteran who told us that the most helpful counter-terrorism tool his force brought with them in North Africa was a dentist. The population needed this service so badly that our providing it led to them working with us to root out terrorists in the area. This kind of work to win the hearts ana minds of local populations is essential if we are to defeat the spread of al-Qaeda's message across the globe. That's why we in Congress must ensure that SOCOM is resourced and structured properly to sufficiently emphasize and effectively carry out this critical indirect work.

I want to thank the members from both parties on the terrorism subcommittee of the House Armed Services Committee for their work to make sure our special operations forces have the tools they need to protect our country. I want to especially thank Ranking Member MAC THORNBERRY and Representative THELMA DRAKE for their hard work on this important resolution.

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

The SPEAKER pro tempore (Mr. ENGEL). The question is on the motion offered by the gentleman from Washington (Mr. SMITH) that the House suspend the rules and agree to the resolution, H. Res. 305.

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

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 1257, SHAREHOLDER VOTE ON EXECUTIVE COMPENSATION ACT

Mr. MCGOVERN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 301 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 301

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1257) to amend the Securities Exchange Act of 1934 to provide shareholders with an advisory vote on executive compensation. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Financial Services. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Financial Services now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII in a daily issue dated April 17, 2007, or earlier and except pro forma amendments for the purpose of debate. Each amendment so printed may be offered only by the Member who caused it to be printed or his designee and shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 1257 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

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

□ 1220

GENERAL LEAVE

Mr. MCGOVERN. Mr. Speaker, I ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 301.

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

There was no objection.

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

Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. SESSIONS). All time yielded during consideration of the rule is for debate only.

Mr. Speaker, H. Res. 301 is an open rule with a preprinting requirement providing for the consideration of H.R.

1257, the Shareholder Vote on Executive Compensation Act. The rule provides 1 hour of general debate, controlled by the Committee on Financial Services. The rule waives all points of order against consideration of the bill except clauses 9 and 10 of rule XXI. The rule makes in order the Committee on Financial Services amendment in the nature of a substitute as an original bill for the purpose of amendment, which shall be considered as read. The rule requires that any amendments to the bill must be preprinted in the CONGRESSIONAL RECORD on or before Tuesday, April 17, 2007. Finally, the rule provides one motion to recommit, with or without instructions.

Mr. Speaker, I rise today in support of this open rule. This is a good, appropriate rule that allows any germane amendment to be debated and voted on by this body, as long as that amendment was preprinted in the CONGRESSIONAL RECORD. This rule is appropriate because it allows for real debate and for up or down votes on matters related to this bill. I believe this is a good process, and I want to commend both Chairman FRANK and Ranking Member BACHUS for requesting this rule and for testifying in support of this rule in the Rules Committee yesterday.

I also rise in support of the underlying legislation. The purpose of this bill is straightforward. H.R. 1257, the Shareholder Vote on Executive Compensation Act, allows for shareholders of a publicly traded corporation to conduct annual nonbinding advisory votes on the compensation of the corporation's executives. Basically, this bill would allow the shareholders, those with the most vested interests, to express their approval or disapproval of a company's compensation practices.

Let me be clear. This bill does not force a company to accede to the vote, nor does it overrule a decision by the board of directors of a corporation. Instead, it allows the shareholders to demonstrate their public approval or disapproval of a corporation's compensation practices. The bill does not allow shareholders to set caps on the size or nature of executive compensation.

By allowing for an annual vote by shareholders, H.R. 1257 goes one step beyond the recently enacted regulation by the Securities and Exchange Commission, which only requires that the amount in executive compensation be disclosed.

Mr. Speaker, this legislation would require public companies to include this nonbinding shareholder vote in their annual proxy statement to shareholders. An additional nonbinding advisory would also be provided to shareholders if the company awards a new compensation package while simultaneously negotiating the purchase or sale of the company.

By taking this step, H.R. 1257 increases accountability, and also enables the SEC to better monitor the executive compensation practices of corporations. I hope that my former colleague from California, Chris Cox, now the Commissioner of the SEC, feels encouraged by this legislation and works toward further protecting shareholder rights.

Over the past year, CEOs of major corporations have received multimillion-dollar severance packages, despite falling stocks and market share drops during their tenures. These so-called ''golden parachutes'' highlight the disparity between shareholders' rights and executive compensation oversight.

In addition to neglecting shareholders' interests, current executive compensation practices actually hurt the long-term corporate value of a company. Unprecedented growth in executive compensation over the past two decades has taken money out of the pockets of shareholders and compromised the long-term interests of too many companies.

According to the Corporate Library, in 2006, the average CEO of a Standard and Poor's 500 company received $14.78 million in compensation. It is only fair that the shareholders, the people who actually foot the bill for severance packages, have the opportunity to express their support or disapproval of their company's executive compensation.

H.R. 1257 empowers shareholders and complements the SEC's current regulations regarding executive compensation.

Mr. Speaker, I urge my colleagues to support the rule and the underlying bill.

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

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

Mr. Speaker, I rise today in opposition to this rule and to the underlying legislation, which I think constitutes an unnecessary and unwarranted Federal intrusion into the free enterprise system and the private sector. The legislation that the Democrat majority has brought to the House today would create a new Federal mandate on publicly held companies, but does so in a half-hearted way that would have absolutely no practical impact on its purported goal of improving disclosure and addressing ''excessive'' executive compensation.

The Democrats' Shareholder Vote on Executive Compensation Act would force every publicly held company to bear the costs of administering a toothless, nonbinding shareholder vote on pay packages of its highest compensated officials during every proxy vote. It is unclear, however, what the outcome of this vote, which under current rules could already happen today at any publicly held company, would mean for the company, the board of directors, executives or the shareholders.

Yesterday in the Rules Committee, Chairman BARNEY FRANK testified that this vote was not intended to create a new fiduciary responsibility for board members. Even if a majority of shareholders agreed that a company's executives were being compensated too generously, there are no provisions in this legislation to obligate a board to comply with this decision.

So if a board does choose to ignore an affirmative vote, again according to Chairman FRANK's testimony in the Rules Committee, since there is no fiduciary responsibility and no private right of action created by this new mandatory shareholder vote, there is no legal recourse provided in this bill for shareholders to force board compliance.

So rather than demonstrating the courage of their convictions that executive pay is wildly out of control in this country and that shareholders should be able to rein it in unilaterally through a ballot process, Democrats have chosen to bring legislation to the floor today, forcing private entities to take an action that they are already capable of taking by their very own nature. But this would make this new mandatory vote little more than a weak ''sense of the shareholder'' resolution that can be simply ignored by a board with impunity.

I am also extremely surprised, Mr. Speaker, by the Democrat leadership's recent conversion to the merits of democracy in determining an organization's actions. Less than 2 months ago, this same leadership brought to the floor legislation that strips American workers of their right to use a secret ballot to decide whether or not to unionize and provides for unprecedented intimidation of employees by union bosses under a fundamentally antidemocratic process known as ''card check.'' But I suppose the Democrats' new-found selective commitment to democratic principles is better late than never.

The reality is that shareholders already have a democratic option available to them if they think that a board is shirking its fiduciary responsibilities to investors. They can sell their shares and vote with their dollars. This is a basic principle of how markets work in a free enterprise system, and it has been the steadfast commitment to principles like these that has made the American economy the envy of the world over the last decade, even while economies across Europe have stagnated and shrunk.

Mr. Speaker, Mr. FRANK has represented to the House that the real aim of this legislation is not to create a new class of lawsuits for the trial bar to exploit, and I take him at his word. But that leaves only one sensible explanation for why the Democrat majority would bring such a toothless bill to the floor of the House today, and that is to provide outsiders, such as Big Labor bosses, environmentalists and so-called ''consumer activists,'' with a new avenue to criticize the management of corporations and to compel boards to do their bidding.

□ 1230

Information about executive compensation is already fully disclosed to investors, who have every opportunity to determine whether or not it is too generous before becoming an owner of a listed security. And under this bill, even if they decide that it is too generous, the legislation contains no enforcement mechanism. This legislation simply provides a foot in the door for outside organizations to try to bully boards of directors in hopes of weakening management and gaining concessions down the road. This bill does nothing to improve corporate governance. It does nothing to improve board decision-making or increase shareholder value. That is why I have submitted an amendment that would force any person or organization who spends a significant sum on trying to influence the outcome of this new mandatory vote to disclose who they are, how much they have spent and on what activities so that investors can have a full picture of who is trying to influence them in this decision-making process.

While I think this amendment would improve a misguided bill, I am not holding my breath at all that the majority party will join me in standing up for increased transparency. But who knows? Today we learned that they have radically changed their opinion on the merits of secret ballots, so perhaps they will stand up for transparency in proxy vote influence-peddling also.

Mr. Speaker, I oppose this rule and the weak underlying ''sense of the shareholder'' legislation. Congress can do better than this. And rather than mimicking the interventionist economic policies of Europe, I believe we should reject this legislation and stand up for what sets our economy apart and has spurred our continued economic and job growth while others sank, which would be a commitment to free markets and an understanding that when given information, investors can make good decisions on their own.

Mr. Speaker, I stand up for the free enterprise system and the American way of doing business.

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

Mr. MCGOVERN. Mr. Speaker, again I would remind my colleagues that this is an open rule that allowed every Member of this House to be able to offer an amendment if that Member so desired. In fact, as the gentleman from Texas pointed out, he himself will be offering an amendment. And so I think this rule deserves support.

I should point out for the record that when the gentleman's party, the Republic Party, was in the majority here, that even though I was on the Rules Committee, routinely Members were denied the right to even offer their amendments. There were 13 Members who have decided to offer amendments. Ten of them are Republican. I think this is a fair process and this rule deserves support.

Having said that, I would like to yield 4 minutes to the distinguished gentlewoman from Florida (Ms. CASTOR), a member of the Rules Committee.

Ms. CASTOR. I thank my distinguished colleague from the Rules Committee for yielding time.

Mr. Speaker, I urge support of H.R. 1257 to provide a reality check to the skyrocketing compensation of CEOs of corporations across America. From 1995 to 2005, average CEO pay increased five times faster than that of the average worker. The American people understand the growing disparities in earnings in our country. The average CEO makes more money before lunch than the average worker earns all year. So today I urge my colleagues to bring a measure of accountability to the boardroom by allowing shareholders to voice their opinions in a meaningful way about the multimillion-dollar paydays of their CEOs.

Last week, one of my hometown newspapers, the St. Petersburg Times, reported on ''Corporate Paydays That Boggle the Mind.'' They reported that in one of the richest corporate paydays ever, the CEO of oil company Occidental Petroleum Corporation received a total compensation package last year of $416 million. These record profits and paydays at a time when my neighbors and the American people are paying record prices at the gas pump highlights the need for a new direction in this country for energy policy.

Similarly, record profits and paydays at HMO and pharmaceutical companies raise red flags at a time when patients and doctors and hospitals have lost control to many of the Bush privatization schemes in our health care system. The new Democratic Congress passed legislation fortunately during the first 100 hours to require the negotiation of the Medicare part D drug price benefit. This is very important. It's un-American to block the negotiation of fair prices under Medicare part D.

What I hear from my seniors back home is that they want Medicare part D to be simpler so that it works for them, so that it works for our seniors and it works for our taxpayers and not simply benefit the HMOs, the big drug companies and their CEOs for these large corporate paydays.

So, Mr. Speaker, I urge support of this rule and this bill to allow shareholders to send a message about corporate paydays that boggle the mind and bring a measure of accountability to our American boardrooms.

Mr. SESSIONS. Mr. Speaker, at this time I would like to yield 5 minutes to the ranking member of the Committee on Financial Services, the gentleman from Alabama (Mr. BACHUS).

Mr. BACHUS. Mr. Speaker, I take this opportunity on the rule to simply clarify what we're debating here today.

Now, we are not debating executive compensation, because the Congress does not set executive compensation. There have been many examples just in the past month or two of what we would judge to be outrageous CEO pay packages. There have been many occasions when our constituents have said to us, isn't that $200 million going to some executive, isn't that outrageous? People hear about these pay packages which, quite frankly, I'm not here to defend. One thing they say is, you know, are the shareholders being taken advantage of? Are the rank and file being taken advantage of? And in many cases, the answer is probably ''yes.'' There is no justification for many of these pay packages, these executive pay packages. Sometimes they are based on performance and value added to the corporation and to the shareholders and to the employees, but many times they're not. Many times they're not linked to performance.

Now, having said that, why would I have said that and then come down and oppose this legislation? Because, in fact, this is a mandate. This is Congress beginning to intrude on corporations.

Now, many of my colleagues on the other side would say, this is a nonbinding resolution. But it is a mandated resolution. If we pass this resolution, every publicly traded corporation, both large and small, the shareholders in those corporations must take a position on corporate executive pay for every top executive. In every case, every shareholder must vote on every executive and say your compensation is adequate or it's not. It's not justified.

How many times has this Congress substituted its judgment for the American people? For people in business? And that is again what we're doing by telling shareholders you must have this vote. This is a mandate.

Now, there is another reason that we ought to oppose this. Congress should never rush in and begin to change the free enterprise system, our system of competition between companies. What we have required through the SEC in the last year and we just now mandated this and to come back now with something more intrusive until we see that it works is our instruction and the SEC's instruction to public corporations that you must publish the pay, the salary, the compensation, the perks, the benefits that you give your top corporate executives.

□ 1240

And the reason we did that is, once that's published and shareholders know exactly what these top executives are doing, shareholders have the right today. And today they can bring a motion before the corporation, and if the majority of shareholders agree, they can take a position on executive compensation.

Now, that is not something we oppose, and in many cases these corporations are doing it. Morgan Stanley, just last week, the shareholders came forward with a proposal the shareholders took to do exactly what this

resolution wants to do. And guess what? The shareholders at Morgan Stanley said ''no''; the majority of shareholders said ''no,'' we are not going to get involved in something that might affect the excellent performance of this company, of this corporation.

We have had a system of corporate governance that is second to none in the world. It has made us the leader in the free world. It has evolved over centuries. It has involved over decades. It is part of our statutes.

Let me say this. The gentleman from Mississippi, the gentlelady from Florida, you have come up and you have said, look at some of these outrageous pay packages. I agree with you, I agree with you. I have picked up the paper. I have said, what is going on here.

But let me say, on many occasions I have picked up the paper a month later and seen where shareholders acted to address these issues. But let me say this, how many times have we been approached by constituents and we have said, well, when that law was passed, we didn't intend to do this, it wasn't our intention to do this. Unintended consequences.

Let me tell you something. When Congress becomes a second-guesser and a judge of executive pay for every corporation in America, every public corporation, ladies and gentlemen, we are getting on a slippery slope.

Mr. MCGOVERN. Mr. Speaker, at this time I would like to yield 10 minutes to the gentleman from Massachusetts, the distinguished chairman of the Financial Services Committee (Mr. FRANK).

Mr. FRANK of Massachusetts. I thank the gentleman and the Rules Committee for bringing forward an open rule.

I often disagree with my colleagues on the other side, but I have rarely before been as baffled by the illogic of their argument as I am today. I do not recall the last time I heard such a hodgepodge of inconsistency and inaccuracy.

This is a bill that has been condemned for being, A, bullying and intrusive, and B, toothless. The toothless bully is, I guess, a new concept. In fact, let me begin with this denigration of the notion of nonbinding resolution.

The gentleman from Texas kind of slipped, I think, when he said ''the sense of shareholder resolution.'' In fact, we spend much of our time passing nonbinding resolutions. Members who think nonbinding resolutions are a waste of time probably should just show up on Wednesday because that is all we do generally on Mondays and Tuesdays, although we are doing more since we have taken over.

But let's get to more of the substantive mistakes. My friend from Alabama said we would be second-guessing every corporate salary. Of course not. That isn't even remotely close to being even partially true. We have deliberately said it is not our job to say what the salary should be. We are empowering the shareholders to voice their opinion.

Now, I will acknowledge at the outset, if a board of directors sees a vote and the majority of the shareholders vote ''no'' and they decide to vote ''yes,'' the board has that right. I doubt that the board would do that much. In fact, I would not impute to the boards of directors what my colleagues impute to them, a contempt for the views of shareholders. There may be individual cases where shareholders didn't understand certain things, new events may have intervened. But, no, I do not believe that as a general rule people on the board of directors will ignore shareholders.

And by the way, we are talking about the shareholders, and I know the gentleman from Texas said they are outsiders, they are activists, as loathsome a word as the rules of the House will allow as he would use it. They own shares. They are the owners of the companies. What a denigration of the people who are in other contexts the fountain of all wisdom. We are told the market is, after all, the best source of wisdom.

The former majority leader from Texas used to say, governments are dumb; markets are smart, markets work well. Well, who is the market? The market consists of the people who own the shares in this case. How did they become so dumb when it comes to deciding how to pay for the people that work for them?

And we are told, okay, if they don't like it, they can sell their shares. What a concept of ownership. I mean, these are the people, many of them who are outraged at the eminent domain issue. What they are saying is, if you have owned shares in a company for a while, you have made your decision that this is the best way to diversify your portfolio, and then some board makes a decision with which you disagree, that you think may hurt the company, sell your shares. What kind of a denigration of the notion of ownership is that?

There are, of course, people who will tell you, wait a minute, what if I believe when Home Depot, for instance, did what it did with Nardelli, it had a very negative effect on people's perception of the company. One of the very decisions you disagreed with led to a drop in the value of the shares because the market said, why did they do that. Should you then sell your shares and be forced to take a loss or take corrective action and restore the value to your shares? That is what we are talking about. It is very simple.

And then the oddest one of all is, how dare we interfere with corporations? Corporations are artificial creations of positive law. God made no corporations. No corporations evolved. I will be neutral on that subject. Corporations exist because the law of a jurisdiction creates them. It creates them to give them certain advantages, certain immunities, et cetera.

Of course, the government tells corporations what the rules are. This notion that we are interfering with corporations is nonsensical. They exist according to positive law. And the law says, you must do this, you may not do that. That is what corporations are.

And now the gentleman will say, oh, well, look what the SEC did, we don't have to get involved. What the Securities and Exchange Commission did was very intrusive. And the gentleman said, well, the corporation can do that if they want to; they could have published the salaries if they wanted to. The Securities and Exchange Commission said, we mandate you to print these salaries.

And by the way, to the extent that there is an expense, it is much more in what the SEC did than in what we did. CBO has concurred, there is zero, maybe 8 cents expense here. The SEC has already mandated that the corporations print in the proxy form all this information. We mandate that they add a box, ''yes or no.''

And then my friend from Alabama, great civil libertarian, but on this one I think he may have gotten a little too extreme in his civil libertarian zeal, he said, we are making the shareholders vote. It sounded like he said we are standing over those poor shareholders with a whip and making them vote. Well, in the first place, we are not. Abstention remains an option for shareholders.

Secondly, the argument is, well, they already have that right, some of them. No, they don't in every case. There are corporations that have refused to allow it. AT&T was just ordered by the Securities and Exchange Commission to allow this procedure, but it was a case-by-case issue. It is not a general rule. So the SEC that you defend just ordered AT&T to do this, they just intruded, as is their right; but there is not a general principle.

Shareholders do not have a right to have this vote on executive compensation. And this bill simply says, the people who own the company take what the SEC has mandated they put forward, has a right to vote on it. Now we are told, and the gentleman from Texas, in a stirring peroration, said he stood for truth, justice, the American way, et cetera; and said, let's reject the European effort.

Well, this is not a general European practice, it is a practice in England, what we are talking about. There is a committee that is known as the Paulson Committee, because it was inspired by Secretary of the Treasury Paulson, chaired by Professor Scott of Harvard. There was the McKenzie report, done by Mayor Bloomberg, strongly supported by the Chamber of Commerce and all the financial groups. They have said to us, can't you guys be more like England in your regulation of corporations?

Listen to the debate going on right now over relations of corporations in America. We are being told that the

model is the British model, the Financial Services authority. This is Secretary Paulson's committee that said it, this is the Chamber of Commerce.

Yes, the English do do this, it is not a big continental thing. But if, in fact, you think we should be very careful never to do anything because the English are doing it, then where is the repudiation of the McKenzie report and the Paulson Committee report which have urged the SEC to follow the model of Financial Services.

□ 1250

In fact, it is very straightforward. Here is the problem. Why do normally coherent Members talk in less than coherent form about this, making contradictory arguments, ignoring reality?

Here is the deal. My friend from Alabama said, I am not here to defend CEO salaries. But in fact he is, because what this bill says is, the shareholders, not the outsiders, not those evil activists, not those lurking labor agitators, people who own shares. And, by the way, this is strongly supported by the leaders of institutional shareholders, large pension funds, The Corporate Library. Shareholder groups are in favor of this. And it says that people who own the shares should be able to vote in an advisory capacity on whether they think the compensation is too much or too little.

Now, the fact is that the gentleman from Alabama said there have been outrageous examples of excessive compensation. It is going up in general to the point where it is a record problem, and he says he is not here to defend them. He is not here to defend them verbally, he is just here to defend them parliamentarily, because if this bill dies, then they are totally unimpeded. And Members have said, don't rush in. Well, these salaries have been going up for a long time, and this is a long-time trend. So if not this, what do you do? It is true, the SEC went to the limits of its power.

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

Mr. FRANK of Massachusetts. I yield to the gentleman from Alabama.

Mr. BACHUS. Let me clarify something. I believe, in addressing the Speaker, and I respect the chairman, you have allowed debate on this, you have been very gracious. But I believe that in addressing the Speaker, you mentioned that we passed nonbinding resolutions all the time.

Mr. FRANK of Massachusetts. In the House. Yes, sir.

Mr. BACHUS. And that this was a nonbinding resolution.

But I believe this actually is not a nonbinding resolution.

Mr. FRANK of Massachusetts. The gentleman misunderstands my point, and I will correct it. I am taking back my time. I was not referring to the gentleman's de facto defense of the salary; I was referring to the gentleman from Texas' statement.

He denigrated the product of this legislation because it would produce a nonbinding resolution. In fact, he sneered at it as a sense of the stockholder, sense of the shareholder resolution. And my point was aimed at his argument that the notion of a sense of the resolution is meaningless would invalidate a lot of what we do. So that is the issue I was making.

Let me just say in closing, Members on the other side sometimes get separation anxiety when they are forced to differentiate themselves from particular corporate abuses. They brought themselves to do it with Sarbanes-Oxley, but they are having in various ways buyer's remorse there, I think excessive buyer's remorse.

Members say we don't like corporate excesses, but we can't do anything about it.

Well, no, Congress should not substitute its judgment for the market, Congress should not set the salaries. What Congress can do is to empower the shareholders who own the companies to express their opinion. It is not a right that the shareholders uniformly have now. It is Congress in exercise of the legislative power to set the rules for corporations, which is inherent in the nature of corporations saying that on this one issue; and by the way, one reason for singling them out is, there is reason to believe that the relationship between the boards of directors and CEOs is not sufficiently arm's length for the decision to be left entirely to the board without input.

It doesn't mean you take the decision away from the board elsewhere. It simply says there have been excesses in corporation compensation, we think it would be helpful if the shareholders could give an advisory vote.

There is really no good argument against it, and that is why we have heard arguments against that aren't very good, that aren't very logical, that aren't based in reality. That is all we are voting on.

And in the absence of this bill, Members can then take credit for continuing to enable salaries paid to the top executives to go up and up and up. And if you are a shareholder of a corporation and you think that is a mistake and you think that is damaging, you have the option, we are told, of selling your shares at a loss, of being excluded from an investment decision that you think is in your interest. That is not acceptable.

Mr. SESSIONS. Mr. Speaker, I do appreciate the gentleman from Massachusetts speaking so clearly about what is happening. I would clarify my words and say to the gentleman, I do believe that it would be appropriate to have anyone who is attempting to influence an outcome of a vote, that they should have a requirement upon them to identify themselves, to state how much money they are spending and the activities that they are engaged in. And I think that that is full disclosure also about the activities that could take place under this new nonbinding resolution that we are attempting to pass.

Mr. Speaker, at this time, I would yield 5 minutes to the ranking member of the Rules Committee, the gentleman from San Dimas, California (Mr. DREIER).

Mr. DREIER. Mr. Speaker, I thank my friend from Dallas and thank him for his superb management of this rule on our side.

As I listen to the arguments propounded by my colleagues on the other side of the aisle, including the distinguished Chair of the committee, the conclusion that I have drawn here is, we have here a solution that is really looking for a problem.

I continue to hear great praise for the action that our former colleague Chris Cox, the now chairman of the Securities and Exchange Commission, has taken in doing something that we regularly called for in this institution when it comes to our work here: transparency, disclosure, and accountability.

Under this regulation that has been promulgated by the Securities and Exchange Commission, it calls for full disclosure of the compensation packages for the top five executives. What it means is, we are empowering shareholders and any other interested party with more information, with a better understanding of what it is that we are trying to deal with here.

So why now, after the Securities and Exchange Commission has done what the chairman of the Financial Services Committee, Mr. FRANK, has just said is actually going beyond what it is that we are doing, why do we need to take action here in this institution on this issue?

Now, while I know that my friend from Massachusetts and my friend from Alabama, the distinguished chairman of the committee and the ranking member, had this exchange on nonbinding resolutions and the impact that this might have, I think most have concluded that there is a very deleterious potential impact that this legislation could have; and that is, it quite possibly will dramatically enhance the number of potentially frivolous lawsuits being brought forward by shareholders.

Now, I find that very troubling in light of the fact that we have in a bipartisan way in the past been able to pass legislation which has been trying to focus on the tremendous cost burden that is imposed on the American consumers, shareholders, taxpayers, all the way across the board, with the number of frivolous lawsuits that we have seen. And, again, we want very much to see the market run its course on this issue.

I think that this is bad legislation. I think it is poorly crafted. And I think, again, based on the action that the Securities and Exchange Commission has taken, let's see how that works. Let's let it go into place. Let's let the entity

which has responsibility for this deal with it, see them work and see this information come forward, and see if we still have what is seen by many to be a problem.

I also argue that as we look at these compensation packages that have existed, and there are a heck of a lot more than any of us in this body make, that is for darn sure, but the fact of the matter is, these are decisions that boards of directors make. And one of the precious rights that we have as American citizens is the right not to own a stock. There is no one that I know on the face of the Earth who is compelled to purchase a share of stock, and I think that the right not to own a stock is a precious one.

And, you know, if I don't like the decision that the CEO of a company that I own a stock in or that the board of directors of that company makes, you know what, I will sell that stock. And I am happy to sell that stock, and that is my right to do it. If I don't like the decision that a board of directors has made, a decision that a board of directors has made when it comes to compensation for their executives, if that really is driving me and I am convinced that the stock should be much higher, I will sell it. So I believe that it is a real mistake for us to make this kind of overreach.

And, Mr. Speaker, I also have to say that I am very troubled with what we are seeing here now as the new definition for rules that have come forward. Now, I entered into the RECORD of the Rules Committee last evening back to the 103rd Congress when our distinguished former colleague, Joe Moakley, was chairman of the committee and he had in his survey of activities of the Rules Committee the definition of rules. This rule that has come forward is defined as an open rule with a preprinting requirement, but, Mr. Speaker, it is much more than that.

□ 1300

Traditionally, an open rule that has a preprinting requirement has been known under Democratic and Republican Congresses as a modified open rule. Our colleagues, in their quest to say that they have had more and more open rules, have redefined what an open rule is, but the thing that troubles me is not just that they have done that. But they, by passage of this rule, have actually prevented Members of Congress from being able to participate in this under an open amendment process.

Why? The majority leader has apparently announced that we are going today to begin consideration of this shareholder bill, and then we are going to consider it on Friday. So what it means is, as we proceed with the amendment process today, Mr. Speaker, unfortunately what we are doing is we are saying to Members of the House of Representatives who want to amend this bill on Friday that any amendment that they might be offering had to have been printed in the CONGRESSIONAL RECORD last night, 3 days before the measure is considered on the floor, and they are trying to define that as an open amendment process.

Mr. Speaker, if it looks like a duck and walks like a duck and talks like a duck, it is a duck. And you know what? This is not an open rule.

I urge my colleagues to oppose the rule and to oppose the underlying legislation.

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

Mr. Speaker, let me first of all say that I apologize to the gentleman from California, the former distinguished chairman of the Rules Committee, for this open rule. I guess he is upset that 13 Members have decided to offer amendments. They have known about this bill, by the way, for close to 3 weeks. So 13 Members, 10 of them Republican, have decided to put forward amendments that will be debated and considered on this floor, including the distinguished gentleman from Texas (Mr. SESSIONS).

I do not know whether the gentleman from California wants me to apologize to Mr. SESSIONS and the other Republicans for allowing their amendments to be made in order, but the bottom line is, what we are trying to do is break the trend that existed in the Rules Committee when they were in charge, which is that nobody would be allowed to offer amendments on the floor.

One of the things that this leadership has promised is a more open process, a process that is more fair, and that is what we are trying to do today. There are 13 amendments that have been prefiled. They will all be considered on the floor unless the people who printed those amendments do not want to offer them. That is a fair process.

As somebody who sat on the Rules Committee for many years and who routinely saw closed rules reported under that committee with not a peep from anybody on that side, it is a little bit hard to digest this whining over an open process. I guess my colleagues on the other side of the aisle object to the fact that Members should have a right to read an amendment that they are going to vote on. I can understand that because they would routinely bring huge bills, hundreds of pages in length, to the floor without giving anybody in this Chamber the opportunity to read them. Those practices hopefully are over for good.

This is a fair rule. This is an open rule, and I urge my colleagues to support it.

At this point, let me inquire from the gentleman from Texas whether or not he has any additional speakers, because at this point, I am the last one on this side.

Mr. SESSIONS. Mr. Speaker, I thank the gentleman for the inquiry. At this time, we have one additional speaker.

Mr. MCGOVERN. I would let the gentleman proceed, and I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield 4 minutes to the gentleman from Georgia (Mr. PRICE).

Mr. PRICE of Georgia. Mr. Speaker, I thank my good friend from Texas for yielding and for his leadership on this issue.

I would like to just comment about both the rule and the bill; and, Mr. Speaker, I come to the floor today to just tell you that Orwellian democracy continues to be alive and well here in the House Chamber.

Our good friends on the other side of the aisle seem to think that, if they just say something, that it is, that their action does not make any difference. This is the open rule that is not. That is what this is.

Because what we have, as my good friend from California described, is in fact a modified open rule. What has occurred with this rule is that there is a requirement for pre-filing amendments to this bill, and in fact, the pre-filing had to occur about 72 hours before the final portion of the bill will be voted upon. That is not an open rule, Mr. Speaker.

An open rule is when the bill comes to the floor and anybody who has an idea and wants to offer an amendment is allowed to offer an amendment. Why is that important? Well, that is important because each of us represents a certain number of constituents around this Nation, and at some point, each of us may have a better idea about how the bill ought to progress through the process.

But right now, what has happened is, unless we had that idea 2 days ago, yesterday, then it is not able to be entertained. So this is not an open rule.

I would ask my friends in the majority party: What are you afraid of? What are you afraid of? What amendment is it that you are afraid of that might be brought to the floor that is so dangerous to the American people that you do not want to even talk about it? That is what I would ask.

Mr. Speaker, my good friend from Massachusetts says that he thinks it is important for people to be able to read amendments and read bills. Well, we do, too, but that is provided for in the rules. That is provided for in the rules. This rule does not address that. The fact that somebody might bring an amendment to the floor under a truly open rule would not affect that at all.

So he also asked whether he should apologize to the gentleman from California for having what he described as on open rule. No, Mr. Speaker, I would suggest that he apologize to the American people for not carrying out the responsibility of democracy in this Chamber.

So this is not an open rule. This is the open rule that was not, and it is important for the American people to appreciate that.

I do want to mention a couple of items about the merits of the bill itself. We all had an opportunity to be home for the past 2 weeks. This was

one issue that constituents in my district wanted to talk about. They wanted to talk about whether or not it was appropriate for Washington to insert itself into the compensation for CEOs in this Nation.

Many people, I being one of them, are confused and concerned about some of the compensation that major CEOs are getting in this Nation, but everybody in my district appreciates and understands that the place to solve that problem is not Washington, DC. In fact, that is the last place that you want this problem to be solved because Washington, DC, cannot respond in a nimble enough fashion to be able to do so. In fact, there will be significant, unintended consequences, I would suggest, Mr. Speaker.

As you know, the challenges that all businesses have across this Nation are encumbered by the taxation that they are required to pay by the exposure to litigation and, yes, Mr. Speaker, by the regulations that come down from on high, and this will be another regulation. So what the majority party is doing is saying to our businesses across this Nation, our public companies across this Nation is, you have got another reason to go offshore; you have got another reason to take American jobs and remove them because we are going to make it too difficult for you to engage in your business here in America.

In fact, Mr. Speaker, what they are going to do is to make it so difficult for many businesses with their onerous regulations that not only will individuals take their businesses offshore, many of them will say it is just too much of a challenge to comply with all of your ridiculous regulations, so we will go private so that Americans all across this Nation will be precluded from participating in a greater way in the American Dream.

Mr. Speaker, this rule is a bad idea. The bill is a bad idea. Washington cannot solve this problem. You know that, and I urge my colleagues to oppose both.

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

Mr. Speaker, if the gentleman from Georgia thinks this rule is such a bad idea, I hope that maybe he might reconsider offering the three amendments that he has pre-filed.

Let me just say for the record, because I think it is important to state this, the gentleman from Georgia just went on a rant, and in the previous Congress when his party was in control, in the entire Congress there was one open rule that was not an appropriation bill, one, and I do not recall a single instance when the gentleman from Georgia ever came to the floor and complained about that. I do not recall a single instance when the gentleman from Georgia or, quite frankly, anybody on the other side came to the floor and objected when the Republican-controlled Rules Committee waived the requirement that Members have 3 days to be able to read a report before a bill was considered.

□ 1310

I don't remember a single instance when the gentleman from Georgia, or, quite frankly, anybody who we have heard complain today, ever came on the House floor and voted against a closed rule. They ran this place under the most restrictive closed process in the history of this Congress.

I think that needs to be said for the record because it goes to the point that I was making earlier that I don't understand what all the complaints are about. You have every Member who wanted to offer an amendment to this bill given the opportunity to do so.

They knew that this bill was coming 3 weeks in advance. They could have thought about it for 3 weeks, they could have instructed their staff during that period of 3 weeks to come up with something. Obviously, a number of people did, including the gentleman from Georgia, who has three amendments we are going to have to listen to.

Let me again urge my colleagues to support this rule. It is a fair rule. It is an open rule.

I am sorry if they don't like the fact that Members ought to have an opportunity to read amendments and read bills before they are voted on, but I think that is a fair thing to do. Of course, when they were in charge, they would routinely waive that right. But, you know, we will respect that.

Mr. Speaker, I reserve the balance of my time and would ask the gentleman from Texas if he has any additional speakers.

Mr. SESSIONS. In response to the gentleman at this time, I do not have any additional speakers. I would use this time for my close. I thank the gentleman for the inquiry.

Mr. Speaker, I think the point that would be taken here would follow those words that DAVID DREIER spoke on, and that is, we simply call things what they are honestly. We don't try to call things what they aren't. We follow the regular order of this House, as has been established, going back at least to the 103rd Congress when Mr. Moakley, the chairman of the Rules Committee, said, this is what we will call things, this is what an open rule is, this is what a modified rule is. That is the point we are trying to make today, that you should call something what it is.

At this time, I would like to include a statement of administration policy on this bill.

STATEMENT OF ADMINISTRATION POLICY—H.R. 1257—SHAREHOLDER VOTE ON EXECUTIVE COMPENSATION ACT OF 2007

(REPRESENTATIVE FRANK (D) MASSACHUSETTS AND 27 COSPONSORS)

The Administration opposes H.R. 1257, which would require public companies to hold a separate advisory shareholder vote to approve the compensation of executives. The Administration does not believe that Congress should mandate the process by which executive compensation is approved.

The Administration supports full transparency to shareholders regarding executive compensation decisions. Recent enhancements in corporate governance and disclosure have strengthened the executive compensation decision-making process of boards of directors. Corporate governance changes have made boards more independent, including through the establishment of compensation committees composed solely of independent directors. In addition, as a result of the Securities and Exchange Commission's revised disclosure rules on executive compensation, which recently became effective, shareholders are receiving comprehensive information on executive compensation. Before additional corporate governance requirements are legislated, the Administration believes that recent enhancements should be given time to take effect.

The statement of the administration is quite succinct, and that is at the end of this statement it says ''before additional corporate governance requirements are legislated, the administration believes that the recent enhancements should be given time to take effect. That is in reference to the SEC and what the SEC had done.

Mr. Speaker, I am asking Members to oppose the previous question so that I may amend the rule to make it a true, modified open rule. As the distinguished chairman of the Committee on Financial Services pointed out yesterday at the Rules Committee, he is expecting that consideration of the bill is likely to continue through the end of the week.

But under a normal modified open rule, Members would still be allowed to submit amendments for printing today or tomorrow so that they might be considered tomorrow or Friday. This restrictive rule severely limits the fluidity which traditional and modified open rules allow. This rule is not an open rule as it is currently drafted. It would not even be qualified as a modified open rule. This is a restrictive rule.

Mr. Speaker, I ask unanimous consent that the text of the amendment and extraneous material be printed just before the vote on the previous question.

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

There was no objection.

Mr. SESSIONS. I also urge Members to oppose the previous question.

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

Mr. MCGOVERN. Mr. Speaker, let me urge all my colleagues to support the rule and to also support the underlying bill. H.R. 1257 is a good bill. If you want to defend the status quo, then vote against it. But if you want more accountability, more transparency, then vote for it. This should not be a partisan issue, and I hope that it would get a strong bipartisan vote on passage.

Let me again urge my colleagues to support the rule, and this is a rule that allows the gentleman from Texas to be able to offer an amendment. It allows the gentleman from Georgia, whom we

heard earlier, to offer three amendments. It allows for every single Member of this House, Democrat or Republican, to be able to offer an amendment to this bill.

This is something new compared to the way the Rules Committee was run under the previous leadership. This is a rule that allows people to be able to heard, to be able to bring their views to the floor, and to be able to debate them. For the gentleman from Texas or the gentleman from Georgia or anybody else to complain that somehow this is a restrictive rule just defies the facts.

The fact of the matter is that under their leadership, restrictive rules were the norm. Closed rules were the norm. Not once, not once did I hear anybody on the other side complain about the restrictive rule or closed rule or even vote against the closed rule. This allows every single Member who wanted to offer an amendment to offer an amendment.

This is an open rule with a preprinted requirement. This is a good rule. I would urge all my colleagues to support the rule.

The material previously referred to by Mr. SESSIONS is as follows:

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

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

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

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

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

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

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

AMENDMENT TO H. RES. 301 OFFERED BY REP. SESSIONS OF TEXAS

On page 2, lines 18 and 19, strike ''in a daily issue dated April 17, 2007, or earlier''.

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

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

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

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

The yeas and nays were ordered.

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

PROVIDING FOR CONSIDERATION OF H.R. 1361, RELIEF FOR ENTREPRENEURS: COORDINATION OF OBJECTIVES AND VALUES FOR EFFECTIVE RECOVERY ACT OF 2007

Mr. HASTINGS of Florida. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 302 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 302

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1361) to improve the disaster relief programs of the Small Business Administration, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Small Business. After general debate the bill shall be considered for amendment under the five-minute rule. The amendment in the nature of a substitute recommended by the Committee on Small Business now printed in the bill, modified by the amendment printed in part A of the report of the Committee on Rules accompanying this resolution, shall be considered as adopted in the House and in the Committee of the Whole. The bill, as amended, shall be considered as the original bill for the purpose of further amendment under the five-minute rule and shall be considered as read. All points of order against provisions in the bill, as amended, are waived. Notwithstanding clause 11 of rule XVIII, no further amendment to the bill, as amended, shall be in order except those printed in part B of the report of the Committee on Rules. Each such further amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such further amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill, as amended, to the House with such further amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 1361 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore. The gentleman from Florida (Mr. HASTINGS) is recognized for 1 hour.

Mr. HASTINGS of Florida. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Florida, my friend and cochair of Florida's congressional delegation, Representative LINCOLN DIAZ-BALART. All time yielded during consideration of the rule is for debate only.

Mr. Speaker, I yield myself as much time as I may consume.

□ 1320

GENERAL LEAVE

Mr. HASTINGS of Florida. Mr. Speaker, I ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 302.

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

There was no objection.

Mr. HASTINGS of Florida. Mr. Speaker, as the Clerk just read, this rule provides for consideration of H.R. 1361, the Relief for Entrepreneurs: Coordination of Objectives and Values for Effective Recovery, or RECOVER, Act of 2007 under a structured rule.

Continuing our ongoing efforts to provide the minority with opportunities to amend and improve legislation on the House floor, the rule also makes in order all three Republican amendments that were submitted to the Rules Committee.

Mr. Speaker, as someone who represents a district which has been victim to countless natural disasters, I have known about the Small Business Administration's disaster loan program for quite some time.

Businesses in the district I am privileged to serve and the district of my good friend Mr. DIAZ-BALART and throughout South Florida have relied on this program to sustain themselves during the difficult days, weeks and months following natural disasters. Loans provided under SBA's disaster loan assistance program have, at times, literally kept Florida's economy going.

While I have seen the greatness of this program, Mr. Speaker, I and my constituents have also seen its shortcomings. Indeed, the problems addressed in the underlying legislation, and I commend the Chair's recommendations and their efforts in that regard, but the problems are not new, and they certainly were not created by Hurricanes Katrina, Rita or Wilma. On the contrary, they have manifested for quite some time and have been raised by me and many of my colleagues in Florida over the years.

In Florida, we saw SBA's limitations during the 2004 hurricane season. By no fault of its own, SBA was inundated with loan applications and overwhelmed by the situation. Long delays in application processing and slow disbursements of approved loans led many in my part of the country to question why Congress didn't do anything at the time to increase the Small Business Administration's capacity during disasters.

Although it took the largest disaster of our time for us to open up our eyes, I am pleased that this Congress under this leadership is giving the SBA the tools that it needs to keep America's small businesses in business after a disaster.

The RECOVER Act enhances the SBA's capacity to provide assistance during and after natural disasters. The legislation mandates that the SBA establish and maintain a comprehensive disaster plan which will be overseen by a new associate administrator for disaster assistance.

Using FEMA's citizen volunteer program as its model, the underlying legislation establishes a disaster reserve corps capable of providing the people-power necessary to respond to an influx of SBA loan applications.

The RECOVER Act improves SBA's customer service operation and increases the limit of SBA disaster loans from $1.5 million to $3 million. It also expands the scope of organizations which can qualify for such loans and makes it easier for businesses to pay back their loans.

The bill also requires improved disaster response coordination between the SBA and FEMA. This is a critical, yet unfortunate, requirement of the bill. Critical because coordination during disasters across agency lines is desperately needed; unfortunate, notwithstanding of the fact that these things are going to occur, I am dumbfounded that our agencies aren't already coordinating to the maximum extent possible during disasters.

I have participated in the conversations, sat in the meetings where coordination between agencies is nonexistent during disasters. Turf battles supersede logic, and coordination is a distant memory of the past.

I ask: Why does it take an act of Congress to get Federal agencies to coordinate their efforts when authorization for such coordination already exists? The only turf that matters and should matter during disasters is the turf of the American people.

We have to be in the business of providing our citizens with every available resource to respond to and recover from disasters. The underlying legislation does just that.

I am proud to support this rule and the underlying legislation, and I urge my colleagues to do the same.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I would like to thank my good friend, the gentleman from Florida (Mr. HASTINGS), the co-chairman of the Florida congressional delegation, for the time, and I yield myself such time as I may consume.

Small business, Mr. Speaker, is the engine that drives our economic strength. Small businesses employ over half of all private sector workers and pay approximately 45 percent of U.S. private payroll.

Over the last decade, small businesses have generated 60 to 80 percent of new jobs. We must not take the amazing performance of small businesses for granted, however, Mr. Speaker. They often don't have the financial structure and support to help them quickly recover from major natural disasters. If small businesses fail in the aftermath of a natural disaster, it only slows the recovery of the area.

Storms have often punished the community that I am honored to represent. In 1992, Hurricane Andrew, a category 5 storm, devastated much of South Florida. Until 2005, Hurricane Andrew was the costliest natural disaster in our history, causing over $26 billion of damage to South Florida. Entire communities were totally destroyed. Especially hard hit were many of the small businesses that make up a major part of the South Florida economy. Fifteen years later, the effects of that storm can still be felt.

The SBA was one of the many Federal agencies that suffered a breakdown in operations during the rebuilding efforts after the 2005 hurricane season. The disaster loan program of the SBA is the Federal Government's main source of natural disaster rebuilding assistance and has come under fire for problems and delays in granting loans to homeowners, renters and businesses affected by the hurricanes.

I think we need to do all that we can to ensure that the backbone of our country, small businesses, are not crippled in a storm's aftermath and that those small businesses can play a leading role in the recovery of affected areas.

This underlying legislation better prepares the SBA to handle future disasters by requiring, among other reforms, that the agency develop a comprehensive disaster response plan, improve training, streamline information tracking systems, follow-up processes and more efficiently distribute disaster loans by partnering with private lenders.

There is at least one point of contention in the underlying legislation. Section 211 modifies the subsidy rate assigned to SBA disaster loans by providing for double compensation under the provision that a disaster victim could receive both a grant and a loan for the same damage. This provision requires a direct appropriation. As such, it violates PAYGO rules.

The manager's amendment by the distinguished chairman, Ms. VELÁZQUEZ, does correct the PAYGO problem by making the section subject to available appropriations. It still does not address the underlying issue in contention, however, Mr. Speaker, which is, why should someone be compensated twice for the same injury? It is a legitimate point of contention which obviously merits debate.

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

□ 1330

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased at this time to yield 3 minutes to the distinguished gentlewoman from Florida, our colleague on the Rules Committee, Ms. CASTOR.

Ms. CASTOR. Mr. Speaker, I thank my distinguished colleague from the Rules Committee.

Mr. Speaker, I rise in strong support of the RECOVER Act and this rule which charts a new direction for emergency and hurricane planning, because the Federal Government simply must be ready to respond in a crisis.

Small Business Committee Chair NYDIA VELÁZQUEZ and her committee deserve credit for understanding the expectations of the American people, who have insisted upon better disaster relief planning.

My colleagues from Florida, and indeed, our neighbors and citizens across the gulf coast, begin to feel a bit apprehensive this time of year because hurricane season is only a few weeks away. Yes, we are all worried about the potential landfall of a hurricane, but we are also just as concerned about the administration's ability to deal with the aftermath.

Following the Bush administration's poor response to the 2005 gulf coast hurricanes, the new Congress has pledged to strengthen disaster planning and response, and we are following through here today. The RECOVER Act will improve the Small Business Administration's disaster response plans and assess its technology, telecommunications and personnel in advance.

In the event of another hurricane or natural disaster, small business owners will face costs of starting up again, so this act increases the funds available for disaster loans from $1.5 to $3 million. And importantly for the hard-working folks like those in my district in the Tampa Bay area, small business owners will no longer be required to pledge their homes as collateral for business loans less than $100,000.

The act also requires the SBA to improve coordination with State and local authorities and establishes a disaster relief corps of 1,000 trained individuals.

So, Mr. Speaker, I strongly urge approval of this rule and the RECOVER Act so that our country is better prepared for hurricane season and the swift recovery of our communities and small businesses.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, it is my privilege to yield 4 minutes to my good friend, the gentleman from Georgia, Dr. GINGREY.

Mr. GINGREY. Mr. Speaker, I can certainly understand my former colleagues on the Rules Committee, the gentleman from Florida (Mr. HASTINGS), the gentleman from Florida (Mr. DIAZ-BALART), the gentlelady from Florida (Ms. CASTOR) being in favor of this rule and this underlying bill.

But I rise, Mr. Speaker, in strong opposition to the underlying legislation, H.R. 1361, the RECOVER Act. This legislation is bad fiscal policy. It increases the cost to America's taxpayers of providing disaster assistance, while increasing the probability that the Federal Government will lose money to default losses.

It was Huey Long, the long-time Governor and Senator from Louisiana, the gulf coast, the Kingfish, as he was known, who said, ''I can frighten or buy 99 out of every 100 men.''

Mr. Speaker, I am not suggesting that my Democratic colleagues are trying to buy votes with this bill. But I do know that we need to closely examine the money our government spends to ensure that it is spent responsibly.

We have worked hard to fund the redevelopment of the gulf coast, committing more than $110 billion of Federal resources. That includes $4.7 billion to FEMA to remove debris and repair and rebuild public infrastructure and buildings; $17 billion from HUD for Community Development Block Grants, the largest housing recovery program in United States history; $6 billion for the Corps of Engineers to rebuild and restore levees so that we can rebuild below sea level; $16.1 billion paid out in national flood insurance claims, $1 billion for Health and Human Services to cover all of Louisiana's health care costs. And the list, Mr. Speaker, goes on and on.

There are right ways and wrong ways to fund redevelopment. This Congress has delivered $14 billion in incentives to spur private business investment and economic development to create jobs, another $600 million in Gulf Opportunity Zone tax credits to the region, with an additional $400 million expected to be awarded this fall to encourage more business investment. But today we are debating a bill which would harm small business across the Nation by giving away money that will never, and I repeat, that will never get repaid.

Mr. Speaker, provisions in title II of this bill would allow gulf businesses whose application for a disaster loan has been denied, to then receive $100,000 in grant money. And if a business has already received a loan, this bill will make sure that same business can also get a grant, and in the process, they will make certain that the grant money is not used to repay the loan.

So, yes, Mr. Speaker, you heard right. If the SBA decides your business is not viable enough for a loan, Congress is going to come in and just give you the money. What is more, now you can get paid twice for the same disaster.

Mr. Speaker, the sad fact is, this bill will hurt small businesses across the country. When the SBA makes a loan and that loan is repaid, the SBA loans that money to another business, and the cycle repeats itself. But by removing the repayment part of this cycle and requiring the SBA to send a $100,000 grant to those businesses who do not qualify for a disaster loan in the first place, we are diluting the resources of the SBA and hindering its ability to extend loans to businesses in other parts of the country, businesses fully capable of repaying them.

Mr. Speaker, my Democratic colleagues are ignoring any semblance of restraint by treating our Treasury as a bottomless pit. In raising the risk of unrecoverable default losses, by giving away free money, it would certainly seem they are doing their level best to prove Huey Long's words to be true.

I urge my colleagues, vote against the rule and vote against the underlying bill.

Mr. HASTINGS of Florida. Mr. Speaker, I would like to inquire of the gentleman from Florida, Mr. Speaker, if he has any remaining speakers. I am the last speaker for this side.

Mr. LINCOLN DIAZ-BALART of Florida. I have no more speakers.

Mr. HASTINGS of Florida. Then I will reserve my time until the gentleman has closed for his side and yielded back his time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, we have no further speakers and yield back.

Mr. HASTINGS of Florida. Mr. Speaker, disasters in this country are not limited to hurricanes or the Southeast. As I was saying yesterday in the Rules Committee, the chairwoman had storms in her district earlier this week, and there is massive drought going on in parts of this country. All of these are disasters and all of these have major SBA implications.

I have lived, and continue to live, in disaster-prone areas, like so many others in Congress and in this country. If our failures of the past have taught us anything, it is that we can no longer be response oriented when it comes to disasters.

Mitigation and planning saves money, saves time, and most importantly, saves lives.

The RECOVER Act creates a comprehensive and universal plan at the SBA for disaster response. It is the first step on this important path to improving the Federal Government's response to disasters.

I urge a ''yes'' vote on the rule, the previous question, and the underlying legislation.

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

The previous question was ordered.

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

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put each question on which further proceedings were postponed, in the following order:

Ordering the previous question on H. Res. 301;

Adoption of H. Res. 301, if requested;

The motion to suspend the rules and adopt H. Res. 306.

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

□ 1340

PROVIDING FOR CONSIDERATION OF H.R. 1257, SHAREHOLDER VOTE ON EXECUTIVE COMPENSATION ACT

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 301, on which the yeas and nays are ordered.

The Clerk read the title of the resolution.

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

The vote was taken by electronic device, and there were—yeas 226, nays 199, not voting 8, as follows:

[Roll No. 219]

YEAS—226

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

NAYS—199

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

NOT VOTING—8

Conaway
Ferguson
Higgins
Jones (OH)
Lampson
Millender-McDonald
Stupak
Walsh (NY)

□ 1405

Mr. HASTERT and Mr. TOM DAVIS of Virginia changed their vote from ''yea'' to ''nay.''

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

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated against:

Mr. CONAWAY. Mr. Speaker, because I was attending a funeral at West Point this morning, I missed rollcall No. 219, adoption of previous question for H. Res. 301: Providing for consideration of H.R. 1257, to amend the Securities Exchange Act of 1934 to provide shareholders with an advisory vote on executive compensation. Had I been present, I would have voted ''nay.''

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

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

RECORDED VOTE

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

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 227, noes 195, not voting 11, as follows:

[Roll No. 220]

AYES—227

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

NOES—195

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Crenshaw
Cubin

Culberson
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—11

Blumenauer
Blunt
Boehner
Conaway
Ferguson
Higgins
Jones (OH)
Lampson
Millender-McDonald
Stupak
Walsh (NY)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1415

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. CONAWAY. Mr. Speaker, because I was attending a funeral at West Point this morning, I missed rollcall No. 220, adoption of H. Res. 301: Providing for consideration of H.R. 1257, to amend the Securities Exchange Act of 1934 to provide shareholders with an advisory vote on executive compensation. Had I been present, I would have voted "nay."

OFFERING HEARTFELT CONDOLENCES TO THE VICTIMS AND THEIR FAMILIES REGARDING THE HORRIFIC VIOLENCE AT VIRGINIA TECH AND TO STUDENTS, FACULTY, ADMINISTRATION AND STAFF AND THEIR FAMILIES WHO HAVE BEEN AFFECTED

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 306, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and agree to the resolution, H. Res. 306.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 421, nays 0, not voting 12, as follows:

[Roll No. 221]

YEAS—421

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

NOT VOTING—12

Blunt
Boehner
Conaway
Diaz-Balart, L.
Ferguson
Gohmert
Higgins
Jones (OH)
Lampson
Millender-McDonald
Smith (NE)
Walsh (NY)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1425

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. SMITH of Nebraska Mr. Speaker, on rollcall No. 221, due to a meeting with constituents on issues relating to my district, I was unable to cast the vote. Had I been present, I would have voted "yea."

Mr. CONAWAY. Mr. Speaker, because I was attending a funeral at West Point this morning, I missed rollcall No. 221, adoption of H. Res. 306: Offering heartfelt condolences to the victims and their families regarding the horrific violence at Virginia Tech in Blacksburg, Virginia. Had I been present, I would have voted "yea."

RELIEF FOR ENTREPRENEURS: COORDINATION OF OBJECTIVES AND VALUES FOR EFFECTIVE RECOVERY ACT OF 2007

The SPEAKER pro tempore. Pursuant to House Resolution 302 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 1361.

□ 1425

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 1361) to improve the disaster relief programs of the Small Business Administration, and for other purposes, with Mr. DAVIS of Alabama in the chair.

The Clerk read the title of the bill.

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

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

The Chair recognizes the gentlewoman from New York.

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

After the 2005 gulf coast hurricanes, we witnessed a number of problems with the Small Business Administration's preparation and ability to assist entrepreneurs following a disaster. As the agency responsible for handling the disaster loan program, it was clear they were not adequately prepared.

During that time, there were significant application backlogs, with the number ballooning to 204,000 unprocessed applications by December 2005. Those that were lucky enough to get approved for assistance often waited months to receive any funds. It reached the point where entrepreneurs were simply avoiding the SBA, believing it was more of a hindrance than a help.

There is no question the leading factor in SBA's poor response was its lack of preparation and tools to assist the gulf coast victims. H.R. 1361, the RECOVER Act of 2007, provides for thorough disaster planning and directs SBA to ensure they are prepared for a wide range of disasters.

This legislation will streamline SBA's loan processing and disbursement, as well as establish a bridge financing program. After the gulf coast storms, we saw entrepreneurs not only getting declined for loans but having to wait far too long for relief. This bill requires that within 36 hours of a disaster, qualified small businesses are provided with emergency small dollar financing, allowing them to stay in business and spur economic growth.

For small businesses, success and failure often come down to adequate financing. Nowhere is that more true than following a disaster. The changes made in this bill will ensure we avoid the mistakes in the gulf where 62 percent of small businesses who applied for assistance were not approved.

We cannot leave entrepreneurs with nothing to help them salvage their enterprises. For those that did get approved, the average wait time to receive their loan was 74 days, much longer than the SBA's goal of 21 days.

H.R. 1361 also provides for gulf coast entrepreneurs who still need assistance. The committee just came back from New Orleans, and there is no doubt that this community has a long way to go to get where it was before the hurricanes hit. By helping affected small businesses, we are also significantly aiding in the revitalization of the gulf coast.

The RECOVER Act of 2007 will establish a grant program that allows the SBA to help the most significantly damaged small businesses that have been rejected for a conventional SBA loan. These grants are intended to spur redevelopment in communities directly affected by the 2005 gulf coast storms where ordinary market forces are simply not enough. They will be granted under limited circumstances to provide aid to only the neediest of entrepreneurs that meet a number of qualifications.

The legislation also fixes SBA's one-size-fits-all approach to the disaster loan process that has failed businesses in the gulf coast. To be more responsive to individual disaster victims, H.R. 1361 provides the SBA administrator with the authority to waive the prohibition on duplication of benefits for the 2005 hurricane victims. Taking state-administered grant assistance and replacing it with loans that are not disbursed efficiently or in adequate amounts have left entrepreneurs without assistance to build their homes. Small businesses should not have to choose between their home and their business. This bill makes sure they are not faced with that choice.

Eighteen months has passed since this Nation saw one of its largest natural disasters. There is no question small businesses are still very much in need of assistance. The RECOVER Act of 2007 modernizes and reforms the SBA's disaster programs and addresses key concerns still facing hurricane victims.

H.R. 1361 has the support of America's Community Bankers, Independent Community Bankers of America, American Veterans, Veterans of Foreign Wars of the United States, the Black Chamber of Commerce and the U.S. Women's Chamber of Commerce.

I strongly urge my colleagues to vote for the RECOVER Act of 2007.

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

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

Today, Mr. Chairman, I rise in opposition to H.R. 1361, the RECOVER Act. While there are many important things that this bill does, there are two provisions in particular, I believe, that unfortunately undermine the good work that has been done by the chairwoman in drafting the legislation.

I want to make clear, I think she has worked very hard. I think the staff has worked very hard to craft what they thought was a good bill, and I think it still has the potential. There are two amendments that we are going to offer subsequent to the general debate argument here, and if those amendments are adopted, I think they fix the bill sufficiently that we can support it because, as I indicated, I think there are many good things in this bill. But without those two provisions being passed, we unfortunately have to oppose it in its current form.

These two provisions, as I indicated, unfortunately make it impossible for me to support it as drafted, and the manager's amendment offered by the chairwoman, while making one of the provisions less problematic, does not assuage our underlying concerns about the two provisions that I just mentioned.

I think everyone can agree that all branches of government failed to respond adequately to the devastation that was Hurricane Katrina, and one of those agencies that did not measure up is the Small Business Administration unfortunately. This is not the conclusion of Democrats or Republicans, or Louisiana or Mississippi Members of Congress. It is a conclusion reached by the GAO, small business owners in the region and even the SBA itself.

While much of the focus on the response to Katrina has focused on the immediate aftermath and the failures of FEMA, the SBA plays a key role in the response to disasters by issuing loans to both homeowners and small businesses affected by the disaster. Thus, an inadequate response by the SBA undermines the recovery of communities devastated by natural disasters. It is vital that the SBA be prepared to handle future disasters, including some worst-case possible scenarios.

Administrator Preston understands this and has taken a number of steps to improve the SBA's readiness and made efforts to ensure that the inadequate response does not repeat itself. Through his efforts, he has reduced backlogs, streamlined loan processing,

improved customer service and identified points where the processing of disaster loans broke down. Administrator Preston also will ensure that the computer systems at the SBA will be improved; establish a reserve corps; utilize non-SBA staff to process loans; establish a new disaster manual that will be finalized by June 1 for the start of the current hurricane season; and continually revise responses to disasters based on the experience of previous disasters.

One may ask why a bill is necessary if Administrator Preston is making these changes. Well, as we have seen, other administrators may not have the same priorities and may reduce preparedness in the future to address other needs of the SBA. Therefore, incorporating many of these changes in statute will ensure that the administrator and SBA personnel will have the appropriate resources and congressional direction to ensure the SBA will have an adequate response to a disaster in the future.

Title I of the bill makes important changes in the SBA's management structure to ensure that the agency is prepared not only for predictable disasters but also the unpredictable ones. Title I requires the administrator to, A, develop a comprehensive disaster response plan; B, conduct an annual disaster simulation exercise; C, maintain a disaster reserve corps; D, create plans to obtain additional office space needed for major disasters; E, coordinate disaster assistance programs with FEMA; and create, from existing personnel, the position of an associate administrator for disaster assistance that has experience in both disaster planning and disaster response. These changes are all beneficial and will ensure that the SBA has the necessary tools and experience to respond to disasters.

These changes are supplemented by section 208, which provides enhanced lending authority to banks and other financial institutions that are preferred SBA lenders to process disaster loans in certain circumstances. Given the expertise of SBA preferred lenders, they should be able to supplement the SBA's capability to process disaster loans when necessary.

There are other important changes in title II that also are beneficial, and I commend the chairwoman, Chairwoman VELÁZQUEZ, for including those in this legislation. By themselves, these provisions would have made an effective bipartisan bill that ensures the SBA has the current planning and future capacity to respond to a disaster, whether it is a local tornado or an incident of national significance such as Hurricane Katrina.

Unfortunately, the legislation has two critical provisions that, in my view, seriously undercut the otherwise excellent work of the committee in creating a structure that will ensure the SBA is prepared to respond irrespective of the scope of the disaster. The first provision would authorize, according to CBO estimates, $180 million in grants to small businesses that were denied SBA loans. The other provision would grant the administrator the authority to, in essence, create a grant program that replaces grant funds that must be applied against existing disaster loans issued by the SBA. In other words, it allows a double compensation, a person to be compensated for the same damage twice. Given my concern about these two provisions, I will be offering amendments at the appropriate time to strike these two provisions, two amendments that we will be offering.

If these two provisions are removed, I think the House would then be able to pass a sound bill on an overwhelmingly bipartisan basis that dramatically improves the administrative structure by which the SBA responds to disasters in a fiscally responsible manner.

As I indicated before, if the two amendments are not passed, unfortunately I am going to have to oppose this particular piece of legislation.

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

□ 1440

Ms. VELÁZQUEZ. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina (Mr. SHULER).

Mr. SHULER. I thank the gentlewoman for yielding.

Mr. Chairman, today I rise in support of H.R. 1361, the RECOVER Act. This bill is a strong step in the right direction to ensure that the problems small businesses face in the wake of Hurricane Katrina and Hurricane Rita will never repeat.

I know firsthand the difficulties that small businesses face after a natural disaster. It is vital for our community to know that the government stands with them in their hour of greatest need.

My district recently suffered disastrous weather, which wiped out nearly the entire crop of apples, strawberries and ornamental horticulture. I asked the people of the community to join together in prayer for the farmers and their families as they work through this crisis. Just like the small business owners of the gulf region and other areas affected by disaster, these farmers need the quick and effective response of their government in their time of greatest need.

I commend Chairwoman VELÁZQUEZ for her work on this legislation, and I urge my colleagues to support this bill.

Mr. CHABOT. Mr. Chairman, I yield such time as he might consume to the gentleman from Ohio (Mr. JORDAN) who, as one of the newer members of the committee, has been very active and is really contributing much to the committee already.

Mr. JORDAN of Ohio. I thank the gentleman for yielding, and I thank the chairwoman of the committee for her hard work and the entire committee on this legislation.

Mr. Chairman, I rise to oppose the bill for many of the reasons that the ranking member has cited. I believe the bill shortsightedly tries to move a good organization, the U.S. Small Business Administration, further from its original mission of helping create, strengthen and maintain small businesses across our country.

The SBA was created by the Small Business Act of 1953. Its mission was to stand up for small businesses, and its main focus, other than loan guarantees, was promoting small businesses for Federal contracts. Since then, the SBA has grown to become the largest backer of small businesses in America. It has made progress toward its goal of improving small business and the engine of our free market economy.

Of late, though, the SBA has done more in fueling small business to coordinating disaster relief for businesses and homeowners. This is certainly a worthy goal, but again, one that strays from its fundamental mission. As the ranking member pointed out, this bill would require the SBA to provide loans it once denied as bad risks. It would also allow recipients to receive disaster relief.

Small businesses are successful in part because they are uniquely focused on their mission, and because they watch every single penny. This RECOVER Act will further blur the focus of SBA's mission while making it impossible for them, or us, to protect the integrity of tax dollars.

Finally, I would urge my colleagues to support the amendments that the ranking member plans to offer. Those will, I think, improve the legislation and make it worthy of everyone's support in a broad, bipartisan manner.

Ms. VELÁZQUEZ. Mr. Chairman, I yield 5½ minutes to the gentleman from Louisiana (Mr. JEFFERSON) who represents and has been very active in the committee addressing the issues of the Small Business Administration Disaster Loan program.

Mr. JEFFERSON. Mr. Chairman, I rise today as a proud cosponsor of H.R. 1361, the RECOVER Act.

I want to thank Chairwoman VELÁZQUEZ for her leadership in crafting this important piece of legislation and in bringing it to the floor.

The storm that hit the gulf coast nearly 2 years ago exposed major flaws in the disaster planning system across all agencies of the Federal Government. Perhaps most appalling is that these storms exposed the fact that so many agencies had no plan at all for disasters such as Hurricanes Katrina and Rita. The Small Business Administration was just one of many agencies caught behind the curve, and the RECOVER Act aims to ensure that this never happens again by providing commonsense remedies for the many problems brought to light by the storms.

We are all quite familiar with the problems of the SBA in the aftermath of Hurricanes Katrina and Rita. Six weeks after the storms, there had been about 54,000 disaster loan applications received from the region. Ninety-five

percent of these applications were denied, while only 1,050 loans were approved, and only 58 checks, totaling $533,400 or so, were sent out. During the 6-week period that followed Hurricane Charley in 2004, the SBA disbursed four times the amount that was disbursed after Hurricanes Katrina and Rita.

Additionally, many people in the gulf coast region fell victim to long delays in the process of the applications, and their paperwork was lost because the SBA lacked a fully functioning disaster processing system, as well as the required staff. The SBA lacked adequate service and support for its information and telecommunications systems. Only one vendor in the region of the SBA's primary telecommunications hub could service the type of phone system that the SBA uses. The SBA also failed to completely stress test the agency's sole loan processing system prior to its implementation.

The RECOVER Act mandates that the SBA develop a comprehensive written plan in order to deal with catastrophic disasters of this magnitude, as well as test the capacity of the system at least once each year.

Administrator Steve Preston came before the Small Business Committee and made the claim that the problems involved in the loan processing system have been solved through a team case management solution. Yet in talking with various small business owners and homeowners as well, and in closely examining the loan processing numbers, doubt is cast on this assertion.

One such example is Donna Colosino of New Orleans, who came before the committee and demonstrated the serious flaws that exist that this bill aims to remedy. After the storms flooded her electrical equipment business under 12 feet of water, she applied for a disaster loan from the SBA and was approved for $250,000. After 15 months of resubmitting paperwork lost by the SBA, she finally received a disbursement of $10,000 in May of this year.

Under the current repayment structure, she would have to begin paying back her loan as if she had received the full $250,000, though she has only received $10,000 to date. This is just one more nonsensical policy of the SBA Disaster Loan program the RECOVER Act will change by altering the payment schedule so that repayment only begins on the money received.

Perhaps the most troubling aspect of the current program to me, as well as to many of my constituents back home, is the requirement that money received from the Road Home program must be used to repay any outstanding loans from the SBA.

Assume your home has a pre-Katrina value of $150,000, and it was completely destroyed by the storm. You qualify for an SBA loan in the amount of $100,000. The Road Home grant comes through in the amount of $50,000, enough perhaps to cover your pre-Katrina value, but you must then take the $50,000 Road Home grant and use it, not to complete your home, but to pay down the SBA loan by $50,000. The result is, you end up with only $100,000 in your hands to rebuild, $50,000 short of what you need.

The truth is, replacement cost of a home now is much, much more, given the spikes in the cost of rebuilding with building materials and insurance far exceeding their pre-Katrina value. The requirement to pay down the SBA disaster loan to the extent of the Road Home grant will leave the homeowner with less than is needed to replace the lost home no matter the Road Home grant award.

This SBA requirement has also kept many people from closing on their Road Home awards as they wait for this body to resolve this situation. The RECOVER Act would address this serious problem by allowing the SBA administrator to provide grants to replace compensation that has already been taken by the SBA as a duplication of benefits, as well as going forward to assist those who have yet to receive the Road Home awards to fully recover.

The requirement in the bill to impose discretion in the SBA administrator not to treat a Road Home grant as an automatic double dip is safeguard enough to prevent true double dipping from occurring. Grants are authorized in the bill to selective businesses that have been in business 2 years, who are, in fact, true pioneers in going back, because there is no guarantee that they are going to have customers there to meet the demand is a reasonable addressing of the problem there.

The flaws of the SBA Disaster Loan program have been exposed by the 2005 storms, and it now falls to this body to remedy these flaws. We have long since moved past the rescue phase. We are now focused on recovery. Yet we cannot recover under the existing structure, as 77,000 small businesses were damaged, along with 275,000 homes.

Operating under the idea of business as usual is not enough. It is only through the passage of this bill and careful oversight in the coming months that we can ensure the SBA fulfills its obligations, not only to the victims of the storms of 2005, but also to deal more responsibly and efficiently with future disasters.

I urge my colleagues to oppose any amendments that would weaken this bill and to vote on this bill for its final passage.

Mr. CHABOT. Mr. Chairman, we reserve the balance of our time.

Ms. VELÁZQUEZ. Mr. Chairman, I yield 2 minutes to the gentleman from New Hampshire (Mr. HODES).

Mr. HODES. I thank the chairman. I thank the gentlewoman for yielding her time.

Mr. Chairman, I rise today in support of H.R. 1361, the RECOVER Act. This bill provided a much-needed overhaul to the Small Business Administration and its disaster aid program. After a disaster, the SBA issues loans to help individuals and small businesses rebuild their lives, often shattered by storms and other natural disasters.

□ 1450

After Hurricane Katrina, the average time for the SBA to process a loan, not including closing, was 74 days, far above the agency's goal of 21 days. This is absolutely unacceptable.

As I speak here today, people all across my home State of New Hampshire are dealing with the aftermath of a recent powerful nor'easter. On April 15, 2007, New Hampshire experienced a severe storm that dropped almost 6 inches of water in a matter of hours. The State as a whole has experienced sustained power and communications outages, and there are currently over 100 local communities that are reporting significant damage to local infrastructure. Our Governor has declared a state of emergency.

More than 60 percent of the businesses in New Hampshire are small businesses. This program is absolutely vital to my constituents now more than ever. We owe it to our small businesses nationwide to have access to critical relief services. I encourage my colleagues in the House to support this overhaul of SBA disaster aid, and reject proposed amendments.

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

Ms. VELÁZQUEZ. Mr. Chairman, I yield to the gentlewoman from Texas (Ms. JACKSON-LEE) for a unanimous consent request.

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

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise enthusiastically to support the Relief for Entrepreneurs: Coordination of Objectives and Values for Effective Recovery Act of 2007, to solve the frustration of those in my district who are fleeing Hurricane Katrina, and I thank the gentlewoman.

Mr. Chairman, I rise in support of H.R. 1361, the Recovery Act of 2007, which amends the Small Business Act to direct the Small Business Administration (SBA) to develop, implement and maintain a comprehensive written disaster response plan and to maintain a disaster reserve corps; to establish an Associate Administrator for Disaster Assistance; to authorize SBA disaster loans for incidents of national significance; to direct the Administrator to carry out an immediate Disaster Assistance program; to provide a revised disbursement process for SBA disaster loans; to provide enhanced lending authority for private lenders; to authorize SBA grants to small businesses located in disaster areas upon their certification that they will reestablish the business in the same area; and to require annual SBA reports on disaster assistance operations.

Mr. Chairman, I applaud Chairwoman Velázquez for bringing this bill to the floor and in doing so acknowledging that we need to be better prepared to respond to the needs of disaster victims from the affected areas. In the aftermath of Hurricanes Katrina, Rita and Wilma, we all saw the devastating consequences that came from not having disaster preparedness plans in place.

After those devastating hurricanes, small businesses and in particular minority and disadvantaged businesses, in the affected areas were severely and negatively impacted because they did not receive financial support necessary to rebuild their businesses and participate in the rebuilding of the affected community.

The Homeland Security Committee has learned that small businesses in particular are very important to economic recovery and stability in an affected region in the aftermath of a disaster-regardless of whether the disaster is natural or man-made. The Committee also has learned that it is good common sense to use the local business owners in the disaster recovery process because they are most connected, and knowledgeable about the local area and what the local community needs.

That is why I offered two amendments to H.R. 1361 that would require the Small Business Administration (SBA) Administrator to include in its disaster recovery processes, pre-negotiated contracts and to encourage inclusion of local, minority, and disadvantaged businesses in the disaster recovery response process.

My first amendment would have encouraged the SBA to include local businesses from the affected area in the recovery process and to have in place in advance pre-negotiated contracts with these local businesses. Hurricanes Katrina, Rita and have proven that failure to include small businesses in the recovery process was detrimental to speedy and efficient recovery for the affected areas and lead to astronomical costs for the affected areas as well as the entire country. These costs include money, time and lives. These are costs that we cannot afford to pay in future disasters.

I also offered an amendment that would encourage the inclusion of minority and disadvantaged businesses in the disaster recovery response plans. In the aftermath of Hurricanes Katrina, Rita and Wilma, small, minority, and disadvantaged businesses from the region were shut out of disaster-related contracts because goals and preferences were not in place. We must correct this very serious problem that is often representative of problems that the most vulnerable members of our society consistently face.

Mr. Chairman, the federal contracting goal for small, minority and disadvantaged businesses is a 23% participation rate as set forth by the Small Business Administration. My amendment that I offered would have required the SBA to include in its comprehensive response plan, a contracting goal and work to meet that goal. If the SBA plans well, then this goal should be achievable.

I understand that the bill also allows for mitigation loans and grants. We would hope that the SBA encourages similar inclusion measures with respect to minority and disadvantaged businesses in its loan and grant authorizations as those used in federal contracting in general.

Since the late 1960s, it has been the policy of the federal government to assist small businesses owned by minorities and women to become fully competitive, viable business concerns. As a result, the Small Business Administration set forth government-wide goals to level the playing field for small and minority businesses seeking federal government contracts. My amendment to encourage the inclusion of minority and disadvantaged businesses in the disaster loan and grant process would have gone a long way to meet these goals. If these businesses are disadvantaged before disasters occur, then those who are negatively impacted after disasters would presumably suffer exponentially and disproportionately. Therefore, it is especially crucial to encourage the inclusion of minority and disadvantaged businesses in the disaster mitigation loan and grant recovery process.

We have seen over and over again the incredible need to include local, minority and disadvantaged businesses in the recovery and rebuilding process. It is time to seriously address this extremely important need.

I urge the Committee to support H.R. 1361 and to be ever-mindful of the need to include local, minority and disadvantaged businesses in disaster recovery response plans. Further, I vigorously oppose the Chabot amendment, which one in particular is particularly punitive against a business suffering from disaster by requesting a recipient of a grant to pay an SBA disaster loan back that they may have received.

Ms. VELÁZQUEZ. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana (Mr. ELLSWORTH).

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

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

Less than 2 years ago, a devastating tornado ripped through my community in Evansville, Indiana, and although 25 residents of those two counties lost their lives, our emergency services organizations were applauded for their response to that devastating tornado. There is only one reason that we handled that; it is because we had a disaster plan in place and because we practiced that plan and we worked that plan so that when it hit, we did our job.

A few months after that tornado, a much larger disaster, Hurricane Katrina, showed the horrors of these disasters on a more massive scale. In the days and weeks that followed, Hoosiers watched the citizens of New Orleans searching for food, clean water, and a safe place to sleep. With the local government underwater, people relied on the government in Washington to come to their aid. The failures of the Federal Government at that time are far too many to list right here. While we work to fulfill our promises to the citizens recovering from this disaster, we must also prepare for the future.

America has suffered massive disasters in the past; and, unfortunately, we are going to see them in the future. As our families prepare themselves for the possible scenarios, Congress must ensure that a failure that we saw before does not happen again.

The RECOVER Act, and I am proud to support this, is an important step in improving the government's response to large-scale disasters. And I am proud to support it, as I said.

The RECOVER Act requires the Small Business Administration to prepare for future disasters by developing a comprehensive disaster plan. The government would be required to conduct regular disaster simulations and update its disaster plan in response to new challenges as we see them.

This bill also requires the SBA to start to implement a new disaster plan, a 1,000-person disaster reserve corps that will receive annual training for future disaster responses. These additional employees would be prepared to meet the challenges posed by sudden disasters.

If programs like these were in place before Hurricane Katrina, the government might have been able to invigorate the local economy and speed up the rebuilding effort. I can understand we can't change the past, but we can improve our response to disasters in the future.

The RECOVER Act will make those improvements and help the government fulfill its responsibility to protect the citizens in the aftermath of disasters. I am proud to lend my support to the RECOVER Act, and I urge my colleagues to join me in helping protect disaster victims.

Mr. CHABOT. Mr. Chairman, we will continue to reserve our time.

Ms. VELÁZQUEZ. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York (Ms. CLARKE).

Ms. CLARKE. Mr. Chairman, first, I want to commend Chairwoman VELÁZQUEZ for her leadership on this issue and for bringing this bill to the House floor.

I rise in support of H.R. 1361, a bill to improve the disaster relief program of the Small Business Administration and to provide relief for entrepreneurs. This bill addresses the problems with the SBA's disaster loan program, which was implemented to provide timely financial assistance in the form of low-interest loans and working capital for businesses devastated by disasters.

In New York City, after 9/11, small businesses that once prospered near the World Trade Center had difficulty recovering from that tragedy. Four years later, in the wake of Hurricane Katrina and Hurricane Rita, many applicants of SBA disaster assistance were frustrated with the agency's response or lack thereof.

Many businesses found their loan applications were delayed in backlogs that took over a year to process without a well-informed, centralized point of contact within the agency.

For entrepreneurs struggling to get back on their feet, the old adage ''time is money'' is much more than a cliche. Economic distress can quickly digress into systemic unemployment for the thousands of employees and bring extreme hardship to America's families.

I support the intent of this bill because it will ensure that the SBA performs comprehensive, risk-based, disaster planning on an annual basis and that the agency has mechanisms in place to maintain its disaster readiness over the long term.

This new bill will also enhance the SBA's disaster loan program by improving the manner in which disaster

loans are processed, approved and disbursed, and by providing the agency with the additional financial assistance tools that are intended to better fit the various needs of small businesses following a disaster.

I will cast an ''aye'' vote in support of an unamended H.R. 1361, and I encourage my colleagues to do the same.

The RECOVER Act of 2007 is a bill that will ensure that members of Congress are adequately informed about all aspects of SBA's disaster assistance and disaster planning programs so that they may provide the SBA with the support they need to fulfill their vital mission following a disaster.

Mr. CHABOT. Mr. Chairman, we will continue to reserve our time.

Ms. VELÁZQUEZ. Mr. Chairman, I yield 2 minutes to the gentleman from Iowa (Mr. BRALEY).

Mr. BRALEY of Iowa. Mr. Chairman, I thank the gentlewoman for yielding me this time, and for her extraordinary leadership on this important measure.

Mr. Chairman, I rise today as the voice for 350,000 Iowans who lost power during an ice storm in February, to express my strong support for H.R. 1361, the RECOVER Act. This bill will develop a disaster plan so that the Small Business Administration can adequately assist small businesses in emergencies.

Just this February, Iowa was hit with a massive ice storm, one of the worst in its history, which caused millions of dollars worth of damage throughout the State and left hundreds of thousands of people without power.

Weather in Iowa, like in many parts of the country, can be unpredictable and dangerous, and this was no exception. I was personally affected by this ice storm when a 40-foot ice-coated branch struck my home in Waterloo. With the help of my neighbors and our chain saws, I was able to cope with some minor property damage and personal inconvenience; but my situation paled in comparison to the constituents I met while visiting emergency storm shelters in Iowa's First Congressional District. These Iowans were there seeking refuge after they had been displaced from their homes and businesses as a result of the ice storm.

On March 15, the Small Business Committee held a markup of the RECOVER Act. I introduced an amendment that day to expand the scope of Federal disaster assistance available to small businesses. Currently, the SBA has to wait for the President to make a formal disaster declaration before giving disaster loans to small businesses.

There are exceptions, however. These include severe situations such as ''floods, hurricanes, tornadoes, earthquakes, fires, explosions, volcanoes, windstorms, landslides or mudslides, tidal waves'' and other civil disorders.

The amendment I proposed adds ''ice storms and blizzards'' to this list of exceptions. The language will benefit small business owners who are trying to get back on their feet following severe winter weather.

I was pleased that the amendment received overwhelming bipartisan support and was passed by the committee unanimously. I urge my colleagues to recognize the importance of assisting small businesses in reopening following a disaster and ask them to support the RECOVER Act.

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Mr. CHABOT. Mr. Chairman, we will reserve the balance of our time.

Ms. VELÁZQUEZ. Mr. Chairman, I yield 5 minutes to the gentleman from Louisiana (Mr. MELANCON). And I want to take this opportunity to thank him for his leadership in working with us on this comprehensive legislation.

Mr. MELANCON. Mr. Chairman, first, I want to thank Chairman VELÁZQUEZ for the continued commitment to helping rebuild the gulf coast. Over a year and a half has passed since Hurricanes Katrina and Rita devastated south Louisiana and other Gulf Coast States. I am pleased my colleagues remain committed to seeing us fully recover and rebuild.

I come to the floor today to support H.R. 1361, the RECOVER Act. Recovering from the two hurricanes that devastated our State and the gulf coast in 2005 is the biggest and most important challenge Louisiana and the gulf coast have ever faced. Katrina was the biggest natural disaster ever in the United States, and Rita, which may have been dubbed the ''forgotten storm,'' was the third worst disaster. First and third in our Nation's history, and they hit the same region within one month each.

After these storms hit, it became very clear that SBA was not prepared for a disaster of this caliber. SBA was understaffed, poorly trained, poorly managed and, overall, unprepared to respond effectively to the urgent need of disaster relief loans. The SBA's disastrous response effectively discouraged small business owners from applying for business or home loans.

Also, inadequate and inaccurate communications from SBA's employees kept many customers from finishing applications. I have personally heard of several instances in which small business owners were frustrated to the point of giving up on the SBA and the hope of getting financial assistance. I remind my colleagues again that this was a critical time, when these people needed help more than ever.

H.R. 1361 addresses those serious shortfalls experienced in the aftermath of Katrina. The RECOVER Act will better prepare the SBA to handle and fund disasters by requiring, among other things, that the agency develop a comprehensive disaster response plan, improve employee training, streamline their information tracking systems and follow-up process, and more efficiently distribute disaster loans by partnering with the private local lenders. SBA's unwillingness to immediately and effectively delegate responsibility to qualified private lenders created a critical choke point in loan disbursements following these hurricanes.

H.R. 1361 includes a commonsense solution that will cure this problem and allow for large, maximum loan amounts and create a more streamlined application process by allowing private, local, SBA-approved bankers to administer these loans. These private lenders have the unique advantage of being on the ground and knowing the community and, more importantly, the people in the businesses within them. By allowing these private lenders to participate, it will greatly increase the speed and efficiency in getting the funds in the hands of the small businesses after a disaster.

Another problem we faced after the storms was SBA's unwillingness or inability to provide maximum flexibility in the administration of these disaster loans. Instead of nurturing struggling businesses as they adapted to the new environment following Katrina and Rita, the SBA often strangled them with red tape and bureaucratic hurdles.

After the storm, some businesses along the gulf coast were denied sufficient loans because the SBA judged their application solely based on their prestorm capabilities, rather than on the new realities they were trying to adjust to or their ability to meet poststorm demands. The RECOVER Act will make the SBA a more flexible agency and will permit them to approve larger grants for businesses that become major sources of employment following disasters.

The RECOVER Act also addresses one of the most notorious problems that arose after the storms, the duplications of benefit provisions. Under current law, storm victims who took the initiative to apply for SBA loans are now being forced to repay their SBA loans with Road Home money. Hurricane victims in Louisiana and along the gulf coast need all the help they can get with rebuilding their homes and getting their lives back to normal. They don't need the Federal Government giving with one hand and taking with the other.

Rebuilding in the wake of Hurricanes Katrina and Rita has been the biggest challenge the people on the gulf coast have ever faced. In order to continue to recover and rebuild, recovery money must stay in the disaster regions, not sent back to Washington.

I understand the administration does not want people to double dip and must be effective stewards of taxpayers' money, but in this instance, victims of catastrophic disaster are essentially being punished for receiving these disaster loans before they get their recovery grants. Under this bill, borrowers will still have to repay their SBA loans; they will just be able to pay them over the extended time frame they originally agreed to when they got the loan.

I am a fiscal conservative, but this policy is absolutely ridiculous. It is dooming the recovery to failure, and it is time that we correct it.

I urge my colleagues to support the RECOVER Act today. With hurricane season approaching fast, this bill is critical to the survival of small businesses. Small businesses are the lifeblood of this country, and we must be ready to protect them from another, possible, future disaster.

Mr. CHABOT. Mr. Chairman, we will continue to reserve our time.

Ms. VELÁZQUEZ. Mr. Chairman, I have no further speakers. If the minority is ready to close, I am ready to close.

Mr. CHABOT. Mr. Chairman, prior to yielding back all our time, if I could just make a comment or two. I will yield myself as much time as I may consume. I will be very brief.

I just want to reiterate that there are things within this bill which I think are very good efforts in resolving some of the difficulties that we saw in Katrina.

First of all, the SBA's response time for loans and other things was unacceptable, and it is absolutely critical that it be improved upon. And I think there are some things in this bill that do just that. For example, better coordination between the SBA and FEMA; the requirement of a plan ahead of time, a disaster plan ahead of time that everybody knows about so you are not looking for a plan or trying to put one together after the disaster has already hit; it makes sense to do that ahead of time. This calls for this.

It calls for a reserve corps of trained personnel, which I particularly like because you are talking about training people ahead of time, but not necessarily hiring them as new government employees that then one has to pay and pay compensation to over a long period of time. So I like the fact that we are talking about training a reserve corps ahead of time.

I think the idea of having simulation exercises called for ahead of time makes a lot of sense so that people are prepared.

As I indicated before, however, there are a couple of, in my view, fatal flaws to this particular piece of legislation, which we are going to address in a few moments here in a couple of amendments. And if they pass, then we would be very supportive of the whole act. If they don't, unfortunately, we would have to oppose the bill.

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

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

Mr. Chairman, we are now barely over a month away from hurricane season. Many small businesses have been struggling for a year and half to recover after the gulf coast storms of 2005. Following the hurricanes, delays in disaster loans, overwhelming amounts of paperwork and a lengthy application process left many small business owners frustrated and discouraged. In fact, entrepreneurs avoided what is supposed to be their primary source of assistance, the SBA.

Our Nation's 25 million small businesses need to know that the next time a disaster happens they will not be left with nothing, but will have efficient and reliable assistance. They need to know that what happened after the gulf coast hurricanes will not ever happen again.

The RECOVER Act of 2007 will require that the SBA have a disaster plan in place, provides assistance to the neediest of entrepreneurs and helps in the redevelopment of the community. H.R. 1361 will given entrepreneurs the relief and assistance they deserve after a disaster.

With 44 days left till hurricane season, we simply cannot afford not to act.

At this point, I want to take a moment to thank the staff who worked on this legislation. From Mr. CHABOT's staff, Kevin Fitzpatrick, Mike Smullen and Barry Pinellis; from the majority staff, Michael Day, Adam Minehardt and Andy Jiminez and Tim Slattery.

Mr. HONDA. Mr. Chairman, I rise today in support of H.R. 1361, the Relief for Entrepreneurs: Coordination of Objectives and Values for Effective Recovery (RECOVER) Act of 2007. This bill makes crucial improvements to the Small Business Administration's disaster relief programs. It will help provide greater access to, and more effective distribution of, loans and grants to those affected individuals in the aftermath of natural disasters.

One of the many lessons learned from Hurricanes Rita and Katrina is that the Federal Government must be better prepared to assist all the people of this Nation in times of greatest need. In legislating to improve disaster relief programs, Congress must keep in mind the multifaceted nature of any solution and strive to create equitable access for all affected communities.

While this bill takes great strides in making funds available to individuals affected by natural disasters, more must be done to ensure access for the segments of the population that may not be reached through standard means, including limited English proficient communities. Among the communities severely impacted by Hurricane Katrina were the Vietnamese American and Cambodian American shrimpers of the Gulf Coast. For many, their livelihoods were destroyed as their boats were left damaged and not seaworthy. These losses were compounded by the inaccessibility of government aid as many of these shrimpers are limited English proficient and were unable to learn of government programs that could have helped them. Unfortunately, the Federal Government fell short of servicing the needs of this segment of the American population.

Mr. Chairman, it is the responsibility of the Federal Government to ensure equitable access to Federal disaster relief programs for all Americans. We do not know where the next disaster will strike, but we will be better prepared if we acknowledge that different communities have different needs; access to information in the appropriate language is vital. Congress must do its part. The RECOVER Act certainly adds necessary amendments to the Small Business Act, but I stress to my colleagues in the House, we cannot stop there. To ensure equitable access to all affected individuals and communities, Congress and the Small Business Administration must take the extra steps to ensure that information, outreach, and loan and grant disbursement are made available to communities that are difficult to serve. I trust that this House will continue to ensure proper preparation and full and equitable access to relief programs for affected individuals and communities in the next natural disaster to affect this Nation.

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

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill, modified by the amendment printed in part A of House Report 110–97 is adopted. The bill, as amended, shall be considered as an original bill for the purpose of further amendment under the 5-minute rule and shall be considered read.

The text of the bill, as amended, is as follows:

H.R. 1361

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 ''Relief for Entrepreneurs: Coordination of Objectives and Values for Effective Recovery Act of 2007'' or the ''RECOVER Act''.

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

Sec. 1. Short title; table of contents.

TITLE I—PLANNING

Sec. 101. Comprehensive disaster response plan.
Sec. 102. Annual disaster simulation exercise.
Sec. 103. Disaster reserve corps.
Sec. 104. Plans to secure additional office space.
Sec. 105. Coordination of disaster assistance programs with FEMA.
Sec. 106. Associate Administrator for Disaster Assistance.

TITLE II—LENDING

Sec. 201. Incidents of National Significance.
Sec. 202. Information tracking and follow-up system.
Sec. 203. Immediate Disaster Assistance program.
Sec. 204. Increased deferment period.
Sec. 205. Revised repayment terms.
Sec. 206. Revised disbursement process.
Sec. 207. Revised collateral requirements.
Sec. 208. Enhanced lending authority for private lenders.
Sec. 209. Disaster processing redundancy.
Sec. 210. Grant program.
Sec. 211. Waiver of prohibition on duplication of certain benefits.
Sec. 212. Increase legislative limit.
Sec. 213. Net earnings clauses prohibited.
Sec. 214. Economic injury disaster loans to nonprofits.
Sec. 215. Applicants that will constitute a major source of employment due to changed economic circumstances.
Sec. 216. Preliminary application process for assistance for small business concerns with essential employees ordered to serve on active duty in the Armed Forces.
Sec. 217. Economic injury disaster loans in cases of ice storms and blizzards.
Sec. 218. Economic injury disaster loans for businesses affected by lack of snowfall.

TITLE III—OVERSIGHT

Sec. 301. Reports on disaster assistance.

TITLE I—PLANNING

SEC. 101. COMPREHENSIVE DISASTER RESPONSE PLAN.

The Small Business Act is amended by redesignating section 37 as section 99 and by inserting after section 36 the following:

"SEC. 37. COMPREHENSIVE DISASTER RESPONSE PLAN.

''(a) PLAN REQUIRED.—The Administrator shall develop, implement, and maintain a comprehensive written disaster response plan. The plan shall include the following:

''(1) For each region of the Administration, a description of the disasters most likely to occur in that region.

''(2) For each disaster described under paragraph (1)—

''(A) an assessment of the disaster;

''(B) an assessment of the demand for Administration assistance most likely to occur in response to the disaster;

''(C) an assessment of the needs of the Administration, with respect to such resources as information technology, telecommunications, human resources, and office space, to meet the demand referred to in subparagraph (B); and

''(D) guidelines pursuant to which the Administration will coordinate with other Federal agencies and with State and local authorities to best respond to the demand referred to in subparagraph (B) and to best use the resources referred to in that subparagraph.

''(b) COMPLETION; REVISION.—The first plan required by subsection (a) shall be completed not later than 180 days after the date of the enactment of this section. Thereafter, the Administrator shall update the plan on an annual basis and following any incident of national significance (as declared by the President or his designee).

''(c) KNOWLEDGE REQUIRED.—The Administrator shall carry out subsections (a) and (b) through an individual with substantial knowledge in the field of disaster readiness and emergency response.

''(d) REPORT.—The Administrator shall include a report on the plan whenever the Administrator submits the report required by section 47(a).''.

SEC. 102. ANNUAL DISASTER SIMULATION EXERCISE.

The Small Business Act is amended by inserting after section 37 (as added by section 101) the following:

"SEC. 38. ANNUAL DISASTER SIMULATION EXERCISE.

''(a) EXERCISE REQUIRED.—The Administrator shall conduct a disaster simulation exercise at least once each fiscal year. The exercise shall include the participation of, at a minimum, not less than half of the individuals in the disaster reserve corps and shall test, at maximum capacity, all of the information technology and telecommunications systems of the Administration that are vital to the activities of the Administration during such a disaster.

''(b) REPORT.—The Administrator shall include a report on the disaster simulation exercise whenever the Administration submits the report required by section 47(a).''.

SEC. 103. DISASTER RESERVE CORPS.

The Small Business Act is amended by inserting after section 38 (as added by section 102) the following:

"SEC. 39. DISASTER RESERVE CORPS.

''(a) CORPS REQUIRED.—The Administrator shall maintain within the Administration a disaster reserve corps, the purpose of which is to perform the functions of the Administration related to disaster response. The corps shall consist of at least 1,000 individuals, each of whom—

''(1) does not ordinarily have the duties of a full-time officer or employee of the Administration; but

''(2) is able to assume duties related to disaster response when the Administrator so requires.

''(b) TRAINING.—The Administrator shall ensure that each individual in the corps receives training each year in one or more functions relating to disaster response. To the maximum extent practicable, the function in which an individual is trained in one year shall be different from the function in which the individual was trained in prior years.

''(c) GEOGRAPHIC DISTRIBUTION.—The Administrator shall ensure that not more than 30 percent of the individuals in the corps reside in any one region of the Administration.

''(d) REPORT.—The Administrator shall include a report on the corps whenever the Administration submits the report required by section 47(a).''.

SEC. 104. PLANS TO SECURE ADDITIONAL OFFICE SPACE.

The Small Business Act is amended by inserting after section 39 (as added by section 103) the following:

"SEC. 40. PLANS TO SECURE ADDITIONAL OFFICE SPACE.

''(a) PLANS REQUIRED.—The Administrator shall develop long-term plans to secure additional office space to accommodate an expanded workforce in times of disaster.

''(b) REPORT.—The Administrator shall include a report on the plans whenever the Administration submits the report required by section 47(a).''.

SEC. 105. COORDINATION OF DISASTER ASSISTANCE PROGRAMS WITH FEMA.

The Small Business Act is amended by inserting after section 40 (as added by section 104) the following:

"SEC. 41. COORDINATION OF DISASTER ASSISTANCE PROGRAMS WITH FEMA.

''(a) COORDINATION REQUIRED.—The Administrator shall ensure that the disaster assistance programs of the Administration are coordinated, to the maximum extent practicable, with the disaster assistance programs of the Federal Emergency Management Agency.

''(b) REGULATIONS REQUIRED.—The Administrator, in consultation with the Director of the Federal Emergency Management Agency, shall establish regulations to ensure that each application for disaster assistance is submitted as quickly as practicable to the Administration or directed to the appropriate agency under the circumstances.

''(c) COMPLETION; REVISION.—The initial regulations shall be completed not later than 270 days after the date of the enactment of this section. Thereafter, the regulations shall be revised on an annual basis.

''(d) REPORT.—The Administrator shall include a report on the regulations whenever the Administration submits the report required by section 47(a).''.

SEC. 106. ASSOCIATE ADMINISTRATOR FOR DISASTER ASSISTANCE.

The Small Business Act is amended by inserting after section 41 (as added by section 105) the following:

"SEC. 42. ASSOCIATE ADMINISTRATOR FOR DISASTER ASSISTANCE.

''(a) IN GENERAL.—There is established in the Administration an Associate Administrator for Disaster Assistance, appointed by the President by and with the advice and consent of the Senate, from among individuals who have—

''(1) proven management ability; and

''(2) substantial knowledge in the field of disaster readiness and emergency response.

''(b) DIRECTOR OF DISASTER PLANNING.—

''(1) APPOINTMENT.—There is established in the Administration a Director for Disaster Planning, appointed by the Administrator from among the personnel of the Administration.

''(2) DUTIES.—Subject to the authority, direction, and control of the Associate Administrator for Disaster Assistance, the Director shall—

''(A) develop and implement the Administration's plans for responding to disasters; and

''(B) direct the Administration's training exercises with respect to disasters.

''(3) COORDINATION.—In carrying out the duties under paragraph (2), the Director shall coordinate with—

''(A) the Associate Administrator for the Office of Disaster Assistance of the Administration;

''(B) the Director of the Federal Emergency Management Agency; and

''(C) other Federal, State, and local disaster planning offices, as necessary.

''(c) DIRECTOR OF DISASTER LENDING.—

''(1) APPOINTMENT.—There is established in the Administration a Director for Disaster Lending, appointed by the Administrator from among the personnel of the Administration.

''(2) DUTIES.—Subject to the authority, direction, and control of the Associate Administrator for Disaster Assistance, the Director shall direct all aspects of the disaster lending program under section 7(b).

''(d) RESOURCES.—The Administrator shall ensure that the Associate Administrator for Disaster Assistance, the Director of Disaster Planning, and the Director of Disaster Lending have adequate resources to carry out the duties under this section.''.

TITLE II—LENDING

SEC. 201. INCIDENTS OF NATIONAL SIGNIFICANCE.

(a) DISASTER LOANS TO PRIVATE NONPROFIT ORGANIZATIONS.—Section 7(b)(2) of the Small Business Act (15 U.S.C. 636(b)(2)) is amended—

(1) in subparagraph (D) by striking the period at the end and inserting ''; or''; and

(2) by inserting after subparagraph (D) the following:

''(E) an incident of national significance, as declared by the President or his designee, in which case assistance under this paragraph may be provided, subject to the other applicable requirements of this paragraph, to a private nonprofit organization (as that term is defined in section 29(a)(2)) that is located in an area affected by the incident of national significance.''.

(b) MITIGATION LOANS TO SMALL BUSINESS CONCERNS.—Section 7 of the Small Business Act (15 U.S.C. 636) is amended by inserting after subsection (d) the following:

''(e) DISASTER MITIGATION LOANS.—

''(1) AUTHORITY.—The Administrator may make or guarantee a mitigation loan to a small business concern that receives a loan under section 7(b)(1)(A) for the damage or destruction, by reason of an incident of national significance (as declared by the President or his designee), of property owned by the small business concern.

''(2) AMOUNT OF LOAN.—The amount of a loan under paragraph (1) shall not exceed 20 percent of the total amount of the cost of the damage or destruction referred to in paragraph (1). The total amount shall be calculated without regard for any costs for which the small business concern is reimbursed under any insurance policy or otherwise.''.

(c) APPLICABILITY FOR FISCAL YEAR 2006 TO HURRICANES KATRINA, RITA, AND WILMA.—

(1) IN GENERAL.—For fiscal year 2006, the Administrator—

(A) may carry out subsection (e) of section 7 of the Small Business Act (as added by subsection (b) of this section) with respect to a private nonprofit organization that was located, as of August 28, 2005, in a hurricane-affected area; and

(B) may carry out such subsection (e) with respect to a small business concern that was located, as of August 28, 2005, in a hurricane-affected area, for damage or destruction by reason of Hurricane Katrina, Hurricane Rita, or Hurricane Wilma.

(2) HURRICANE-AFFECTED AREA DEFINED.—In this section, the term ''hurricane-affected area'' means a county or parish in the State of Alabama, Florida, Mississippi, Louisiana, or Texas, that has been designated by the Administrator of the Small Business Administration as a disaster area by reason of Hurricane Katrina, Hurricane Rita, or Hurricane Wilma under disaster declaration 10176, 10177, 10178, 10179, 10180, 10181, 10203, 10204, 10205, 10206, 10222, or 10223.

SEC. 202. INFORMATION TRACKING AND FOLLOW-UP SYSTEM.

The Small Business Act is amended by inserting after section 42 (as added by section 106) the following:

"SEC. 43. INFORMATION TRACKING AND FOLLOW-UP SYSTEM FOR DISASTER ASSISTANCE.

''(a) SYSTEM REQUIRED.—The Administrator shall develop, implement, and maintain a centralized information system to track communications between personnel of the Administration and applicants for disaster assistance. The system shall ensure that whenever an applicant for disaster assistance communicates with such personnel on a matter relating to the application, the following information is recorded:

''(1) The method of communication.

''(2) The date of communication.

''(3) The identity of the personnel.

''(4) A summary of the subject matter of the communication.

''(b) FOLLOW-UP REQUIRED.—The Administrator shall ensure that an applicant for disaster assistance receives, by telephone, mail, or electronic mail, follow-up communications from the Administration at all critical stages of the application process, including the following:

''(1) When the Administration determines that additional information or documentation is required to process the application.

''(2) When the Administration determines whether to approve or deny the loan.

''(3) When the primary contact person managing the loan application has changed.''.

SEC. 203. IMMEDIATE DISASTER ASSISTANCE PROGRAM.

The Small Business Act is amended by inserting after section 43 (as added by section 202) the following:

"SEC. 44. IMMEDIATE DISASTER ASSISTANCE PROGRAM.

''(a) PROGRAM REQUIRED.—The Administrator shall carry out a program, to be known as the Immediate Disaster Assistance program, under which the Administration participates on a deferred (guaranteed) basis in 85 percent of the balance of the financing outstanding at the time of disbursement of the loan if such balance is less than or equal to $25,000 for businesses affected by a disaster.

''(b) ELIGIBILITY REQUIREMENT.—To receive a loan guaranteed under subsection (a), the applicant must also apply for, and meet basic eligibility standards for, a loan under section 7(b).

''(c) USE OF PROCEEDS.—A person who receives a loan under section 7(b) must use the proceeds of that loan to repay all loans guaranteed under subsection (a), if any, before using the proceeds for any other purpose.

''(d) APPROVAL OR DISAPPROVAL.—The Administrator shall ensure that each applicant for a loan under the program receives a decision approving or disapproving of the application within 36 hours after the Administration receives the application.''.

SEC. 204. INCREASED DEFERMENT PERIOD.

Section 7 of the Small Business Act (15 U.S.C. 636) is amended by inserting after subsection (e) (as added by section 201(b)) the following:

''(f) ADDITIONAL REQUIREMENTS FOR 7(b) LOANS.—

''(1) INCREASED DEFERMENT AUTHORIZED.—

''(A) IN GENERAL.—In making loans under section 7(b), the Administrator may provide, to the person receiving the loan, an option to defer repayment on the loan.

''(B) PERIOD.—A deferment under subparagraph (A) may not exceed 4 years.''.

SEC. 205. REVISED REPAYMENT TERMS.

Section 7 of the Small Business Act (15 U.S.C. 636) is amended in subsection (f) by adding after paragraph (1) (as added by section 204) the following:

''(2) REVISED REPAYMENT TERMS.—In making loans under section 7(b), the Administrator—

''(A) shall not require repayment to be made until 12 months after the date on which the final disbursement of approved amounts is made; and

''(B) shall calculate the amount of repayment based solely on the amounts disbursed.''.

SEC. 206. REVISED DISBURSEMENT PROCESS.

Section 7 of the Small Business Act (15 U.S.C. 636) is amended in subsection (f) by adding after paragraph (2) (as added by section 205) the following:

''(3) REVISED DISBURSEMENT PROCESS.—In making loans under section 7(b), the Administrator shall disburse the loan amounts in stages as follows:

''(A) LOANS UP TO $150,000.—If the total amount approved is less than or equal to $150,000—

''(i) the first disbursement shall consist of 40 percent of the total loan amount, or a lesser percentage of the total loan amount if the Administrator and the borrower agree on such a lesser percentage;

''(ii) the second disbursement shall consist of 50 percent of the amounts that remain after the first disbursement, and shall be made when the borrower has produced satisfactory receipts to demonstrate the proper use of the first half of the first disbursement; and

''(iii) the third disbursement shall consist of the amounts that remain after the preceding disbursements, and shall be made when the borrower has produced satisfactory receipts to demonstrate the proper use of the first disbursement and the first half of the second disbursement.

''(B) LOANS FROM $150,000 TO $500,000.—If the total amount approved is more than $150,000 but less than or equal to $500,000—

''(i) the first disbursement shall consist of 20 percent of the total loan amount, or a lesser percentage if the Administrator and the borrower agree on such a lesser percentage;

''(ii) the second disbursement shall consist of 30 percent of the total loan amount remaining after the first disbursement, and shall be made when the borrower has produced satisfactory receipts to demonstrate the proper use of the first half of the first disbursement;

''(iii) the third disbursement shall consist of 25 percent of the total loan amount remaining after the first and second disbursements, and shall be made when the borrower has produced satisfactory receipts to demonstrate the proper use of the first disbursement and the first half of the second disbursement; and

''(iv) the fourth disbursement shall consist of the amounts that remain after the preceding disbursements, and shall be made when the borrower has produced satisfactory receipts to demonstrate the proper use of the first and second disbursements and the first half of the third disbursement.

''(C) LOANS GREATER THAN $500,000.—If the total amount approved is more than $500,000—

''(i) the first disbursement shall consist of at least $100,000, or a lesser amount if the Administrator and the borrower agree on such a lesser amount; and

''(ii) the number of disbursements after the first, and the amount of each such disbursement, shall be in the discretion of the Administrator, but the amount of each such disbursement shall be not less than $100,000.''.

SEC. 207. REVISED COLLATERAL REQUIREMENTS.

Section 7 of the Small Business Act is amended in subsection (f) by adding after paragraph (3) (as added by section 206) the following:

''(4) REVISED COLLATERAL REQUIREMENTS.—In making a business loan under section 7(b), the total approved amount of which is less than or equal to $100,000, the Administrator shall not require the borrower to use the borrower's home as collateral.''.

SEC. 208. ENHANCED LENDING AUTHORITY FOR PRIVATE LENDERS.

The Small Business Act is amended by inserting after section 44 (as added by section 203) the following:

"SEC. 45. ENHANCED LENDING AUTHORITY FOR PRIVATE LENDERS.

''(a) PROGRAM AUTHORIZED.—The Administrator may, and during a period specified in subsection (b) shall, carry out a program under which the Administrator permits banks and other financial institutions to process, approve, close, and service disaster loans under section 7(b) for a fee not to exceed 2 percent of the total loan amount.

''(b) PERIODS DURING WHICH PROGRAM IS REQUIRED.—The program under subsection (a) is required to be carried out during the following periods:

''(1) Any period of an incident of national significance (as declared by the President or his designee).

''(2) Any period during which the average time for the Administration to approve disaster loans in response to any single disaster is 30 days or more.

''(c) EXCLUSION OF LENDERS.—If the number or rate of defaults on loans processed, approved, and closed by a lender under the program under subsection (a) are inordinate, as determined by the Administrator, the Administrator may do any one or more of the following:

''(1) Exclude the lender from participating in the program under subsection (a).

''(2) Exclude the lender from participating in the Preferred Lenders Program under section 7(a)(2)(C)(ii).

''(d) FACTOR IN PREFERRED LENDERS PROGRAM.—In determining whether a lender is to be certified or recertified to participate in the Preferred Lenders Program under section 7(a)(2)(C)(ii), the Administrator may consider as a factor the following:

''(1) The loans processed, approved, and closed by the lender under the program under subsection (a).

''(2) The participation or non-participation of the lender in the program under subsection (a).''.

SEC. 209. DISASTER PROCESSING REDUNDANCY.

The Small Business Act is amended by inserting after section 45 (as added by section 208) the following:

"SEC. 46. DISASTER PROCESSING REDUNDANCY.

''(a) IN GENERAL.—The Administrator shall ensure that the Administration has in place a facility for disaster loan processing that, whenever the Administration's primary facility for disaster loan processing becomes unavailable, is able to take over all disaster loan processing from that primary facility within 2 days.

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

SEC. 210. GRANT PROGRAM.

Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting immediately after paragraph (3) the following:

''(4) GRANTS TO DISASTER-AFFECTED SMALL BUSINESSES.—

''(A) IN GENERAL.—The Administrator may make a grant of up to $100,000 to a small business concern that—

''(i) was located in a designated disaster area affected by disaster declaration 10176, 10177, 10178, 10179, 10180, 10181, 10203, 10204, 10205, 10206, 10222, or 10233, and was located in a county or parish that, as a result of Hurricanes Katrina, Rita, or Wilma of 2005, experienced a loss of at least 100 housing units, experienced a loss of at least 1 percent of available housing stock, and required Federal infrastructure assistance of a least $200,000;

''(ii) submits to the Administrator a certification by the owner of the concern of intent to reestablish the concern in the same county or parish in which the business was originally located, or in any other county or parish described in clause (i);

''(iii) has applied for, and was rejected for, a conventional disaster assistance loan under section 7(b); and

''(iv) was in existence for at least 2 years before the date on which the applicable disaster declaration was made.

''(B) PRIORITY.—In making grants under this paragraph, the Administrator shall give priority to a small business concern that the Administrator determines is economically viable but unable to meet short-term financial obligations.

''(C) DEFINITION.—In this paragraph, the term 'disaster-affected area' means an area that has been designated by the Administrator as a disaster area.

''(D) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for grants under this paragraph such funds as may be necessary.''.

SEC. 211. HURRICANE ASSISTANCE REPLACEMENT GRANT PROGRAM.

(a) PROGRAM ESTABLISHED.—The Administrator may carry out a program under which the Administrator may, in the Administrator's discretion, make grants to individuals who—

(1) are victims of a disaster under disaster declaration 10176, 10177, 10178, 10179, 10180, 10181, 10203, 10204, 01205, 10206, 10222, or 10223; and

(2) receive (whether before, on, or after the date of the enactment of this Act) 7(b) disaster assistance because of that disaster.

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

(c) ELIGIBILITY.—An individual is eligible to receive a grant under this section only if the individual—

(1) receives benefits (other than the 7(b) disaster assistance) because of the disaster; and

(2) is required to remit those benefits to the Small Business Administration because of a duplication of benefits.

(d) AMOUNT.—The amount of a grant under this section to an individual shall not exceed the amount of the benefits required to be remitted by the individual, as described in subsection (c).

(e) TIME.—The Administrator shall ensure that, to the maximum extent practicable, a grant made under this section is made—

(1) concurrent with the Administration's receipt of the remittance, if the remittance is made after the date of the enactment of this Act; and

(2) as soon as possible after the Administration's receipt of the remittance, in all other cases.

(f) TREATMENT OF GRANTS.—Grants made under this section shall not be considered a duplication of benefits by the Administrator.

(g) DEFINITIONS.—In this section:

(1) The term ''Administrator'' means the Administrator of the Small Business Administration.

(2) The term ''7(b) disaster assistance'' means assistance under paragraph (1) or (2) of section 7(b)(2) of the Small Business Act (15 U.S.C. 636(b)).

SEC. 212. INCREASE LEGISLATIVE LIMIT.

Section 7(b)(3)(E) of the Small Business Act (15 U.S.C. 636(b)(3)(E)) is amended by striking ''$1,500,000'' and inserting ''$3,000,000'' both places such term appears.

SEC. 213. NET EARNINGS CLAUSES PROHIBITED.

Section 7 of the Small Business Act is amended in subsection (f) by adding after paragraph (4) (as added by section 207) the following:

''(5) NET EARNINGS CLAUSES PROHIBITED.—In making loans under section 7(b), the Administrator shall not require the borrower to pay any non-amortized amount for the first 5 years after repayment begins.''.

SEC. 214. ECONOMIC INJURY DISASTER LOANS TO NONPROFITS.

(a) IN GENERAL.—Section 7 of the Small Business Act (15 U.S.C. 636) is amended in subsection (b)(2)—

(1) in the matter preceding subparagraph (A)—

(A) by inserting after ''small business concern'' the following: '', private nonprofit organization,''; and

(B) by inserting after ''the concern'' the following: '', organization,''; and

(2) in subparagraph (D) by inserting after ''small business concerns'' the following: '', private nonprofit organizations,''.

(b) CONFORMING AMENDMENT.—Such section is further amended in subsection (c)(5)(C) by inserting after ''business'' the following: '', organization,''.

SEC. 215. APPLICANTS THAT WILL CONSTITUTE A MAJOR SOURCE OF EMPLOYMENT DUE TO CHANGED ECONOMIC CIRCUMSTANCES.

Section 7(b)(3)(E) of the Small Business Act (15 U.S.C. 636(b)(3)(E)) is amended by inserting after ''constitutes'' the following: '', or will due to changed economic circumstances constitute,''.

SEC. 216. PRELIMINARY APPLICATION PROCESS FOR ASSISTANCE FOR SMALL BUSINESS CONCERNS WITH ESSENTIAL EMPLOYEES ORDERED TO SERVE ON ACTIVE DUTY IN THE ARMED FORCES.

Section 7(b)(3) of the Small Business Act (15 U.S.C. 636(b)(3)) is amended—

(1) in subparagraph (C)—

(A) by striking ''90 days'' and inserting ''1 year''; and

(B) by adding at the end the following: ''The Administrator may, when appropriate (as determined by the Administrator), waive the ending date specified in the preceding sentence and provide a later ending date.''; and

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

''(G) The Administrator shall establish a process under which a small business concern described in subparagraph (B) may file a preliminary application for assistance under this paragraph, accompanied by supporting documentation, before the date on which the essential employee is ordered to active duty. The Administrator may not actively consider such an application or provide assistance to the small business concern based on such an application until the date on which the essential employee is ordered to active duty.''.

SEC. 217. ECONOMIC INJURY DISASTER LOANS IN CASES OF ICE STORMS AND BLIZZARDS.

Section 3(k)(2) of the Small Business Act (15 U.S.C. 632(k)(2)) is amended—

(1) in subparagraph (A) by striking ''and'';

(2) in subparagraph (B) by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(C) ice storms and blizzards.''.

SEC. 218. REPORT REGARDING LACK OF SNOWFALL.

Not later than 6 months after the date of enactment of this Act, the Administrator of the Small Business Administration shall conduct a study of, and submit a report to the Committee on Small Business of the House of Representatives and the Committee on Small Business and Entrepreneurship of the Senate that describes—

(1) the ability of the Administrator to provide loans under section 7(b)(2) of the Small Business Act (15 U.S.C. 636(b)(2)) to small business concerns that depend on high snowfall amounts and sustain economic injury (as described under that section) due to a lack of snowfall;

(2) the criteria the Administrator would use to determine whether to provide a loan under section 7(b)(2) of the Small Business Act (15 U.S.C. 636(b)(2)) to a small business concern that has been adversely affected by a lack of snowfall;

(3) other Federal assistance (including loans) available to small business concerns that are adversely affected by a lack of snowfall; and

(4) the history relating to providing loans under section 7(b)(2) of the Small Business Act (15 U.S.C. 636(b)(2)) to small business concerns that have been adversely affected by a lack of snowfall.

TITLE III—OVERSIGHT

SEC. 301. REPORTS ON DISASTER ASSISTANCE.

The Small Business Act is amended by inserting after section 46 (as added by section 209) the following:

''SEC. 47. REPORTS ON DISASTER ASSISTANCE.

''(a) ANNUAL REPORT REQUIRED.—Not later than 45 days after the end of a fiscal year, the Administrator shall submit to the Committee on Small Business of the Senate and the Committee on Small Business of the House of Representatives a report on the disaster assistance operations of the Administration for that fiscal year. The report shall—

''(1) specify the number of Administration personnel involved in such operations;

''(2) describe any material changes to those operations, such as changes to technologies used or to personnel responsibilities;

''(3) describe and assess the effectiveness of the Administration in responding to disasters during that fiscal year, including a description of the number and amounts of loans made for damage and for economic injury; and

''(4) describe the plans of the Administration for preparing to respond to disasters during the next fiscal year.

''(b) INCIDENTS OF NATIONAL SIGNIFICANCE.—During the period of an incident of national significance (as declared by the President or his designee), the Administrator shall, on a monthly basis, submit to the committees specified in subsection (a) a report on the disaster assistance operations of the Administration with respect to that incident of national significance. The report shall specify—

''(1) the number of applications distributed;

''(2) the number of applications received;

''(3) the average time for the Administration to approve or disapprove an application;

''(4) the amount of disaster loans approved;

''(5) the average time for initial disbursement of loan proceeds; and

''(6) the amount of disaster loan proceeds disbursed.''.

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

AMENDMENT NO. 1 OFFERED BY MR. CHABOT

The CHAIRMAN. It is now in order to consider amendment No. 1 printed in part B of House Report 110–97.

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. CHABOT:
Strike section 211.

□ 1510

The CHAIRMAN. Pursuant to House Resolution 302, the gentleman from Ohio (Mr. CHABOT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio.

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

This amendment is really rather simple. It just strikes section 211 of the bill as amended by the manager's amendment. Even though the manager's amendment addresses the direct cost provision of the original section as

determined by the CBO score, section 211 still is fraught with one major problem. And that is that it allows double compensation for the same injury or destruction or problem that the person had.

As I understand section 211 in the manager's amendment, here is how that provision operates: For example, a homeowner applies for a physical disaster loan from the SBA for, say, $100,000. The homeowner then receives a grant from the State for $50,000 for the same destruction. Under existing law, the homeowner would have to immediately pay back $50,000 of the SBA loan because the SBA loan only covers amounts not otherwise compensated for through some other financial resource. Typically, that is insurance, but it does not have to be. Section 211 does not change the requirement that the homeowner would have to pay down the $50,000 in the disaster loan. Instead, section 211 would then allow the homeowner to apply for a grant from the SBA to replace the same amount of money that they had just paid to the SBA to reduce their loan.

Now you are probably asking yourself why go through this convoluted process. Well, this is the only way for the majority to obtain a program that does not require direct spending, and therefore, it gets around the PAYGO problem. But even though this is an improvement over the bill as reported out of the committee because it has no direct spending and therefore is in compliance with PAYGO, it remains fundamentally flawed.

The disaster loan program is just that: the Federal Government's program designed to provide redress to those homeowners and small businesses injured in a disaster. And it is important to note that the vast majority of loan recipients, both businesses and homeowners, receive loans at heavily subsidized interest rates of 3 or 4 percent interest. It is not a grant program and was never designed to be a grant program. The interest rate subsidy, a 30-year term, and the SBA's authority to suspend payment on principal and interest constitute the compensation needed to rebuild many areas, from Chatsworth in California to Homestead in Florida.

Now, section 211 of H.R. 1361 has the recipient of a disaster loan obtaining a grant from a source other than the SBA, using that money to pay off all or a portion of the SBA disaster loan, and then apply to the SBA for a grant to replace the grant money that the recipient of the disaster loan just paid the SBA. And, again, I know this sounds very convoluted. In essence, there is a determination that double compensation is needed because the rather robust compensation already included in the Small Business Act and sufficient for other disasters is insufficient compensation. It is also important to note that, for victims of Hurricane Katrina, there are billions of other dollars that have been made available to assist these victims on an ad hoc basis, yet it is never enough. And this bill indicates that.

Now comes section 211 of H.R. 1361 in a clear effort to ensure that victims of Hurricanes Katrina, Wilma and Rita receive double compensation. This raises two distinct questions. First, why do victims of these three hurricanes get special treatment of double compensation, and why should not other disaster victims get double compensation? Yes, Katrina was a tragedy, but so were Hurricane Andrew and Hurricane Charley and the attacks of September 11, for example. This seems incredibly arbitrary to select only those three disasters for something as unusual as double compensation.

Second and far more important is the concept, as I indicated, of double compensation. It has been a longstanding tradition of American jurisprudence that a party shall not receive double compensation for the same injury. That concept is codified in the disaster loan provisions of the Small Business Act by prohibiting the SBA from issuing a loan for amounts already compensated for by insurance or other means. Thus under current law, a disaster loan applicant cannot get an insurance claim for $100,000 for a $100,000 loss and also get an SBA disaster loan for the same amount of money.

Mr. Chairman, I ask that Members support this amendment. It is fiscally responsible and continues to recognize that individuals should not be granted double compensation.

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

Ms. VELÁZQUEZ. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentlewoman from New York is recognized for 5 minutes.

Ms. VELÁZQUEZ. Mr. Chairman, for the overwhelming majority of disaster victims, the problem wasn't that the Federal Government gave them too much assistance but that they weren't provided with enough. We heard from disaster victims about how the Federal Government was its own worst enemy, giving money to victims on the one hand through state-administered grant programs, then taking it away.

The prohibition on ''duplication of benefits'' was originally established to prevent disaster victims from double dipping. But this can only happen if assistance is given out in the first place. Many disaster victims have been waiting for 18 months and are still waiting today.

H.R. 1361 gives the SBA the flexibility to break from its overly rigid statutory prohibition. Most importantly, however, this provision has been narrowly tailored to ensure that it will only apply for victims of the 2005 hurricanes. It does not carry forward to future disasters and will only be implemented if the administrator feels it is necessary. It is not a requirement.

This amendment will strike that flexibility from the legislation, leaving disaster victims subject to the unworkable standards that currently exist in the statute.

Mr. Chairman, I now yield 1 minute to the gentleman from Louisiana (Mr. JEFFERSON).

Mr. JEFFERSON. Mr. Chairman, I thank the gentlewoman for yielding.

The flaw in Mr. CHABOT's argument and in this amendment is that the present statute automatically assumes in every instance where one receives a grant and a loan that there is double dipping. That is just not true. In the case where there is double dipping that is true double dipping, this bill permits the administrator to make a decision about that and to prevent it. In a case where there has been an insurance award, one would assume the SBA would not make a disaster loan award if there is sufficient insurance. Only in a case where the insurance isn't sufficient will we assume that the loan would be justified.

So fundamentally here what we are doing is taking away the automatic assumption that is built into this law that, every time you receive a payment of this or that nature, it is a double dip. We remove that notion from the statute and put in place a more reasonable and commonsensical one and one that gives the administrator flexibility where he determines whether or not a double dip may take place. If it doesn't, then he permits the victim of the storm to receive the award. If it is, then, of course, he denies it.

So I think there is no danger here of double dipping in this bill. None of us agree to double dipping in this bill.

Ms. VELÁZQUEZ. Mr. Chairman, I yield the balance of my time to the gentleman from Louisiana (Mr. BAKER).

Mr. BAKER. Mr. Chairman, I thank the gentlewoman for yielding time.

I wish to express concern about the operative effects of the gentleman's amendment. For many outside the storm impact area, you would not have an understanding of how processes work. But if you were eligible under the Road Home program, that was the federally funded program to assist people to return to their homes, the maximum allowable money that you could receive regardless of your circumstance was $150,000. But under current rule, if you are eligible for $150,000 and you, for example, had purchased Federal flood insurance in the amount of $150,000 and got paid $150,000 pursuant to the flood insurance premium, you would get nothing out of the Road Home program. Because of that inequitable application of benefits, this House has already voted to eliminate the duplication of benefits in the flood insurance area.

Now what is being suggested by the underlying bill is we should do the same thing with regard to an SBA loan. The argument here is even more persuasive. The person may have entered into the SBA obligation far in advance of the onslaught of Katrina. It

might be several hundred thousand dollars of loans that were made available to this individual through the SBA.

□ 1520

Under the current rule, any assistance that might be offered to that homeowner who happened to have the SBA loan would all go back to repaying the SBA obligation.

So get the picture. The Federal Government puts a stamp on the check, drops it in the mailbox and sends it to the house. But before it gets there, another Federal agent picks it up and hauls it over and deposits it at the SBA. Do you see where the hole is in this argument? No money at all gets to the affected individual.

So what the bill now provides is that without increasing the overall expenditure, the money made available to assist people via Katrina and Rita has been appropriated by the Congress. It is over, that is it. We are talking about available resources, not new dollars.

Secondly, once the money gets to the individual, the individual is still capped by the rules of the Road Home program, and that is, there shall be no enrichment above that $150,000 level. This is a reasonable proposal. It will enable people to recover appropriately from the disaster which is so overwhelming.

I suggest if any still have doubt whether this level of assistance is required and justifiable, walk the streets of New Orleans, as I did this past weekend. Sure, the business district and the French Quarter look terrific. The shops are empty, the restaurants aren't full and people are not coming back. But get out into the neighborhoods where the devastation still exists. We need this help, and we need it now.

Mr. CHABOT. Mr. Chairman, I yield the balance of my time to the gentleman from Missouri (Mr. AKIN).

The CHAIRMAN. The gentleman from Missouri is recognized for 15 seconds.

Mr. AKIN. Mr. Chairman, our concern, and this could have been clarified, but the majority party has chosen not to clarify it, our problem is the question about the fact that somebody could be compensated multiple times for the same damage. That just is plain old double dipping. That is something that could have been simplified with an amendment.

So I oppose the bill.

The CHAIRMAN. All time for debate having expired, the question is on the amendment offered by the gentleman from Ohio (Mr. CHABOT).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. CHABOT. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Ohio will be postponed.

AMENDMENT NO. 2 OFFERED BY MR. CHABOT

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in part B of House Report 110–97.

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. CHABOT:
Strike section 210.

The CHAIRMAN. Pursuant to House Resolution 302, the gentleman from Ohio (Mr. CHABOT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio.

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

Mr. Chairman, this amendment is very straightforward. It strikes section 210 of the bill. Section 210 authorizes the administrator to issue grants of up to $100,000 to small businesses located in areas affected by Hurricanes Katrina, Rita and Wilma, but only if the business was denied a disaster loan by the SBA.

This is really, in my view, the height of fiscal irresponsibility. The SBA's determination of whether to grant a disaster loan is based on its determination of reasonable assurance that you can repay your loan, which is a direct quote from the SBA's rules found in the Code of Federal Regulations. Thus, if the SBA has denied a business a disaster loan, it already has determined that it is unlikely, for whatever reason, to repay the loan. In other words, its capacity as a viable business is seriously called into question.

Section 210 provides that despite this determination, the Federal Government should create a grant program of up to $100,000 to help small businesses whose survivability was highly improbable to survive in the first place.

Again, the SBA has indicated that they don't think this business is viable, that it is going to survive, and then we are going to turn around and give them up to $100,000. It is just not fiscally responsible.

To fully fund all of those eligible, CBO estimates that the costs could be up to $180 million. I want to repeat that: $180 million we are talking about here. This seems again fiscally irresponsible, to fund grants when the SBA already has determined that the businesses are not likely to survive.

It also remains unclear whether the grants will be sufficient to satisfy the needs of small businesses. How many will be able to survive on a grant of $100,000 if they could not repay a disaster loan of that amount? CBO did not answer that question, but I suspect very few of these businesses will survive.

Although the provision is written to include all small businesses affected by Hurricanes Katrina, Rita and Wilma, there are limitations on which businesses can apply based on the amount of housing stock in a county or parish that is damaged. It is highly likely that only small businesses in Louisiana will qualify. Was this done to reduce costs? If so, why are only Louisiana businesses favored? Were not many small businesses throughout the region devastated by these hurricanes? It seems patently unfair to single out certain businesses for a very generous grant program.

Mr. Chairman, I ask that Members support this amendment. To do otherwise, in my view, is just not a fiscally responsible stand to take. Again, every Member has to stand according to their own vote, and I am sure we will determine this based upon what they consider to be its merits.

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

Ms. VELÁZQUEZ. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentlewoman from New York is recognized for 5 minutes.

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

Mr. Chairman, this amendment will eliminate an important tool for helping otherwise viable businesses rebuild. These businesses need financial assistance that the disaster loan program cannot provide.

The committee has heard victims and experts testify that the SBA's current disaster loan program has been inadequate to help. Largely, this has been the result of pursuing a one-size-fits-all approach to SBA disaster assistance. If the SBA is to be successful in responding to catastrophic disasters, the agency must have tools that are more responsive to victims' needs. The limited grant program in this bill will provide SBA with the authority to help the most severely affected small businesses damaged by Hurricanes Katrina, Rita and Wilma.

This has been very narrowly tailored to ensure that grants only go to businesses located in communities most in need. Only a small number of businesses are expected to meet the requirements for one of these grants. If the administrator feels that grants are inappropriate, he will not need to exercise this authority. Furthermore, this program will not be carried forward to future disasters.

This is an extraordinary tool to address an extraordinary situation, and this is a leading reason why this measure enjoys bipartisan support.

I urge opposition to this amendment.

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

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

Ms. VELÁZQUEZ. Mr. Chairman, I yield the balance of my time to the gentleman from Louisiana (Mr. MELANCON).

Mr. MELANCON. Mr. Chairman, I thank the chairwoman for yielding.

Mr. Chairman, this bill has the potential to help thousands of small businesses and business owners still struggling to recover from these hurricanes that devastated the U.S. gulf coast.

I rise today in opposition to this amendment. After surviving Hurricanes Katrina and Rita, two of the

worst natural disasters in our country's history, the citizens of the gulf coast were then faced with a man-made disaster, one of the most disorganized, chaotic Federal responses that anyone has ever seen. Many of the Federal agencies that were created to help these people recover wound up making matters worse. One of these agencies was the SBA.

After these storms, 81,000 businesses were economically impacted. Over 18,000 were completely or severely destroyed. Astonishingly, however, following these hurricanes, only 38 percent of small business disaster loans were approved. In hearings, the SBA admitted that after ''typical'' disasters, they approved 60 percent of these business loans. After Katrina and Rita, conversely, over 60 percent did not receive SBA assistance and were left with nowhere to turn for help.

One of the many reasons that the SBA failed the people of the gulf coast was because it did not have the proper tools nor the flexibility it needed to sufficiently and adequately address the demands caused by the extraordinary storms. These were unprecedented natural disasters and they called for unprecedented response. This was not a one-size-fits-all storm, as my colleagues on the other side of the aisle seem to perceive.

□ 1530

In the resourceful, self-sufficient economy of south Louisiana and Mississippi, small businesses are the lifeblood of the local economy. Many of these mom-and-pop shops are homegrown and family-run businesses, such as those in the shrimping industry in south Louisiana and Mississippi that do not fit the traditional mold of current SBA loan qualifications. These are the businesses that are being denied assistance, yet these are the businesses that are the local economy's most critical assets. I am a fiscal conservative, but this policy is ridiculous. It's dooming the recovery to failure, and it's time that we correct it.

To these business owners, these grants are critical investment capital which will help them pay utilities, keep the lights on, rent to keep the doors open and new equipment expenses to continue to recover and grow despite the incredibly difficult business climate that continues to persist in this area. Without this grant program, these small businesses will remain too debt-burdened to take the next decisive step required to move from recovery to rebuilding.

I strongly urge my colleagues to oppose this amendment today. Help these small businesses along the gulf coast get back on their feet and help America be the proud Nation that it should be.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. CHABOT).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. CHABOT. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Ohio will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. JINDAL

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in part B of House Report 110–97.

Mr. JINDAL. Mr. Chairman, I have an amendment at the desk.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. JINDAL:

Page 14, line 20, insert ''(a) IN GENERAL.— ''before ''Section 7''.

Page 15, after line 6, insert the following:

(b) RETROACTIVE APPLICATION VICTIMS OF HURRICANES KATRINA, RITA, AND WILMA.—

(1) IN GENERAL.—Section 7(f)(1) of the Small Business Act (as added by subsection (a)) applies retroactively to any loan under section 7(b) of that Act that was made—

(A) in response to Hurricane Katrina, Hurricane Rita, or Hurricane Wilma of 2005; and

(B) for a small business located in a county or parish designated by the Administrator of the Small Business Administration as a disaster area by reason of such Hurricane Katrina, Hurricane Rita, or Hurricane Wilma, as applicable.

(2) DISCLOSURE OF ACCRUED INTEREST.—Whenever the Administrator provides an option to defer repayment under paragraph (1), the Administrator shall disclose the accrued interest that must be paid under the option.

The CHAIRMAN. Pursuant to House Resolution 302, the gentleman from Louisiana (Mr. JINDAL) and a Member opposed each will control 5 minutes.

AMENDMENT, AS MODIFIED, OFFERED BY MR. JINDAL

Mr. JINDAL. Mr. Chairman, I ask unanimous consent to modify my amendment.

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

The Clerk read as follows:

Amendment, as modified, offered by Mr. JINDAL:

At the end of title II, insert the following:

SEC. 219. GULF COAST DISASTER LOAN REFINANCING PROGRAM.

(a) IN GENERAL.—The Administrator of the Small Business Administration may carry out a program to refinance Gulf Coast disaster loans.

(b) TERMS.—The terms of a Gulf Coast disaster loan refinanced under the program shall be identical to the terms of the original loan, except that the Administrator may provide an option to defer repayment on the loan. Such a deferment may not exceed 4 years after the date on which the initial disbursement under the original loan was made.

(c) AMOUNT.—The amount of a Gulf Coast disaster loan refinanced under the program shall not exceed the amount of the original loan.

(d) DISCLOSURE OF ACCRUED INTEREST.—Whenever the Administrator provides an option to defer repayment under subsection (b), the Administrator shall disclose the accrued interest that must be paid under the option.

(e) DEFINITION.—In this section, the term ''Gulf Coast disaster loan'' means a loan—

(1) made under section 7(b) of the Small Business Act;

(2) in response to Hurricane Katrina, Hurricane Rita, or Hurricane Wilma of 2005; and

(3) for a small business located in a county or parish designated by the Administrator as a disaster area by reason of such Hurricane Katrina, Hurricane Rita, or Hurricane Wilma under disaster declaration 10176, 10177, 10178, 10179, 10180, 10181, 10203, 10204, 10205, 10206, 10222, or 10223.

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

Mr. JINDAL (during the reading). Mr. Chairman, I ask unanimous consent that the amendment, as modified, be considered as read and printed in the RECORD.

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

There was no objection.

The CHAIRMAN. Without objection, the amendment is modified.

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Louisiana.

Mr. JINDAL. I want to thank the chairwoman, and I want to thank Ranking Member CHABOT as well for their working together with me. I especially want to thank the committee for helping me with this legislation and for this underlying bill for all they are trying to do and all they are doing to help the small businesses in Louisiana recover from the 2005 hurricanes.

As my colleagues from Louisiana have already pointed out, prior to Hurricanes Katrina and Rita, there were an estimated 347,436 small businesses in Louisiana. These businesses created jobs and income for countless families all across the State. More than 65,000 of the new jobs in Louisiana in the past decade were created by small businesses, and in 2004, over 97 percent of the 96,000 Louisiana firms were small businesses. The devastation caused by the 2005 hurricanes is unprecedented, with total losses, both insured and uninsured, approaching $140 billion. According to the United States Chamber of Commerce, over 125,000 businesses were disrupted by Hurricanes Katrina and Rita in 2005. In Louisiana alone, over 81,000 small businesses were damaged or economically impacted, with 18,700 businesses catastrophically destroyed by the storms.

As one example, in St. Bernard Parish, one of the Louisiana parishes hardest hit by Hurricane Katrina, only 370 businesses have reopened, far below the total of 1,400 businesses in operation before Katrina. The Nation's small businesses are the backbone of our economy, and when they are devastated by storms like Katrina, Rita and Wilma, we need to do everything possible to help them rebuild and recover.

I am offering an amendment today that builds upon a provision in the underlying bill by providing Hurricanes Katrina, Rita and Wilma disaster victims with the option of receiving a 4-year deferment period to pay back their disaster loans. Section 204 of the underlying bill extends the deferment period to future disaster victims. My

amendment simply applies this option to those severely affected by the 2005 hurricanes. These cash-strapped small businesses are truly in need of repayment flexibility.

My amendment allows the SBA to refinance the existing Katrina, Rita and Wilma disaster loans under identical loans, but with the added option of deferment of up to 4 years after the date on which the initial disbursement was made. This is a revised version of my original amendment that complies with all the budgetary and PAYGO rules.

By allowing small businesses that received certain small business loans to defer their repayment on those loans, we are freeing up money for these businesses to use for other purposes, such as rebuilding, expanding or continuing to hire new employees. The importance of small business as the gulf coast continues to rebuild cannot be overstated. It is critical that we help small businesses get up and running again and provide the job opportunities people so desperately need in these impacted areas.

I certainly urge my colleagues to support my amendment. Again, I want to thank the chairman and ranking member for their work on the underlying bill and their work with me on this amendment.

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

The CHAIRMAN. Does any Member seek time in opposition to the amendment?

Ms. VELÁZQUEZ. While not opposed to the amendment, I ask unanimous consent to claim the time in opposition, and I am prepared to accept the amendment.

The CHAIRMAN. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. VELÁZQUEZ. Mr. Chairman, I want to thank the gentleman for offering this creative solution to a pressing problem. In our hearings, my committee heard testimony on how individuals affected by the 2005 hurricanes were victimized twice, once by the storm and a second time by the SBA.

The SBA routinely provides disaster victims with a 12-month deferment before requiring repayment on disaster loans. Following the 2005 gulf coast hurricanes, however, the SBA was plagued by lengthy delays and a massive backlog of loan disbursements that has taken months to clear. Now, many disaster victims are scheduled to begin repayment on loan amounts that have yet to be disbursed by the SBA. Clearly, this is an unfair and absurd result that we cannot permit to occur.

The amendment offered by the gentleman from Louisiana would provide the SBA with authority to help those victims who have been negatively affected by its delays in loan processing and disbursement. Most importantly, this amendment preserves the discretion of the administrator in deciding which situations should have an increased deferment period. This flexibility ensures that this program will only be applied in appropriate situations, and I support the amendment from the gentleman from Louisiana.

At this point, Mr. Chairman, I would like to yield to the gentleman from Louisiana (Mr. JEFFERSON) for any comments he may have.

Mr. JEFFERSON. I thank the gentlelady for yielding.

I also would like to thank the gentleman from Louisiana (Mr. JINDAL) for offering this amendment. If anyone has been to the gulf coast recently, particularly if anyone has been to New Orleans recently, you will see that there are still many businesses that are still shuttered from the storm that happened now going on close to 2 years, and they are not at all ready to begin repaying loan obligations. There are still many obstacles to their recovery. This rightly recognizes that the reality is that these businesses will take a long time to get themselves back together.

It is very important to understand one simple thing here. This is not just a call from the people of our State for humanitarian assistance in the wake of a natural disaster. The Corps has admitted that its negligence in constructing, maintaining and designing our levees is the major reason why our city drowned and why so many businesses were put out of business. And so there is a special responsibility, it seems to me, to make special rules to overcome these problems. I really appreciate this solution that is being offered here because I think it helps to address this extraordinary devastation we have caused in great respect by the action, or lack of action, the negligence, of an agency of our Federal Government.

I thank you for the amendment. I really urge the Members to support it.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana (Mr. JINDAL), as modified.

The amendment, as modified, was agreed to.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment No. 1 printed in part B by Mr. CHABOT of Ohio.

Amendment No. 2 printed in part B by Mr. CHABOT of Ohio.

The Chair will reduce to 5 minutes the time for the second electronic vote in this series.

AMENDMENT NO. 1 OFFERED BY MR. CHABOT

The CHAIRMAN. The unfinished business is the demand for a recorded vote on amendment No. 1 printed in part B of House Report 110–97 offered by the gentleman from Ohio (Mr. CHABOT) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 178, noes 246, not voting 14, as follows:

[Roll No. 222]

AYES—178

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

NOES—246

Abercrombie
Ackerman
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baker
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Braley (IA)
Brown, Corrine
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Costa

Costello
Courtney
Cramer
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gohmert
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCrery
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Poe
Pomeroy
Porter
Price (NC)
Rahall
Rangel
Renzi
Reyes
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (NM)
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—14

Brady (PA)
Cantor
Cooper
Faleomavaega
Ferguson
Higgins
Jones (OH)
Lampson
Millender-McDonald
Sessions
Turner
Walsh (NY)
Westmoreland
Young (AK)

□ 1605

Messrs. ELLISON, BRADY of Texas, OBEY, SKELTON, CLAY and RENZI changed their vote from ''aye'' to ''no.''

Messrs. RAMSTAD, BILIRAKIS, SHAYS and DENT changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. TURNER. Mr. Chairman, on rollcall No. 222, the Chabot amendment No. 1 to H.R. 1361, I am not recorded. Had I been present, I would have voted ''aye.''

AMENDMENT NO. 2 OFFERED BY MR. CHABOT

The CHAIRMAN. The unfinished business is the demand for a recorded vote on amendment No. 2 printed in part B of House Report 110–97 offered by the gentleman from Ohio (Mr. CHABOT) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 174, noes 252, not voting 12, as follows:

[Roll No. 223]

AYES—174

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

NOES—252

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

NOT VOTING—12

Bartlett (MD)
Brady (PA)
Cantor
Faleomavaega
Ferguson
Gohmert
Higgins
Jones (OH)
Lampson
Linder
Millender-McDonald
Walsh (NY)

ANNOUNCEMENT BY THE CHAIRMAN

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

□ 1616

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. There being no further amendments, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WEINER) having assumed the chair, Mr.

DAVIS of Alabama, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 1361) to improve the disaster relief programs of the Small Business Administration, and for other purposes, pursuant to House Resolution 302, he reported the bill, as amended by that resolution, back to the House with a further amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. MCHENRY

Mr. MCHENRY. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. MCHENRY. In its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. McHenry moves to recommit the bill H.R. 1361 to the Committee on Small Business with instructions to report the same back to the House promptly with the following amendment:

At the end of title II of the bill, insert the following:

SEC. 219. PROHIBITION ON ASSISTANCE.

A person or small business concern shall not receive assistance under this Act or section 7(b) of the Small Business Act, as amended by this Act, if the person or small business concern pleaded nolo contendre to, or is convicted of, a felony, including, but not limited to, murder, kidnapping, or sexual assault under Federal or State law.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. MCHENRY. Mr. Speaker, there is nothing complicated about this motion to recommit today. It simply says that anyone who has pleaded no contest or has been found guilty of a felony cannot receive Federal funding under this bill.

I would urge my colleagues on the other side of the aisle to especially listen to the explanation of this motion to recommit, because some of them voted for a similar motion to recommit just weeks ago on this House floor.

This motion to recommit is very simple. It says that Federal funding cannot under this provision of this bill go to anyone who has been found guilty of a felony or has pleaded no contest. If you vote against this motion to recommit, you are saying to your constituents back home that you don't care if these Federal funds go to convicted murderers, rapists, or kidnappers for that matter.

□ 1620

Mr. Speaker, the new Speaker of the House pledged to have the most ethical Congress in our Nation's history. If you vote for this motion to recommit, you are sending a message that you are willing to reward good behavior by supporting ethical oversight of taxpayer funds.

Let me be clear, Mr. Speaker. The RECOVER Act is another massive Democrat spending spree. That is why I am opposed to it. The Congressional Budget Office states that the Democrats' bill will cost the Federal taxpayers $562 million over the next 6 years. It makes government bigger while creating new programs, positions and offices. It expands the role of government in people's lives.

But I think we owe our taxpayers the common courtesy of saying these funds should not go to felons. And while I and many of my colleagues in the House are at odds with the Democrats' ideology of big government is good government, we all can agree that kidnappers should not receive Federal funds under this bill here today.

And in this motion to recommit, we fix this error in the Democrats' drawing up of this bill; this omission that the Democrats have permitted to be in this bill here today before us.

I urge my colleagues on both sides of the aisle to support this motion to recommit and reassure your constituents you actually care where their taxpayer dollars are going.

And for those Democrats who voted for a similar motion to recommit on the Gulf Coast Hurricane Housing Recovery Act of 2007 just a few weeks ago, for those on the other side of the aisle, the 55 Democrats who voted for the motion to recommit on the Gulf Coast Hurricane Housing Recovery Act of 2007, they will recognize the language of this motion to recommit. It is very similar. It says, felons cannot receive these Federal funds. Felons, such as murderers, rapists, kidnappers, those are the type of people who would not be eligible for funds under this act, and I encourage those same 55 Democrats to cross the aisle and work in a bipartisan way to fix a Democrat mistake.

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

Ms. VELÁZQUEZ. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentlewoman from New York is recognized for 5 minutes.

Ms. VELÁZQUEZ. What amazes me is if the gentleman from North Carolina is so concerned about this legislation, where were you when the Small Business Committee was considering this legislation? We had a number of Members who do not sit on the Small Business Committee come before our committee to discuss issues related to the disaster loan legislation. Where were you?

And let me say more. Let me say more. If you had come before our committee, you would have learned that what this motion to recommit does is to reinstate policies that the SBA already does. This amendment merely restates what the Small Business Administration does and could actually have the opposite effect and allow more individuals with questionable character to get SBA disaster loans.

The Small Business Administration already has a standard operating procedure that provides that no loans shall be made to individuals of low character. The SBA rules and regulations provide that individuals with criminal records and arrest records or who are on probation are considered to be in that category. Simply put, this means that felons are not able to get SBA loans.

I will also note that adopting this motion will for all intents and purposes kill the bill, meaning a little over 1 month before hurricane season, the Federal Government will not have a plan to respond to disasters. Disaster victims will be trapped in the bureaucracy between FEMA and SBA. Small businesses impacted by disasters will continue to struggle with backlogs that could extend up to 3 months. New programs to leverage the private sector to assist entrepreneurs in days not months will not be available. Economic recovery in the gulf will lag as much-needed assistance continues to be denied.

What this motion to recommit is is a cheap political ploy to kill this legislation that is so much needed.

Mr. Speaker, I yield 30 seconds to the majority leader, Mr. STENY HOYER.

Mr. HOYER. Mr. Speaker, I thank the gentlewoman for yielding.

As she has said, this is the law. This is another attempt, another opportunity not to substantively legislate because this is already the law. This is an effort to kill this bill indirectly and without telling the public that that is what you are doing.

I am asking all of our Members to vote ''no'' on this. This is simply a procedural motion to kill this bill. If they wanted to add a substantive amendment, they could have done it. This was a modified open rule. All they had to do was file and notice it.

So I ask all of my colleagues, we are not going to go down this road and play this political game. We want to substantively legislate. We are going to vote ''no'' on this motion.

Ms. VELÁZQUEZ. Mr. Speaker, I yield the balance of my time to the gentleman from Louisiana (Mr. MELANCON).

Mr. MELANCON. Mr. Speaker, here we go again.

We had a similar motion to recommit, the gentleman is right, 2 or 3 weeks ago, and 50 people fell for it. They fell for it because it came to the floor just minutes before we had to vote, and it sounded like people such as myself would condone felons getting loans, when the law already prevents that.

For God's sake, the people in the gulf coast of the United States have suffered enough. And now we want to take

away or at least put some procedures in this just to screw with them some more. Let's vote this bill straight up and down. Let's kill this motion to recommit. It is a fallacy. It is fake. It is there just to disrupt. The people of this country and the people of the gulf coast need your help. Support the bill.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

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

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

RECORDED VOTE

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

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of H.R. 1361, if ordered, motion to suspend the rules and agree to H. Res. 293, and motion to suspend the rules and agree to H. Res. 300.

The vote was taken by electronic device, and there were—ayes 204, noes 218, not voting 11, as follows:

[Roll No. 224]

AYES—204

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

NOES—218

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

NOT VOTING—11

Brady (PA)
Cantor
Ferguson
Higgins
Jones (OH)
Lampson
Marshall
Millender-McDonald
Ryan (WI)
Space
Walsh (NY)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1647

Mr. McNERNEY changed his vote from ''no'' to ''aye.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

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

A recorded vote was ordered.

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

The Chair would announce that the two postponed suspension votes following this vote will be taken in the following order:

House Resolution 300; and

House Resolution 293.

The vote was taken by electronic device, and there were—ayes 267, noes 158, not voting 8, as follows:

[Roll No. 225]

AYES—267

Abercrombie
Ackerman
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baker
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bono
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Braley (IA)
Brown, Corrine
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Jo Ann
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fortenberry
Frank (MA)
Gerlach
Giffords
Gilchrest
Gillibrand
Gohmert
Gonzalez
Goodlatte
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson, E. B.
Jones (NC)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
Kuhl (NY)
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCrery
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)

Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pickering
Platts
Poe
Pomeroy
Porter
Price (NC)
Rahall
Rangel
Reichert
Renzi
Reyes
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth

NOES—158

Aderholt
Akin
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Doolittle
Dreier
Duncan
Ehlers
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gillmor
Gingrey
Goode
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
LaHood
Lamborn
Latham
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pitts
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)
Young (AK)
Young (FL)

NOT VOTING—8

Brady (PA)
Cantor
Ferguson
Higgins
Jones (OH)
Lampson
Millender-McDonald
Walsh (NY)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. WEINER) (during the vote). Members are advised 2 minutes remain in this vote.

□ 1655

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOMENT OF SILENCE OBSERVED IN MEMORY OF THE HONORABLE JIM JONTZ, FORMER MEMBER OF CONGRESS

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

Mr. BURTON of Indiana. Mr. Speaker, I was just informed by my good friend, Mr. VISCLOSKY, that one of our former colleagues, Jim Jontz, died last Saturday. He was a Member of the other party, but he was a very fine man. He had been a State senator and a leader in Indiana for a long, long time.

We want to wish his mother and his family condolences, because he was one of the nice guys from Indiana.

Mr. Speaker, I yield to the gentleman from Indiana (Mr. VISCLOSKY).

Mr. VISCLOSKY. Mr. Speaker, I appreciate the gentleman making the announcement. I think Jim would want to be remembered as someone who was dogged on behalf of working people and the environment.

I appreciate the dean of our delegation asking for this moment of silence, and, again, deeply regret the loss of Jim Jontz.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

COMMENDING THE ACHIEVEMENTS OF THE RUTGERS UNIVERSITY WOMEN'S BASKETBALL TEAM

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 300, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PAYNE) that the House suspend the rules and agree to the resolution, H. Res. 300.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 416, nays 0, answered ''present'' 2, not voting 15, as follows:

[Roll No. 226]

YEAS—416

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz

Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—2

King (IA)
Linder

NOT VOTING—15

Brady (PA)
Cantor
Conyers
Ferguson
Gordon
Hall (NY)
Higgins
Hunter
Jones (OH)
Lampson
McDermott
Millender-McDonald
Miller (MI)
Walsh (NY)
Wolf

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are reminded they have 2 minutes remaining to vote.

□ 1705

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. McDERMOTT. Mr. Speaker, on rollcall No. 226, I was talking with the Taiwanese Delegation and missed the vote. Had I been present, I would have voted "yea."

Mr. HALL of New York. Mr. Speaker, on rollcall No. 226, had I been present, I would have voted "yea."

SUPPORTING THE GOALS AND IDEALS HIGHLIGHTED THROUGH NATIONAL VOLUNTEER WEEK

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 293, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New Hampshire (Ms. SHEA-PORTER) that the House suspend the rules and agree to the resolution, H. Res. 293.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 411, nays 0, not voting 22, as follows:

[Roll No. 227]

YEAS—411

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

NOT VOTING—22

Brady (PA)
Brady (TX)
Cantor
Feeney
Ferguson
Goode
Gordon
Higgins
Hunter
Johnson, E. B.
Jones (OH)
Lampson
Meek (FL)
Millender-McDonald
Miller (MI)
Murtha
Olver
Price (NC)
Rangel
Skelton
Walsh (NY)
Whitfield

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1712

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, on rollcall No. 227, I missed voting because of a visit to the doctor's office. Had I been present, I would have voted "yea."

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 1361, RELIEF FOR ENTREPRENEURS: COORDINATION OF OBJECTIVES AND VALUES FOR EFFECTIVE RECOVERY ACT OF 2007

Ms. VELÁZQUEZ. Mr. Speaker, I ask unanimous consent that the Clerk be

authorized to make technical, clerical and conforming corrections in the engrossment of the bill, H.R. 1361.

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

There was no objection.

GENERAL LEAVE

Ms. VELÁZQUEZ. Mr. Speaker, I ask unanimous consent that Members may have 5 legislative days to revise and extend their remarks on H.R. 1361.

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

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1905, DISTRICT OF COLUMBIA HOUSE VOTING RIGHTS ACT, AND FOR CONSIDERATION OF H.R. 1906, ESTIMATED TAX PAYMENT SAFE HARBOR ADJUSTMENT

Mr. CARDOZA, from the Committee on Rules, submitted a privileged report (Rept. No. 110–98) on the resolution (H. Res. 317) providing for consideration of the bill (H.R. 1905) to provide for the treatment of the District of Columbia as a Congressional district for purposes of representation in the House of Representatives, and for other purposes and providing for consideration of the bill (H.R. 1906) to amend the Internal Revenue Code of 1986 to adjust the estimated tax payments safe harbor based on income for the preceding year in the case of individuals with adjusted gross income greater than $5 million, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 363, SOWING THE SEEDS THROUGH SCIENCE AND ENGINEERING RESEARCH ACT

Mr. CARDOZA, from the Committee on Rules, submitted a privileged report (Rept. No. 110–99) on the resolution (H. Res. 318) providing for consideration of the bill (H.R. 363) to authorize appropriations for basic research and research infrastructure in science and engineering, and for support of graduate fellowships, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1495, WATER RESOURCES DEVELOPMENT ACT OF 2007

Mr. CARDOZA, from the Committee on Rules, submitted a privileged report (Rept. No. 110–100) on the resolution (H. Res. 319) providing for consideration of the bill (H.R. 1495) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes, which was referred to the House Calendar and ordered to be printed.

PERSONAL EXPLANATION

Mr. STUPAK. Mr. Speaker, today, on April 18, 2007, I could not be present for two votes because I had undergone emergency medical care. Had I been present, I would have voted ''yes'' on the motion on ordering the previous question on the rule for the Executive Compensation bill, also rollcall vote 219.

Secondly, had I been present, I would have voted ''yes'' on H. Res. 301, the rule providing for H.R. 1257, the Shareholder Vote on Executive Compensation Act, rollcall vote 220.

AMENDMENT PROCESS FOR CONSIDERATION OF H.R. 362, 10,000 TEACHERS, 10 MILLION MINDS SCIENCE AND MATH SCHOLARSHIP ACT

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

Mr. CARDOZA. Mr. Speaker, the Rules Committee is expected to meet the week of April 23 to grant a rule which may structure the amendment process for floor consideration of H.R. 362, the 10,000 Teachers, 10 Million Minds Science and Math Scholarship Act.

Members who wish to offer an amendment to this bill should submit 30 copies of the amendment and a brief description of the amendment to the Rules Committee in H–312 in the Capitol no later than 4 p.m. on Friday, April 20. Members are strongly advised to adhere to the notice of amendment deadline to ensure the amendments that they provide receive consideration.

Amendments should be drafted to the bill as reported by the Committee on Science and Technology. A copy of that bill is posted on the Web site of the Rules Committee. Amendments should be drafted by Legislative Counsel and should also be reviewed by the Office of the Parliamentarian to be sure that amendments comply with the rules of the House.

Members are also strongly encouraged to submit their amendments to the Congressional Budget Office for analysis regarding possible PAYGO violations.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H. Res. 106

Mr. SCOTT of Georgia. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H. Res. 106.

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

There was no objection.

COMMUNICATION FROM STAFF MEMBER OF THE HONORABLE DAVID LOEBSACK, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Robert Sueppel, District Director, Office of the Honorable DAVID LOEBSACK, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, April 13, 2007.

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

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives that I have been served with a subpoena, issued by the District Court for Linn County, Iowa, for testimony in a criminal case.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

ROBERT SUEPPEL,
District Director,
Congressman Dave Loebsack.

COMMUNICATION FROM STAFF MEMBER OF THE HONORABLE WILLIAM J. JEFFERSON, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Stephanie Butler, District Director, Office of the Honorable WILLIAM J. JEFFERSON, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, April 13, 2007.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washingon, DC.

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have received a grand jury subpoena for testimony issued by the U.S. District Court for the Eastern District of Virginia.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

STEPHANIE BUTLER,
District Director.

PERMITTING THE CLERK TO MAKE TECHNICAL CHANGES IN ENGROSSING PAPERS TO H.R. 1257, SHAREHOLDER VOTE ON EXECUTIVE COMPENSATION ACT

Mr. FRANK of Massachusetts. Mr. Speaker, I ask unanimous consent that the Clerk be permitted to make technical changes in the engrossing papers to conform to the Union Calendar print of the bill.

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

There was no objection.

GENERAL LEAVE

Mr. FRANK of Massachusetts. Mr. Speaker, I ask unanimous consent that all Members may have five legislative days within which to revise and extend their remarks on H.R. 1257, and to insert extraneous material thereon.

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

There was no objection.

SHAREHOLDER VOTE ON EXECUTIVE COMPENSATION ACT

The SPEAKER pro tempore. Pursuant to House Resolution 301 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 1257.

□ 1720

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 1257) to amend the Securities Exchange Act of 1934 to provide shareholders with an advisory vote on executive compensation, with Mr. WEINER in the chair.

The Clerk read the title of the bill.

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

The gentleman from Massachusetts (Mr. FRANK) and the gentleman from Illinois (Mr. ROSKAM) each will control 30 minutes.

The Chair recognizes the gentleman from Massachusetts.

□ 1720

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

This is a bill to further the workings of the capitalist system of the United States. It has one very specific provision. It says that the shareholders, the owners of public corporations, will be allowed to vote every year in an advisory capacity on the compensation paid to their employees who run the companies.

Now, Mr. Chairman, some might think this is unnecessary. In a better world, it would be. But there is not now any clear-cut, uniform, legal right for the shareholders to get such a vote. Some corporations allow it, some do not. Some boards of directors allow it, some do not. In a recent case, the SEC ordered AT&T to allow such a vote, but it was because of certain circumstances. There is no general principle that allows it.

We do have, thanks to the Securities and Exchange Commission under our former colleague from California, Mr. Cox, a provision that I am sure many considered to be an intrusion into the private affairs of corporations, because without regard to the wishes of the corporations, the SEC under Chairman Cox has unanimously adopted rules that require corporations to put in the annual proxy form a chart of compensation for the top officials and an explanation of the theory of the compensation by which they are there.

Understand that this is a decision by the SEC to require corporations to do what they would not otherwise have done, because it only applies to those who haven't done it.

We add one simple fact here. The SEC has said that it does not have the power to go further and compel corporations to allow the owners to vote. Our bill simply does that. Our bill simply says, you will have on your proxy form, printed anyway, what the compensation figures are. There is no debate about how they will be presented. We require, if this bill passes, corporations simply to add to that a box that says ''I approve/I disapprove,'' and you can check it as appropriate. And the sole expense to the corporation is the ink in printing ''approve'' or ''disapprove,'' and the tallying along with the other tallying. There is no additional paper, there is no additional anything else.

We have had a situation in which people, including the President of the United States, have acknowledged that in some cases CEO compensation has become excessive. I believe that that is clearly the case. A study done by Professor Lucian Bebchuk at Harvard, unrefuted by the defenders of the current corporate compensation system, notes that the amount of corporate profits going to the salaries for the top three employees, the compensation to the top three employees has about doubled to the point where a year or so ago it was nearly 10 percent.

We are talking about real money. We are talking about money that goes to these top executives that could be used for other purposes. For example, when Mr. Nardelli of Home Depot received a $210 million good-bye kiss that had been written into his contract, when he was fired and given a $210 million consolation prize, Home Depot was at the same time announcing that they were putting $350 million into improving the stores. Well, suppose Mr. Nardelli had been sent out into the cold, hard world with only $50 million for the rest of his life. $160 million more would have been available to add to that $350 million for the stores, considerably more than a third. In other words, that was a real number. If $350 million can fix up the stores significantly, another $50 million or $75 million could have increased that by up to 50 percent.

The President himself has acknowledged that the compensation has gotten out of hand. But from the standpoint of the President, excessive CEO compensation, increased inequality in our economy, which is a part of this, global warming, they all have certain common elements; the President and some of his supporters have reluctantly acknowledged the reality of those things, having denied them for some time, but they appear to regard them as facts of nature that were neither caused by nor can be corrected by human action. We disagree with that.

Now, people have suggested that the salaries are too high and Congress should limit them. We reject that. This bill as we have presented it does not intrude into the process of setting compensation.

Mr. Chairman, some of the amendments offered would do that. There are amendments that would alter the effect of this, depending on the kind and amount of compensation. I think those are erroneous. I think some of my friends on the other side have become, in their zeal to defend corporate compensation levels, de facto, in a bad situation. They would be more intrusive.

All we say is this: The shareholders own the companies, and we believe the shareholders should be allowed to vote.

Now, some people have said that is up to the board of directors, why are you singling out compensation for the CEO? And there is a good reason. You can make arguments about corporate governance one way or the other. We are not going beyond one point here. The relationship between the CEOs and the boards of directors is very different than most of the relationships the boards of directors have. The CEOs and the boards of directors select each other. There is a lack of an arm's length situation there that we think makes it appropriate to single it out and let the shareholders vote.

It is only an advisory vote, that is true, and you will hear the contradictory argument that we are both too intrusive and not sufficiently intrusive into the affairs of the corporations. But we have more confidence in the boards of directors than some of our colleagues. Not completely, or we wouldn't have this bill. But we do not think boards of directors will likely disregard an advisory opinion from the shareholders and, therefore, we think that is an important input that the board should have. They have their ultimate responsibility, and maybe they will find some special circumstance that says, we can't follow in this case. The shareholders own the company, and we are simply giving them this right.

The last point is, and we have heard people say, well, you are interfering with the affairs of the corporation. Corporations do not exist in nature; they are the creations of positive legislative action. No corporation anywhere has powers except those that are given to it by a government, and governments tell the corporations what powers they have, what immunities they have, and what rules they follow. The SEC just intruded very deeply into the affairs of corporations by requiring the posting of the compensation.

We say that under current rules, including some State laws, and it varies from State to State, the shareholders don't have enough rights. And all we do here is empower the shareholders to vote on the compensation of the people who work for them.

The last dogma I would deal with is, well, how can the shareholders know that? It is extraordinary to me, Mr. Chairman, to listen to people who ordinarily are quite respectful of the wisdom of the market. And what is the market? The market is the people who buy the shares. Those are the people who make up the market. And apparently this group of people who are the shareholders are in most respects quite wise. But when it comes to deciding how much to pay the people who work for them, they get stupid, and this is somehow beyond their capacity.

We disagree with that. We think this is a moderate and temperate approach to the issue of runaway compensation, excessive compensation, not in every case, and in every case it wouldn't be used negatively.

I should have said one other thing. No one has shown any correlation between these outsized compensation examples and any metric of success. Indeed, too often they are metrics of failure because they are payoffs to get people to leave quietly.

So we hope that this bill will be adopted and that shareholders who own the companies will have the right to express their opinion to the boards of directors on the level of compensation for the top employees of the company.

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

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

I rise, Mr. Chairman, in opposition to H.R. 1257. But first of all, I want to compliment the chairman and the ranking member who ran a very good process, had fruitful hearings, but nevertheless I think came up with a faulty product.

□ 1730

We all tend to sometimes argue in the alternative, picking and choosing those things that we want to focus on, and I find it ironic that the chairman has, in one way, this very, very high view of the marketplace and, in another way, demonstrates a fairly low view of the marketplace.

This is all about the level, Mr. Chairman, at which we choose to intervene. We saw the marketplace respond positively just a couple of weeks ago. Morgan Stanley, at their annual meeting, those shareholders decided not to take up this question of executive compensation. The same thing happened, Mr. Chairman, at the Bank of New York recently.

So what is the question before the House today? The question before the House is, when there is a difficult situation that comes forward, admittedly a difficult situation that the chairman recently called a fact of nature, and that is overly compensated executive employees, what does the House do? Does the House rush in?

I would suggest that the bill as presented currently is an overreaction. It is reaching in, and if we are going to be dabbling in this notion of executive compensation, Mr. Chairman, then I would suggest that we need to go all the way and try and take on other highly compensated employees.

What we will hear, I think, from the various speakers on our side of the aisle is trying to lay out a rationale, trying to lay out how we ought best to do this because I will tell you this. I think the great challenge before us as Members of the House is, how do we create the environment where people want to invest in our country, how do we create the environment where the best and the brightest among us want to go into public companies because I will suggest, Mr. Chairman, that the reaction of the past Congress or two on some of these things has unfortunately created an environment that is regulatorily very, very difficult, and it now creates among us the problem of people who say, look, it is simply not worth my time to go into a public company. I am one of the sharp ones; I am going to go into the private equities and so forth.

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

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 5 minutes to the gentleman from Georgia (Mr. SCOTT), one of the most active members of our committee and a man with significant business experience.

Mr. SCOTT of Georgia. Mr. Chairman, thank you very much.

Let me first start by commending our chairman for taking on this very important and timely issue. This is an issue that speaks to the issue of confidence in the American enterprise system. There is no more greater issue that we need to deal with, and I think what the major point that we need to emphasize here is that there is a problem, and obviously there is a terrific problem. There is a terrific problem on several layers.

Let me start with the first layer. First of all, we have a problem where we have a stretch of the differences between what the average worker is making in the American economy and this huge leap by multibillions of dollars by what CEOs are making. This is not an aberration. This is a fact in case after case.

Plus, on top of that, none of these performances for these huge CEO packages are done based upon performance. As a matter of fact, some of the most outrageous demonstrations of this have been corporate CEO packages that have rewarded companies with hundreds of millions of dollars in their packages for a lack of performance, even while their company has been going down, even while their company has been laying off people, even as they have turned their backs on their pension obligations to employees. No, this is not an aberration, and there is a hue and a cry from the American people across the American landscape that is saying something must be done.

Now, we are the people's representatives, and what the chairman has put forward, and I certainly appreciate the chairman for allowing me to have an opportunity to work with him on this, what we are putting forward here is basically a fair and moderate response, no overreaction.

We have taken the marketplace with its basic components. What is the most important attribute of our system? It is the free marketplace. And what is the most important part of that? It is the exchange of stock ownership. And who plays that most important role there? It is the investor. Once that investor begins to lose confidence, we are all in a world of trouble.

There is nothing in our bill that mandates a certain salary level, none of that. Our bill simply says: Let us let the system work. What is wrong with ending these egregious characteristics of what is happening in the marketplace as far as CEO packages is concerned? It begs for the shareholders who own the company to at least have a say, a nonbinding say.

We understand the fragility of what we are doing. We are doing this in a gingerly manner. But let me just state to you in closing that all of the studies, and there will be some amendments which will come forward, some wanting to study this issue, some saying let the SEC rules work out, but what the American people and what the investor and what the situation cries out for are two things: transparency and accountability. That is the hallmark of what we are doing. We are bringing accountability, and we are bringing transparency to what is clearly, from all of the media accounts, from all of the evidence presented to us is clear, and it is dangerous, and it is present. What we have and what we are responding to is something that is clearly a clear and present danger to the future and the heart of our free economic system.

Mr. ROSKAM. Mr. Chairman, I yield 5 minutes to the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. Mr. Chairman, I thank the gentleman from Illinois for yielding, and I thank you, Mr. Chairman.

I rise in opposition to H.R. 1257, the Shareholder Vote on Executive Compensation Act, which seeks to ensure that shareholders have a say in their company's executive compensation and disclosures.

Let me just say that I agree with both the speakers on the other side so far. There is a problem with CEO and other high-level compensation in the United States. I happen to disagree with the solution which is offered by this legislation. In fact, I would urge that this solution probably will not be a solution. I would like to go through that if I could.

In July 2006, the Securities and Exchange Commission, the SEC, adopted a package of rules designed to enhance the transparency of proxy compensation disclosure for CEOs, CFOs and the other three highest paid executive officers and directors, the first major reform since 1992. These new disclosure

requirements are being implemented for the first time and are a major step forward in promoting transparency and arming shareholders with detailed information on how executives are being paid. Therefore, we are attempting to legislate in this area before there is any evidence to suggest that the current SEC robust disclosure requirements are not working.

The bill before us intends to prevent excessive executive compensation. Yet, at a Financial Services Committee hearing on March 8, all six witnesses agreed that a better way to prevent unmerited pay would be to require that publicly traded corporations adopt majority voting policies for the election of board members. At the present time, more than 150 stockholder proposals relating to majority voting have been filed, and more than half of the companies in the S&P 500 have some form of majority voting policy in place. Furthermore, company organization and structure is traditionally governed by State law, while Federal securities laws generally govern the disclosure of information to investors.

In my home State of Delaware, corporate laws are already providing shareholders with majority votes. Majority voting enables stockholders to more easily unseat directors they believe have made poor judgments. The law enables stockholders to focus on compensation committee members in particular if they so choose.

In addition, compensation for executives of publicly owned companies listed on the New York Stock Exchange is determined by a compensation committee that is composed of totally independent directors.

□ 1740

Clearly, the market and States are active in working in this area. H.R. 1257 intends to provide shareholders with an advisory vote on executive compensation. However, public company equity is overwhelmingly in the hands of intermediaries like retirement plans and mutual funds that manage the economic interests on behalf of others. Therefore, the actual shareholder is already two steps removed from the holders of the true economic interests in the company.

In addition, intermediaries often rely on advice, sellers like the Institutional Shareholder Services, ISS, when voting on company proxies. Consultants such as the ISS are often criticized for their particular biases and their lack of transparency in their decision-making.

It greatly worries me that this bill could set a precedent of giving activist institutional investors who may have their own political and social agendas unrelated to the financial wealth of the companies more influence.

This legislation presents a counterproductive change to an American approach to corporate governance that, while not perfect, has produced better results for stockholders than any other financial system in the world. I have an article written by Secretary Robert Reich about this, in which he, too, opposes the changes that are being proposed here.

He indicates, ''House Democrats are now working on legislation to give shareholders the right to have more say over pay.'' And that is a growing consensus, but he says it is wrong. Shareholders won't constrain the growth of CEO pay because most shareholders don't care about it. The vast majority own their shares through mutual funds and pension funds and don't know which companies they are invested in at any given moment. Then he says later, ''Depending on shareholders to rein in CEO pay is like relying on gamblers to rein in the owners of Las Vegas casinos.''

That is my concern with this. While we have identified the problem, the solution which has been identified in this legislation is not the right solution. The SEC recently enacted substantial new disclosure requirements, as I indicated, governing executive compensation to ensure transparent compensation packages, and these requirements should be given time to take effect. Disclosure is a vital component of our financial system, which increases investor confidence, promotes market discipline, encourages fairness in the U.S. markets and enables more informed decision-making by investors.

I believe there are many unintended consequences associated with the legislation before us today. Therefore, I urge my colleagues on both sides of the aisle to join me in opposing this legislation.

Mr. FRANK of Massachusetts. Mr. Chairman, I will yield myself 1½ minutes.

I congratulate the gentleman on the high art of selective quotation, because he quoted from former Secretary Reich. He left out the thrust of the article which was, he was against doing this because instead he thought we could change the Tax Code. In fact, that article is mostly an attack on the tax cuts which the gentleman from Delaware supported.

Secretary Reich's article is essentially, and I will submit it for the RECORD under our general leave, I was waiting for the gentleman to quote those parts of Mr. Reich's article in which he calls for significant increases on taxation of upper-income people. I have to say to my friend, it is only a partial quotation.

Mr. CASTLE. Reclaiming my time.

Mr. FRANK of Massachusetts. I am on my time. I gave myself a minute.

The CHAIRMAN. The time has expired for the gentleman from Delaware. The gentleman from Massachusetts controls the time.

Mr. FRANK of Massachusetts. I was frankly waiting, and I was disappointed, but that happens a lot in life, for the gentleman to get to the part of the article that he quoted selectively in which that article says what you really want to do is make the tax system more progressive. I suppose the gentleman didn't want to quote criticism of tax cuts that he voted for, but it did seem to me, if we are going to be quoting things, Mr. Reich said not that he was opposed to this as a bad idea, but that a much better way to do it would be to undo the tax cuts that the gentleman from Delaware supported at the upper brackets.

Mr. Chairman, I would ask to insert in the RECORD the article by Robert B. Reich.

[From The American Prospect, April, 2007]

DON'T COUNT ON SHAREHOLDERS

(Robert B. Reich)

An acquaintance of mine sits on the board of a major company that just agreed to pay its CEO close to $10 million this year, including deferred compensation and stock options. I asked him how he and his board colleagues could possibly justify that kind of money. ''No choice,'' he said. ''That's what our competition is paying. It's the going rate.'' As Congress struggles to raise the minimum wage to $7.25 an hour, the going rate of CEO pay is now $5,000 an hour.

Polls show most Americans think this is obscene. But how to rein in CEO pay? A growing consensus believes the best way is to give shareholders more voice. New Securities and Exchange Commission rules require companies to inform shareholders in greater detail what their companies are paying top executives. In recent months, shareholder activists have submitted proposals to 60 companies seeking input on CEO pay. House Democrats are now working on legislation that would give shareholders the right to have more say over pay.

But the growing consensus is wrong: Shareholders won't constrain the growth of CEO pay, because most shareholders don't care about it. The vast majority own their shares through mutual funds and pension funds, and don't even know which companies they're invested in at any given moment. Their only concern is maximizing the return on their total portfolios. They keep the pressure on fund managers to do this by moving their savings from funds that underperform to those that show better overall results.

Fund managers, for their part, don't care much about CEO pay, either. They're looking for companies whose share prices are rising, and they push firms to get their prices up by shifting capital out of those whose prices are lagging into those that show more promise.

Presumably, shareholders and fund managers would want to constrain CEO pay if it hampered company performance, but it hasn't. While CEO pay has soared over the last 25 years, share prices have soared, too. Between 1980 and 2003, the average value of America's 500 largest companies rose by a factor of six, adjusted for inflation. What happened to average CEO pay in those companies? It rose roughly sixfold. Shareholders have no reason to complain. They don't—and they won't.

Depending on shareholders to rein in CEO pay is like relying on gamblers to rein in the owners of Las Vegas casinos. Just look at Britain. Since 2003, changes in British securities law have given investors there more say over what British CEOs are paid. Nonetheless, executive pay in Britain has continued to skyrocket, and now just about matches that of American CEOs. Companies listed on the London Stock Exchange have done sufficiently well that British investors don't care what CEOs are paid.

The real scandal of CEO pay has almost nothing to do with shareholders. It has to do

with what's happened to the pay of most other workers as CEO pay has soared. Shareholder returns have kept up with CEO pay, but median wages have not. In 1980, the CEO of a major company took home about 40 times what the median worker earned; by 1990, that CEO's pay was about 100 times the median worker's; in 2006, it was close to 300 times what the median worker earned. (Last year, Wal-Mart's Lee Scott Jr. earned 900 times the pay of the average Wal-Mart worker.)

CEO pay is part of a much larger problem: the growing portion of the nation's income that's going to a small number of people at the top. The pay packages of many denizens of Wall Street are even more outrageous than CEO pay—last year reaching $40 million for top traders and more than a billion dollars for top hedge-fund managers. The new stars of Wall Street are private equity funds that are buying public companies back from shareholders and raking in 20 percent to 25 percent annual returns for their private investors—mostly wealthy individuals with yearly incomes already in the stratosphere.

Not since the robber-baron era have income and wealth been as concentrated as they are today. This doesn't threaten shareholders; after all, most shares are held by the wealthy. It threatens democracy, as the wealthy use their fortunes to bankroll politicians who tilt public policies in the direction of the wealthy—by, say, reducing their taxes and cutting public services for everyone else. It also threatens our economy, as more and more investment decisions are made by fewer and fewer people, and as the middle class loses its capacity to pay for the goods and services the economy produces.

The answer is not to grant more rights to shareholders. It's to enact a far more progressive income tax, including a sharply higher marginal rate on yearly incomes above, say, a measly million.

Mr. ROSKAM. Mr. Chairman, I yield 1 minute to the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. In response to Chairman FRANK, I would just say, he is correct. We have not had that debate, by the way, on the progressive income tax rate. However, he opposes everything with respect to this legislation, leading up to that little squib at the end as to how he would fix that particular problem.

I personally think, as I have outlined here, there are many solutions to this: what the SEC has done, the majority election of directors, what the various States are doing and where this problem should be handled. For that reason, I would encourage us to look at a different method of addressing what you have identified, in my judgment a very real problem.

Mr. Chairman, I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. I would say to the gentleman, I am baffled by this. On the one hand, this is too intrusive, but the gentleman says a better way would be to require corporations to elect directors by a majority. That would be a far greater intrusion into all of the aspects of the corporation.

But I will say this, if the gentleman prefers and the Members on the other side prefer: that we instead pass legislation that requires all corporations to allow a majority election for directors in an effective way as an alternative to nominations. Maybe we will hold off on this bill and consider it. I await that bill.

The gentlemen on the other side are all full of other solutions, none of which have ever been put to paper.

Mr. Chairman, I yield 6 minutes to the gentleman from Missouri (Mr. CLEAVER) a member of the committee and a great ethical expert.

Mr. CLEAVER. Mr. Chairman, today I rise in support of H.R. 1257, the Shareholder Vote on Executive Compensation Act. I think that it has been going on far too long where shareholders and, frankly, the American people, have had to pay for services not rendered and jobs not performed well.

The chairman of our committee, Chairman FRANK, has already spoken about Mr. Nardelli. There are others, Pfizer's Henry McKinnell, and he also received a $200 million, $200 million exit package in spite of the fact that his performance was poor. KB Home, former CEO, Bruce Karatz, could collect $175 million despite his involvement in backdating stock options at the company. Some CEOs were, in fact, undeserving of compensation packages they received. This is not fair.

The one that I think troubles most Americans the most is Lee Raymond, former CEO of ExxonMobil. During our committee hearing, I raised this issue with our panel to ask if they had any problems with the compensation package for Mr. Raymond. He received a $400 million pay and retirement deal as the prices of gasoline soared and millions of hardworking Americans going to the pump every single day are paying more and more money for gas.

Twelve years ago, when Mr. Raymond became the CEO of Exxon, the average price of gasoline was $1.02 a gallon. In June, 2006, when he retired, the price, the average price of gasoline was $2.96 a gallon. Yet he received $400 million in retirement. The people who are watching this debate, the overwhelming majority, will say to themselves, that is not right.

Now, during the same period of time that the CEO of ExxonMobil was building up for this great exit package, real wages for the average American worker actually declined. While I believe deeply in, and that prosperity is as American as apple pie, I don't believe that we should reward CEOs for doing a poor job.

So I want to thank committee Chairman FRANK and our ranking member, SPENCER BACHUS, and the members of the Financial Services Committee for bringing this bill forward to the floor today. I cosponsored this legislation, I voted for it in committee, and I will be voting for it when it comes to the floor.

Now, the sad thing about this legislation is that many hardworking Americans get up each day and go to work. If they perform poorly, they lose their job, and they certainly will not get an exit package that will take care of them and most of the people in their cities for life, $400 million.

I would ask the people watching this program, do you have a problem with that? The answer, I think, is echoing all around this country. Yes, I have a problem with that.

This bill enables shareholders to express their views on their company's executive compensation practices without setting up caps on the size and nature of executive pay. This legislation requires only, only, that public companies include on their proxy statements to shareholders, an annual nonbinding, nonbinding, nonbinding advisory shareholder vote on the company's executive compensation disclosures, which are already required by the SEC, and an additional nonbinding advisory vote if the company awards a new, not already disclosed, golden parachute while negotiating the purchase or sale of the company. The nonbinding advisory vote will give shareholders an opportunity, an opportunity to express themselves.

They can say ''yes'' or ''no'' to the proposed executive compensation without diminishing, reducing, interfering with the board's legal authority.

□ 1750

Ultimately, if a CEO is doing a good job, I am sure that that CEO will receive the support of that company's shareholders and the appropriate compensation package. That is the way America operates. But what is going on now is an abomination that we will allow people to run a company into the ground and then walk away set, not only for life for themselves but five or six generations to come.

Mr. ROSKAM. Mr. Chairman, just a couple of observations before I yield to my distinguished colleague.

You know, the gentleman from Georgia said that one of the goals of this legislation is that there be transparency and accountability. I would submit, I think there is a transparency and accountability in the current state of the law. The transparency comes in the disclosure of executive compensation, and the accountability comes in the ability to sell shares if you don't like it. That is a very, very, very powerful tool.

My friend from Missouri, the distinguished gentleman who spoke recently kind of criticized a number of individual CEOs. I'm not going to rise to their defense, and I don't think they really deserve defense. But it is an old adage of the law that if what we are doing is creating a statute toward an exception, we tend to make bad statutes.

What I would say is, look at the totality of what executive leadership has brought us. From 2002 to 2006, the market capitalization of American companies has risen to $8 trillion. That is something to celebrate and not something to criticize.

I yield 5 minutes to the gentleman from Texas (Mr. PAUL).

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

Mr. PAUL. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in opposition to this bill. I happen to agree with all of the concerns expressed by those sponsoring the bill due to the inequities in the amount of money that some of the CEOs are getting. But I am also convinced that this particular piece of legislation won't do very much to help, and I am convinced that unless we deal some day with our monetary system and understand better how it participates in these inequities, we will never get a solution for this because the monetary system does play a role in this.

I am as outraged as anybody about a company that can hand out $16 billion in bonuses. But where my disagreement is, is that it is not as a result of free market capitalism; that it is the result of an economic system that we have today which is called economic interventionism, and it leads to these inequities.

Mr. Chairman, H.R. 1257 gives the Securities and Exchange Commission the power to force publicly traded corporations to consider shareholders' votes on nonbinding resolutions concerning the compensation packages of CEOs. Giving the SEC the power to require shareholder votes on any aspect of corporate governance, even on something as seemingly inconsequential as a nonbinding resolution, illegitimately expands Federal authority into questions of private governance.

In a free market, shareholders who are concerned about CEO compensation are free to refuse to invest in corporations that do not provide sufficient information regarding how CEO salaries are set or do not allow shareholders to have a say in setting compensation packages.

Since shareholders are a corporation's owner, the CEO and the board of directors have a great incentive to respond to shareholders' demands. In fact, several corporations have recently moved to amend the ways they determine executive compensation in order to provide increased transparency and accountability to shareholders.

Some shareholders may not care about CEO compensation packages. Instead, they may want to devote time at shareholder meetings to reviewing corporate environmental policies and ensuring the corporation has family-friendly workforce policies. If H.R. 1257 becomes law, the concerns of those shareholders will take a back seat to corporations attempting to meet the demands of Congress.

It is ironic to me that Congress would concern itself with high salaries in the private sector when, according to data collected by the CATO Institute, Federal employees on average make twice as much as their private sector counterparts. One of the examples of excessive compensation cited by the supporters of the bill is the multi-million dollar package paid to the former CEO of Freddie Mac. As a government-sponsored enterprise that, along with its counterpart Fannie Mae, received almost $20 billion worth of indirect Federal subsidies in fiscal year 2004 alone, Freddie Mac is hardly a poster child for the free market.

For the most part, all economic interventions fail and end up creating new problems that we are forced to deal with. This legislation, although well-motivated in an effort to deal with a very real problem, is unnecessary and should be rejected.

Past government actions have made it more difficult for shareholders to hold CEOs and boards of directors accountable for disregarding shareholder interests by, among other things, wasting corporate resources on compensation packages and golden parachutes unrelated to performance. During the 1980s, so-called corporate raiders helped keep corporate management accountable to shareholders through devices such as "junk" bonds that made corporate takeovers easier.

The backlash against corporate raiders included the enactment of laws that made it more difficult to launch hostile takeovers. Bruce Bartlett, writing in the Washington Times in 2001, commented on the effects of these laws, "Without the threat of a takeover, managers have been able to go back to ignoring shareholders, treating them like a nuisance, and giving themselves bloated salaries and perks, with little oversight from corporate boards. Now insulated from shareholders once again, managers could engage in unsound practices with little fear of punishment for failure." The Federal "crackdown" on corporate raiders, combined with provisions in Sarbanes-Oxley disqualifying the people who are the most capable of serving as shareholder watchdogs from serving on corporate boards, contributed to the disconnect between CEO salaries and creation of shareholder value that is being used to justify another expansion of the regulatory state.

In addition to repealing laws that prevent shareholders from exercising control over corporations, Congress should also examine United States monetary policy's effects on income inequality. When the Federal Reserve Board injects credit into the economy, the result is at least a temporary rise in incomes. However, those incomes do not rise equally. People who first receive the new credit—who in most instances are those already at the top of the economic pyramid—receive the most benefit from the Fed's inflationist polices. By the time those at the lower end of the income scale experience a nominal rise in incomes, they must also contend with price inflation that has eroded their standard of living. Except for the lucky few who take advantage of the new credit first, the negative effects of inflation likely more than outweigh any temporary gains in nominal income from the Federal Reserve's expansionist polices.

For evidence of who really benefits from a system of fiat money and inflation, consider that in 1971, before President Nixon severed the last link of the American currency to gold, the typical CEO's salary was 30 times higher than the average wage of the typical employee; today it is 500 times higher.

Explosions in CEO salaries can be a sign of a Federal credit bubble, which occurs when Federal Reserve Board-created credit flows into certain sectors such as the stock market or the housing market. Far from being a sign of the health of capitalism, excessive CEO salaries in these areas often signal that a bubble is about to burst. When a bubble bursts, people at the bottom of the economic ladder bear the brunt of the bust.

Instead of imposing new laws on private companies, Congress should repeal the laws that have weakened the ability of shareholders to discipline CEOs and boards of directors that do not run corporations according to the shareholders' wishes. Congress should also examine how fiat money contributes to income inequality. I therefore request that my colleagues join me in opposing H.R. 1257 and instead embrace a pro-freedom, pro-shareholder, and pro-worker agenda of free markets and sound money.

Mr. ROSKAM. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. CAMPBELL).

Mr. CAMPBELL of California. Mr. Chairman, I thank the gentleman for yielding.

Let's stipulate here that there are and have been instances, plenty of instances, in which executive compensation has been excessive for the return given to shareholders.

I have spent my entire life investing, and there have been times when I have seen excessive executive compensation, and return for the company wasn't there. And it made me mad, and I wasn't happy about it. Let's stipulate to that.

Let's also understand there is a difference between that and when an executive gets high pay for a very excellent result. Pay for executives has been increasing, as it has for sports stars, as it has for people in the music business, authors, actors and investors.

Chairman Bernanke of the Federal Reserve, when he spoke before our committee and when he has spoken before other committees, has been quoted as saying this is, to a degree, because of the effective technology of being able to take the talents of these various people and make them more valuable because it spreads across the world much quicker.

But let's take that aside and stipulate that there have been instances, plenty of instances, where executive compensation has not been commensurate with the results. But there are a lot of other things that are more injurious to shareholders. There are other highly compensated individuals as well who have been overpaid for their jobs or for whatever they have done.

There have been union contracts that have been out of line. Let's take Ford Motor Company right now. People are objecting to the current compensation package of the new chairman of Ford Motor Company; but no one is suggesting that that pay package is going to bring Ford Motor Company under. People are not happy because they say Ford Motor Company isn't making money, and the chairman is getting too much pay, but no one is suggesting that is going to take the company

under. But what most observers say will take the company under is all of the retiree pay that they have due to union contracts that were inadvisable that were done some time ago. That may take the company under.

There could be acquisitions. There could be legal settlements. There could be just poor management. All of those things can actually take a company under, whereas executive compensation that is excessive, although maddening, won't drive a company down.

This bill does absolutely nothing to deal with any of those other problems. Why not? If we are worried about shareholders and care about shareholders and their ability to influence a company, then why don't we give them the right to influence the company on something that actually might bring the company down.

Some people on the other side mentioned several instances, and I can't recall them all right now, but where a company is doing poorly and an executive received very high pay. I agree with you; bad, I don't like it. I didn't like it. But what ought to upset the shareholders more is not the pay; it is the poor performance. And this doesn't do anything to help shareholders with that.

We should give shareholders more rights. I agree with that, through the board. Otherwise, why not let shareholders vote on other highly compensated individuals, on union contracts, on acquisitions, on legal settlements, on the marketing budget, on all kinds of others things that might have something to do with affecting the company's pay?

□ 1800

I believe this is a statement, not a solution.

Mr. FRANK of Massachusetts. Will the gentleman yield?

Mr. CAMPBELL of California. I am happy to yield to the gentleman from New York.

Mr. FRANK of Massachusetts. I am from Massachusetts, but I do want to report a theft, Mr. Chairman. Apparently someone has broken into our committee office and stolen a whole series of bills that the other side had to deal with all these other things, because I am hearing now about all these other things we should be doing and these other things that we should be addressing, and I haven't seen any of them.

So I want to say to people, unfortunately, all these wonderful ideas that you previously had, and I wouldn't suggest that you are only saying them now as an excuse to beat this bill, please send me copies, because somebody stole the ones you sent me.

Mr. CAMPBELL of California. Reclaiming my time, Mr. Chairman.

You saw an amendment in committee which you voted against and voted down. You will see that amendment again this evening that gives shareholders rights through the board, not just on executive compensation, if they are unhappy with the management for any reason, to work through the board and change the board, give them more rights to change the board rather than do this sort of thing.

Mr. Chairman, you will have your own time shortly, the gentleman from New York.

Mr. FRANK of Massachusetts. I am still in Massachusetts.

Mr. CAMPBELL of California. Did I say New York? I am sorry. The gentleman from Massachusetts.

The CHAIRMAN. I would remind both Members that there is a chairman from New York in the room.

Mr. FRANK of Massachusetts. And one is quite enough.

Mr. CAMPBELL of California. I thank the chairman so much for that clarification.

Mr. Chairman, this bill is a statement, it is not a solution. It deals with one thing which is annoying and can be bad, but is not a major, it is not that major an issue relative to all the other things that can deal with corporate governance and bringing corporations down.

Mr. FRANK of Massachusetts. Mr. Chairman, I would take 10 seconds to say that the gentleman from California mischaracterized his own amendment. No amendment he offered would expand shareholder rights. He did offer an amendment that said if there is a preexisting right to vote for the majority, then this bill does not apply. But no amendment he offered would expand existing shareholder rights.

Mr. CAMPBELL of California. Will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from California.

Mr. CAMPBELL of California. The amendment I wished to offer would simply have required that there be a majority.

Mr. FRANK of Massachusetts. What do you mean you wished to offer? I will take back my time.

Mr. CAMPBELL of California. It was ruled not germane.

Mr. FRANK of Massachusetts. I understand that, but let me just give myself 30 seconds.

Mr. Chairman, why didn't he file it as a separate bill? He had no interest in this that I could discover until we brought this bill up. The gentleman said he wanted to offer a nongermane amendment.

Well, you are allowed to introduce bills. Introduce a bill. We will have a hearing. If the gentleman, let me tell my colleagues right now, if they want to introduce legislation expanding the right of shareholders to vote for members of the boards of directors, I will guarantee them a hearing. But the bill has not yet been introduced.

Mr. Chairman, I yield 30 seconds to the gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. Mr. Chairman, I think it is very important for us to just take a look, very briefly, at what some of the executives, some of the companies are saying and are doing about this now, because I think it goes right to your argument.

Let us, first of all, let me just call to your attention, one such company, AFLAC, in Georgia. Now, AFLAC announced that it would give shareholders a nonbinding vote on executive compensation. As a matter of fact, AFLAC CEO Dan Amos said these words, which I want you to pay very important attention to. He said this. He said, as the owners of the company, the shareholders should know how executive compensation works.

Now, I think Mr. Amos is right on the money. He simply stated what I think a lot of other companies do in order to maintain integrity.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 4 minutes to the gentleman from New Jersey (Mr. SIRES).

Mr. SIRES. Mr. Chairman, thank you for yielding me time, and thank you for your leadership on this legislation.

As an original cosponsor of H.R. 1257, I rise in support of this bill. CEOs should be held accountable to shareholders. Whether you have invested $100 or $100 million in a company as a shareholder, you should be allowed to find out the terms and conditions of the compensation package for the company's CEO.

Shareholders should also have the right to express their satisfaction or dissatisfaction over a proposed compensation package. And that is exactly what H.R. 1257 does. It allows shareholders a chance to share their opinion with the board, which will help grant boards pause before approving a questionable compensation package.

This bill does not represent a completely new idea. In fact, the United Kingdom has used a nonbinding shareholder vote approach since 2003. Australia has a similar system. Granting shareholders a say over executive compensation in these two countries has improved dialogue between executives and shareholders and has increased the use of long-term performance targets in incentive compensation. This policy change has clearly worked.

American companies have also started to take notice. Most recently, AFLAC adopted a nonbinding shareholder vote for its CEO's compensation package. In addition, Institutional Shareholder Services reports that 52 other companies are also considering adopting similar policies.

It is now time to grant shareholders in the United States the same rights as their British and Australian counterparts. We need to make sure that all companies take AFLAC's lead by passing H.R. 1257. I urge my colleagues to grant the shareholders more access to the process of forming an executive compensation package.

I urge a ''yes'' vote on this bill.

Mr. ROSKAM. Mr. Chairman, I yield myself 1 minute.

Just kind of a point of interest, and that is, in response to Chairman FRANK

calling, observing Mr. CASTLE's quotation. And I would just point out that the distinguished gentleman from New Jersey has been sort of selective, I think, in the attributes of England that he finds attractive. One of those that he didn't find attractive apparently is a loser-pay litigation system which would also maybe drive part of that debate.

Mr. Chairman, I yield 2½ minutes to the distinguished gentleman from North Carolina (Mr. JONES).

Mr. JONES of North Carolina. Mr. Chairman, first, I thank the gentleman from Illinois for this time.

Mr. Chairman, if this bill was about Congress or the Federal Government setting salary levels for top executives, then I would be opposed to it. But that is not what this bill does. This is about letting stockholders, the owners of publicly traded companies, have the right, if they want, to render a judgment about whether the compensation for top executives, their employees, is appropriate.

I know that this bill is not perfect, but neither is the present system. Corporate directors and executives work for shareholders. I do not see how anyone can look at the present system where sometimes CEOs who have failed their shareholders are getting hundreds of millions of dollars of shareholder money, and then say with a straight face that it is bad for shareholders to be able to directly tell corporate directors what they think about these compensation packages.

Mr. Chairman, let me remind the House of a few of the outlandish compensation packages that have been made public: Home Depot CEO Robert Nardelli, total compensation for 2006, $131 million; Merrill Lynch CEO Stanley O'Neal, total compensation 2006, $91 million; AT&T CEO Edward Whitacre, Jr., total compensation for 2006, $69 million; Ford Motor Company CEO Alan Mulally earned $39.1 million for 4 months in 2006, $39.1 million for 4 months of work in 2006.

Mr. Chairman, numerous people in the Third District of North Carolina, which I have the pleasure and the privilege to serve, have spoken to me and expressed their concerns about these multimillion-dollar packages. Mr. Chairman, many people have said that America is losing its middle class, but in modern America, more and more middle-class families are becoming stockholders. In 1989, just 30 percent of American households owned stock. Today 52 percent of households own stock; 80 million Americans now own shares of directly held stock, mutual funds or 401(k) retirement plans.

□ 1810

The right to have an advisory vote would strengthen shareholders and strengthen the capitalistic system. Therefore, Mr. Chairman, I support this bill.

And, again, I thank the gentleman from Illinois for the time.

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

Mr. ROSKAM. Mr. Chairman, I yield such time as he may consume to the gentleman from Alabama (Mr. BACHUS), the ranking member.

Mr. BACHUS. Mr. Chairman, I thank the gentleman from Illinois for yielding.

The gentleman on the other side from Kansas City said that he had a problem with excessive executive compensation. And let me say this: I don't think there is a Member of this body in the majority or the minority who hasn't been outraged by what we judge by looking in the paper is a lavish, uncalled-for executive pay compensation. Some of them are indefensible. I would never try to defend them; nor should they be defended. And that is not what we are doing today.

At the start of this debate some 3 hours ago, I said, this debate is not about excessive executive compensation because by its very term, ''excessive executive compensation'' is excessive. The gentleman from Georgia said it. The gentleman from Kansas City said it. Our constituents are upset about it. And, in fact, last year, this Congress responded to concerns of shareholders, investors and our constituents and voters. And working with the SEC, the Securities and Exchange Commission, we said, you are going to have to disclose these salary compensations. You are going to have to put them out for public scrutiny. And those regulations are just now going into effect. And many of us look at it, and we are dismayed.

Now, we all have a problem with excessive executive compensation. But I think most of my constituents and I think most Americans also have a problem with something else. They have a problem with the Congress micromanaging or mandating what private corporations do. This debate is not about excessive executive compensation, which we all condemn. This bill is not about income inequities, which we all are concerned about. This legislation is about this Congress beginning to tinker and mandate and obligate corporate governance with a vote, not a vote that we say they can take, because today they can take such a vote. A shareholder can ask for such a vote on executive compensation. What this legislation does is it mandates, it requires, it obligates every publicly held corporation in this country to take a vote on their top executives, not just the CEO but the CFO and on down the line. Each shareholder, if this legislation passes, will each year vote on the compensation of all these executives.

And as so often happens in this body, when Congress begins to substitute its judgment for someone else's judgment, we have all kinds of problems that are created. I will predict today one of the problems will be that more companies will become privately held or closely held corporations. I will predict that hedge funds will grow, and they are already doing that, but this will just be gas on the fire. Publicly held corporations will be taken private by hedge funds. We will have private equity offerings. And all of a sudden, we don't have shareholders. We don't have a right to vote on compensation. We don't even have a right to own the assets of most American corporations.

Now, today I have all kinds of rights. One of the rights that the gentleman from California mentioned, and I have done this, I have owned stock in companies, and I have seen those companies, those boards of directors and those CEOs, capture most of the profits of those companies. I have seen them award excessive option awards. And what I have done is I have sold my stock, and I have gone on and owned another company where that didn't happen. I voted with my feet.

Now, the most successful corporations across this world are not in Australia. They are not in England. They are right here in America. And for over 100 years, we have allowed shareholders to bring proxies and ask for votes when they wanted to and by a certain majority get those votes. We have allowed that if the board of directors vote for excessive compensation today, shareholders have a right to put that board of directors on the road, and they have done that on cases. They have rescinded compensation packages. But whatever else you may disagree or agree with me, certainly you ought to be skeptical of the Congress of the United States, a Congress which does not allow the voters or our constituents to set our pay. They don't set our pay, but all of a sudden, we want the shareholders of corporations to actually vote on the pay of every executive. And we are mandating it. We are not just simply making it possible. It is possible today. It is more government intrusion. And, unfortunately, every time the government overreaches, the consequences don't come back to us in Congress. We will continue to earn a salary. We will continue to be up here. The consequences will be in these corporations, which are the drivers of our economy.

So, in closing, let's not confuse this as a debate on excessive executive compensation. Let's just all agree we don't like it. Let's all agree that we have given the SEC the right, and they publish these salaries. And as we have seen so often, there is criticism in the papers, criticism by shareholders and boards of directors taking action. But let's not substitute our decision, and let's not second guess. Let's not interject the Congress and have the Congress start telling shareholders that they have to, have to pass judgment on the salaries of all top management in every public corporation.

Mr. ROSKAM. Mr. Chairman, I yield myself the balance of my time.

I will insert into the RECORD three letters opposing this legislation by the

U.S. Chamber of Commerce, HR Policy Association and American Bankers Association.

THE ASSOCIATION OF SENIOR HUMAN RESOURCE EXECUTIVES,
Washington, DC, April 18, 2007.

RE HR Policy Opposes H.R. 1257, Shareholder Vote on Executive Compensation Act.

Hon. SPENCER BACHUS,
House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR REPRESENTATIVE BACHUS: On behalf of the HR Policy Association, I am writing to urge you to vote no on H.R. 1257, the Shareholder Vote on Executive Compensation Act, when the House considers it this week. We believe that the bill will have significant negative effects on corporate governance and will not appreciably increase shareholder input into the executive compensation process.

HR Policy Association is a public policy advocacy organization representing the chief human resource officers of over 250 leading employers doing business in the United States. Representing nearly every major industry sector, HR Policy members have a combined U.S. market capitalization of more than $7.5 trillion and employ more than 18 million employees world wide. Our members are especially concerned that a shareholder vote would undermine the authority of the Board of Directors with respect to compensation and is unnecessary as a tool to increase communications with shareholders.

At the outset, it is important to note that last year, the U.S. Securities and Exchange Commission completed an overhaul of its executive compensation disclosure regulations. The full effect of these changes on executive compensation practices will not be known until after the 2009 proxy season, the first year in which companies will have to present three years of data. At a minimum, the House should defer any action on the legislation until after the effect of the new rules can be fully evaluated.

The Association believes that H.R. 1257 would seriously erode the authority of the Board of Directors to determine appropriate executive compensation levels. Under our system of corporate governance, the Board manages the company on behalf of the shareholders. In turn, the shareholders have the right to vote on strategic matters, such as mergers, and remove directors if they believe the corporation is not being managed in the shareholders' best interests. This delegation of authority is necessary because of the considerable amount of detailed and confidential information that Board members must consider when making decisions regarding corporate strategy and executive compensation. Providing a shareholder vote on compensation would be unprecedented because it would provide a referendum on the results of the Board's decision, rather than on a framework for making decisions, as occurs in the case of shareholder authorization for equity compensation or mergers.

More importantly, a shareholder vote would potentially open up other Board decisions to a shareholder vote, such as the decision to pursue merger talks or settle certain lawsuits, thus substantially slowing the ability of the Board to make quick decisions and undermining competitiveness.

Fundamentally, an advisory shareholder vote would not provide meaningful information to companies about the practices shareholders find objectionable. It is simply an up or down vote, with no explanation attached, leaving substantial questions about its meaning. Under current law, shareholders already may file advisory resolutions with any publicly held company seeking changes in specific executive compensation practices. There is no need for legislation adopting a mandatory framework that will have a negligible impact on most of the 15,000-plus publicly held companies.

Counter to arguments made in support of the bill, new mechanisms of communications between companies and shareholders are not necessary. Most large companies already hold periodic meetings throughout the year with their largest shareholders on a variety of subjects, including compensation.

In addition, the shareholder vote concept has been imported from the United Kingdom, but the U.K. regulatory and legal systems are substantially different from those in the U.S., and the results of a shareholder vote are likely to be fundamentally different. In the U.K. the two largest investors control roughly 30 percent of the market while in the U.S. ownership is more diffuse, making shareholder consensus much more difficult. The U.K. has voluntary corporate governance standards with less rigid standards for Board member independence, and Board members may avoid all liability with an advisory shareholder vote. In the U.S., Board members have fiduciary liability, and are subject to shareholder derivative actions, regardless of a shareholder advisory vote. The threat of litigation acts as a check on Board actions.

The U.K. shareholder vote requirement also has had significant negative effects that would negatively impact the management of U.S. companies. These effects include encouraging executives to seek positions with private equity firms; making pay arrangements more standardized, rather than customized to the company; increasing diligence among compensation committees similar to that already occurring in the U.S.; and, increasing the power of the proxy advisory services and hedge funds as institutional investors outsource their compensation research, engagement with boards and vote administration duties. These negative effects outweigh the benefits of a shareholder vote.

For all of these reasons, we oppose H.R. 1257 and encourage the House to reject it. If you have any questions, please do not hesitate to contact Tim Bartl of our staff at 202–789–8670. Thank you for your consideration.

Sincerely,

JEFFREY C. MCGUINESS,
President.

CHAMBER OF COMMERCE OF THE UNITED STATES OF AMERICA,
Washington, DC, March 27, 2007.

Hon. BARNEY FRANK,
Chairman, Committee on Financial Services, House of Representatives, Washington, DC.

Hon. SPENCER BACHUS,
Ranking Member, Committee on Financial Services, House of Representatives, Washington, DC.

DEAR CHAIRMAN FRANK AND RANKING MEMBER BACHUS: The U.S. Chamber of Commerce, the world's largest business federation representing more than three million businesses and organizations of every size, sector, and region, is committed to supporting good and responsible capital market regulation, including efforts to strengthen board compensation committees and to provide disclosure of clearer information about executive compensation.

Fundamentally, the Chamber believes that well-functioning independent compensation committees, along with clear and fair disclosure, represent the best means to determine executive compensation. The amount and terms of employment and executive compensation agreements result from a complex interaction of interests. The negotiations of these interests can produce highly complex arrangements that reflect varying interests of the parties. Ultimately, corporate boards want to retain executives who will perform at a high level and produce value for shareholders and jobs for workers.

The Chamber respectfully submits that allowing shareholders—rather than the board—an advisory ''say on pay'' will not produce the intended result. Shareholder votes are more likely to reflect their views on past stock or management performance rather than real insight into how to structure future compensation to ensure it drives future results. Further, the Chamber is concerned that this would result in yet another forum for ''special interest politics.'' For these reasons, the Chamber opposes H.R. 1257, the ''Shareholder Vote on Executive Compensation Act.''

Sarbanes-Oxley has yielded significantly stronger and more independent boards and compensations committees. The Securities Exchange Commission has taken important steps recently to expand transparency and disclosure of executive compensation, and we believe that these steps need to be given adequate time to have an impact. The Chamber looks forward to working with Congress and the SEC to ensure that the combination of these steps is producing effective governance for shareholders and workers.

Sincerely,

R. BRUCE JOSTEN.

AMERICAN BANKERS ASSOCIATION,
Washington, DC, April 18, 2007.

Re H.R. 1257, shareholder vote on Executive Compensation Act.

Hon. BARNEY FRANK,
House of Representatives, Washington, DC.

DEAR REPRESENTATIVE FRANK: On behalf of the American Bankers Association (ABA), I am writing to express our opposition to H.R. 1257, the Shareholder Vote on Executive Compensation Act, which is scheduled for consideration on the House floor beginning today, with a final vote on Friday morning.

A major reason for our opposition is the fact that a majority of the corporations that would be impacted by H.R. 1257 will distribute their 2007 proxy statements to shareholders over the next three months. Rules recently adopted by the Securities and Exchange Commission (SEC) will now require these proxy statements to provide extensive narrative and tabular disclosures regarding CEO and other covered executives' salaries, stock awards, deferred benefits, retirement and severance packages, and perquisites. The ABA strongly believes that Congress should give the SEC's rules time to take effect and have an impact on boards and shareholders. After assessing the effect these disclosures have had on the marketplace, Congress can determine whether legislation is warranted.

Further, shareholder advisory votes may be appropriate where there are few mechanisms in place to protect the company. That is not the case in the United States. Boards and their compensation committees have legally enforceable fiduciary responsibilities to the company and its shareholders to ensure that company assets are not wasted. To properly carry out those responsibilities, a majority of board members must be independent and the compensation committees must consist solely of independent directors. Company boards and committees meet, without company management present, in executive session. Committee directors approve the CEO compensation that is to be recommended to the full Board based on the specific company's goals, various performance metrics and the terms of the CEO's employment contract. In this country, a combination of state corporate laws, exchange listing standards, and best practices tie

board accountability to shareholders on executive compensation and other issues that boards face.

Also, the bill has several unintended consequences that we wish to bring to Members' attention. First, the bill presumes that shareholders hold unanimous views on any given corporate issue, but this is frequently not the case. In fact, if this bill were to become law, a CEO of a publicly traded bank could find him or herself at the mercy of a * * *

Mr. Chairman, I sense that really our country is at a tipping point on a lot of questions, and you really sense this, those of us who were at home in our districts over the past couple of weeks. There are a lot of issues, and I know this is sort of an understatement, that are before this body that are issues where we are either going to make a good decision that will make us fruitful and prosperous and robust as a country or we have got the possibility to make a bad decision that puts us in the trajectory on a different direction. And I would suggest that this is one of those sort of tipping point questions.

Now, is the sun not going to rise tomorrow if this bill becomes law? No. The sun will rise tomorrow and we will be still a prosperous country. But it is one of those things that will have a ripple effect because, in the subtext of this bill, remember the chairman talked about facts of nature, the fact of nature is that, when there is an action, there is a reaction. And I would submit that one of the reactions of this bill, Mr. Chairman, is that there are going to be companies, there are going to be bright people that say, I am not going to take this company public. I am going to remain private.

□ 1820

Now, who loses with that? You know who loses? The individual shareholder. It is the mom and pop. It is the person that is struggling, that really wants to have access, but because it is a private company, they don't have access because it is not traded publicly.

What is the other effect? The other effect is that this basically tells many companies, why don't you figure out ways to go do business elsewhere? Why don't you go somewhere else? Because we are the Congress, and we are going to reach in and we are going to manage you. I just think we can do better.

Look, there is nobody here that is defending overly compensated CEOs, and I think the majority's proposal here is ironically very silent as to certain settlement agreements. It is inherent in the process that you settle cases to make them go away.

In closing, Mr. Chairman, I rise in opposition to this bill, and ask my colleagues to do the same.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would just note in passing that I saw the letter from the Chamber of Commerce, and I was particularly struck that the Chamber of Commerce said we don't need this bill because Sarbanes-Oxley has been such a good law. Specifically, what they said was, Sarbanes-Oxley has yielded significantly stronger and more independent boards and compensation committees. So I think that the Chamber of Commerce's endorsement of the good results of Sarbanes-Oxley also ought to be made public here.

Mr. Chairman, I yield my remaining time to the gentleman from North Carolina (Mr. MILLER), a relatively senior Member. Not particularly the one I had in mind, but a very able and useful Member.

The Acting CHAIRMAN (Mr. ETHERIDGE). The gentleman from North Carolina is recognized for 5 minutes.

Mr. MILLER of North Carolina. Mr. Chairman, I disagree with my friend, Mr. BACHUS, who said this bill is not about income and equality. I think it is at least partly about income and equality. And I disagree with Mr. ROSKAM, who said that corporate executives, the CEOs, are responsible for the growth in the American economy, the increase in productivity in the American economy, and therefore they should be getting paid much more than they are.

Mr. Chairman, I think the American worker is not getting enough credit for the growth in the American economy, for the increase in the productivity of the American economy. They are not getting enough credit on the floor of this House tonight, and they aren't getting enough credit in their paychecks, in how they are compensated, and there is a widening gap.

It has never been a particularly small gap in this country. Fifteen years ago, the average CEO, the typical CEO, made 140 times what the average American worker at that corporation made. Now, 15 years later, it is 500 times what they make. It is a significant part of what the corporation makes overall; it is now 10.3 percent. The aggregate compensation of the top five executives is now 10.3 percent of the corporate profits of major corporations, public corporations in America. That is twice what it was 15 years ago.

Yes, top corporate executives, CEOs, are getting more and more of the benefit of the growth in productivity and the profitability of corporations, and it is wildly out of alignment with what they are doing, how well they are leading the corporations.

In fact, if you allow shareholder democracy, if you let shareholders have a say in how corporate executives are paid, because it is, after all, their company; they are going to insist that corporate performance be in alignment with corporate executives.

We don't have shareholder democracy now, Mr. Chairman. This bill begins to get at that. But right now CEOs pick the boards of directors, the boards of directors pick the CEOs, they answer to each other, they don't answer to the shareholders.

What we are considering now is very similar to what Great Britain has had for about 5 years, and it has worked pretty well in Great Britain. It has inhibited outrageous pay packages that have gone to CEOs and top executives in Britain.

Here is what is happening: The boards of directors know that they are going to have to explain themselves. They are going to have to explain themselves to shareholders. They are going to have to tell shareholders exactly what the compensation is, and they are going to have to explain what it is and what they have done.

That has inhibited what they have done. And they have gone back to the CEOs and said to the CEOs, look, we know you are worth every penny of what you are asking. But you know what a Bolshevik rabble our shareholders are. We will never be and to explain it to them. So they scale it back a little bit. And executive compensation in Great Britain has not gone up in the last 5 years the way it has in the United States, and the performance of Great Britain's corporations has been every bit as strong as what we have had here.

Mr. Chairman, if we let corporate shareholders vote, if we allow corporate democracy, they are going to insist, they are not going to throw out every pay package. In fact, it has only happened one time in England in the 5 years. GlaxoSmithKline was embarrassed pretty badly, and they went back and they renegotiated their pay compensation for their CEO. But it has inhibited their conduct, and shareholders have voted for very generous pay packages where it is justified by the performance of the corporate executives.

This bill makes a very modest change. But by simply requiring corporate boards of directors to explain what they are doing, to say right out in front of God and everybody what they are paying the CEO and why they are paying him that much, it has had an important change in corporate conduct in Great Britain, and it should here as well.

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

The Acting CHAIRMAN. The gentleman from Massachusetts has 30 seconds remaining.

Mr. FRANK of Massachusetts. Mr. Chairman, I would just say I also want to welcome this renewed faith that I have heard from my colleagues in the American corporate system. Recently corporate America and financial America has been lamenting how badly we regulate compared to England.

We have heard from the Paulson Committee, so-called after the Secretary of the Treasury, we have heard from the Chamber of Commerce, we have heard from the McKinsey report that we should be more like England. I am glad now to have this affirmation that even with Sarbanes-Oxley that the Chamber of Commerce praises so loudly, even with the Securities and Exchange Commission apparently not being the FSA, the American system

still works. That is a good counter to some of what we have heard lately.

Mr. MARKEY. Mr. Chairman, the ''Shareholder Vote on Executive Compensation Act'' is a bill whose time has come, and I am pleased to rise in strong support of this important legislation.

According to the Congressional Research Service (CRS), in the past ten years, CEO pay has more than doubled, and the ratio of median CEO pay to worker pay has risen to 179 to 1. The escalation in executive pay raises significant issues, including the equity of widening income disparities and the potential that such extraordinary CEO salaries may be a result of inefficient labor markets. The bill before the House today provides a balanced, pro-market approach to this addressing issue. Specifically, the nonbinding advisory vote mandated in this bill will give shareholders a mechanism for supporting or opposing their company's executive compensation practices without diminishing the board's legal authority. Such a vote will signal to the board, without tying its hands, that the individuals who actually own the firm will hold the board accountable for CEO pay packages, which should give board members some pause before approving excessive compensation plans.

H.R. 1257 does not cap, limit or change any CEO's pay. Rather, it simply requires that shareholders have a ''nonbinding'' say on their company's salary decisions. Moreover, the SEC already requires companies to disclose compensation. The SEC's recent executive compensation disclosure rules already require that companies disclose their compensation packages in their annual proxy. The annual vote requirement simply requires that companies add a line to that disclosure permitting shareholders to approve or disapprove the compensation packages and also tally the votes. Shareholders are the owners of our Nation's public companies. They should have the right to vote on the compensation packages for companies' senior officers.

The cost to businesses complying with the bill's provisions would be minimal. In fact, CBO estimated that costs from the annual vote would fall well below the annual threshold for private sector mandates—that is, below $131 million in 2007 for the entire country. This is a tiny, and worthwhile, cost that is more than offset by the significant benefit it provides shareholders by enabling them to have their voices heard in the board room. Additionally, businesses are provided more than enough time to make the logistical arrangements necessary for the nonbinding advisory vote, as it would not be required until the 2009 proxy season.

The nonbinding vote has been used successfully in other countries. For example, the nonbinding advisory vote approach has been used in the United Kingdom since 2003 and is now used in Australia, without impeding economic activity in any way. To the contrary, the policy change is credited with improving management-shareholder dialogue on executive compensation matters and increasing the use of long-term performance targets in incentive compensation. In the United States, the nonbinding advisory vote on CEO pay recently was adopted voluntarily by Aflac, and is currently pending before numerous U.S. public companies.

I commend my colleague from Massachusetts, BARNEY FRANK, the Chairman of the House Financial Services Committee for bringing this important bill to the Floor today and urge an ''aye'' vote.

Ms. JACKSON-LEE of Texas. Mr. Chairman, rise in strong support of this legislation. The average American has lost faith in corporate America. The typical consumer perceives these corporations as mighty entities who control this very floor that we speak on, ensuring that the corporations have their needs met at the expense of your average American. However, as members of Congress we represent middle class America, and we have to ensure that their interest are protected and addressed with fair and thoughtful legislation. That is why I am pleased to offer my support to H.R. 1257.

As the average pay for non-management workers remains stagnant, corporate executives have enjoyed hefty pay raises. These payouts include the CEO's salary, expense accounts, stock shares, and retirement packages. The underlying legislation does not seek to punish these CEO's, or take from them what they have received. However, this legislation does hold accountable the board members responsible for making decisions on executive compensation although it does not take away their power.

This legislation is about transparency. Transparency leads to trust which leads to consumer confidence, which means our economy will benefit in the long run. As Justice Brandeis said long ago, ''sunshine is the best disinfectant.

Some may argue that the rise in salaries is in response to a competitive job market with very few qualified individuals. In part that may be true, but this is about protecting the shrinking middle class in a society where the rate of inflation and the cost of living has increased.

To my colleagues who oppose this legislation, I ask that you seriously reconsider. In the end we have more to gain when corporations are forthright with business practices, especially as it pertains to executive compensation. The SEC has responded to this issue by revising its disclosure rules regarding executive compensation, but it is not enough. A publicly held corporation owes it to their shareholders, i.e., its investors to give them some type of consideration regarding executive compensation. Many middle class Americans have their 401(k) plans tied into stock options, thus they have a vested interest in what is occurring behind the closed doors of corporate America.

I support H.R. 1257, I support middle class America, and I encourage my colleagues to do the same.

The Acting CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill is considered as an original bill for the purpose of amendment and is considered read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 1257

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 ''Shareholder Vote on Executive Compensation Act''.

SEC. 2. SHAREHOLDER VOTE ON EXECUTIVE COMPENSATION DISCLOSURES.

(a) AMENDMENT.—Section 16 of the Securities Exchange Act of 1934 (15 U.S.C. 78n) is amended by adding at the end the following new subsection:

''(h) ANNUAL SHAREHOLDER APPROVAL OF EXECUTIVE COMPENSATION.—

''(1) IN GENERAL.—Any proxy or consent or authorization for an annual or other meeting of the shareholders occurring on or after January 1, 2009, shall permit a separate shareholder vote to approve the compensation of executives as disclosed pursuant to the Commission's compensation disclosure rules (which disclosure shall include the compensation discussion and analysis, the compensation tables, and any related material). The shareholder vote shall not be binding on the board of directors and shall not be construed as overruling a decision by such board, nor to create or imply any additional fiduciary duty by such board, nor shall such vote be construed to restrict or limit the ability of shareholders to make proposals for inclusion in such proxy materials related to executive compensation.

''(2) SHAREHOLDER APPROVAL OF GOLDEN PARACHUTE COMPENSATION.—

''(A) DISCLOSURE.—In any proxy solicitation material for an annual or other meeting of the shareholders occurring on or after January 1, 2009, that concerns an acquisition, merger, consolidation, or proposed sale or other disposition of substantially all the assets of an issuer, the person making such solicitation shall disclose in the proxy solicitation material, in a clear and simple form in accordance with regulations of the Commission, any agreements or understandings that such person has with any principal executive officers of such issuer (or of the acquiring issuer, if such issuer is not the acquiring issuer) concerning any type of compensation (whether present, deferred, or contingent) that are based on or otherwise relate to the acquisition, merger, consolidation, sale, or other disposition, and that have not been subject to a shareholder vote under paragraph (1).

''(B) SHAREHOLDER APPROVAL.—The proxy solicitation material containing the disclosure required by subparagraph (A) shall require a separate shareholder vote to approve such agreements or understandings. A vote by the shareholders shall not be binding on the board of directors and shall not be construed as overruling a decision by such board, nor to create or imply any additional fiduciary duty by such board, nor shall such vote be construed to restrict or limit the ability of shareholders to make proposals for inclusion in such proxy materials related to executive compensation.''.

(b) DEADLINE FOR RULEMAKING.—Not later than 1 year after the date of the enactment of this Act, the Securities and Exchange Commission shall issue any final rules and regulations required by the amendments made by subsection (a).

The Acting CHAIRMAN. No amendment to that amendment shall be in order except those printed in the portion of the CONGRESSIONAL RECORD designated for that purpose in a daily issue dated April 17, 2007, or earlier, and pro forma amendments for the purpose of debate. Each amendment so printed may be offered only by the Member who caused it to be printed or his designee and shall be considered read.

AMENDMENT NO. 1 OFFERED BY MR. BACHUS

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. BACHUS:

Page 4, beginning on line 8, strike ''Section 16'' and insert ''Section 14'', and on line 11, strike ''(h)'' and insert ''(i).

Mr. BACHUS. Mr. Chairman, as has been said during this debate, this legislation amends the 1934 Securities and Exchange Act, and it seeks to amend section 16. Section 16 covers reports by officers, directors and owners of 10 percent or more of the equity of a corporation and requires them to disclose certain equity positions. Section 14 of that act, on the other hand, deals with proxy statements and shareholder votes.

Quite simply, this legislation requires a corporation, the shareholders of a corporation, to take a vote on the executive compensation of the top five or six executives, and therefore this legislation more appropriately ought to be placed under section 14.

I want to thank Chairman FRANK. I noted that it was more appropriately placed in section 14. He offered an identical amendment moving it to section 14 also, and has allowed me the courtesy of actually offering my amendment, as opposed to his amendment, which I think is just further evidence during the committee hearing on this issue and in the floor debate of his willingness and openness to fully discuss, fully debate and allow the minority to have participation in this debate. So I commend him for doing that.

Mr. Chairman, I would simply move that we reorder this legislation and place it more properly in section 14 of the act.

The SEC supports my amendment, and I urge its adoption.

□ 1830

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the requisite number of words to first thank the gentleman from Alabama for his kind remarks about the way we have been working together in committee. I would just say that I have too recently been in the minority to be abusive. I hope that will last. I certainly intend it to. I am told, by the way, by our Parliamentarian, who, as the gentleman knows, was the Parliamentarian when the other side was in the majority, we have already had more rollcalls in committee in this year than we have had in the previous congressional session. While we have been moving a lot of bills and we have been able to do it expeditiously, I think we've aired a lot of issues, on this particular case, members of the minority made this suggestion, and it is a plausible one. It improves the bill. I realize that they still don't like it, but I appreciate this constructive spirit, and so I urge adoption of the amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama (Mr. BACHUS).

The amendment was agreed to.

AMENDMENT NO. 12 OFFERED BY MR. ROSKAM

Mr. ROSKAM. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Mr. ROSKAM:

Page 4, line 13, strike ''IN GENERAL'' and insert ''ANNUAL VOTE''.

Page 4, beginning on line 14, strike ''or other meeting of the shareholders'' and insert ''meeting of the shareholders (or a special meeting in lieu of the annual meeting)''.

Page 5, beginning on line 7, strike ''or other meeting of the shareholders'' and insert ''meeting of the shareholders (or a special meeting in lieu of the annual meeting)''.

Mr. ROSKAM. Mr. Chairman, I have offered this amendment to clarify some possibly misleading language in H.R. 1257, and it simply strikes ''or other meeting of the shareholders'' and inserts ''meeting of the shareholders or a special meeting in lieu of the annual meeting,'' at page 4, line 14 and page 5, line 7. The bill would allow, as we have discussed, a separate, nonbinding shareholder vote to approve the compensation of executives for any proxy, consent or authorization for an annual meeting. As currently drafted, the language in the bill asserts that this would be an annual meeting or other meeting of the shareholders. This language could potentially lead to allowing multiple nonbinding shareholder votes throughout the year instead of just at the annual or special meeting in lieu of the annual meeting, and, therefore, clarification of this language is needed. Hence, the reason for the amendment.

My concern is that if the current language were to be placed into law, that multiple votes would be forced to be taken throughout the year which would distract the board and the executives from their primary responsibility, that is, ensuring that they put in place good business practices that benefit the shareholders' investment instead of being distracted multiple times by a whole host of votes.

The greater concern would be that these potential multiple votes would ensure fiscal and business priorities are not in the forefront of the board members' minds, ultimately having the ill effect on global competitiveness of American business. I spoke to the chairman earlier, and I believe that it's a noncontroversial request to clarify language.

I urge all of my colleagues to support the amendment.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

The gentleman from Illinois has accurately described this, and I urge its support.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. ROSKAM).

The amendment was agreed to.

AMENDMENT NO. 4, AS MODIFIED, OFFERED BY MR. FRANK OF MASSACHUSETTS

Mr. FRANK of Massachusetts. Mr. Chairman, I rise to offer amendment No. 4 and to make a unanimous consent request to modify it.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. FRANK of Massachusetts:

Page 4, line 13, strike ''IN GENERAL'' and insert ''ANNUAL VOTE''.

Page 4, beginning on line 14, strike ''or other meeting of the shareholders'' and insert ''meeting of the shareholders (or a special meeting in lieu of the annual meeting)''.

Page 4, line 16, strike ''shall permit'' and insert ''shall provide for''.

Page 4, line 22, insert ''the corporation or'' after ''binding on''.

Page 5, beginning on line 7, strike ''or other meeting of the shareholders'' and insert ''meeting of the shareholders (or a special meeting in lieu of the annual meeting)''.

Page 6, line 3, strike ''shall require'' and insert ''shall provide for''.

Page 6, line 6, insert ''the corporation or'' after ''binding on''.

The Acting CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment No. 4 offered by Mr. FRANK of Massachusetts:

Page 4, line 19, strike ''shall permit'' and insert ''shall provide for''.

Page 4, line 25, insert ''the corporation or'' after ''binding on''.

Page 6, line 5, strike ''shall require'' and insert ''shall provide for''.

Page 6, line 8, insert ''the corporation or'' after ''binding on''.

Mr. FRANK of Massachusetts (during the reading). Mr. Chairman, I ask unanimous consent that the amendment, as modified, be considered as read and printed in the RECORD.

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

There was no objection.

The Acting CHAIRMAN. Without objection, the amendment is modified.

There was no objection.

Mr. FRANK of Massachusetts. I appreciate the other side going into their non-objectionable mode, at least for the nonce.

I did this because I had an amendment that included several provisions, one of which was identical to the provisions the gentleman from Illinois just offered, and that having been adopted, it would be redundant to do it again. This is, again, I believe, a technical amendment. It simply tries to conform the language in the bill with regard to what it requires.

I think the best way to say it, Mr. Chairman, is this. There was disagreement on the substance of what we require. We did want to make it clear, however, that we weren't requiring any more than that, and any suggestion that we might have been creating procedural or other kinds of obstacles, we wanted to work together to avoid. This is in furtherance of that, so I ask that the amendment be adopted.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. FRANK), as modified.

The amendment, as modified, was agreed to.

AMENDMENT NO. 6 OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Ms. JACKSON-LEE of Texas:

Page 6, line 13, strike the close quotation marks and following period and after such line insert the following new paragraph:

''(3) WEBSITE DISCLOSURE OF VOTE.—Not later than 30 days after the votes provided for in paragraphs (1) and (2)(B) are counted, the issuer shall post the results of such vote in a prominent location on the issuer's Internet website (if the issuer maintains an Internet website).''.

Ms. JACKSON-LEE of Texas. Mr. Chairman, let me thank the chairman of the full Committee on Financial Services and the ranking member. Let me answer, in the course of debating or discussing this amendment, a question that was raised in debate earlier today, and it made the point that nothing is being done. Let me make a resounding point of opposition to that statement and say, yes, something is being done. It is making the shareholders of America stakeholders in the major corporations of America. It's making them relevant. It's making them equal, if you will, to those who make decisions about the termination of employees, the direction of business, and yet have no input from the holders of the company on the compensation of the chief executive.

This is a positive step in the right direction. It is a light at the end of the tunnel. And I say that because most recently we heard of the most shocking termination of large numbers of employees of Citicorp. But some 24 hours later, we heard a small voice say that also the CEO would be looking to cut his compensation to let the shareholders know and the employees know that he, too, would experience the pain of cutbacks.

My amendment simply augments this legislation by suggesting, or requiring, that the votes that were taken by the shareholders be actually posted. So even though this is a nonbinding vote, all might be able to see. And I know that there are certainly other means of reporting this particular vote count, but I think it would be important to do so.

Now, let me indicate that I want this bill to pass, and frankly, I want to find every way that we never have an Enron or WorldCom where individuals such as a Mr. Fastow had an enormous latitude of salary but wasn't worried about bringing the company down. I want to work with this committee as we move forward.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I would be happy to yield to the distinguished gentleman from Massachusetts.

Mr. FRANK of Massachusetts. I thank the gentlewoman. She is, as always, a staunch defender of her constituents, including those who were hurt by Enron.

I could not object to this in principle, and I did say this. We made an effort to make this bill minimally intrusive. I would expect that these votes would be promptly published. But the gentlewoman has a legitimate concern, and I would make this commitment to her: If this bill becomes law and we encounter any effort not fully and promptly to publish these, then I promise her an immediate hearing and action on her amendment.

So I think we will take this, I hope, as a chance to give people the message, if this bill becomes law, it should be complied with forthrightly and effectively; and if we encounter any efforts at any kind of obfuscation, then the gentlewoman, I promise her, will be back on the floor with our support.

Ms. JACKSON-LEE of Texas. Reclaiming my time, let me indicate in conclusion my desire to work with this committee, particularly since such a great impact has been experienced by those in the Houston area and certainly around the country.

With that in mind, my intent was, of course, to further enhance the rights of stakeholders and shareholders. I look forward to working with the chairman and more importantly look forward to the compliance when this bill becomes law so that all are, if you will, in concert with the prompt and efficient leadership of America's corporations.

Thank you for the opportunity to speak on my amendment to H.R. 1257, the ''Shareholder Vote on Executive Compensation Act.'' My amendment is a step towards transparency.

By requiring the company to post in a prominent place, on the company's website the results of any shareholder votes on executive compensation, shareholders, consumers, and the general public will regain their confidence in corporate America.

My amendment is non-controversial and makes sense, and its Shareholders, employees, vendors, and the public have a vested interest in transparency, especially in light of the numerous corporate scandals that have occurred in recent years.

I urge my colleagues to support this legislation. Executive salaries have risen dramatically, while the average American worker continues to struggle.

My amendment and the underlying bill will hold board members accountable for their decisions regarding executive compensation. While many on the other side of the aisle have mentioned unintended consequences in their objection to this legislation, I will mention the real consequences. The real consequence of passing this legislation along with my amendment is the positive message we will send to the American people. That message is that we, Members of Congress are more concerned with the problems facing the struggling middle class than we are in helping corporate CEO's hide the amount of their compensation from the American people. I urge you to support my amendment.

Mr. Chairman, I ask unanimous consent to withdraw this amendment.

The Acting CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

□ 1840

AMENDMENT NO. 13 OFFERED BY MR. SESSIONS

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

The ACTING CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 13 offered by Mr. SESSIONS:

Page 6, line 13, strike the close quotation marks and following period and after such line insert the following new paragraph:

''(3) DISCLOSURE OF ACTIVITIES TO INFLUENCE VOTE.—Notwithstanding paragraphs (1) or (2)(B), a shareholder's vote shall not be counted under such paragraphs if the shareholder has spent, directly or indirectly, more than a de minimis amount of money (as determined by the Commission) on activities to influence a vote of other shareholders, unless such shareholder discloses to the Commission, in accordance with rules prescribed by the Commission—

''(A) the identity of all persons or entities engaged in such a campaign;

''(B) the activities engaged in to influence the vote; and

''(C) the amount of money expended on such a campaign.''.

Mr. SESSIONS. Mr. Chairman, my amendment would, very simply, provide sunshine and transparency for shareholders so that there is full disclosure about who is financing efforts to influence their vote on this new congressionally mandated, nonbinding shareholder resolution. Let me give an example of a substantially similar disclosure requirement that every Member of this body understands, because it is already a current practice.

As Federal candidates, we are each obligated to disclose to the Federal Election Commission the name, occupation and amount given from each of our donors. These funds can then be used for FEC-approved campaign purposes. We require this, as well as we create caps for the amount that can be donated over a legislation cycle, because public interest is advanced by letting those who cast votes for their Members of Congress know who funds these campaigns.

My amendment would not limit the amount that can be spent like the FEC does for political contributions on the amount that people or organizations like labor bosses, environmental groups or consumer advocates spend on influencing this new mandatory nonbinding vote.

The purpose of this amendment is not to impede the ability of organizations to influence this vote. If they hold shares in stock, they would be willing to express their desires. The point of this amendment is simply to provide voters, in this case, shareholders, with access to information about who is spending money to influence that vote.

My amendment tasks the Securities and Exchange Commission with setting a de minimis level of spending and with collecting important information about anyone or any organization that spends over that amount to influence this vote, including who is spending the money, what they are spending the money on and how much they are spending to influence the votes of other shareholders. If an individual wants to

spend more than this de minimis amount and not disclose their identity to shareholders, they are still perfectly able to do so. However, their votes would no longer count in this mandatory vote.

My amendment provides an appropriate level of transparency for shareholder elections. And if we believe that voters deserve this information, then we should also be willing to give shareholders this same level of transparency.

I firmly disagree with the Democrat majority, with the underlying premise of this legislation that it is the Federal Government's job to place this nonbinding mandate on private entities, especially because public companies are already empowered to take this shareholder vote if they so choose and because there is no obligation for anyone to own shares in the company if they do not like the way that it is being managed.

I am also confused by the Democrat majority's recent conversion to the merits of democracy in determining an organization's actions. Less than 2 months ago, the same leadership brought to the floor legislation that strips American workers of the right to use a secret ballot to decide whether or not to unionize, and provides for unprecedented intimidation of employees by union bosses under a fundamentally antidemocratic process known as ''card check.''

But if we are going to pass this interventionist legislation, my amendment would be one small step in the right direction towards giving shareholders all the disclosures that they might need to make an informed decision.

Mr. Chairman, I include for the RECORD a letter of support from the American Shareholders Association that was sent to Speaker PELOSI in support of my amendment.

AMERICAN SHAREHOLDERS ASSOCIATION,
Washington, DC, April 18, 2007.

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

DEAR SPEAKER PELOSI: On behalf of American Shareholders Association (ASA), I wish to express this organization's strong support for an amendment to be offered to H.R. 1257 by Rep. Pete Sessions. In short, this amendment seeks greater disclosure of funding designed to influence shareholder votes.

Over the past several years we have witnessed the rise of special interest groups seeking to turn boardroom votes into political campaigns. While activist investors seeking to increase shareholder value is welcome by our standards, we have become increasingly concerned by activist investors seeking to achieve political gain with board votes and little regard to what is in the best interests of shareholders.

As such, today's vote on H.R. 1257 should be amended to impose sunlight on the political campaigns being waged in corporate boardrooms, which the Session amendment achieves. This is accomplished by tasking the Securities and Exchange Commission with collecting information regarding the shareholders spending money to influence the vote; the amount spent; and the activities the money was spent on.

While corporate governance is a worthwhile objective we have witnessed a substantial increase in the number of shareholders using this term as a guise at the expense of individual shareholders. The Sessions amendment is designed to protect individual investors from these activities and I urge you and the entire Democratic Caucus to support this very worthy amendment.

Sincerely,

DANIEL CLIFTON,
Executive Director.

Mr. GEORGE MILLER of California. Mr. Chairman, I rise in opposition to the amendment.

I don't know how many conversations Members of this House have had with corporate officers and leaders, but very often when you ask them why they will do something or not do something, they tell you that they are there because they have to take care of their shareholders, they have to protect their shareholders, and the shareholders control the corporation.

But when we get to executive pay, all of a sudden we find out that they really don't want to have this discussion among shareholders about executive pay. And here we are presented with an amendment that is designed to close down those discussions, and it is certainly designed to close down those discussions among average shareholders.

I don't know when the shareholder gets the determination of whether or not they have spent a de minimis amount of money or not. I don't know for a retiree, for a pensioner or a worker of that corporation, if they spend $100 or $500, if they give to a campaign, is that a de minimis amount? Maybe to them it is not, but it may be to the campaign. I don't know when that determination is made so that they can then speak out or not speak out or have their vote counted.

And when are they in jeopardy or not in jeopardy? I don't know. Are they responsible for the rest of the campaign if they simply decide to send money to a campaign and vote their vote because it is the only organization available when it is an organization if pensioners decide that they don't like the direction this company is going?

So what you are really doing here is, you are trying to chill the speech and freeze the speech by putting them and holding them responsible for the disclosure that they may not have any control over. They may not have any control over the entities, all persons or entities engaged in such a campaign, they may not know that. They may know they just don't like that executive compensation or they want a discussion of it. They don't necessarily know the activities engaged in to influence the vote.

You know, a lot of times people will hear about these campaigns in the newspaper because they are there, and they don't know the amount of money that is expended on the campaign. When do they get to vote? When do they get to vote? They don't have this information on their person, so to speak, but unless they can comply with this form, their vote is not counted.

Now, let's flip it over to the other side. The corporation can use corporate funds to make a general solicitation of proxies. They don't even have to speak about this campaign, they don't even have to speak about executive pay. They make a general solicitation. They say the shareholders' meeting is coming up, this is the agenda and this is what is going to be on it. Then they get to vote any way they want. What the hell is going on here?

I want to spend $100 or $500 because I think that this is not in the best interest of me. I am a shareholder, I own the stock, and I have got to jump over all the hoops; and the corporation just glides through an election and they have the proxies. This sounds like the problem with executive compensation; the decision is made at the corporate level, and nobody gets to second-guess it.

Send out a general solicitation. Maybe there is no campaign against executive pay at the time that the solicitation for proxies goes out. You know why? Because very often most people don't know what the executive pay is. You can read that form until you are blue in the face and you don't know what it is.

How many times have we heard executive compensation boards say, I was in the room, I didn't know we were paying them $37 million? I was in the room, I didn't know he got those stock options. I was in the room. That is why we started putting responsibility on people who were in the room.

But now this poor shareholder, this poor shareholder who is not in the room, who is not on the inside deal, this person has to jump through hoops. And then I guess what do you do? You petition to have them count your vote, and then in the petition you say, to the best of my knowledge, these are all persons who were engaged in the campaign, and to the best of my knowledge, this is what they did to influence a vote, to the best of my knowledge, this is the amount of money spent; and if it turns out to be wrong, your vote is thrown away. You call that democracy? That sounds like what they call democracy in Latin America or something.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. GEORGE MILLER of California. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. The gentleman should give my friends on the other side credit for consistency. As he knows, their definition of democracy has recently frequently included throwing votes away.

Mr. GEORGE MILLER of California. You mean those 13,000 in Florida that are missing? I thank the gentleman.

So this is an incredibly one-sided amendment. This should not be accepted by this House. This certainly should not be accepted when the purpose of the legislation is to expand the participation, the meaningful participation of the shareholders, the people who made a decision to go out and to buy the

stock, or they earned it in their retirement fund.

□ 1850

The Acting CHAIRMAN. The time of the gentleman from California (Mr. GEORGE MILLER) has expired.

Mr. GEORGE MILLER of California. Mr. Chairman, I ask unanimous consent to proceed for 2 additional minutes.

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

Mr. SESSIONS. I don't have an objection. I would ask the same.

Mr. FRANK of Massachusetts. I will extend the gentleman a similar courtesy.

Mr. SESSIONS. Then that would be fine; the gentleman may continue.

The Acting CHAIRMAN. Without objection, the gentleman is recognized for 2 additional minutes.

There was no objection.

Mr. GEORGE MILLER of California. The point is this. The purpose of this legislation is to address a situation which has unfolded in this country in front of so many American workers, so many retirees, so many people who are close to retirement, when all of a sudden they see that, in the executive suites, they take care of themselves in the cloak of secrecy. And so when all of a sudden a major airline, a major automobile company or any other major corporation goes into bankruptcy, they find out that the executives, as part of their compensation, decided that they would have a bulletproof deferred retirement compensation plan, a bulletproof pension plan; while everybody else was in bankruptcy, that they created a trust, all part of executive compensation. And that is why people are now saying these shareholders, the vaunted basic fundamental makeup of the corporation, the shareholders should be engaged in this conversation.

This amendment comes to the forefront and really starts to strip away that discussion. Reminding you, this is a discussion, since this is a nonbinding advisory vote, so this is a discussion and a vote. And so the question really is, are we going to take the very same people who we pay great deference to when the corporation wants to tell you why they have to do something or they can't do something, it is because of the shareholders; but when it comes to executive compensation, we are going to shut down the ability of those individual shareholders and retirees and others to be able to have this discussion about executive compensation. And executive compensation is getting so large now that it in fact does impact the shareholders, because many corporations if you look at it, you think how much would they have to do to drive that amount of money to the bottom line? What would they have to do to drive that amount of money to the bottom line? This amendment should be rejected because it is contrary to the purpose and intent of this bill.

Mr. FRANK of Massachusetts. Mr. Chairman, I ask unanimous consent that the gentleman from Texas be permitted to proceed for 2 additional minutes.

The Acting CHAIRMAN. Without objection, the gentleman from Texas is recognized for 2 minutes.

There was no objection.

Mr. SESSIONS. Mr. Chairman, I appreciate the gentleman from California as well as the gentleman from Massachusetts, who, as the chairman of the committee, has forthrightly come before the Rules Committee, made himself available and is doing so again tonight on the floor.

Mr. Chairman, it is quite simple that this is about transparency, and I think that is what this bill is about. It is about bringing transparency and some clarity to a shareholder, to be able to know a little bit more and to express themselves about what they think about executive compensation.

I disagree with that. But let's add some more transparency and at least say that if someone else is going to become engaged in the effort, other than the individual shareholder, that they be given an opportunity to have to at least register their activities and what they are doing. The Securities and Exchange Commission, just like the Federal Election Commission, has a lot of knowledge about how business works and how transactions work. I have no reason to assume that, let's say, GE, that they would have a shareholder for GE held to some standard of $500 or $1,000 as the gentleman suggests, that some retiree could not influence as many people as they wanted, that they would have to go through a reporting process.

Mr. Chairman, the bottom line is that this should be about doing the right thing, where we would understand who was on what side, what they were attempting to influence and whether they were trying to influence the corporation in some way. I think shareholders should know about that.

I believe that the SEC could forthrightly understand that the size of the company, the size of the mailing and those things that happen would be appropriately determined. Obviously, if you are going to go on TV, that threshold might be less. If you are going to go in the mail, perhaps a different threshold. But what I am suggesting to you is it is not us setting the standard; it is the Securities and Exchange Commission that wants to regulate, in a fair and proper way, the marketplace.

The Acting CHAIRMAN. The time of the gentleman from Texas (Mr. SESSIONS) has expired.

(On request of Mr. FRANK of Massachusetts, and by unanimous consent, Mr. SESSIONS was allowed to proceed for 1 additional minute.)

Mr. SESSIONS. I do thank the gentleman in fairness for giving me the additional minute that they were given.

So I would ask this body to understand today that we might well be passing this bill, but that this amendment process is to bring forward ideas that bring clarity and understanding of transparency. I believe shareholders would also be entitled to know who is attempting to influence them and what those words might be that they choose, rather than just beating up a company. I don't think it is good for anybody in this country to receive a message that might be aimed at someone without full disclosure, without the proper notification about who they were and what their intentions were. This is about transparency. This is about sunlight. This is about doing the right thing that would enhance the bill that is before us today.

Mr. Chairman, I appreciate the opportunity for Mr. FRANK to be able to not only forthrightly offer me the time in fairness, I would also like to thank the Rules Committee, of which I have been a member now for 9 years. I understand what we are doing here, and I will say that I appreciate the way this bill has been handled.

Mr. WATT. Mr. Chairman, I move to strike the last word.

I rise in opposition to the gentleman's amendment.

The gentleman has indicated that this is about transparency. I really don't think it is about transparency. The underlying bill is about transparency and giving shareholders the information they need to at least express themselves about salary increases and golden parachutes, both of which I think all of my colleagues have acknowledged are problems that need to be addressed.

What this amendment is about is more about two things. One is the ability to express ourselves to each other as shareholders without impediments. That at some level is a free speech issue. The second thing this amendment is about is balance. What the gentleman would say to shareholders is, if you communicate with other shareholders about executive compensation or a golden parachute, then your vote gets disqualified. But if the corporate executive communicates with other shareholders about this issue, they can do it in an unimpeded way and without any consequence.

So if the gentleman were interested in making this a balanced amendment, what he would do is to add a provision that said, if the executives communicated with the shareholders about the vote, then they would be disqualified from getting any salary increase if they didn't disclose if they had spent anything other than a de minimis amount of money communicating with the shareholders. That would give it some balance. But right now, it is, as the gentleman from California has pointed out, a completely unbalanced equation. And it is not unlike what is already existing in this executive compensation arena because the scales are

totally unbalanced against shareholders, and the underlying bill attempts to at least in some measure restore a sense of balance and give shareholders more rights. It doesn't do it in an intrusive way. In fact, there are a number of proposals, including one on the Senate side, that would be a lot more intrusive than this bill.

I think this is the least intrusive way to do it, and I support the underlying bill and oppose the gentleman's amendment to the bill.

□ 1900

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. SESSIONS).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. SESSIONS. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

AMENDMENT NO. 5 OFFERED BY MR. GARRETT OF NEW JERSEY

Mr. GARRETT of New Jersey. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. GARRETT of New Jersey:

Page 4, line 13, strike ''Any proxy'' and insert ''Subject to paragraph (3), any proxy''.

Page 5, line 6, strike ''In any proxy'' and insert ''Subject to paragraph (3), in any proxy''.

Page 6, line 13, strike the close quotation marks and following period and after such line insert the following:2

''(3) CONDITIONS TRIGGERING VOTE.—The shareholder vote requirements of this subsection shall only apply if the executive compensation (as disclosed pursuant to the Commission's compensation disclosure rules) exceeds by 10 percent or more the average compensation for comparable positions—

''(A) in companies within the issuer's industry; and

''(B) among companies with comparable total market capitalization,

as determined in accordance with regulations issued by the Commission.''.

Mr. GARRETT of New Jersey. Mr. Chairman, I rise to offer this straightforward and commonsense amendment today to provide shareholders and companies better guidance on what constitutes an excessive executive compensation package that this interventionist, otherwise, legislation before us does.

But before I do that, I commend the distinguished chair of the committee for his hard work on this legislation, but I would like to point out an inconsistency in his approach to this legislation.

We now have before us new SEC guidelines on executive compensation transparency. These new rules, unfortunately, have not even been given a chance, not an opportunity to bear any results or any fruit whatsoever. So without giving time to see if these new SEC rules will work, the chairman and this House are rushing ahead to consider legislation to address the issue.

But on the other hand, Mr. Chairman, in regards to Sarbanes-Oxley reform, the SEC is also considering new guidelines to address numerous concerns, and in that case, the chairman believes that Members need to be patient and let the SEC do its job. In fact, we have not even had a single hearing on that topic. We are told we need to wait and see if the new regulations will fix the current problems in the corporate sector.

But after listening to numerous arguments by the chairman about inconsistency, and even tonight as well, I thought it important to point this out, that we should be consistent on these two matters and to give both avenues an appropriate time to work things through. But if we are not going to do that, that is why I propose this amendment.

This commonsense amendment I have offered today attempts to keep us focused on the perceived problems of excessive compensation. This amendment would establish a trigger that would have to be met before shareholders vote on executive compensation packages. The trigger would require that executive compensation exceed by 10 percent or more the average compensation for comparable industries in that particular sector and would require that the executive compensation question exceed by 10 percent or more the average compensation for comparable positions among companies with comparable total market capitalization. In essence, the SEC is being tasked with deciding which companies fit into these two categories for the purposes of determining these two percentages.

So, it is simple. Essentially my amendment seeks to limit the required votes to instances where the disclosed excessive compensation in question grossly exceeds the norm and provides a quantitative guideline for what constitutes the norm and what constitutes gross excess. If the underlying bill were to pass as it is currently drafted, we will be forcing literally thousands of public companies across this country to conduct shareholder votes on every single pay package for every single CEO of every single public company all the time.

Now, while the courts have said before ''we know it when we see it'' can be a useful test in certain circumstances, if we have the ability to provide better guidelines to American businesses and consumers, then we should do so in this legislation.

We all know of the large compensation packages that have been given over the last several years. The media has ensured that those that receive extraordinary pensions make it to the media, but you know, for every one of those huge packages, there are literally hundreds, maybe thousands, of other compensation packages that are far more standard. They are within the norm, and we really should not be requiring a vote on each and every one of those that are falling into that category and failing to give the shareholders in those cases the proper information.

So, by adopting this amendment, we will allow thousands of hardworking public companies to continue their day-to-day work without interruption, and we will be better able to focus on the new executive compensation packages that are outside of the comparative norm and may not be in the best interests of the shareholders.

Mr. WATT. Mr. Chairman, will the gentleman yield?

Mr. GARRETT of New Jersey. I yield to the gentleman from North Carolina.

Mr. WATT. Mr. Chairman, I am just trying to be clear, under your amendment, who would make this determination of whether it is outside the norm? Where would the information come from? Has anybody done a cost analysis of what it would cost to obtain this information?

Mr. GARRETT of New Jersey. Reclaiming my time, the SEC, as I said, will be tasked with deciding which companies fit into these categories for the purposes of determining these percentages.

Mr. WATT. Is that spelled out in your amendment?

Mr. GARRETT of New Jersey. Yes.

Mr. WATT. Okay.

Mr. SCOTT of Georgia. Mr. Chairman, I move to strike the last word.

I rise to oppose the amendment from my good friend from New Jersey. I certainly can appreciate and value his thought and his effort. He presented this amendment in committee. It was voted down at that time. The chairman has seen fit for us to explore it here.

I think it is very, very important to, first of all, take a very good look at this amendment because I think the American people have certainly tuned into this debate, and on the surface of it, it sounds very nice and good. You recognize that there is a problem; you are just saying that it ought to be, let us just deal with that that is above 10 percent.

But let us look at the wording of this amendment for a moment just to show the difficulty of it. It would allow shareholder votes on executive compensation packages but only if executive compensation at the company exceeds 10 percent or more the average compensation at companies within the same industry and among companies with comparable total market capitalization. A very complicated procedure at best.

One of the first and most fundamental reasons why we oppose this amendment is because it is cleverly designed to do one thing and one thing only, and that is basically to gut this bill because it is totally unenforceable.

The gentleman from North Carolina raises a very important point that I

raise. You know, how can you determine this? Who determines this? And when you say, the Securities and Exchange Commission, they are not in power to do this. What sanction do you have? And is it ''and'' or is it ''or'' market capitalization of 10 percent?

Let me get my point out a little further. As you go in and you talk about the Securities and Exchange Commission and their rules and what they are doing, it is clear to understand that there is nothing within what the SEC is proposing that ensures the bottom line of what we are after, and that is investor confidence in the transparency and accountability.

This is a very different time within the history of American enterprise. We have ballooned into a stratosphere of CEO compensation. That is also compounded by a new culture within corporate America. You no longer have the sole cases of the man coming up, working his way up through the company, works his way up and spends 20, 30 years with the company, 25, 40 years with the company and becomes CEO. No, what you have now is a series of hired guns who move from company to company, with a battery of lawyers, with packages and sort of like free agents here at this corporation, one at another, one the next, different industries.

So what we have here is a response to that situation that has resulted in these very personalized compensation packages that are made among two or three interested parties and a board of directors member perhaps of a compensation team and this individual without any input from the legitimate owners of the company that invest in it.

Now, let me make one other point very clear of what we are doing. All the companies, we should not single out any companies say if it is 10 percent of this or that, even if you could define the rather complicated formula that you have. What we are saying is every stockholder, every company with shareholders publicly traded, should have that opportunity to weigh in and have a say on the compensation packages.

I might add that, in the point that was spoken before, when you said, well, these companies will fold up and they will come off and not be public anymore and be private, that in and of itself points out the need for this bill. For if a company, based upon just wanting to keep secret or keep within the domain what one CEO, one employee, that desire would force them to go private, that lets you know right there if that happens, but as the information is flowed to us, every company that has had a say-so on this, you name it, I mentioned AFLAC, the Coca-Cola company and Home Depot, which just had a little hit here, but even they are moving.

Mr. ROSKAM. Mr. Chairman, I move to strike the last word, and I yield to the gentleman from New Jersey (Mr. GARRETT).

Mr. GARRETT of New Jersey. Mr. Chairman, the amendment before us, in fact, is intended to strengthen the bill and not, as the gentleman says, to gut the bill.

How does it strengthen the bill? It does so by addressing the exact problem that the gentleman just set forth as what they were intending to do with the legislation in the first place.

The gentleman, and also in committee, went on and all the testimony was about excessive compensation packages and how this is an egregious situation for this country and for the investors. I do not think we had one person who came before the committee, nor has anyone from the other side of the aisle made an example of saying that we should be doing something about fair compensation packages or compensation packages that only went up a small percentage.

All the testimony, all the argument before, all the argument we have heard tonight is about excessive compensation packages, and that is what my amendment does. It says, look to, how do we focus this thing on really where the problem is, excessive compensation packages, and we do that by specifically delineating it, by saying that it is 10 percent or more of the above averages for the industry's norm.

Secondly, the gentleman from the other side points out that the investor does not have any input. Of course, he does, and when the case is involving an excessive compensation package, then he will have the input to make his voice heard.

Thirdly and finally, I think we see the difference of approach as to where the burden in these situations should apply. Should it apply to honest, law-abiding, good, hardworking citizens and businesses in this country, or should the burden be placed on government? My amendment would say that the burden is put on the SEC to make the determination to make those findings, and yes, it will be some burden to do so, but it is on the SEC to make those findings. We should not be placing these excessive burdens on the business sector. If they are doing what their stockholders want them to do, growing and expanding their businesses, hiring CEOs that are making salaries that are fair for them and are within the norm, we should not be placing an additional burden on them.

Mrs. MALONEY of New York. Mr. Chairman, I move to strike the last word.

I thank my dear colleague, Mr. GARRETT, on the other side of the aisle for your strong support for the TRIA bill and for coming to New York for that very important hearing. It is a challenge that both of our States face, and I congratulate your leadership on that very important measure.

But, regrettably, I rise in opposition. I do not see this amendment as straightforward and helping the process. It appears to just complicate it. It sets triggers and hoops that you have to jump through before we can get to a vote.

The underlying purpose of this bill is to allow shareholders to have a vote on a link between pay and performance. If a CEO is doing an absolutely fabulous job and coming up with new ideas and creating new industries and employing thousands and thousands of Americans, as a shareholder, I would probably vote a big pay increase.

□ 1915

But if that CEO was like New Century, where the CEO recently, I think was in the paper today, this gentleman walked away with a multimillion-dollar bonus and $13 million of profit in stock options while his company went bankrupt, and thousands of their borrowers are facing the loss of their homes. As a shareholder, I would be voting, very strongly, ''no'' on that pay package.

To me, the underlying thrust of this is to allow the voice of shareholders in the democracy of their companies and our country and to tie pay to performance. As a shareholder, I would vote for a large pay increase to someone who is doing a good job. But too often we hear about people who are doing a terrible job, bankrupting pensions, running their companies into the ground. With their cronies on the board, and their close friends walking away with these huge packages, it's really not good for the country, it's not good for capitalism, it's not good for business.

This proposal also would increase the cost and length of the time for both the firms and the SEC. The SEC is overburdened now, but this puts more burdens on them to collect the data and calculate the 10 percent that is required before they come forward and make the decision.

I join my colleagues. This was roundly defeated in the committee earlier, and I believe it should be defeated on the floor.

I would like to speak just a little bit about what I am so deeply concerned about, and why I think this is such an important bill. Like many of my colleagues, I am very concerned about the rising economic inequality in this country. Under the Bush administration, it has just gone like that. I don't think it's good for the country or for our future.

Despite 5 years of economic expansion, most American families have struggled just to hold their economic ground on President Bush's watch. Strong productivity growth has not translated into higher wages for most American workers. Those who were already well-to-do are those who continue to grow.

As this chart shows, and I think it's an important one, the red bar shows only modest gains concentrated in the upper half of the distribution from 2000 to 2006. The divergence between the haves and the have-nots and the Bush economy stands in marked contrast to the second term of the Clinton administration. The blue bars, where real

wages and gains were strong up and down the economic ladder for all people, the economy grew, not just for the top, but for all of our citizens.

The people experiencing the largest wage gains are executives and highly compensated individuals. While ordinary workers are not really sharing in this economic growth, their paychecks have not really grown after inflation.

I want to show the CEO chart, because it goes really to part of this bill. Now, this chart shows the compensation, as the bar on the left shows, in the 1980s, the average CEO made about 50 times as much as the average worker. As the bar on the right shows in 2004, that ratio was seven times greater. The average CEO made about 350 times the pay of the average worker.

According to recent studies, that figure has only gone up. The average CEO made 500 times the pay of the average worker in 2006. I say that it's time for shareholders to have a say and that this underlying bill is long overdue.

I congratulate Chairman FRANK for his effort here. It's measured, it's reasonable, and it will enhance shareholder democracy and rein in the excesses of executive compensation.

I would just like to conclude, the main reason I am opposed to your amendment, Mr. GARRETT, although I have a great deal of respect for your work and we have agreed in many ways, is, it does not link the pay to performance. That is what we want to get to the shareholders. That is what is good for economic growth for our country.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. GARRETT).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. GARRETT of New Jersey. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Jersey will be postponed.

AMENDMENT NO. 2 OFFERED BY MR. CAMPBELL OF CALIFORNIA

Mr. CAMPBELL of California. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. CAMPBELL of California:

Page 4, line 13, strike ''Any proxy'' and insert ''Subject to paragraph (3), any proxy''.

Page 5, line 6, strike ''In any proxy'' and insert ''Subject to paragraph (3), in any proxy''.

Page 6, line 13, strike the close quotation marks and following period and after such line insert the following:

''(3) MAJORITY-ELECTED BOARD EXEMPTION.—The shareholder vote requirements of this subsection shall not apply with respect to any issuer that requires the members of its board of directors to be elected by a majority of the votes cast in a shareholder election of such board.''.

Mr. CAMPBELL of California. Mr. Chairman, as has been mentioned in the debate tonight, we had a substantive hearing on this subject, and there were six witnesses at that hearing. The witnesses were split as to the substance of the bill that is before us. Four of them liked the bill, supported it, and two of them opposed the bill. However, there was one thing on which there was unanimity with the witnesses. All six witnesses agree that a better solution, a better proposal, would be to allow to have shareholders, or to require companies to require a majority vote before seating a shareholder on the board.

All six witnesses preferred that to this very prescriptive executive compensation proposal. Because, as we discussed earlier, that would actually give shareholders more rights, through the board, to express their displeasure with a company for excessive executive compensation or simply executive operations that they don't like: for a poor performance, for a bad union contract, for whatever they wanted to express their displeasure more effectively by voting against people who were proposed to be on the board. Because if a majority vote is required to put anyone on the board, it's going to take a lot more votes to get people on there than would have happened under the current system.

What this amendment does is, this amendment says that a company will not be required to have an advisory vote on executive compensation if they, instead, require a majority vote, a majority of those voting, to seat a director on the board. That is simply all this would do.

Now, therefore, companies, if they didn't really like the executive compensation proposal, they could go for a majority vote instead, if they felt that was better for them. And as I stated before, I and people all over the spectrum believe that is a better solution.

Interestingly enough, the Business Roundtable believes that is a better solution, and I have a letter here from the Teamsters Union from March 13, 2007, bragging about how FedEx recently adopted a majority vote by law and how important this was for the management of that company. So it is clear that on all sides of this the people believe that majority votes to seat someone on the board of directors is a more effective way to deal with this issue.

Now, let me anticipate some things that my friend, I will get your State right this time, from Massachusetts will say. I have heard the argument that this proposal is too intrusive, that it is more intrusive than the basic bill that is before us. I would argue that it is not, because it actually gives the corporations a choice. They can either accept the vote on executive compensation that is before them, or if they wish to go the route of majority voting for directors, they can do that instead.

I have also heard the gentleman argue that my proposal here is not intrusive enough because it does not require a majority vote of directors for all corporations at all times.

I will tell you that if the author of this bill, the chairman of the committee, wished to amend this bill or pull this bill back, or whatever would be the correct parliamentary procedure, to replace this with a requirement for a majority vote of directors, I would support him on that.

However, with the bill that is before us, this is the only germane solution that can be offered to give shareholders the opportunity to have a majority vote for directors, which will really give them more voice, instead of this silly advisory vote thing, which is so narrowly focused on just one thing that shareholders may have a problem with, rather than the greater issues of governance of corporations.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

The gentleman from California mischaracterized my argument. I didn't say that it wasn't intrusive enough because it wasn't mandatory. I was responding to his earlier assertion which might have led people to think it was mandatory. I was simply correcting the characterization.

I would say this. If the gentleman wants to introduce a bill, and he complains a little bit, well, that he was only able to offer this amendment because only in this form is it germane to this bill; I know the gentleman is a relatively new Member, maybe he didn't understand that Members have the right to file any legislation they want.

Had the gentleman genuinely wanted to deal with this and broaden the right of shareholders with regard to elections of the boards of directors, that if I were here, I would have filed such a bill, I will tell him now, I will yield only if I can get unanimous consent to extend my time.

If Members tell me that, I will be glad to yield. No problem. I will be glad to yield in a minute just to say this: If the gentleman now decides, having considered this, that he wants to file such a bill, I will guarantee him a hearing. I will say this: We will find more opposition to it if we were to mandate that. That is one of the factors I will introduce.

I would say, until we had filed this bill, I had not seen any indication from the gentleman this is what he wants to do. If he wants to file a bill to give shareholders the right to vote by a majority for directors, and I think there has to be further change, then I would be happy to guarantee a hearing.

I will yield to him.

Mr. CAMPBELL of California. Thank you. I will assure the gentleman that I will do that.

Mr. Chairman, I would like to suggest that the gentleman withdraw the bill that is before us. If you believe that it is a better solution, I believe you do, then let's withdraw the bill.

Mr. FRANK of Massachusetts. I am taking back my time.

I will explain why to the gentleman, because I think it's going to be hard enough to get even this through. We have had people who said this is way too much. I do not think the gentleman speaks for his party in being supportive of something that will be far more opposed by a broader segment. If, in fact, that would happen, I would be supportive, but I do not want to have the chance to sacrifice this.

I will say one other point. The argument is, why do you single this out? I believe there have been problems with boards of directors in general, although I will repeat again that the Chamber of Commerce, as was noted, thanks Sarbanes-Oxley for significantly improving the quality of boards of directors. I think our former chairman should be pleased to have this ringing endorsement of his handiwork from the Chamber of Commerce.

But there is still this problem, boards of directors are at their least independent in dealing with the CEO who may have selected them. I do think there is reason to single out the CEO-board relationship from other issues.

The other question I have is this and why I wouldn't vote for this amendment in any case, it says a majority vote, but here is the problem. In many corporations, there is no way to nominate someone to be on the board, other than by the board. There are many corporations that do not allow that.

If the gentleman wants to come in with a bill that says shareholders, a certain minimum number, not any one person, but if we could agree that a reasonable number of shareholders could designate alternative candidates, then we could do this. An election in which you require a majority to be elected is part of the democracy, but an alternative is also part of the democracy.

The gentleman has half of the democracy in here. He has a requirement of the majority vote, but no requirement that there be any competition. As we all know, the fact of competition could affect the final vote.

If the gentleman's newly found interest in this sustains itself, and he says it will, and he wants to file a bill that requires that there be access, proxy access to our nomination process and then a majority vote, he will have my support. Until then, though, I see no reason, in the hopes of that, to get rid of this bill.

I do want to respond to an earlier comment by the gentleman from New Jersey who said we could only do it for excessive compensation. He fundamentally misunderstands this bill and contradicts itself.

It is not the job of the Congress to say what it is or isn't excessive. We have individual opinions about excess. We are leaving it to the shareholders.

The gentleman said they should only have to vote if it is more than such and such above the average. What about if you are getting average pay for a subpar performance? What if the shareholders of a particular corporation say, this man doesn't deserve the average, this woman hasn't lived up to the average?

The notion that we should qualify the abilities of shareholders to vote on what to pay the owners of their own company, based on what we think is excessive, an empirical definition put in the bill, fundamentally misunderstands what we are trying to do, which is to empower the shareholders to express their opinion.

Members keep saying it is simply only advisory. I do not think, Mr. Chairman, that anyone believes that. I do not think that anyone thinks that an advisory vote of shareholders would be easily dismissed by boards of directors.

One final point, the suggestion if we do this, the boards of directors and CEOs in pique will take their companies private, when presumably they otherwise wouldn't, because that is the only way it could be causal, what a condemnation of CEOs. How dare you vote on my pay? I will take my company private.

By the way, in fact, you can't take the company private over the shareholders' objections.

□ 1930

The Acting CHAIRMAN. The time of the gentleman from Massachusetts (Mr. FRANK) has expired.

(By unanimous consent, Mr. FRANK of Massachusetts was allowed to proceed for 2 additional minutes.)

Mr. FRANK of Massachusetts. I just want to repeat the point I made. This threat that we will take the company public, the CEO will take the company public, understand what that says: That if the CEO's pay is subject to a shareholder vote, in retaliation, he will make a fundamental change in the ownership structure. And, by the way, that assumes that the shareholders don't have anything to say about it. No, I do not think that shareholders will sit and vote for a takeover of the company just to allow the CEO to shelter his or her pay; so this threat, I think, is an empty one.

Mr. MCHENRY. Mr. Chairman, I move to strike the last word.

Mr. CAMPBELL of California. Mr. Chairman, will the gentleman yield?

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

Mr. CAMPBELL of California. I thank the gentleman from North Carolina.

Just to respond to the gentleman from Massachusetts' comments, I will introduce such a bill, as we have discussed, and I am happy to work with the chairman on that.

But what is before us right now is this amendment and this bill, which I wish you would withdraw so we could work on the other; but, apparently, you are not going to do that.

And since you are not, what we have before us is this bill right now and this amendment right now. You said it is only half democracy. Well, what we have before us is zero democracy. This amendment is at least half democracy. Maybe it is not full democracy, as you say, but it is better than none. That is what this amendment is.

I would caution Members on the other side, if you oppose this amendment, you are opposing majority voting for the opportunity to have in this bill a large incentive for companies to put majority voting for directors. If you vote ''no'' on this, you will be voting ''no'' on that opportunity in this bill. Let's understand that is where we are. In the future, I will be happy to work with the chairman on other things.

Mr. MCHENRY. In order to move this along because the reason I am allowing the gentleman from California to speak on my time is so I can have an opportunity to offer my amendment, and we are pushing up against a time limit.

Mr. FRANK of Massachusetts. Mr. Chairman, would the gentleman yield me 1 minute? I will talk fast.

Mr. MCHENRY. The gentleman certainly talks fast, and I will yield him 30 seconds.

Mr. FRANK of Massachusetts. I just wanted to say that this does not in any way enhance democracy. The notion that if you vote against this bill, you vote against democracy, makes no sense.

The gentleman says it is an incentive to make the corporations do this. Apparently he believes that, assuming a nonbinding, ineffective, toothless advisory vote will provide a major incentive to corporations to make a major structural change; I don't.

Mr. MCHENRY. Mr. Chairman, reclaiming my time, I yield to Mr. CAMPBELL.

Mr. CAMPBELL of California. The gentleman from Massachusetts may have heard others say it is toothless and ineffective. I didn't say it was toothless and ineffective. In fact, I think it creates problems when companies have to hire somebody quickly and that sort of thing. I didn't say it was toothless and ineffective. I said it was silly. I did say it was silly because it only targets one element of shareholder displeasure with a company, which is an element, and although it can be very irritating, amongst many, many elements that are out there, is the least likely to actually destroy shareholder value, and that is what shareholders are interested in, is shareholder value.

So I didn't say it was toothless and ineffective. I said that I think it is the wrong solution to the problem that is before us.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. CAMPBELL).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. CAMPBELL of California. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

AMENDMENT NO. 7 OFFERED BY MR. MCHENRY

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. MCHENRY:

Page 3, line 18, strike the close quotation marks and following period and after such line insert the following new paragraph:

''(3) DISCLOSURE OF VOTE TO PENSION FUND BENEFICIARIES.—A shareholder who is casting the vote permitted under this subsection on behalf of the beneficiaries of a pension fund shall be required to disclose to such beneficiaries whether such vote was cast to approve or disapprove the compensation.''.

Mr. MCHENRY. Mr. Chairman, I thank the gentleman for the opportunity to offer this amendment under this semi-open rule.

My amendment is simple and straightforward; and I know that is always a misnomer in this place. But it is simple and straightforward. It holds pension funds accountable to their member shareholders for their proxy votes.

Really, the intent I believe the bill's sponsors had is for transparency, so shareholders can actually have their voices heard, and they are transparent in their corporate voting structure.

This amendment requires a shareholder who is casting a nonbinding advisory vote to disclose to their beneficiaries whether such vote was cast to approve or disapprove the compensation.

As we well know, pension funds hold stocks for others. I think it is important that the managers of those pension funds disclose to the actual owners of those retirement funds, those pension funds, how their managers cast their votes. And if the purpose of the Shareholder Vote on Executive Compensation Act is to attain a greater level of accountability to shareholders, then my amendment simply must be adopted in order to fulfill that.

Union leadership or pension fund leadership should have to inform their shareholders how they cast votes on their behalf. I think that is a matter of openness and transparency.

As Members of Congress, this issue should hit close to home. Do you believe your constituents back home, the people you represent, should know how you vote? Well, that is exactly what we are offering here today, what I am offering in this amendment. It is a very commonsense thing about disclosure to those that it actually affects. Voting against my amendment sends a clear message to your constituents that you value secrecy over transparency.

Why should only the mutual fund industry have to inform their shareholders how they cast their votes? So what we are doing is applying what is already done for mutual funds. Mutual funds are required to disclose to the owners of that mutual fund how the leadership, the management, casts proxy votes; and in this instance, it would be operational. They would have to disclose to their owners how they cast a vote.

Well, let's apply that to the pension fund. Let's apply that to union pension funds, let's apply that to State-managed pension funds. I think it is a reasonable thing.

What I find disturbing, though, is in some ways you are allowing activist shareholders to participate in this vote without actually having to disclose to those that own the pension funds, to those who actually own the stocks in this case, how they vote. I think it is a matter of disclosure, and it is what is necessary and fair.

Political groups like big labor and huge pension funds will have the power to ransom business leaders with their votes. But what we are trying to do is hold them accountable for their actions and activities, and ensure that those people who own those stocks and have a financial interest in the pension fund have an idea of what their management is doing.

Look, if we don't do this, it will create a situation where critical business decisions are being made by those least prepared to make them. In the name of fairness, transparency and accountability, I urge my colleagues to adopt this amendment.

Now I don't want to misstate what the chairman said when I offered this during committee and what some of my colleagues on the other side of the aisle said, but in many respects, they like the intent of this, and I know that the chairman is trying to keep this, his original bill, free and clear of any amendments. I understand that. I certainly understand that. But I think this is a proper addition to ensure that shareholders truly understand what those who are controlling their votes actually are doing. I think it is a necessary and proper thing to do.

I urge my colleagues to support this amendment.

Mr. WATT. Mr. Chairman, I move to strike the last word, and I yield to the chairman of the committee.

Mr. FRANK of Massachusetts. I think the gentleman from North Carolina did correctly state my view, but my position was not simply to keep this bill clean, we did accept a couple of technical amendments. I would point out to him, in committee, the gentleman from Connecticut (Mr. SHAYS) had a substantive amendment, which we accepted, dealing with rights.

My view is this: I agree on the principle that a fiduciary's vote should have to be made public, but I wouldn't want to limit it only to pension funds. I also don't think it should be limited only to this subject matter, although I agree, given germaneness, the gentleman couldn't have broadened it beyond that subject in this bill. But it could be broadened beyond pension funds.

I believe we should have a hearing on the principle where the gentleman is correct, and I agree with him, that fiduciaries should have to be made public, but that is all fiduciaries on all issues.

Mr. WATT. Reclaiming my time, that was exactly the point I was going to make.

So a broader amendment, were it germane to this bill, would probably be received favorably by all of us because we believe that fiduciaries in general should be reporting to the people that they are representing. But when you limit it only to pension plans, you eliminate foundations, you eliminate family trusts, and you eliminate a whole range of other fiduciaries that should have the same obligation. And singling out pension plans in this context I think is the wrong thing to do.

I am happy to yield to the gentleman from North Carolina.

Mr. MCHENRY. Mr. Chairman, while I appreciate my colleague speaking to that, I would ask if you would be willing to write a letter to the SEC with me encouraging them, through the regulatory process, to do what you just outlined. I certainly appreciate what you are doing. I would like to have a vote on this because I think we should get on record saying this is the right move. But I would like to work with you all on this.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. WATT. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. I appreciate that spirit of cooperation, but it is getting late, and Friday is coming, so I would offer either a letter or roll call, but not both.

Mr. WATT. Reclaiming my time, I am not sure that the SEC would have the authority to go outside without some legislation anyway. So a letter to the SEC saying, do this, would take two conditions: Number one, it would take the passage of this bill, and I presume the gentleman is not planning to vote for it. So you would be asking us to accomplish something for you without a quid pro quo.

Number two, it would take some legislation.

I yield to the gentleman from North Carolina.

Mr. MCHENRY. I would be happy to vote for the legislation if my amendment passes because I think that furthers it, and if I have a commitment from the chairman to maintain it through conference.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. WATT. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. I have just been advised by staff, who is very knowledgeable on this, that part of the problem is, and I understand the gentleman has, as I think is appropriate, substantively the model of what was done with mutual funds, but I have been reminded that the SEC has a plenary power over mutual funds that it

does not have over foundations. I have now been instructed that the SEC could not do that. You cannot reason that what they can do over mutual funds to what they can do over these other fiduciaries, so I think it would take separate legislation.

Mr. WATT. I am delighted that my chairman has reaffirmed that because my colleague from North Carolina would never take that piece of advice from me. I'm joking.

I oppose the gentleman's amendment because it is not broad enough to cover all fiduciaries. We ought to work on it in a different context, and I hope we will have that opportunity.

Mr. ROSKAM. Mr. Chairman, I move to strike the last word.

I rise to point out that there is some dizzying logic going on. Basically, we are being told, here is a piece of legislation, and if you are clever enough to come up with a germane amendment, we will sort of humor you and listen to you. But if there is a larger suggestion, then it is very difficult to move forward.

I would just suggest to the chairman of the committee that the perfect is the enemy of the good. It strikes me that the gentleman from Massachusetts is an incrementalist. Those who survive most in this arena are incrementalists, and he has survived for a long, long time, Mr. Chairman, and flourished and been very successful as a legislator.

But it just seems that this is a good faith effort on the part of the gentleman from North Carolina to put forward something substantively. Is it the totality of making every problem go away? No. There is no way to do that.

□ 1945

And it is a little bit of a procedural Catch-22 that he is in.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the last word.

I am disappointed in the characterization. In the first place, it is not accurate that germaneness prevented this from being a broader amendment. As I acknowledged, germaneness does prevent this from getting into other subject matters. But nothing would have prevented this from applying to the other entities that my colleague from North Carolina enumerated. Nothing would have said that other fiduciaries could have been covered. And that is why I am against this amendment.

Frankly, we have a difference between the parties here to a very great extent on labor unions and the contribution they make to the United States.

Mr. MCHENRY. Will the gentleman yield?

Mr FRANK of Massachusetts. Yes.

Mr. MCHENRY. Well, if the gentleman seeks to perfect my amendment, that is a whole another deal. Through unanimous consent we could expand this to not just pension funds but all issues.

Mr. FRANK of Massachusetts. No, I will take back my time to say to the gentleman, I will not legislate on serious subject matter involving large numbers of institutions on a unanimous consent agreement to an amendment that he filed when he could have filed whatever he wanted at a quarter to 8 or at any other time. I think there should be hearings. I have said we will do this.

You know, the gentleman on the other side may, with the motions to recommit, believe in the 5-minute solution to complex problems. I don't. I think it degrades the legislative process. I will not be a party to it. I will not agree.

The gentleman could have filed any amendment he wanted to that was germane. He could have filed a broader amendment. We could have had more debate and discussion on it.

I do not agree I or he or any of us off the top of our heads are able to decide how better to broaden this. And there is a disagreement between us about labor unions. Let's make it explicit. That is partly what is involved here.

There has been a degree, I believe, of denigration and demonization of labor unions, that is part of the reason I think we have the economic inequality we have. For pension funds I read labor unions because they are identified with unions.

The gentleman from North Carolina, who is a very good lawyer, mentioned a number of other entities that should be covered if you were going to be covering fiduciaries. I do not think it is accidental that only pension funds are mentioned. I think that bespeaks this notion that labor unions are somehow in need of more supervision, that they are more damaging and dangerous. I think the opposite is the case. I think there have been abuses from foundations. There have been some abuses from unions. So that is why I object to doing this, because I do not think it is the first step. I think it is part of a denigration of the role of labor unions from which this country suffers. Indeed, I will just say I am struck as we debate now whether or not to put standards from the international labor organizations into our trade treaties. We are now being told by opponents that we can't do that because America doesn't meet those standards; that because of the years of denigration of the labor unions, we don't meet those standards. So I do not agree to single out pension funds because I do not agree that we should join in this somehow, this suspicion of unions. And I don't agree that in a unanimous consent agreement off the top of our heads we ought to decide how more broadly to do it. I would rather legislation responsibly.

The committee that we are all members of, those of us who are now on the floor, has been, I think, a very thoughtful forum, not just under my chairmanship, under the chairmanship of my predecessor. We have hearings. We have an excellent staff on both sides. We have worked together.

I look forward to hearings on extending the principle of fiduciaries having to reveal how they have voted on all issues and to all fiduciaries. But I do not think we should single out pension funds tonight, nor do I think we should on the fly try to broaden it, so I oppose the amendment.

And I will yield now to the gentleman.

Mr. MCHENRY. Well, I appreciate the chairman yielding, and I don't want to belabor this point. So the gentleman is saying he is willing to work for legislation that makes sure that all fiduciaries disclose—

Mr. FRANK of Massachusetts. All votes.

Mr. MCHENRY. All votes. And so the gentleman will be happy to work on legislation together on this.

Mr. FRANK of Massachusetts. Well, it is late and I am sometimes cranky. I can't say that I would be happy to work with the gentleman, but I would be willing to.

Mr. MCHENRY. Well, I certainly appreciate the Chairman's willingness, and although not pleased or happy about it but, you know, his willingness to work with me.

And just in a final note, I was trying to actually get both of you, both my colleague from North Carolina and the gentleman from Massachusetts, in favor of this amendment and I actually accepted your arguments on broadening this. Once I accepted them, then you said it was on the fly. So it is circular logic that is very interesting.

Mr. FRANK of Massachusetts. I will take back my time to say that you cannot, the gentleman could have offered a broader agreement. I do not agree. Yes, I would ask for unanimous consent to make a slight technical change in an amendment to fix wording. But to go into a much broader version of the subject, under these circumstances, without a hearing, without full participation in a mark up would be inappropriate, and that is what I mean by on the fly.

Mr. HENSARLING. Mr. Chairman, I move to strike the requisite number of words.

I rise in support of this amendment. I rise to support it because I think it would make a bad bill less bad.

As I look at the underlying bill, I am reminded of a couple of things that my colleagues on the other side of the aisle do well. One is mandate, and the other is class warfare.

Now, what we are debating here tonight on the underlying bill is a mandate, a mandate for a voluntary shareholder, non binding referendum on executive compensation.

I have listened to the debate today very carefully, and it seems to strike me that if there was ever a case of a remedy in search of a problem, this very well may be it. I have heard many of my colleagues come to the well and speak about outrageous and unreasonable executive compensation. I suspect

that unreasonable and outrageous are to be found in the eyes of the beholder. A CEO that rescues a troubled company, creates thousands of jobs, increases shareholder value by 80 percent so that folks can help send their kids to colleges, maybe help a parent with long term health care, my guess is that if that person made a gazillion dollars he was probably underpaid. A CEO who runs a company into the ground, who loses 80 percent of shareholder value, maybe he isn't worth 50 cents.

But the question ought to be, what is the state of corporate governance in America, and the shareholders, do they have say so? They have the most important decision that they can make. Mr. Chairman, they don't have to buy the shares in the first place. And we know that the SEC has just engaged in creating even greater and more disclosure. So if shareholders have the opportunity not to purchase this stock in the first place, I don't understand, and if we have disclosure where it should be, why we are trying to mandate a voluntary, non binding referendum on executive compensation. I don't quite understand. Clearly, in America, you still have a right not to buy a stock.

Now, I have heard a lot about what I would characterize as the typical class warfare that we hear from our friends on the other side of the aisle. And it reminds me, sometimes, that one of the accepted forms, really in some respects of bigotry in this society is bigotry against those who are successful. And so we come and we see charts about this disparity in pay. But, you know, Mr. Chairman, the outrage seems to be kind of selective. Where is the outrage of the hundreds of millions of dollars made by personal injury, trial attorneys and tobacco attorneys, and their legal secretaries maybe make $30,000? Where is the outrage there? Where is the outrage at Hollywood actors and actresses making tens of millions of dollars, and the guy moving the set around, maybe he is making $20,000?

I recently learned that Julia Roberts made $25 million for the film Mona Lisa. It cost $65 million to make, but only earned $64 million at the U.S. box office. I don't know for a fact a public company had to pay that salary, but I suspect they did. Now, where is the moral outrage there?

And, in addition, where is the proposal for the mandatory, voluntary non binding referendum on the compensation that may be paid to one of these individuals?

I mean, what comes next? Are we going to have the mandate for the non binding shareholder referendum on the amount of R&D expenditures that a company makes? Perhaps their marketing budget, Mr. Chairman? Maybe their choice of an auditor? I mean, why do we stop here at executive compensation?

And let me speak momentarily about the mandate. My guess is that to any individual company, this mandate may not be too costly. And I was very happy to have, in the last Congress, the chairman's support on a piece of legislation that I worked on that provided regulatory relief for our financial institutions.

And it is not one particular item. And every single mandate may sound pretty good, looking at it singularly, but collectively they are all adding costs to these companies, and you have to ask yourself, is it serving a good purpose? Because if it isn't, what is helping send jobs overseas is too much regulation, litigation and taxation and we need to support the amendment and vote down the bill.

Mr. SCOTT of Georgia. Mr. Chairman, I move to strike the requisite number of words.

This has been a very lively debate and a very good debate. And I think it points out the need for us to examine this issue within the context of a very pressing concern the American people have. We are not up here because we have sat in a room someplace and decided this is what we ought to do. There is a great demand to bring some integrity, to bring some transparency and accountability to this whole issue of executive pay compensation that has gotten out of bounds. And our answer is simply to look at the system as it is there, as it is situated, and extend to the shareholders, to the board to make available to the shareholders on their proxy statement, a block that says, do you approve or you disapprove of the compensation packages. What happens after that we have nothing to do with. That is their decision to make.

And I think we have to also look at the whole issue of what is happening in America today, this whole issue of a war on the middle class; this great divide that is happening. I am telling you, it is dangerous to the future of this country.

This is simply an effort to respond, to give some confidence, and to give another tool, an effective tool that works within the system, that is very fair, that is very moderate, as an example of trying to correct a situation that clearly, clearly has gotten out of hand.

Now, you all have offered amendments. You have offered them in the committee. Now, in all deference to our chairman, our chairman has been very fair in the committee and on this floor and on the pension issue. He has clearly stated, as he did in committee, and again on the floor, we will have a hearing on this, where it should be.

But by the very nature of this issue even exploding into the area of pensions and other fiduciaries, it shows the great need for us to examine our compensation structure in the system.

Gentlemen on the other side, we owe it to the American people. We owe it to our system to protect it. Throughout history we have had to make adjustments. Go all the way back to the fall of the stock market, 1929. There are reasons that that happened. The SEC itself was born as a result of a need to do some things. And we continue to muscle right along.

I think it is very important that we put in the RECORD also, before we conclude tonight, because we have had some of our companies names bandied around here, one of which was Home Depot. And I certainly want to recognize Home Depot for moving and taking this issue on and understanding, even to them, the surprise and the concern and the tone that they want to correct for what happened with their predecessor, the CEO, Mr. Darnelli. They are now moving very aggressively to look at this issue itself.

And let me just read, for the RECORD here, Mr. Chairman, where it says that other companies have already begun a process of allowing their shareholders to decide on implementing say on pay. This week Citigroup, no class warfare here, Wachovia. No class war here. Coca-Cola are holding annual meetings at which time their shareholders will vote on say on your pay proposals.

Every company that has had a chance to weigh in on this issue is moving ahead because they know it is the right thing to do, because they know, at the end of the day, what is needed is for us to make sure that the confidence of that investor is strong.

That is what makes this country great. Our free enterprise system, our move here is to protect it. I commend the chairman, and I thank our committee for pushing this forward.

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The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina (Mr. MCHENRY).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. MCHENRY. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from North Carolina will be postponed.

Mr. FRANK of Massachusetts. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. JOHNSON of Georgia) having assumed the chair, Mr. ETHERIDGE, Acting Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 1257) to amend the Securities Exchange Act of 1934 to provide shareholders with an advisory vote on executive compensation, had come to no resolution thereon.

SPECIAL ORDERS

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

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

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

CALLING FOR JUSTICE IN DARFUR

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

Mr. MORAN of Kansas. Mr. Speaker, we see from time to time, way too often from my perspective, a divisive, partisan discussion, debate, and oftentimes nearly fisticuffs on this House floor. But, Mr. Speaker, I rise tonight to speak about an issue that each of us, every one of us, can agree upon, where there is no partisan or political consideration. And that, Mr. Speaker, is what is transpiring, has transpired over the last several years in Darfur.

Mr. Speaker, we know that there have been 2 million citizens of Sudan who today no longer live in their homes or their villages, and we know that there have been 450,000 people killed in Sudan. It is something that demands our attention. It is something that we as a Congress, we as a country and we as a world must come together to bring the death and destruction, the inhumanity, the hunger, the violence to an end.

Mr. Speaker, I had the opportunity several weeks ago to join the Honorable STENY HOYER, the distinguished majority leader of the House of Representatives, in a visit to Darfur. And there, of course, we had the opportunity to meet with government officials, but we also had the opportunity to see for ourselves the conditions that human beings are living in today. And while I hope our meetings with government officials were useful, I know the view I saw, the scenes that were brought to my attention, the people I met transcend any meeting I could have with a government official to discuss what is going on but was an opportunity for me to have my life changed as a human being to see that we all have a cause to see that life prevails and justice endures.

Upon my return, Mr. Speaker, yesterday I took the opportunity to visit the Holocaust Museum. This week is the week of remembrance of the Holocaust, and while there, I saw the quote from Isaiah, Isaiah 43:10, that says: ''You are my witness.'' Mr. Speaker, that speaks to me and should speak to all of us. We are the witness of the holocaust today. And many Members of Congress, much more so than I and for longer periods of time than I have paid attention to this issue, have been trying to rise to the occasion and bring awareness to the world. And I commend my colleagues who have been outspoken on this issue for a long time, and I join them tonight.

And today I was back to the Holocaust Museum, where President Bush spoke. And, yes, it was a remembrance of the death and destruction that the Jewish community, the people of the Jewish faith suffered, but it also brought home the importance of addressing genocide and death today. And I commend our President for his demands that the Sudanese government allow an African Union/U.N. peacekeeping force, that they reach out to the rebel leaders, that they end their support for the violent Janjaweed militia and they permit humanitarian aid to pass. And President Bush outlined some steps that we as a country are willing to take and requests that we can make to the United Nations.

Congress has designated this week as the ''Days of Remembrance'' in order to commemorate those victims of the Holocaust. While at that Holocaust Museum, I learned much about the reach of the Holocaust and saw images of death and dehumanization. And as I reflected upon the Jews past and considered the future of African tribes in Darfur, I have to ask a question: Are we going to wait until the proportions of death are similar to the Holocaust before we take action?

The exhibit that moved me the most, Mr. Speaker, was the list of 10,000 individuals who took action during the Holocaust. They have been identified by the Israelis as ''the Righteous Among the Nations,'' those who risked their lives to save innocent Jews during Nazi rule.

When the conflict in Darfur has ended, everyone will feel sorrow for the unnecessary loss of life. But will our Nation be among those, will we as individuals be among those who feel shame for inaction or pride for standing up for justice in Darfur?

DRUM BEATS OF WAR ARE GROWING LOUDER

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

Mr. MCDERMOTT. Mr. Speaker, the drum beats of war are growing louder. There is a growing fear here and around the world that the President, either alone or by proxy, will order a military strike against Iran.

The President has escalated the military presence in Iraq at the same time he has escalated the military rhetoric concerning Iran. The President's accusations against Iran are being planted like seeds in fertile ground. Is this how the President cultivates diplomacy, or is he sowing the seeds for another war?

The House must pass legislation that would require a debate and a vote before the President orders U.S. Forces to launch a military strike against Iran. This is the people's House, and the American people have spoken. They don't trust the President, and they are worried about his saber rattling toward Iran.

I think of it this way: If Iraq is a quagmire, and it is, then Iran will be quicksand, with America sinking deeper and deeper into a disastrous foreign policy grounded in brute force and producing brutal consequences: thousands of American soldiers dead, tens of thousands of American soldiers gravely wounded, billions of dollars borrowed and wasted, over 100,000 Iraqi civilians killed and injured, a raging civil war.

And after all that, the President and the Vice President say a military option is on the table for Iran. To prove it, U.S. warships were ordered into the Gulf 2 weeks ago. It was a show of military might around the date that the Russian military intelligence sources have widely forecast that the U.S. would strike Iran in stories posted online and in newspapers.

The current political regime in Iran is a government I do not endorse or support, but the record must show that the President's policies in Iraq created the problem the President now warns he will fix by military action, if necessary.

After the overthrow of Saddam Hussein, the President installed Paul Bremer as America's de facto premier of Iraq. Mr. Bremer answered only to the White House and not to the Iraqi people. Bremer dictated a series of policies that dismantled Iraq from the inside out. With the White House calling his every move, Bremer first dismantled the Iraqi civil society, plunging an entire nation into chaos. The Iraqi civilians who ran everything from sewage treatment plants to traffic control to keeping the lights on were summarily fired. The country's infrastructure remains crippled by Bremer's order 4 years later. Bremer also dismissed Iraq's military, and in so doing, he put tens of thousands of demoralized Iraqis on the streets with a gun and a grudge. The vast majority of these people were in the military for the pay and the job, not because they supported Saddam.

With Iraqi civil and military sectors wiped out over 4 years ago, there were no Iraqis left to guard the borders between Iraq and Syria and Iraq and Iran. The borders have been wide open ever since because the appointed proxy government didn't bother to understand the history of the region or a basic national security need to protect a nation's borders.

We know weapons and insurgents have been walking across Iraq's open borders. Almost a year ago, leaders told me in Amman, and these are Iraqi leaders, that the most constructive thing the U.S. could do would be to withdraw from the cities and redeploy to the borders and establish border guards.

Instead of doing something constructive, the President ordered a military escalation in Iraq that is destructive. The Iraqi people want us out of Iraq. The American people want us out of Iraq. But the President drives us deeper and deeper into Iraq and then threatens military action against Iran.

As a lame duck President and as slave to his own failed foreign policy, Congress must ensure that the President cannot unilaterally strike Iran in the remaining months of his failed presidency. Congress must pass legislation that preserves the checks and balances to guarantee that the President must listen to someone other than the Vice President.

□ 2015

America cannot afford to remain on a hair trigger until a new President takes the oath of office in January 2009, but that is exactly what will happen unless Congress steps up to ensure that the President stands down on a military strike against Iran. We must take away his blank check.

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

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

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

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

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

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

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MCCARTHY) is recognized for 5 minutes.

(Mrs. MCCARTHY of New York addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

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

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

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

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

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

(Ms. SOLIS addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

THE SCOURGE OF ABORTION IN AMERICA

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

Mr. FRANKS of Arizona. Mr. Speaker, today was a very important day. Today, the United States Supreme Court handed down a decision upholding the Federal law protecting unborn children from partial-birth abortion.

Mr. Speaker, perhaps it is important for those of us in this Chamber to first remind ourselves again of why we were really all put here. Thomas Jefferson said, ''The care of human life and its happiness and not its destruction is the chief and only object of good government.''

Mr. Speaker, protecting the lives of our innocent citizens and their constitutional rights is indeed why we are all here. The phrase in the 14th amendment capsulizes our entire Constitution. It says, ''No State shall deprive any person of life, liberty or property without due process of law.'' The bedrock foundation of this Republic is the belief that all human beings are created equal and endowed by their Creator with the inalienable rights of life, liberty and the pursuit of happiness.

Every conflict and battle our Nation has ever faced can be traced to this core foundational belief on our part that every life, from the smallest child to the elderly widow, from the strongest and bravest soldiers on our front lines, to the weakest and most frail in our society, every human soul is of infinite worth and entitled by God to pursue liberty, prosperity and happiness.

But, Mr. Speaker, for 34 years, Roe v. Wade has been a desecration of that bedrock foundation upon which America stands, and Roe v. Wade sets itself apart from all of the other egregious decisions made by our courts in that its result is 45 million dead American children.

Mr. Speaker, that is 15,000 times the number of lives that were lost to terrorism on September 11; and the land of the free and the home of the brave now stands awash in the blood of 45 million of its own children. And it will never cease to totally astound me how we, as Americans, fail to grasp the enormous and terrifying threat to our Nation's survival economically, militarily, morally and spiritually that this tragedy represents.

We have made it illegal to throw away polystyrene diapers, while it remains for the last 34 years legal to throw away babies. How can we be so blind to such a cataclysmic, soul-crushing tragedy?

G.K. Chesterton said once that ''Men can always be blind to a thing as long as it is big enough.'' And, Mr. Speaker, at this very moment, this cataclysmic heartbreak continues.

Arthur Cohen, who is perhaps the world's leading scholar on the European Holocaust, used a Latin term to describe abortion in America. He called it ''mysterium tremendum,'' which means an utter mystery to the rational human mind, a mystery that carries with it not only the aspect of vastness, but the resonance of complete terror, something so unutterably diabolical as to be literally unknowable to us.

Mr. Speaker, following the invasion of Germany into Poland in 1939, a Jewish man named Yitzhak Katzenelson was trapped by the Nazis in the Warsaw ghetto. He was later transported to the Auschwitz concentration camp, where he and his son were brutally murdered.

Before his death, he buried under a tree a song that encapsulated the entire Nazi regime in one verse. He stated that, ''The first to perish were the children. From these a new dawn might have arisen.'' What a profound lesson for the rest of the world to hearken unto. A new dawn might have arisen from those children that perished in the Holocaust.

No matter the rhetoric, Mr. Speaker, we must not ever be so blind to the fact that each time an abortion takes place, a nameless little baby dies a lonely death; a mother is never quite the same, whether she realizes it or not; and all of the gifts that that child might have brought to humanity are lost forever.

It is often said, Mr. Speaker, that a society is measured by how it treats those in the dawn of life, those in the shadows of life, and those in the twilight of life. Because unborn children are hidden both in the dawn and in the shadows of life, we kill thousands of them every day in America, using sometimes methods like partial-birth abortion that cause so much agonizing pain that the child that is being killed, if they were an animal, it would be illegal under Federal law to do it the way we do it.

If we, as a human family in America, cannot find enough humanity within ourselves to change that, if this human rights atrocity of dismembering our own children alive is truly who we are, then the ''invincible ignorance'' Henry Hyde spoke of in this Chamber so long ago will indeed finally prevail, the patriots' dream will be lost, and those lying out in Arlington National Cemetery will have died in vain and twilight will have fallen upon us all.

Mr. Speaker, that day may come in America indeed. But, sir, that day has not come yet. It is not this day, because today, Mr. Speaker, the world changed. Today the United States Supreme Court upheld a law protecting unborn children from the barbaric, nightmarish procedure of partial-birth abortion. And with this ruling comes a brilliant, piercing ray of hope, because even though this ruling only upholds a law that protects a small number of

late-term babies from this horrifying procedure called partial-birth abortion, it represents the day that America changed direction and turned her heart toward home.

I believe, Mr. Speaker, that this decision is part of a growing awareness on the part of all Americans of the simple truth that abortion takes the life of a child, and the United States of America is bigger than abortion on demand. We are beginning to look within ourselves and we are beginning to understand that the foundation of this Nation is within our own hearts.

Our Nation is beginning to understand that whether it is flying airplanes into buildings or blowing up buildings in Oklahoma City, or whether it is raping and pillaging in Bosnia, or whether it is violence in our streets or kidnapping little girls in broad daylight or murdering innocent unborn children, all of these have one inescapable common denominator, and that is the lack of respect for innocent human life.

Americans are beginning to understand and realize that the reason crime is so rampant in this country is because we have taught our young people that it is all right to kill helpless unborn children. Should we then wonder why they kill each other on the school playground?

Americans are beginning to understand that the same mentality that allows a father to forsake his unborn child to an abortionist also allows him to forsake his born children to the welfare state.

Americans are beginning to understand that the abortion mentality is destroying families all over this country, and that if this epidemic of family disintegration continues, that we in this family will bankrupt this Nation in trying to deal with the results.

Americans are also trying to understand that there are better ways to help young mothers than killing their children for them.

And Americans are beginning to understand that if we, as a society, do not find or possess the courage and the will to protect innocent unborn children, that, in the final analysis, we may never find the will or the courage or the commitment to protect any kind of liberty for anyone of any kind.

Mr. Speaker, the pro-life movement often compares the Roe v. Wade decision with the Dred Scott decision that upheld slavery in this Nation. I would remind each one of us that enslaving fellow human beings was once a practice that was perpetuated throughout the world for thousands of years. But when slavery came to America it finally stopped. We had a conscience on that day that changed the world.

Mr. Speaker, that part of our history should give us great hope, because even though we face challenges today, when we look back on how America has somehow come through each one of them, I believe that by the grace of God, America will one day lead all nations to restore protection to unborn children throughout the world.

Hope is a powerful thing, Mr. Speaker. One of the most powerful messages of hope I ever saw in my life was captured in a picture I saw a few years ago, and I cite the commentary that accompanied it. It should be the picture of the year, or perhaps the picture of the decade. But it won't be because unless you obtained a copy through the Internet or the paper it was published in, you probably never saw it. Somehow the media missed it.

The picture is that of a 21-week unborn child by the name of Samuel Alexander Armas who is being operated on by a surgeon by the name of Dr. Joseph Bruner. The baby was diagnosed with spina bifida and would not have survived if removed from his mother's womb. But little Samuel's mother, Julie Armas, is an obstetrics nurse in Atlanta. She knew of Dr. Bruner's remarkable surgical skills. Practicing at Vanderbilt University Medical Center in Nashville, he performs these special operations while the baby is still in the womb.

During the procedure, the doctor removes the uterus via C-section and he makes a small incision to operate on the child. As Dr. Bruner completed the surgery on Samuel Armas, this amazing little baby reached out with his tiny but fully developed hand through the incision and firmly grasped the surgeon's finger. Dr. Bruner was reported as saying that when this little baby grasped his finger, that it was the most emotional moment of his life, and that for an instant during the procedure, he was completely frozen, totally immobile.

The photograph captures this amazing event with perfect clarity. The editors titled the picture ''Hand of Hope.'' They said this tiny little hand seemed to emerge to grasp the finger of Dr. Joseph Bruner as if thanking him for the gift of life that he was receiving. Little Samuel's mother said they wept for days when they saw the picture. She said, ''The photo reminds us that pregnancy isn't about a disability or an illness; it's about a little person.'' The operation was 100 percent successful and Samuel was born in perfect health.

Mr. Speaker, Winston Churchill said once that Americans always do the right thing after they have exhausted every other possibility. And today, for the first time since the evil disgrace of Roe v. Wade, we have restored the legal protection of a very small number of those little children who are already partially born and only moments away from taking their first breath. It beggars human imagination that such basic compassion and humanity was ever debatable in the first place.

But now, today, the tiny hand of hope reaches out a little closer to us than it ever has in the past and only asks for mercy, and I hope and pray that all of us will hear that little voice in our own hearts.

Mr. Speaker, I now yield to the gentleman from Texas (Mr. HENSARLING).

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Mr. HENSARLING. I thank the gentleman for yielding.

Rarely do I rise with such trepidation as I do tonight in trying to follow the powerful eloquence of my dear friend and colleague from Arizona (Mr. FRANKS). I want to thank him for the passion and clarity that he brings to this body. And, again, my own voice is so meager compared to his, Mr. Speaker, but I do want to come tonight and really celebrate a great victory for life in America.

I want to thank my other colleagues with the Republican Study Committee who have come here tonight to participate in this 1-hour Special Order, Mr. Speaker. And for those who may be viewing the proceedings, Mr. Speaker, as we all know here, the Republican Study Committee is the conservative caucus in the House of Representatives, over 100 strong, promoting the values of faith and family and free enterprise and freedom that we consider to be the cornerstones of this great experiment in democracy and liberty that we call America.

And, Mr. Speaker, we always invite the American people to dialogue with us at the Republican Study Committee and our Web site at www.house.gov/Hensarling/rsc.

I really didn't know I would be coming here tonight, and so I have no prepared text whatsoever. It has been an emotional roller coaster of a week. I had a tele-town-hall meeting and got to speak to literally thousands of people from the Fifth Congressional District last evening. It started off talking about the tragedy at Virginia Tech, and I approached that discussion with my constituents not as a Member of Congress, but as a father.

I am privileged to be the father of a 5-year-old daughter and a 3-year-old son. And I can only imagine the pain that the families must be going through. And as I see all the reports on television of the promising lives that have been snuffed out in this evil, cruel act, I know that now is a time for comforting those who lost loved ones, it is a time to pray, it is a time to learn.

But as the Nation reflects on those 30-some-odd lives that are lost, maybe today is the day to reflect upon the millions of lives that are lost in America through abortion. And I am not naive; I know this is one of the most contentious issues debated in our society. But what right is more fundamental than the right to life?

I wish I knew how to talk to those who somehow didn't see life the way that we do or value life the way that we do. In my heart, in my head, I can come to no other conclusion but that life begins at conception, that life is a gift of our Creator, who endows us with this inalienable right to life. I don't understand how my countrymen come to other conclusions. I don't hate them, I don't disparage them, I don't yell at them, but I don't understand how they can come to different conclusions. It is something that I take as a

matter of faith. And if I didn't take it as a matter of faith, I don't know how any parent could ever look at that sonogram, that modern technology we have and see their tiny little baby just weeks old with their head and their arms and their fingers and their feet sometimes moving around in their mother's tummy. How can you conclude anything else but that this is human life? I don't understand that.

And so I really come here to celebrate a great victory in the Supreme Court today that affirms what was already said by an overwhelming vote in the United States Congress, that this terribly abhorrent act known as partial-birth abortion, that Congress has the right to outlaw that. And, Mr. Speaker, we could go into all the gruesome details about how this child is just seconds away from getting their first breath of life and how, instead, the instrument of death is plunged into them. I don't think we need to go into that graphic detail.

But regardless of how you feel on the pro-life debate or the pro-abortion debate, how anybody could conclude that a child that is just moments away from taking their first breath should have that life snuffed out in the land of the free is beyond me.

And so I am happy to come here with my other colleagues from the Republican Study Committee. And again, I come here with great trepidation. Anytime I go to the floor with my dear colleague from Arizona, I serve with many great individuals in this body, Mr. Speaker, but I cannot think of one who has a purer heart than the gentleman from Arizona. And so again, my own voice is quite meager to his.

But as I think about my own 5-year-old daughter, Claire, and my own 3-year-old son, Travis, and I remember getting the telephone call from my wife to let me know that they were there, that life existed in her that we created, and to think that somehow in this land of the free, where our Creator has given us this gift of life, that those precious lives could have ever, ever come to an end in this gruesome procedure known as partial-birth abortion is just so abhorrent, my mind can't even go there.

And so I celebrate tonight with millions across America. And I certainly celebrate with all the members of the conservative caucus in Congress, the Republican Study Committee, that as many setbacks as we have in America, as we read about great tragedies, today something great happened in America, and the right to life was affirmed.

Mr. FRANKS of Arizona. I thank the gentleman very much.

You know, Mr. Speaker, sometimes the reason that we elect to the chairmanship of the RSC someone like JEB HENSARLING is because we can easily see from the inside and out what people in America can see on the outside, that JEB HENSARLING is a man of great humility, with great competence and just a quiet sincerity that gives us all tremendous confidence in him.

With that, I would like to yield to Congressman SALI, one of our freshman Members and a great statesman.

Mr. SALI. Thank you, Congressman FRANKS.

First of all, I would like to start off by saying how proud I am to be a new member of the Republican Study Committee and to be a part of that group that is about the business of changing the way that Congress does its business, the way that the law will affect the people of this country. I think that we are set to do good work in that group of 100-plus people, and I am very proud to be a part of that group.

Mr. Speaker, tonight is a night of celebration. The Supreme Court has this day extended legal protection, a modicum of legal protection, to thousands of preborn babies.

Many of my colleagues have given moving speeches about this victory for the little ones, and I am so pleased to add my voice to theirs. From my esteemed former colleague, Henry Hyde, to the tireless gentleman from New Jersey, CHRIS SMITH, and countless thousands of Americans whose names will never really be known, to President George W. Bush, people of conscience and conviction have worked for years to end one of the most gruesome practices imaginable; and today, the Nation's highest court has vindicated the law this House passed repeatedly and that the President finally signed into law in 2003.

Mr. Speaker, if we, as a culture, cannot defend the right to life, all of our other rights really become meaningless. So today's Supreme Court ruling is a great victory not just for preborn children, but just as importantly, for our culture.

For 16 years in the Idaho legislature, I worked on protecting the most vulnerable among us, the unborn. That the highest court in our country would today extend this minimal protection to thousands of little ones, infants almost ready to be delivered, is very satisfying. With a great majority of Idahoans and of American people in general, I am gratified by this affirmation of our most basic right, the right to life. And yet I would temper my joy with a note of sadness.

We have outlawed a single barbaric practice, but other types of abortions, an estimated 1.3 million per year, continue with full protection of the law. The fact that these abortions are performed through less startling, cruel and brutal procedures than partial-birth methods makes them no more morally acceptable. The impact is undeniable. Forty-five million Americans are dead from abortion. That is a full one-third of a whole generation, and we are well into one-third of now another generation, all lost to abortion.

The challenge to end unrestricted access to abortion on demand will not end until every life, however small, is protected, until every person at whatever stage of life gains the protection of the law, until the Constitution of our beloved country is respected fully and, consequently, absurd notions like the idea that abortion is a protected right are jettisoned from our Federal law.

Mr. Speaker, 9 years ago, in the Idaho legislature we passed a ban on partial-birth abortion. Because of activism in our courts, that bill was almost immediately enjoined. It didn't protect a single unborn child in the State of Idaho. I remember in my debate on that bill I questioned what could be going through the mind of a doctor who partially delivers that baby, feels that life moving in his hands and feels that little baby jerk as he takes his life.

Mr. Speaker, I question what must be going through his mind. And I say, if we cannot end this barbaric practice, God help us, God help this country. And today, Mr. Speaker, that prayer was answered, that request for God's help was answered today.

I close with this: Some of our friends across the aisle make a great effort of obfuscating the true issue of what we are dealing with by calling preborn children fetuses. That is fine with me, as long as we all understand that the term ''fetus'' is simply Latin for ''the young yet in the womb.''

Mr. Speaker, today was a great day for every fetus, for every young boy and girl still in the womb. May God be praised and may He be pleased so that His blessing is poured out upon our land.

Mr. FRANKS of Arizona. I thank the gentleman very much. And now I am very pleased to be able to recognize the gentleman, GRESHAM BARRETT from South Carolina.

Mr. BARRETT of South Carolina. I thank the gentleman for yielding.

I tell you, I had a wonderful speech prepared tonight, Mr. Speaker. It had a lot of facts and figures and a lot of things that a lot of people may not know, but I just want to comment and share tonight.

I will tell you, I was talking to JEB HENSARLING earlier, who spoke a little bit earlier, Mr. Speaker, a dear friend of mine, and we were talking about what a smile we had on our faces today.

□ 2045

A celebration of life. Something that we have been waiting for, for a long time, and I am just ecstatic. I look to my left over here and see the colleagues that are going to be speaking, and every one of them has got a smile on their face, and it is just exciting. It is a tremendous day; it is a tremendous moment for our country.

And I come here tonight for three reasons, three simple reasons: The first one is Madison Finley Barrett, my oldest daughter. The second one is James Edward Barrett; we call him Jeb, Cowboy, my middle son. And the third is Charles Ross Barrett, my baby. I think about them every day. I think about watching my wife give birth. I think

about how precious they are. I know it was a tremendous moment for me both physically and spiritually, and I don't think any person can witness something like that and not know that there is a God in heaven.

But I think about, Mr. Speaker, my children and my family, and I celebrate for them today. I celebrate for all the families across this Nation and the lives that we will save. I think about their first steps. I think about their first falls. I think about the first time they drove a car. I think about the excitement and the joy I feel and the satisfaction that I have because they are so precious. And out there tonight, Mr. Speaker, there are Madisons and Cowboys and Pally Pals that are being born. Each one of them special, each one of them a gift from God, each one of them with the ability to change the world.

It is a first step. It is a great step. I am just proud to be here to celebrate, to celebrate life, to celebrate freedom, to celebrate this wonderful thing. What a great country. What a great life. What a tremendous success.

Mr. FRANKS of Arizona. I certainly thank the gentleman. Sometimes, Mr. Speaker, a person doesn't know whether it wouldn't be better just to all go home at this point, because this man has certainly touched my heart. And he reminds us all that every little baby comes with a message that God has not yet despaired of mankind. And I thank the gentleman with all my heart.

Mr. Speaker, I yield to Congressman TODD AKIN for such time as he may consume.

Mr. AKIN. I thank the gentleman.

Mr. Speaker, today the Supreme Court ruled in favor of the protection of life, and this ruling affirms Congress's role in guarding and protecting that special gift of life. As Justice Kennedy stated, Congress determined that the abortion methods it prescribed had a disturbing similarity to the killing of a newborn infant.

In the past 30 years or so, our Nation has seen an appalling rise in the disrespect for the dignity of human life. And when a culture of life is not respected, a culture of death rises to fill the void. This culture of death has been eating away at our Nation's character, at America's soul. It seems that day after day we are inundated with new stories of senseless acts of violence and death carried out on innocent victims. It would be easy to try to turn and look away; it would be easy to pretend that that crisis does not exist, but it would not be right. Who is it who will defend the innocent that is led off to slaughter? Who will stand for the right to life in America?

I am reminded of William Wilberforce, the recent movie about his life's efforts to end the practice of slavery. The moving movie ''Amazing Grace'' demonstrates the value of this cause and the tireless efforts that Wilberforce went through year after year, constant criticism and rejection, until he collected the votes to finally send slavery in the British empire to the dust bin of history. We as Members of Congress could learn from his great example. Will we show our own Nation the same love and respect for the dignity of human beings?

If there is one thing we should take away from this 5–4 decision, it is this, that when human life is threatened by such a gruesome procedure as partial birth abortion, all true sons and daughters of liberty, all true patriots, all true people who respect those rights that have been passed on to us by our Forefathers will take a stand for that precious, precious idea that God gives us life. And it is my sincere hope at this time that we can continue to build on this important victory and to create a new culture of life in our land.

There was a time years ago, many years ago, when America was just a dark forest almost on the horizon, when a young man in 1630 was aboard the Lion. He became, as we know Winthrop, Winthrop, the Governor of Boston, known as the George Washington of the Puritans. And as he was coming along the coast of Maine in the Lion and the wind was blowing across the pine forests out to sea and he smelled the smell of the pine and the balsam on the breeze and he put pen to paper and he started writing, ''A Model of Christian Charity.'' And in there, he held a vision for America that America could be as a shining city on a hill, a light to people all over the world. And today, Mr. Speaker, that vision of a shining city seems just a little bit closer and a little bit less dim and a little closer to a reality that one day, one day that shining city on a hill, a vision of hope for all people of the world, a vision of a city where life, liberty and the pursuit of happiness are truly enshrined in every law and precept of this great Nation; may that vision come to reality even within our own days. Thank you. God bless you all.

Mr. FRANKS of Arizona. I thank the gentleman.

Mr. Speaker, Mr. AKIN has been committed for his entire life to these kinds of causes, which brought him to this place. And so many of us are thankful for his example for the way he has mentored so many of us in this place.

Mr. Speaker, I yield to the gentleman from Ohio (Mr. JORDAN) for such time as he may consume.

Mr. JORDAN of Ohio. I thank the gentleman for yielding.

Mr. Speaker, today the Supreme Court upheld the Partial-Birth Abortion Ban Act of 2003, which was passed in the House, in the Senate, signed by the President and became Public Law No. 108–105 in November of 2003.

As others have stated this evening, this is a victory for the health of women across this country. It is a victory for unborn children. It is a victory for life, and, as I have said, people have indicated it is a victory for America.

I just want to take a minute to thank all the pro-life volunteers across this country who are really the reason we have this celebration that we have today. Those of us in public life, those of us charged with forming public policy, we get approached just about every day by lobbyists and interest groups. And they want to talk to us. They want to influence legislation. They want to be a part of this process where the laws and the taxpayer dollars are spent. And they want to do all those things because they have a financial interest at stake. But the people who articulate that life is sacred, the people who advocate for protecting the sanctity of human life, they have nothing to gain financially by talking to us. They have nothing to gain financially by being involved in this movement. They simply do it because it is the right thing to do. They understand life is precious; life is sacred. They understand. That is why they work in our crisis pregnancy centers. That is why they help unwed mothers, because they understand how precious life is. And they understand, and others have talked about this. They understand what the Founders understood, that life is precious. And, as they said in the Declaration of Independence, that we hold these truths to be self-evident that all men are created equal, endowed by our Creator with certain inalienable rights, and among these are life, liberty, and the pursuit of happiness. And I think it is interesting to note the order that the Founders placed the rights they chose to mention, life, liberty, the pursuit of happiness. Can you pursue happiness, can you go after your goals and dreams if you first don't have freedom and liberty? And do you ever have true freedom and true liberty if government doesn't protect your most fundamental right, your right to live?

And that is what we celebrate today. Again, it is a testimony to the hard work of millions of pro-life people across this country. So I want to commend you and again say what a great day for America.

Mr. FRANKS of Arizona. I thank the gentleman from Ohio. And I hope the gentleman stays in public life and leadership for as long as he can stand up.

Mr. Speaker, I yield to the gentleman from Georgia (Mr. GINGREY) for such time as he may consume.

Mr. GINGREY. Mr. Speaker, I thank the gentleman for yielding, and I thank him for putting together this special order hour this evening.

Mr. Speaker, I have been a Member of this body now for 4½ years, this being my third term. And as I stand here tonight in front of my colleagues, I want to say emphatically that this is my finest hour as a Member of this great body, this United States House of Representatives that I have been a part of with 434 of my colleagues.

We have disappointments. We have good days, we have bad days. But this is a good day, and this is a good day. And this is a day that the Lord has made. And that is why it is a good day.

I sincerely believe, Mr. Speaker, that God's hand is in everything we do, every deliberation, every bill, everything that seems so important to us, every victory, every defeat. Indeed, I even think maybe God's hand was in the Republican majority, my party, losing that opportunity possibly as a wake-up call. But I want to thank God this evening for Justice Kennedy and Justice Scalia, Justice Thomas, Justice Alito and Chief Justice Roberts.

It has taken a long time, Mr. Speaker. Back in 1992, when this abhorrent procedure was first described, and then finally I think it was in early 1995 maybe when the Member of this body from Florida, Representative KENNEDY, first introduced this bill to ban this procedure. And that bill to ban this abortion procedure, not to ban abortion, but to ban this type of abortion, which really is not an abortion; it is literally infanticide. It is killing of an infant. And it passed this body, and it passed this other body, only to be vetoed twice by the then President of the United States.

Mr. Speaker and my colleagues, today I thank God for Representative STEVE CHABOT from Ohio, who brought this bill once again to this body in 2003, my first year, my freshman year. And I was so proud to vote for Representative CHABOT's bill. And I thank God for former Senator Rick Santorum from the great State of Pennsylvania. Wherever he is tonight, I want to say, Rick, you lost your race, but you didn't lose the battle. And we thank God for your efforts then, because it has come to fruition now.

Mr. Speaker, I want to maybe make sure that my colleagues remember as they listen to my remarks tonight that I spent 26 years practicing obstetrics and gynecology. And in that great specialty, which I am so proud to be a part of that group, the American College of Obstetricians and Gynecologists, I had an opportunity to deliver 5,200 babies by my estimate over a 26-year period of time. They weren't all perfect. Some were born with birth defects. Some had spina bifida. And I have great friends in my hometown of Marietta, Georgia, in Cobb County, great, great parents like Brad and Kim Barfield, who have a beautiful little girl today who is suffering from spina bifida. They knew at 20 weeks that their little girl had that condition, but they didn't elect to terminate that pregnancy by a partial-birth abortion. And many others know ahead of time that they are going to have a child with Down's Syndrome, but they know that that is a gift from God that makes their lives better and the lives of their other children, the siblings. And I thank God for them.

Mr. Speaker, I want my colleagues to understand how this procedure of partial-birth abortion came about, because I remember. I remember when I was a resident in this specialty at the Medical College of Georgia back in 1974, 1975, shortly after Roe v. Wade was passed within a year.

□ 2100

There was a physician at a major medical center in the northeast, I do not remember the hospital, I do not remember the doctor's name, but it was at a teaching center. Back then, if a woman did not have an abortion at 12 to 14 weeks of pregnancy, the first trimester, and in fact, 90 percent of the million annual abortions that are performed in this country are done in the first trimester by a fairly simple procedure called a D&C, but if the pregnancy went beyond and it got to the second trimester and approaching the third trimester, and we are talking now about a 22, 24-week pregnancy when a baby weighs two-and-a-half pounds, the way the abortion procedure was done then back in 1975, and this was perfectly legal under Roe v. Wade, all it required is a licensed physician performed the procedure in a licensed medical facility with the consent of two other physicians.

This is the way the procedure was done. A strong salt, we say saline in the medical parlance, but a salt solution was injected into the mother's womb through the abdomen, and that salt solution, most of the time, killed the baby, killed this baby at 24, 26 weeks, maybe even 3 pounds, certainly capable of not only a live birth but a great life without disability. But as long as the baby was killed, and then the mother was put into labor and delivered a dead baby, that was perfectly legal.

Unfortunately for this doctor back in 1975, he injected the saline and it did not kill the baby. So the next day he injected saline again, and it still did not kill the baby. So he took the mother to the operating room and performed an operation that he called a hysterotomy, that is, an opening of the uterus which really is an early, very early cesarean section. But instead of delivering that live baby, he reached his hand inside the incision and grabbed the umbilical cord and held it until that baby's heart stopped beating.

There just happened to be a nurse in attendance in that operating room that said this esteemed doctor killed that baby, and there was a court decision, a lot of brouhaha, and in the final analysis, the doctor was acquitted.

But from that day forward, that is when partial birth abortions, Mr. Speaker, started because nobody wanted to be in a situation, no doctor, of trying to abort a baby and inadvertently, deliberately and knowing then that they could not kill the baby because it was outside the mother's womb.

So they devised this procedure of partially delivering the baby. If the baby is head first, put the patient into labor, dilate the cervix, and when that head comes out, crush the skull, or if it is a breach presentation, dilate the cervix, put the patient in labor, and when the baby is delivered to the naval, then go up inside and crush the skull and then deliver and then the baby is dead, and it is perfectly legal.

That is what this is all about, and we are talking about maybe 2,000, 2,500 procedures a year out of the million legal abortions that are performed, mostly in the first trimester.

Mr. Speaker, it is unbelievable when I read quotes, and this happens to be a quote from a member of the other body and certainly I would not name names here tonight but this is a quote: As a result of today's ruling, the health of women who have dangerous pregnancies is now in deep jeopardy. Women who are in need of this banned procedure will be denied it, even if they risk losing their fertility, becoming paralyzed or sustaining organ damage.

Mr. Speaker, the risk of any of the those things is greater, much greater if they have this procedure done. Our judiciary committee in this House and in the other body have had multiple hearings from physicians across this country that say this procedure does not need to be done to protect the health of the mother, unless you call the health of the mother anxiety over not wanting that baby. There is still an exception that this abhorrent procedure could be done to protect the life of the mother.

Mr. Speaker, I did not mean to take quite this much time, and I know my colleague needs time to conclude, and I thank God for him, too. I thank God for each and every Member that has spoken here tonight, and I will remember them for the rest of my life. I will remember each one of these Members who have spoken and applauded and, yes, smiled on this great day because to me and to them this transcends any other disappointments and frustrations and aggravations that we may have had on both sides of the aisle in maybe not getting our way on a particular piece of legislation here and there. Nothing is more important than this.

I want to say as I conclude, I want to say to my 9-year old identical, twin granddaughters, Allie and Hannah, who were born at 26 weeks, each weighing 1 pound 12 ounces, thank God for your mom and dad, my daughter and son-in-law, Gannon and Hank Manning, that they did not make a decision that they did not want you, even though you were so fragile. God reached down and lifted you up and now you are the beautiful love of our lives, your grandparents, Mommy and Grand Doc, and so proud as you make progress now in the second grade.

I say to my grandson Hank and my brand new grandson Sabine, just 2 weeks old, your brothers, and to my two other grandchildren, of Phyllis and Jerry Collins, little Grey, two-and-a-half years old; and little Marion, 8 months old, Grand Doc is proud of you, and I know that you are proud of Grand Doc. You are proud that he stood here tonight in defense of the sanctity of life, and I know that God's hand is in all of that.

I just say, as I conclude, I am blessed. We are all blessed. We are all blessed to

have this opportunity in a historic moment. No, it does not ban abortion, and most of us hope eventually that there will be no need for that and that the sanctity of life, at the earliest and at the last moments, will be honored and respected.

Again, I just want to thank the gentleman from Arizona (Mr. FRANKS). I am proud to be his classmate. I am proud to be a colleague, and I thank him for giving me the opportunity to talk to my colleagues tonight.

Mr. FRANKS of Arizona. Mr. Speaker, I thank my precious friend PHIL GINGREY from Georgia. It is a wonderful thing to have a man here that has the expertise of a doctor and an obstetrician, to be able to speak to an issue like this, and yet one who has maintained his commitment always to being a help to someone, that would always protect human life rather than to ever try to take it from someone. I just think he is a credit to his profession and certainly a credit to this body.

Mr. Speaker, I suppose that tonight I would just kind of recap here for a moment. A lot of people have mentioned their family members, and I certainly love every one of mine, but I will bring to mind and to voice one special little boy by the name of Landon Trent Franks. Now, the fact that his name is the same as mine is strictly a coincidence, but I am thankful that his daddy and his mother loved him enough to give him a chance at life, and I think at some point, probably the time he is 21, he will be President of the United States which is a great encouragement to me as well.

I understand that we are all proud of our families, but whether a child reaches the great heights in this life or whether they just have a chance to breathe in the breath of freedom and to be able to walk on the free soil of the United States of America or just to have a chance to pursue this thing called happiness in life, it is incumbent upon all of us to recognize that we are all mortal and that this gift of life is the profoundest kind of miracle and that America itself was founded on the basic premise that every life was important, that it was a gift of God, and that each one of us should work to try to protect life and liberty and the pursuit of happiness for all of our fellow human beings.

The tragedy of Roe v. Wade when it came along, it just kind of took us all by surprise, because you see, this was not something that the country voted on. This was not something that the United States people as a whole decided to bring about themselves.

This was something that erudite, and might I say, Mr. Speaker, very arrogant and unjust members of the United States Supreme Court took upon themselves to arrogate this thing, to take away the constitutional rights of the unborn child. It is the not the first time that things like that have happened.

Back in 1857, in the Dred Scott decision, the Supreme Court said that the black man was not a person under the Constitution, and it took a civil war to reverse that tragedy. Today, we all look back on that and we say how could they have ever done that, and yet we have killed 50 million of our own children.

In the rise of the Nazi Holocaust, we saw the German high tribunal say that the Jews were subhuman and not persons under the German Constitution, and it precipitated a great tragedy.

Then in 1973 we saw the Supreme Court take away the right to live of the unborn child.

In all three cases, Mr. Speaker, not only was there a great human tragedy that followed, but there was a greater one that followed as a result. The civil war took more lives than any war in our history. The world war that changed the Nazi Holocaust took 50 million lives worldwide and it saw atomic bombs fall on cities across the world.

I have to say to you that I do not know where America will finally end up here. I do not know what the future holds, but I am so encouraged today that we have made a turn and that we have come to ourselves to some degree and said, you know, there is a time when we can protect these little babies in the womb, and I think if we come to that conclusion, that something even greater will happen. We will begin to understand that these little miracles of life in the womb are the beginning of us all and that there is a way that America can come up with a better solution than abortion on demand, that we are bigger than that as a people.

I am convinced that the day will come some day, Mr. Speaker, when the warm sunlight of life will break through the clouds and once again shine on the face of unborn children in America. When that day comes it will be people like PHIL GINGREY, it will be people like CHRIS SMITH, it will be people like BILL SALI, it will be people like GRESHAM BARRETT, it will be people like JIM JORDAN, people like TODD AKIN, people like JEB HENSARLING, people like STEVE CHABOT, people like George W. Bush the history will be most aware of. They will remember that these were individuals that, through all the storm, held tightly to the hand of a little baby until the storm was gone.

Mr. Speaker, if I am wrong about that, if somehow America never finds its way back home on this issue, I am still convinced of one thing more than any other, and that is, that the Lord of the universe hears the cries of absolutely every one of his children, no matter who or where they are. And if time turns every star in heaven to ashes, I know in my soul that eternal moment of His deliverance will come to each of them. And I hope that we do the part He has given us to that end.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. JONES of Ohio (at the request of Mr. HOYER) for today on account of a death in the family.

Mr. CANTOR (at the request of Mr. BOEHNER) for today and the balance of the week on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SCOTT of Georgia) to revise and extend their remarks and include extraneous material:)

Mr. MCDERMOTT, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mrs. MCCARTHY of New York, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. SOLIS, for 5 minutes, today.

□ 2115

ADJOURNMENT

Mr. FRANKS of Arizona. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 15 minutes p.m.), the House adjourned until tomorrow, Thursday, April 19, 2007, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1117. A letter from the Secretary, Department of Agriculture, transmitting the Department's report entitled, ''Assessment of the Cattle and Hog Industries'' for Calendar Year 2006, pursuant to Public Law 106-472; to the Committee on Agriculture.

1118. A letter from the Director, Pentagon Renovation and Construction Program Office, Department of Defense, transmitting the seventeenth annual report on the Pentagon Renovation and Construction Program, pursuant to 10 U.S.C. 2674; to the Committee on Armed Services.

1119. A letter from the Acting Assistant Attorney General, Department of Justice, transmitting the 2006 Annual Report regarding the Department's enforcement activities under the Equal Credit Opportunity Act, pursuant to 15 U.S.C. 1691f; to the Committee on Financial Services.

1120. A letter from the Chairman, Federal Financial Institutions Examination Council, transmitting the Council's 2006 Annual Report, pursuant to 12 U.S.C. 3305; to the Committee on Financial Services.

1121. A letter from the Secretary, Department of Transportation, transmitting the Department's Fiscal Year 2006 annual report as required by the Superfund Amendments and Reauthorization Act (SARA) of 1986, as amended, pursuant to 42 U.S.C. 9620; to the Committee on Energy and Commerce.

1122. A letter from the Electric Energy Market Competition Task Force, transmitting the Task Force's report to Congress on competition in wholesale and retail markets for electric energry, pursuant to Section 1815 of the Energy Policy Act of 2005; to the Committee on Energy and Commerce.

1123. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's annual report for FY 2006 on the implementation of the National Do Not Call Registry, pursuant to The Do Not Call Implementation Act; to the Committee on Energy and Commerce.

1124. A letter from the Secretary, Department of Housing and Urban Development, transmitting the Inspector General's semiannual report for the period April 1, 2006 through September 30, 2006, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

1125. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting the Corporation's report for FY 2006 and the preceding four fiscal years on the activities to ensure accountibility for antidiscrimination and whistleblower laws related to employment, pursuant to Public Law 107-174, section 203; to the Committee on Oversight and Government Reform.

1126. A letter from the Chairman, Federal Mine Safety and Health Review Commission, transmitting the Commission's FY 2006 Annual Report pursuant to Section 203, Title II of the No Fear Act, Pub. L. 107-174; to the Committee on Oversight and Government Reform.

1127. A letter from the Administrator, General Services Administration, transmitting the Administration's Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 Report for fiscal years 2002 through 2006; to the Committee on Oversight and Government Reform.

1128. A letter from the General Counsel, Government Accountability Office, transmitting the information required pursuant to the annual reporting requirement set forth in Section 203 of the ''Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002'' (NoFear), Pub. L. 107-174; to the Committee on Oversight and Government Reform.

1129. A letter from the Chairman, Merit Systems Protection Board, transmitting the Board's annual report pursuant to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002; to the Committee on Oversight and Government Reform.

1130. A letter from the Chairman, Merit Systems Protection Board, transmitting the Board's report entitled, ''Accomplishing Our Mission: Results of the Merit Principles Survey 2005,'' pursuant to 5 U.S.C. 1204(a)(3); to the Committee on Oversight and Government Reform.

1131. A letter from the Director, Peace Corps, transmitting the Corps' report for fiscal year 2006, pursuant to the Notification and Federal Employee Antidiscrimination and Relation Act of 2002; to the Committee on Oversight and Government Reform.

1132. A letter from the Assistant Secretary for Policy, Management and Budget, Department of the Interior, transmitting a copy of a draft bill titled, ''Range Improvement Fund Amendment Act of 2007''; to the Committee on Natural Resources.

1133. A letter from the Director, Administrative Office of the U.S. Courts, transmitting two reports on the 2006 Activities of the Administrative Office of the United States Courts and the 2006 Judicial Business of the United States Courts, pursuant to 28 U.S.C. 604(a)(4), (h)(2), and 2412(d)(5); to the Committee on the Judiciary.

1134. A letter from the Staff Director, Commission on Civil Rights, transmitting notification that the Commission recently appointed members to the Tennessee Advisory Committee; to the Committee on the Judiciary.

1135. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model DHC-8-102, -103, and -106 Airplanes; and Model DHC-8-200 and DHC-8-300 Series Airplanes [Docket No. FAA-2006-26558; Directorate Identifier 2006-NM-206-AD; Amendment 39-14954; AD 2007-04-22] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1136. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Raytheon Aircraft Company 65, 90, 99, 100, 200, and 1900 Series Airpanes, and Models 70 and 300 Airplanes [Docket No. 2003-CE-51-AD; Amendment 39-13857; AD 2004-23-02] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1137. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; CFM International CFM56-5 and -5B Series Turbofan Engines [Docket No. FAA-2007-27112; Directorate Identifier 2001-NE-49-AD; Amendment 39-14926; AD 2007-03-15] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1138. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; EADS SOCATA Model TBM 700 Airplanes [Docket No. FAA-2006-26191 Directorate Identifier 2006-CE-60-AD; Amendment 39-14927; AD 2007-03-16] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1139. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; EADS SOCATA Model TBM 700 Airplanes [Docket No. FAA-2006-26234 Directorate Identifier 2006-CE-64-AD; Amendment 39-14928; AD 2007-03-17] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1140. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; EXTRA Flugzeugproduktions- und Vertriebs- GmbH Models EA-300, EA-300S, EA-300L, and EA-300/200 Airplanes [Docket No. FAA-2006-26134; Directorate Identifier 2006-CE-56-AD; Amendment 39-14898; AD 2007-02-11] received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1141. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model ERJ 170-100 LR, -100 STD, -100 SE, -100 SU, -200 LR, -200 STD, and -200 SU Airplanes and Model ERJ 190 Airplanes [Docket No. FAA-2006-26462; Directorate Identifier 2006-NM-221-AD; Amendment 39-14952; AD 2007-04-20] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1142. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Alpha Aviation Design Limited R2160 Airplanes [Docket No. FAA-2006-26496 Directorate Identifier 2006-CE-81-AD; Amendment 39-14958; AD 2007-04-25] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1143. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes [Docket No. FAA-2006-26647; Directorate Identifier 2006-NM-194-AD; Amendment 39-14957; AD 2007-04-24] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1144. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Model F.28 Mark 0070 and 0100 Airplanes [Docket No. FAA-2006-25391; Directorate Identifier 2006-NM-097-AD; Amendment 39-14956; AD 2007-04-23] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1145. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Model F.28 Mark 0070 and 0100 Airplanes [Docket No. FAA-2006-26355; Directorate Identifier 2006-NM-198-AD; Amendment 39-14953; AD 2007-04-21] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1146. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Construcciones Aeronauticas, S.A., (CASA) Model C-212 Airplanes [Docket No. FAA-2007-27335; Directorate Identifier 2006-NM-291-AD; Amendment 39-14962; AD 2007-05-01] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1147. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 B2 and B4 Series Airplanes [Docket No. FAA-2006-25890; Directorate Identifier 2006-NM-115-AD; Amendment 39-14943; AD 2007-04-11] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1148. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 Airplanes; A300 B4-600, B4-600R, and F4-600R Series Airplanes, and Model A300 C4-605R Variant F Airplanes (Collectively Called A300-600 Series Airplanes); and A310 Airplanes [Docket No. FAA-2006-24289; Directorate Identifier 2005-NM-186-AD; Amendment 39-14921; AD 2007-03-10] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1149. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Superior Air Parts, Inc. (SAP), Cast Cylinder Assemblies Part Numbers Series: SA47000L, SA47000S, SA52000, SA55000, SL32000W, SL32000WH, SL32006W, SL36000TW, SL36000W, and SL36006W [Docket No. FAA-2006-25948; Directorate Identifier 2006-NE-32-AD; Amendment 39-14951; AD 2007-04-19] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1150. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-400 Series Airplanes [Docket No. FAA-2006-25470; Directorate Identifier 2006-NM-090-AD; Amendment 39-14942; AD 2007-04-10] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1151. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; EADS SOCATA Model TBM 700 Airplanes [Docket No. FAA-2006-25637; Directorate Identifier 2006-CE-43-AD; Amendment 39-14939; AD 2007-04-08] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1152. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Short Brothers & Harland Ltd. Models SC-7 Series 2 and SC-7 Series 3 Airplanes [Docket No. FAA-2006-25926; Directorate Identifier 2000-CE-17-AD; Amendment 39-14946; AD 2003-17-05R1] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1153. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Sicma Aero Seat, Passenger Seat Assemblies [Docket No. FAA-2006-24036; Directorate Identifier 2006-NE-04-AD; Amendment 39-14947; AD 2007-04-15] received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1154. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; EADS SOCATA Model TBM 700 Airplanes [Docket No. FAA-2006-26235; Directorate Identifier 2006-CE-65-AD; Amendment 39-14945; AD 2007-04-13] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1155. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Learjet Model 23, 24, 24A, 24B, 24B-A, 24C, 24D, 24D-A, 24E, 24F, 24F-A, 25, 25A, 25B, 25C, 25D, 25F, 28, 29, 31, 31A, 35, 35A (C-21A), 36, 36A, 55, 55B, and 55C Airplanes [Docket No. FAA-2006-25563; Directorate Identifier 2006-NM-083-AD; Amendment 39-14950; AD 2007-04-18] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1156. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-10-10, DC-10-10F, DC-10-15, DC-10-30, and DC-10-30F (KC-10A and KDC-10) Airplanes; Model DC-10-40 and DC-10-40F Airplanes equipped with Pratt & Whitney JT9-20 or JT9-20J Engines; and Model MD-10-10F and MD-10-30F Airplanes [Docket No. FAA-2006-26049; Directorate Identifier 2006-NM-177-AD; Amendment 39-14949; AD 2007-04-17] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1157. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 767 Airplanes [Docket No. FAA-2005-20351; Directorate Identifier 2003-NM-269-AD; Amendment 39-14948; AD 2007-04-16] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1158. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Saab Model SAAB-Fairchild SF340A (SAAB/SF340A) and SAAB 340B Airplanes [Docket No. FAA-2006-25271; Directorate Identifier 2006-NM-067-AD; Amendment 39-14903; AD 2007-02-16] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1159. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-600, -700, -700C, -800, and -900 Series Airplanes [Docket No. FAA-2006-24691; Directorate Identifier 2006-NM-051-AD; Amendment 39-14901; AD 2007-02-14] (RIN: 2120-AA64) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1160. A letter from the Secretary, Department of Labor, transmitting a copy of a draft bill entitled, ''Black Lung Disability Trust Fund Debt Restructuring Act''; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ARCURI: Committee on Rules. House Resolution 317. Resolution providing for consideration of the bill (H.R. 1905) to provide for the treatment of the District of Columbia as a Congressional district for purposes of representation in the House of Representatives, and for other purposes and providing for consideration of the bill (H.R. 1906) to amend the Internal Revenue Code of 1986 to adjust the estimated tax payment safe harbor based on income for the preceding year in the case of individuals with adjusted gross income greater than $5 million (Rept. 110–98). Referred to the House Calendar.

Mr. CARDOZA: Committee on Rules. House Resolution 318. Resolution providing for consideration of the bill (H.R. 363) to authorize appropriations for basic research and research infrastructure in science and engineering, and for support of graduate fellowships, and for other purposes (Rept. 110–99). Referred to the House Calendar.

Ms. MATSUI: Committee on Rules. House Resolution 319. Resolution providing for consideration of the bill (H.R. 1495) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes (Rept. 110–100). Referred to the House Calendar.

Mr. CONYERS: Committee on the Judiciary. H.R. 1281. A bill to amend title 18, United States Code, to prohibit certain deceptive practices in Federal elections, and for other purposes, with an amendment (Rept. 110–101). Referred to the Committee of the Whole House on the State of the Union, and ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Ms. NORTON (for herself and Mr. TOM DAVIS of Virginia):

H.R. 1905. A bill to provide for the treatment of the District of Columbia as a Congressional district for purposes of representation in the House of Representatives, and for other purposes; to the Committee on the Judiciary.

By Ms. NORTON:

H.R. 1906. A bill to amend the Internal Revenue Code of 1986 to adjust the estimated tax payment safe harbor based on income for the preceding year in the case of individuals with adjusted gross income greater than $5 million; to the Committee on Ways and Means.

By Mr. SAXTON (for himself and Mrs. CAPPS):

H.R. 1907. A bill to authorize the acquisition of land and interests in land from willing sellers to improve the conservation of, and to enhance the ecological values and functions of, coastal and estuarine areas to benefit both the environment and the economies of coastal communities, and for other purposes; to the Committee on Natural Resources.

By Mr. BERMAN (for himself, Mr. SMITH of Texas, Mr. CONYERS, Mr. COBLE, Mr. BOUCHER, Mr. GOODLATTE, Ms. ZOE LOFGREN of California, Mr. ISSA, Mr. SCHIFF, Mr. CANNON, and Ms. JACKSON-LEE of Texas):

H.R. 1908. A bill to amend title 35, United States Code, to provide for patent reform; to the Committee on the Judiciary.

By Mr. CUELLAR (for himself, Mr. PASTOR, Mr. REYES, Mr. RODRIGUEZ, Mr. CARTER, and Mr. CONAWAY):

H.R. 1909. A bill to increase the number of Federal judgeships in certain judicial districts with heavy caseloads of criminal immigration cases; to the Committee on the Judiciary.

By Mr. MICHAUD (for himself and Mr. SMITH of New Jersey):

H.R. 1910. A bill to amend the Tariff Act of 1930 to prohibit the import, export, and sale of goods made with sweatshop labor, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Armed Services, Oversight and Government Reform, Rules, Energy and Commerce, and Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DONNELLY:

H.R. 1911. A bill to amend the Internal Revenue Code of 1986 to modify the credit for expenses for household and dependent care services necessary for gainful employment; to the Committee on Ways and Means.

By Mr. BILIRAKIS:

H.R. 1912. A bill to amend title XVIII of the Social Security Act to cover hearing aids and auditory rehabilitation services under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BROWN of South Carolina (for himself, Mr. YOUNG of Alaska, and Mr. ROGERS of Kentucky):

H.R. 1913. A bill to assist in the conservation of great cats by supporting and providing financial resources for the conservation programs of nations within the range of great cats and projects of persons with demonstrated expertise in the conservation of great cats; to the Committee on Natural Resources.

By Mr. CARTER (for himself, Mr. FORBES, Mr. CHABOT, Mr. POE, Mr. BURTON of Indiana, Mr. LAMBORN, Mr. MILLER of Florida, Mr. BARRETT of South Carolina, Mr. HENSARLING, Mr. WAMP, Mr. SAM JOHNSON of Texas, Mr. BURGESS, Mr. PEARCE, Mr. REHBERG, Mrs. MUSGRAVE, Mr. NEUGEBAUER, Mrs. BLACKBURN, Mr. SESSIONS, Mr. BRADY of Texas, Mr. MCCAUL of Texas, Mr. BISHOP of Utah, Mr. GOHMERT, Mr. HAYES, Mr. MCHENRY, and Mr. CULBERSON):

H.R. 1914. A bill to amend title 18, United States Code, to ensure the death penalty for

terrorists, and for other purposes; to the Committee on the Judiciary.

By Mr. CASTLE:

H.R. 1915. A bill to promote the future of the American automobile industry, and for other purposes; to the Committee on Science and Technology, and in addition to the Committees on Ways and Means, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FALEOMAVAEGA:

H.R. 1916. A bill to amend the Internal Revenue Code of 1986 to expand, and extend for 10 years, the American Samoa economic development credit; to the Committee on Ways and Means.

By Mr. HERGER:

H.R. 1917. A bill to amend the Endangered Species Act of 1973 to enable Federal agencies responsible for the preservation of threatened species and endangered species to rescue and relocate members of any of those species that would be taken in the course of certain reconstruction, maintenance, or repair of Federal or non-Federal manmade flood control levees; to the Committee on Natural Resources.

By Mr. HERGER:

H.R. 1918. A bill to amend the Forest Service use and occupancy permit program to restore the authority of the Secretary of Agriculture to utilize the special use permit fees collected by the Secretary in connection with the establishment and operation of marinas in units of the National Forest System derived from the public domain, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HINCHEY (for himself, Mr. ACKERMAN, Mr. ALLEN, Mr. BAIRD, Ms. BALDWIN, Ms. BERKLEY, Mr. BERMAN, Mrs. BIGGERT, Mr. BLUMENAUER, Ms. CORRINE BROWN of Florida, Mrs. CAPPS, Mr. CAPUANO, Mrs. CHRISTENSEN, Mr. CLAY, Mr. CLEAVER, Mr. COHEN, Mr. CONYERS, Mr. COSTELLO, Mr. COURTNEY, Mr. CROWLEY, Mr. CUMMINGS, Mrs. DAVIS of California, Mr. DEFAZIO, Mr. DELAHUNT, Ms. DELAURO, Mr. DOGGETT, Mr. DOYLE, Mr. ELLISON, Mr. EMANUEL, Mr. ENGEL, Ms. ESHOO, Mr. FARR, Mr. FRANK of Massachusetts, Mr. GONZALEZ, Mr. AL GREEN of Texas, Mr. GENE GREEN of Texas, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HALL of New York, Mr. HARE, Ms. HARMAN, Mr. HIGGINS, Ms. HIRONO, Mr. HASTINGS of Florida, Mr. HOLT, Mr. HONDA, Ms. HOOLEY, Mr. INSLEE, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JOHNSON of Georgia, Ms. KAPTUR, Mr. KENNEDY, Mr. KILDEE, Mr. KIRK, Mr. KUCINICH, Mr. LAHOOD, Mr. LANGEVIN, Mr. LANTOS, Mr. LARSON of Connecticut, Ms. LEE, Mr. LEVIN, Mr. LEWIS of Georgia, Mr. LOBIONDO, Ms. ZOE LOFGREN of California, Mr. LYNCH, Mrs. MCCARTHY of New York, Ms. MCCOLLUM of Minnesota, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCNERNEY, Mr. MCNULTY, Mrs. MALONEY of New York, Mr. MARKEY, Mr. MARSHALL, Mr. MEEKS of New York, Mr. GEORGE MILLER of California, Mr. MILLER of North Carolina, Ms. MOORE of Wisconsin, Mr. MORAN of Virginia, Mr. MURPHY of Connecticut, Mr. NADLER, Mrs. NAPOLITANO, Mr. NEAL of Massachusetts, Ms. NORTON, Mr. OLVER, Mr. PALLONE, Mr. PAYNE, Mr. PERLMUTTER, Mr. RANGEL, Ms. ROYBAL-ALLARD, Mr. RUSH, Ms. LINDA T. SÁNCHEZ of California, Ms. LORETTA SANCHEZ of California, Ms. SCHAKOWSKY, Mr. SCHIFF, Mr. SCOTT of Georgia, Mr. SERRANO, Mr. SHAYS, Mr. SHERMAN, Mr. SIRES, Ms. SLAUGHTER, Mr. SMITH of Washington, Mr. SMITH of New Jersey, Ms. SOLIS, Mr. SPRATT, Mr. STARK, Ms. SUTTON, Mrs. TAUSCHER, Mr. THOMPSON of California, Mr. TIERNEY, Mr. TOWNS, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Ms. WATERS, Mr. WAXMAN, Mr. WEINER, Mr. WEXLER, Ms. WOOLSEY, Mr. WU, Mr. WYNN, and Mr. YARMUTH):

H.R. 1919. A bill to designate as wilderness certain Federal portions of the red rock canyons of the Colorado Plateau and the Basin and Range Deserts in Utah for the benefit of present and future generations of Americans; to the Committee on Natural Resources.

By Mr. INSLEE:

H.R. 1920. A bill to provide incentives to the auto industry to accelerate efforts to develop more energy-efficient vehicles to lessen dependence on oil; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEWIS of Georgia (for himself, Mr. CONYERS, Mr. MCGOVERN, Mr. FARR, Mr. MCDERMOTT, Mr. PAUL, Ms. CARSON, Mr. CLAY, Mr. ELLISON, Mr. FATTAH, Mr. HINCHEY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KUCINICH, Ms. NORTON, Mr. OBERSTAR, Mr. SERRANO, and Ms. WOOLSEY):

H.R. 1921. A bill to affirm the religious freedom of taxpayers who are conscientiously opposed to participation in war, to provide that the income, estate, or gift tax payments of such taxpayers be used for nonmilitary purposes, to create the Religious Freedom Peace Tax Fund to receive such tax payments, to improve revenue collection, and for other purposes; to the Committee on Ways and Means.

By Mr. MAHONEY of Florida:

H.R. 1922. A bill to designate the Jupiter Inlet Lighthouse and the surrounding Federal land in the State of Florida as an Outstanding Natural Area and as a unit of the National Landscape System, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCCARTHY of California:

H.R. 1923. A bill to amend the Internal Revenue Code of 1986 to modify the exemption amount for the alternative minimum tax; to the Committee on Ways and Means.

By Mr. MEEK of Florida (for himself and Mr. HERGER):

H.R. 1924. A bill to amend the Internal Revenue Code of 1986 to provide credit rate parity for all renewable resources under the electricity production credit; to the Committee on Ways and Means.

By Mr. MILLER of Florida:

H.R. 1925. A bill to direct the Secretary of Veterans Affairs to establish a separate Veterans Integrated Service Network for the Gulf Coast region of the United States; to the Committee on Veterans' Affairs.

By Mr. NEAL of Massachusetts (for himself, Mr. ENGLISH of Pennsylvania, Mr. TOWNS, Mr. LATHAM, and Mrs. MCCARTHY of New York):

H.R. 1926. A bill to amend title XVIII of the Social Security Act to improve patient access to, and utilization of, the colorectal cancer screening benefit under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ORTIZ (for himself, Mr. MORAN of Virginia, Mr. EDWARDS, Mr. HINOJOSA, Mr. FILNER, Mr. REYES, Ms. CORRINE BROWN of Florida, Mr. HARE, Mr. GORDON, Mrs. BOYDA of Kansas, Mr. PASTOR, Mr. MOORE of Kansas, Mr. BRADY of Pennsylvania, Mr. ROGERS of Alabama, Mr. RODRIGUEZ, Ms. SHEA-PORTER, Mr. ARCURI, Mr. BARTLETT of Maryland, Mr. LAMPSON, Mr. GRIJALVA, Mr. HIGGINS, Mr. MCGOVERN, Mr. PERLMUTTER, Mr. MCNERNEY, Mr. MARSHALL, Mr. JACKSON of Illinois, and Ms. WOOLSEY):

H.R. 1927. A bill to repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans dependency and indemnity compensation, and for other purposes; to the Committee on Armed Services.

By Mr. REYES:

H.R. 1928. A bill to provide for a report by the National Academy of Sciences on underrepresentation of certain groups in science, technology, engineering, and mathematics fields; to the Committee on Science and Technology.

By Mr. SALAZAR (for himself, Mr. MAHONEY of Florida, and Mr. HILL):

H.R. 1929. A bill to amend the Internal Revenue Code of 1986 to exempt certain farmland from the estate tax; to the Committee on Ways and Means.

By Mr. SHADEGG:

H.R. 1930. A bill to amend the Immigration and Nationality Act to increase competitiveness in the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. STARK:

H.R. 1931. A bill to amend the Federal Reserve Act to require the production of Federal reserve notes in a manner which enables an individual who is blind to determine the denomination of each such note, and for other purposes; to the Committee on Financial Services.

By Mr. STUPAK (for himself, Mr. BURGESS, Mr. ENGLISH of Pennsylvania, and Mr. POMEROY):

H.R. 1932. A bill to amend title XVIII of the Social Security Act to provide for improved payments under the Medicare Program for academic anesthesiology programs for resident physicians and for academic programs for student registered nurse anesthetists; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UDALL of Colorado:

H.R. 1933. A bill to amend the Energy Policy Act of 2005 to reauthorize and improve the carbon capture and storage research, development, and demonstration program of the Department of Energy, and for other purposes; to the Committee on Science and Technology.

By Mr. WYNN:

H.R. 1934. A bill to amend title 31, United States Code, to require the provision of a written prompt payment policy to each subcontractor under a Federal contract and to

require a clause in each subcontract under a Federal contract that outlines the provisions of the prompt payment statute and other related information; to the Committee on Oversight and Government Reform.

By Mr. WYNN:

H.R. 1935. A bill to amend the Small Business Act to provide a penalty for the failure by a Federal contractor to subcontract with small businesses as described in its subcontracting plan, and for other purposes; to the Committee on Small Business.

By Mr. WYNN:

H.R. 1936. A bill to amend the Small Business Act to increase the minimum Government-wide goal for procurement contracts awarded to small business concerns; to the Committee on Small Business.

By Mrs. CUBIN:

H. Con. Res. 116. Concurrent resolution expressing the sense of Congress that the National Museum of Wildlife Art, located in Jackson, Wyoming, shall be designated as the ''National Museum of Wildlife Art of the United States''; to the Committee on Natural Resources.

By Mrs. JO ANN DAVIS of Virginia (for herself, Mr. CANTOR, Mr. WOLF, Mrs. DRAKE, Mr. TOM DAVIS of Virginia, Mr. MORAN of Virginia, Mr. SCOTT of Virginia, Mr. BOUCHER, Mr. GOODLATTE, Mr. FORBES, and Mr. GOODE):

H. Con. Res. 117. Concurrent resolution commemorating the 400th Anniversary of the settlement of Jamestown; to the Committee on Oversight and Government Reform.

By Mr. EMANUEL (for himself, Mr. RUSH, Mr. JACKSON of Illinois, Mr. LIPINSKI, Mr. GUTIERREZ, Mr. ROSKAM, Mr. DAVIS of Illinois, Ms. BEAN, Ms. SCHAKOWSKY, Mr. KIRK, Mr. WELLER, Mr. COSTELLO, Mrs. BIGGERT, Mr. HASTERT, Mr. JOHNSON of Illinois, Mr. MANZULLO, Mr. HARE, Mr. LAHOOD, and Mr. SHIMKUS):

H. Con. Res. 118. Concurrent resolution congratulating the City of Chicago for being chosen to represent the United States in the international competition to host the 2016 Olympic and Paralympic Games, and encouraging the International Olympic Committee to select Chicago as the site of the 2016 Olympic and Paralympic Games; to the Committee on Foreign Affairs.

By Mr. GOODE:

H. Con. Res. 119. Concurrent resolution expressing the sense of the Congress that the President should immediately and unequivocally call for the enforcement of existing immigration laws in order to reduce the threat of a terrorist attack and to reduce the massive influx of illegal aliens into the United States; to the Committee on the Judiciary, and in addition to the Committees on Homeland Security, and Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GENE GREEN of Texas:

H. Res. 315. A resolution honoring the accomplishments and legacy of Juan Nepomuceno Seguin; to the Committee on Oversight and Government Reform.

By Mr. MCNERNEY:

H. Res. 316. A resolution recognizing the accomplishments of Roger D. Kornberg, Andrew Fire, Craig Mello, John C. Mather, and George F. Smoot for being awarded Nobel Prizes in the fields of chemistry, physiology or medicine, and physics; to the Committee on Science and Technology.

By Mr. DUNCAN (for himself, Mr. GORDON, Mr. TANNER, Mr. COOPER, Mr. WAMP, Mrs. BLACKBURN, Mr. LINCOLN DAVIS of Tennessee, Mr. DAVID DAVIS of Tennessee, and Mr. COHEN):

H. Res. 320. A resolution congratulating the University of Tennessee women's basketball team for winning the 2007 NCAA Division I Women's Basketball Championship; to the Committee on Education and Labor.

By Mr. RANGEL:

H. Res. 321. A resolution honoring Dick Brown: New York's greatest ambassador to Washington; to the Committee on Oversight and Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 17: Mr. MCNERNEY, Mr. BRALEY of Iowa, Mr. HIGGINS, Mr. BONNER, and Mr. JEFFERSON.

H.R. 20: Ms. BORDALLO.

H.R. 35: Ms. JACKSON-LEE of Texas and Mr. WOLF.

H.R. 36: Mr. MCCOTTER.

H.R. 37: Mr. FORBES.

H.R. 74: Mr. BRALEY of Iowa.

H.R. 82: Mr. ARCURI, Ms. CORRINE BROWN of Florida, Ms. CLARKE, Mr. COHEN, Mr. EMANUEL, Mr. HILL, Mr. INSLEE, Mr. JONES of North Carolina, Mrs. MILLER of Michigan, Ms. ROS-LEHTINEN, Mr. WALDEN of Oregon, and Mr. WELCH of Vermont.

H.R. 89: Mr. CHANDLER.

H.R. 91: Mr. GERLACH.

H.R. 178: Mr. JACKSON of Illinois.

H.R. 180: Mr. SIRES.

H.R. 196: Mr. DAVIS of Kentucky.

H.R. 197: Mr. KLINE of Minnesota, Mr. INSLEE, Mr. KIND, and Mr. WALBERG.

H.R. 221: Mr. YOUNG of Alaska.

H.R. 279: Mr. WALBERG.

H.R. 303: Ms. WOOLSEY and Mr. EDWARDS.

H.R. 333: Mr. FILNER, Mr. BARROW, Mr. ABERCROMBIE, Mr. MICHAUD, Mr. BARTLETT of Maryland, and Mr. LEWIS of Kentucky.

H.R. 369: Mr. PASTOR.

H.R. 411: Mrs. SCHMIDT and Mrs. CUBIN.

H.R. 436: Mr. SENSENBRENNER.

H.R. 522: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 549: Mr. HELLER and Mr. PRICE of North Carolina.

H.R. 567: Mr. HODES.

H.R. 579: Mr. GINGREY, Mr. BERMAN, Mr. SARBANES, Mrs. MCCARTHY of New York, Mr. BRADY of Pennsylvania, Mr. BOSWELL, Mr. LATOURETTE, and Mr. BISHOP of New York.

H.R. 583: Mr. WELLER, Mr. MELANCON, and Mr. LATHAM.

H.R. 620: Mr. SHULER and Mr. OBEY.

H.R. 624: Mr. OBERSTAR and Ms. DEGETTE.

H.R. 631: Mr. SAM JOHNSON of Texas.

H.R. 642: Mr. MILLER of North Carolina, Mr. PRICE of North Carolina, Mr. MCGOVERN, Mr. GERLACH, Mr. CARDOZA, Mr. HOLT, Mr. BUTTERFIELD, and Mr. PORTER.

H.R. 643: Mr. JOHNSON of Illinois, Mr. MCGOVERN, Mr. HOBSON, Mr. PORTER, Ms. HERSETH SANDLIN, Mr. CHABOT, Mr. PRICE of North Carolina, Mr. JOHNSON of Georgia, Mrs. CUBIN, Mr. WILSON of South Carolina, Mr. DAVIS of Kentucky, Mr. BONNER, Mr. CAMPBELL of California, Mr. WOLF, Mr. CLAY, Mr. MORAN of Kansas, Mr. WICKER, Mr. GERLACH, Mr. MILLER of Florida, Mr. KELLER, Mr. RAMSTAD, Mr. SESSIONS, Mr. PETERSON of Pennsylvania, Mr. CARDOZA, Mr. AKIN, Mr. SHADEGG, Mr. GINGREY, Mr. BROWN of South Carolina, Mr. RUPPERSBERGER, Mr. DUNCAN, Mr. BUTTERFIELD, Mr. HOLT, Ms. ROS-LEHTINEN, Mr. LAMBORN, Mr. TURNER, Mr. DICKS, and Mr. LATHAM.

H.R. 654: Mr. POMEROY, Mr. LEWIS of Georgia, Ms. KILPATRICK, Ms. DEGETTE, Mrs. CUBIN, Mr. OBERSTAR, Ms. VELÁZQUEZ, and Mr. BOUCHER.

H.R. 661: Mr. ARCURI.

H.R. 677: Mr. ISRAEL.

H.R. 698: Mr. ROSS, Mr. JINDAL, Ms. NORTON, Mr. THORNBERRY, Mrs. MCCARTHY of New York, Mr. LEWIS of Georgia, Ms. HARMAN, and Mr. RAHALL.

H.R.729: Mr. RODRIGUEZ and Mr. KENNEDY.

H.R. 748: Mr. OLVER.

H.R. 752: Mr. MCGOVERN, Mr. MEEKS of New York, Mr. LANTOS, Mr. REYES, Ms. NORTON, Ms. BORDALLO, and Ms. CORRINE BROWN of Florida.

H.R. 757: Mr. ABERCROMBIE, Mr. WAXMAN, Mr. ALLEN, and Ms. SCHAKOWSKY.

H.R. 760: Mr. JOHNSON of Georgia.

H.R. 784: Mr. EDWARDS, Mr. BERRY, Mr. BRADY of Pennsylvania, Mr. BOSWELL, and Mr. BISHOP of New York.

H.R. 811: Mr. DONNELLY.

H.R. 819: Mr. HARE, Mr. BAIRD, Ms. CLARKE, Mr. LOEBSACK, and Mr. HALL of New York.

H.R. 821: Mr. DINGELL, Mr. CUMMINGS, and Ms. MATSUI.

H.R. 885: Mrs. TAUSCHER, Mr. BERMAN, and Mr. LINDER.

H.R. 943: Mrs. JONES of Ohio.

H.R. 963: Mr. BOREN.

H.R. 969: Mr. SHERMAN, Ms. MATSUI, Ms. ESHOO, Ms. KAPTUR, Ms. CARSON, Mr. WEINER, Mr. PETERSON of Minnesota, Mr. PATRICK MURPHY of Pennsylvania, Mrs. MALONEY of New York, and Mr. KIND.

H.R. 970: Mr. WALBERG.

H.R. 971: Mr. HODES.

H.R. 972: Ms. WOOLSEY.

H.R. 989: Mr. WAMP, Mr. GOHMERT, Mr. BOOZMAN, Mr. PENCE, Mr. RAMSTAD, Mr. FRANKS of Arizona, Mr. JACKSON of Illinois, Mr. COLE of Oklahoma, and Mr. LEWIS of Kentucky.

H.R. 1023: Mr. MCNERNEY.

H.R. 1028: Mr. CARNAHAN.

H.R. 1043: Mr. RAHALL and Mr. MEEK of Florida.

H.R. 1055: Mr. HASTINGS of Florida, Ms. ZOE LOFGREN of California, and Mr. OBEY.

H.R. 1063: Mr. RAHALL.

H.R. 1064: Mr. LINCOLN DAVIS of Tennessee.

H.R. 1069: Ms. MILLENDER-MCDONALD.

H.R. 1070: Ms. MILLENDER-MCDONALD.

H.R. 1076: Mr. BRALEY of Iowa and Mr. PRICE of North Carolina.

H.R. 1079: Mr. CLEAVER.

H.R. 1098: Mr. EHLERS.

H.R. 1101: Mr. BOOZMAN.

H.R. 1104: Mr. BECERRA.

H.R. 1108: Mrs. BONO.

H.R. 1110: Mr. DOYLE, Mr. BRALEY of Iowa, Mr. ALTMIRE, Mr. GRIJALVA, Mr. FRANKS of Arizona, Mr. BOYD of Florida, Mr. FILNER, Ms. ZOE LOFGREN of California, Mr. PASTOR, Mr. OBERSTAR, and Mr. FOSSELLA.

H.R. 1125: Mr. GOODLATTE and Mr. KELLER.

H.R. 1137: Mr. PETERSON of Minnesota and Mr. WOLF.

H.R. 1147: Mr. RAMSTAD.

H.R. 1192: Mr. SESSIONS, Mr. BERRY, Mr. BISHOP of Georgia, and Ms. MATSUI.

H.R. 1228: Mr. MCCOTTER and Mr. BERRY.

H.R. 1232: Mr. GOODE, Mr. CARNEY, Mr. RUSH, Mr. EDWARDS, Mr. GILCHREST, Mr. WAXMAN, Ms. MATSUI, Ms. ZOE LOFGREN of California, Mr. RUPPERSBERGER, Mr. PRICE of North Carolina, and Mr. PASTOR.

H.R. 1236: Mr. FATTAH, Mrs. GILLIBRAND, Mr. HASTINGS of Florida, Mr. KING of New York, Mr. COHEN, Ms. MATSUI, and Mr. OLVER.

H.R. 1252: Mrs. CAPPS, Ms. DEGETTE, and Mr. OBEY.

H.R. 1261: Mr. SMITH of Nebraska, Mrs. CUBIN, and Mrs. MCMORRIS RODGERS.

H.R. 1283: Mr. EDWARDS.

H.R. 1293: Mr. WALBERG, Mrs. GILLIBRAND, and Mr. RAHALL.

H.R. 1300: Mr. JACKSON of Illinois and Mr. OBEY.

H.R. 1302: Mr. STARK, Mr. NADLER, Mr. COURTNEY, Ms. ESHOO, Ms. BALDWIN, and Ms. WATERS.

H.R. 1322: Mr. BISHOP of New York, Ms. DELAURO, Mr. FILNER, Mr. GENE GREEN of

Texas, Mr. HOLDEN, Ms. KAPTUR, Mr. MCNULTY, Mr. PAYNE, Ms. SCHAKOWSKY, Ms. SOLIS, Mr. WAXMAN, Mr. WEINER, and Ms. WOOLSEY.

H.R. 1330: Mr. MCCOTTER.

H.R. 1385: Ms. KAPTUR, Mr. MCHUGH, Mr. MCNERNEY, Mr. FRANK of Massachusetts, and Mr. HINOJOSA.

H.R. 1386: Ms. LINDA T. SÁNCHEZ of California and Mr. WAXMAN.

H.R. 1391: Mr. HODES and Mr. JACKSON of Illinois.

H.R. 1409: Mr. MCGOVERN.

H.R. 1439: Mr. GENE GREEN of Texas.

H.R. 1461: Mrs. NAPOLITANO.

H.R. 1464: Mr. STARK, Ms. SCHAKOWSKY, Mr. HIGGINS, Mr. CHANDLER, Ms. MCCOLLUM of Minnesota, Mr. FARR, Ms. ESHOO, Mr. ENGLISH of Pennsylvania, Mr. DELAHUNT, Mr. COHEN, and Mr. MCNULTY.

H.R. 1474: Mr. DAVID DAVIS of Tennessee, Mr. ARCURI, Mr. PLATTS, Mr. MCCOTTER, Mr. FARR, Ms. BALDWIN, and Mr. REYES.

H.R. 1475: Ms. ZOE LOFGREN of California.

H.R. 1483: Mr. CLYBURN.

H.R. 1497: Mr. OBEY.

H.R. 1506: Mr. JACKSON of Illinois, Ms. DELAURO, Ms. WOOLSEY, Mr. GUTIERREZ, Ms. SLAUGHTER, Mrs. TAUSCHER, and Mr. OBEY.

H.R. 1507: Mr. ALLEN, Ms. SUTTON, Ms. HIRONO, Ms. ZOE LOFGREN of California, Mr. JOHNSON of Illinois, Mrs. CAPPS, Mr. PAYNE, Mr. WAXMAN, Mr. CUMMINGS, and Mr. MCNERNEY.

H.R. 1514: Mr. BECERRA, Mr. PLATTS, Mr. CLAY, Mr. HAYES, and Mr. COHEN.

H.R. 1534: Mr. WAXMAN.

H.R. 1537: Mr. KELLER, Mr. MEEKS of New York, Mr. CARNAHAN, Mr. MICHAUD, Mr. BERMAN, and Mr. SALAZAR.

H.R. 1541: Ms. MCCOLLUM of Minnesota.

H.R. 1543: Mr. MCCOTTER.

H.R. 1551: Mr. COOPER.

H.R. 1553: Mr. GENE GREEN of Texas, Mr. ROGERS of Kentucky, Mr. CAPUANO, Mr. GERLACH, Mr. MOORE of Kansas, Mr. FORTENBERRY, Mr. DOYLE, Mr. TERRY, Mr. WEXLER, Mr. KENNEDY, Mrs. BOYDA of Kansas, Mr. HOLDEN, Mr. PICKERING, Mr. MCCOTTER, Mr. MARSHALL, Mr. PATRICK MURPHY of Pennsylvania, and Mr. WOLF.

H.R. 1554: Mr. BOSWELL and Mr. ISRAEL.

H.R. 1559: Mr. MCCOTTER.

H.R. 1589: Mr. BRADY of Pennsylvania, Mr. LATOURETTE, Mr. BILIRAKIS, Ms. BEAN, Mr. BISHOP of New York, Mrs. BONO, Mr. DOYLE, Mr. CARNEY, and Mr. VAN HOLLEN.

H.R. 1590: Mr. OBEY.

H.R. 1617: Ms. BALDWIN, Ms. BEAN, Ms. BERKLEY, Mrs. BOYDA of Kansas, Ms. CORRINE BROWN of Florida, Mrs. CAPPS, Ms. CARSON, Ms. CASTOR, Mrs. CHRISTENSEN, Ms. CLARKE, Mrs. DAVIS of California, Ms. DEGETTE, Ms. DELAURO, Ms. ESHOO, Ms. GIFFORDS, Mrs. GILLIBRAND, Ms. HARMAN, Ms. HERSETH SANDLIN, Ms. HIRONO, Ms. HOOLEY, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. JONES of Ohio, Ms. KAPTUR, Ms. KILPATRICK, Ms. LEE, Mrs. LOWEY, Mrs. MALONEY of New York, Ms. MATSUI, Mrs. MCCARTHY of New York, Ms. MCCOLLUM of Minnesota, Ms. MOORE of Wisconsin, Mrs. NAPOLITANO, Ms. NORTON, Ms. ROYBAL-ALLARD, Ms. LINDA T. SÁNCHEZ of California, Ms. LORETTA SANCHEZ of California, Ms. SCHAKOWSKY, Ms. SCHWARTZ, Ms. SHEA-PORTER, Ms. SLAUGHTER, Ms. SOLIS, Ms. SUTTON, Mrs. TAUSCHER, Ms. VELÁZQUEZ, Ms. WASSERMAN SCHULTZ, Ms. WATERS, Ms. WATSON, Ms. WOOLSEY, Mrs. BIGGERT, Mrs. BLACKBURN, Mrs. BONO, Ms. GINNY BROWN-WAITE of Florida, Mrs. CAPITO, Mrs. CUBIN, Mrs. DRAKE, Mrs. EMERSON, Ms. FALLIN, Ms. FOXX, Ms. GRANGER, Mrs. MCMORRIS RODGERS, Mrs. MILLER of Michigan, Mrs. MUSGRAVE, Mrs. MYRICK, Ms. PRYCE of Ohio, Mrs. SCHMIDT, Mrs. WILSON of New Mexico, and Ms. ROS-LEHTINEN.

H.R. 1643: Mr. ALEXANDER and Mr. DAVIS of Kentucky.

H.R. 1645: Mr. ENGLISH of Pennsylvania, Mr. STARK, Ms. DEGETTE, and Mr. RUSH.

H.R. 1647: Mr. PLATTS, Mr. ISRAEL, Ms. ZOE LOFGREN of California, Ms. MCCOLLUM of Minnesota, Mr. GENE GREEN of Texas, Mr. GOODE, Mr. UDALL of New Mexico and Ms. BALDWIN.

H.R. 1649: Mr. SKELTON.

H.R. 1655: Mr. BOYD of Florida and Mr. CARDOZA.

H.R. 1674: Mr. WILSON of South Carolina.

H.R. 1678: Mr. JACKSON of Illinois.

H.R. 1693: Mr. FATTAH, Mr. MELANCON, Mr. JEFFERSON, Mr. BRADY of Pennsylvania, Mr. LEWIS of Georgia, Ms. CLARKE, and Mr. MEEKS of New York.

H.R. 1700: Mr. WILSON of Ohio, Mr. MARKEY, Ms. SUTTON, Ms. CORRINE BROWN of Florida, Mr. BRADY of Pennsylvania, Mrs. MCCARTHY of New York, Mrs. NAPOLITANO, Mr. HINOJOSA, Mr. RODRIGUEZ, and Mr. ORTIZ.

H.R. 1707: Ms. BEAN.

H.R. 1713: Mr. MCGOVERN and Ms. CARSON.

H.R. 1726: Mr. STARK and Mr. GEORGE MILLER of California.

H.R. 1727: Ms. SCHAKOWSKY, Mr. FRANK of Massachusetts, Mr. MARKEY, Mr. BUTTERFIELD, Mr. WAXMAN, Mr. MORAN of Virginia, Mr. MCNULTY, Mr. STARK, Ms. ESHOO, Mr. GENE GREEN of Texas, Mr. DELAHUNT, and Mr. HOLDEN.

H.R. 1728: Mr. FATTAH.

H.R. 1730: Mr. ALTMIRE.

H.R. 1731: Mr. LANTOS, Mr. WOLF, Mr. REGULA, and Mr. LAHOOD.

H.R. 1732: Mr. CARNEY and Mr. BISHOP of Utah.

H.R. 1742: Mr. MCCOTTER and Mr. ENGLISH of Pennsylvania.

H.R. 1761: Mr. BAKER and Mrs. MUSGRAVE.

H.R. 1766: Mr. GERLACH.

H.R. 1774: Mr. ALTMIRE, Mr. MCCOTTER, and Ms. ESHOO.

H.R. 1796: Ms. WASSERMAN SCHULTZ.

H.R. 1806: Ms. JACKSON-LEE of Texas.

H.R. 1823: Mr. HASTINGS of Florida.

H.R. 1828: Mr. WYNN.

H.R. 1847: Mr. ARCURI.

H.R. 1858: Mr. DANIEL E. LUNGREN of California, Mr. PENCE, and Mr. FEENEY.

H.R. 1862: Mr. PAUL.

H.R. 1880: Mr. BLUMENAUER, Mr. BOSWELL, and Mr. Courtney.

H.R. 1881: Mr. WAMP, Mr. TIERNEY, Mr. HOLT, Ms. DEGETTE, Mrs. BONO, Mr. SHAYS, and Ms. ROS-LEHTINEN.

H.J. Res. 18: Mr. TIERNEY.

H. Con. Res. 7: Mr. MCGOVERN, and Ms. LINDA T. SÁNCHEZ of California.

H. Con. Res. 21: Mr. HELLER and Mr. GORDON.

H. Con. Res. 104: Mr. LANTOS, Ms. MCCOLLUM of Minnesota, Mr. CLAY, and Mr. GILCHREST.

H. Con. Res. 108: Mr. WELLER.

H. Con. Res. 113: Mrs. MALONEY of New York and Mr. BRADY of Pennsylvania.

H. Con. Res. 115: Mr. GERLACH.

H. Res. 14: Mr. SALI and Mr. RYAN of Wisconsin.

H. Res. 71: Mr. BUTTERFIELD, Mr. RUSH, and Mr. BLUMENAUER.

H. Res. 119: Mr. MCNULTY, Mr. MORAN of Virginia, Ms. LINDA T. SÁNCHEZ of California, Mrs. CAPITO, Ms. SHEA-PORTER, and Mr. SESTAK.

H. Res. 183: Mr. BISHOP of Georgia, Mr. THOMPSON of Mississippi, Ms. CORRINE BROWN of Florida, Mr. MEEKS of New York, Mr. RANGEL, Mr. MEEK of Florida, Mr. RYAN of Ohio, and Ms. CASTOR.

H. Res. 194: Mr. CUMMINGS, Mr. TOWNS, and Mr. RUSH.

H. Res. 231: Mr. GARRETT of New Jersey.

H. Res. 243: Mr. LOBIONDO.

H. Res. 282: Mr. FARR, Mr. BOSWELL, Ms. ZOE LOFGREN of California, Mr. OBERSTAR, Ms. WOOLSEY, Mr. PASTOR, Mr. BAIRD, Mrs. CAPPS, Ms. ESHOO, Mr. CARDOZA, Ms. DEGETTE, Mr. BLUMENAUER, Mr. ROSS, Mrs. DAVIS of California, Mr. THOMPSON of California, Mr. DEFAZIO, Ms. LEE, and Mr. SCHIFF.

H. Res. 284: Mr. SALI.

H. Res. 291: Mr. LEVIN, Ms. GRANGER, Mr. HIGGINS, Mr. BURTON of Indiana, Mrs. BOYDA of Kansas, Mr. FRANKS of Arizona, Mrs. MALONEY of New York, Mr. MCCOTTER, Mr. PETERSON of Pennsylvania, Mrs. CAPITO, Mr. DELAHUNT, Mr. CARNEY, Ms. MCCOLLUM of Minnesota, Mr. DUNCAN, and Mr. VAN HOLLEN.

H. Res. 292: Mr. WOLF.

H. Res. 300: Ms. SHEA-PORTER.

H. Res. 307: Mr. SCHIFF, Mr. HINOJOSA, Mr. MCGOVERN, Mr. CLEAVER, Mr. HASTINGS of Florida, Mr. AL GREEN of Texas, Ms. CARSON, and Mr. BUTTERFIELD.

H. Res. 309: Mr. WEXLER, Mr. ROHRABACHER, Mr. CROWLEY, Mr. KING of New York, Mr. POMEROY, Mr. NADLER, Ms. BERKLEY, Mr. FOSSELLA, Mrs. MALONEY of New York, Mr. OLVER and Mr. HALL of New York.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

H.R. 1905 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

H.R. 1906, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

DELETION OF SPONSORS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H. Res. 106: Mr. SCOTT of Georgia.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 110th CONGRESS, FIRST SESSION

Vol. 153 WASHINGTON, WEDNESDAY, APRIL 18, 2007 No. 62

Senate

The Senate met at 8:30 a.m. and was called to order by the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland.

PRAYER

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

Let us pray.

Oh God, our Father, we thank You for all the bright things of life. Help us to see them, to count them, and to remember them even in the midst of perplexing, painful situations. Today, direct our Senators in their work. May they express their gratitude for Your gifts by serving You and our Nation faithfully. Deliver them from the temptation to please others, particularly at the expense of honor, honesty, and truth. Rule over this legislative body for the welfare of the Nation and Your glory.

And, Lord, this week we thank You for the life and legacy of Liz Jeffords. Comfort Senator Jeffords, Leonard and Laura, and all those who grieve her passing.

We pray in the Name of Him who is the resurrection and the life. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BENJAMIN L. CARDIN led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 18, 2007.

To the Senate:

Under the provisions of rule 1 paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

ORDER OF PROCEDURE

Mr. REID. Mr. President, first I ask unanimous consent, and it has been cleared by the minority, that the time spent with the prayer and pledge and my statement not be taken away from the hour on cloture on the two votes.

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

SCHEDULE

Mr. REID. Mr. President, this morning there will be 60 minutes available to the Members to discuss the issues on which there will be cloture votes on the two motions to proceed. Time is equally divided and controlled between the two leaders or their designees. At approximately 9:30 a.m, the Senate will vote on the motion to invoke cloture on the motion to proceed to S. 3, the prescription drug bill. If cloture is not invoked on that motion, there will be 2 minutes of debate controlled equally by Senators LEAHY and SPECTER, after which time the Senate will proceed to a cloture vote on the motion to proceed to S. 378, the court security bill. If cloture is invoked on that motion, then I hope the managers can work together for expeditious consideration of this measure. Later I will have more to say about the schedule for the remainder of the week.

STYMIEING LEGISLATION

Mr. REID. Mr. President, on the first cloture vote dealing with prescription drugs, I think probably I have said enough to indicate my displeasure and disappointment with what has happened this week, for our inability to proceed on something that is so basic to the security of this Nation, the Intelligence authorization bill, which deals with our espionage efforts, our ability to collect intelligence from around the world. That was stopped on a strict party-line vote because the Vice President didn't want that. So that is enough said on that.

On the prescription drug issue, when all else fails I think we should look at common sense. What we are asking is that Medicare be able to negotiate for lower prices in the purchase of drugs for senior citizens. This is opposed by the pharmaceutical industry, the insurance industry, and HMOs because they have a sweetheart deal. They can negotiate for lower prices but Medicare can't.

You can throw around all the statistics you want, it is not going to lower prices. I call upon our common sense. Doesn't it make sense that Medicare should be able to compete with these HMOs and negotiate for lower price drugs? Of course. That is why AARP and dozens of other organizations that care about seniors, not about profits, are on the side of moving forward on this legislation. I hope there will be Senators on the other side of the aisle who will step up and allow us to move forward on this legislation.

Finally, it is hard to comprehend, but in addition to not being able to move forward on the issues relating to intelligence, and probably on prescription drug negotiations, we have been

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

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stymied in being able to bring forward a bill on court security. I hope it is just a small minority of Senators on the other side holding up this bill. We have had violence in courtrooms all over America. In Reno, NV, a disgruntled man did not like what a judge was doing on a divorce proceeding. He drove to a garage with his high-powered, deer-hunting rifle and fired, at almost 200 yards, through the window of the judge's chambers. The shot did not kill him but badly wounded him.

We know what happened in Atlanta, GA, with someone who was in cahoots, basically, with one of the violent prisoners. As a result of that, people were killed.

In Illinois, a disgruntled litigant waited in the judge's home, and when the father and one of the children came home, he killed them both.

This legislation dealing with court security is extremely important. We just had this terrible incident in Blacksburg, VA, indicating how prone this country is to violence. This legislation dealing with court security allows grants to States to beef up the security in courtrooms. It will allow bulletproof glass, as should have been in the judge's chambers in Reno, NV, and metal detectors. It would allow jurisdictions to obtain metal detectors. It would limit what Federal judges have to list in their various personal papers. It would not be possible, if this legislation passes, for some disgruntled defendant, witness, or whatever the case might be, to go to the Internet and find out where the judge lives, as happened in Illinois. They would not have to disclose personal information like that. They would not have to disclose the jobs of family members so one of these violence-prone people could go to someone's place of business and hurt and injure a child or loved one of one of these judges who make difficult decisions.

This legislation is important to allow us to better understand and protect against disgruntled litigants. It increases the penalties for people who do these bad things, who harass prosecutors, judges, and witnesses.

It is very important legislation, and we should have already completed it. But here we are. We are going to have to move to proceed to it. Once—I hope—cloture is invoked, then we have 30 hours to wait before we get onto the bill. It would be a shame that we have to waste the time of our country, time that could be spent on valuable legislation that could be done here in this Chamber, waiting to move forward because of people not wanting to legislate.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. There will now be a period of morning business for 60 minutes with Senators permitted to speak therein with the time equally divided and controlled between the majority and Republican leaders or their designees.

Who yields time? The Senator from Arizona.

PRESERVING COMPETITION WITHIN MEDICARE

Mr. KYL. Mr. President, I would like to speak for a few minutes on the bill on which we will be voting in approximately an hour, as the majority leader just said. I would like to speak directly to the point he attempted to make, which was why should there be a problem with allowing the Federal Government to negotiate for drug prices for Medicare by repealing Medicare's so-called noninterference provision?

Nobody doesn't support negotiation. Negotiation is at the heart of the Medicare prescription drug benefit. I was there when it was written in the conference committee and there was a conscientious decision to ensure that there would be competition for lowering prices by specifically designating pharmacy benefit managers to do negotiating with the drug companies to bring the prices down. So the first myth is that Medicare somehow does not involve negotiations. It involves extensive negotiations. What it does not do is allow the Federal Government to interfere in those negotiations and, in effect, put itself in between patients and doctors and the drugs.

The Medicare Fair Prescription Drug Price Act of 2007, on which we will be voting cloture, turns this law upside-down and basically inserts the Government into this process under these decisions. The purpose may sound simple—the Government, using its negotiating clout, forcing drug companies to give seniors deep discounts—but if you take a closer look and peel away the layers, you realize it is nothing more than a promise running on empty, void of details and muddled by political rhetoric rather than sustained by the facts. Let's look at the facts.

First of all, Medicare Part D is working. When Congress crafted the bill, we heard from our constituents loudly and clearly. They wanted a prescription drug benefit that guaranteed access to affordable drugs and offered a choice of plans. They didn't want to be packed into a one-size-fits-all, Government-run plan that didn't fit their needs, and in fact they asked us to model the benefit after the plan that is available to Members of Congress. We did that. We chose access over restrictions, choice over Government control, and competition over price control. As a result, Medicare Part D is exceeding everyone's expectations. Approximately 90 percent of Medicare beneficiaries have some form of prescription drug coverage. The average premium was $22, in 2007, which is 42 percent lower than the Government projected initially. On average, seniors saved $1,200 on their prescription drug costs last year.

Eight out of ten Part D enrollees report they are satisfied with their current coverage, and the Congressional Budget Office estimates that the drug benefit will cost the taxpayers 30 percent less, $265 billion in savings over the next 10 years.

To sum it up, we have 90 percent Medicare beneficiaries with coverage, 80 percent satisfaction rate, and it costs 30 percent less than originally estimated. If it ''ain't'' broke, don't fix it.

The second fact, drug negotiation is at the heart of the Medicare bill. For the first time in history, health insurance plans and pharmaceutical companies and these benefit managers whom I mentioned are required to negotiate better prices for seniors, just like they do for Members of Congress. The noninterference provision, which first appeared in democratically sponsored legislation, prevents the Federal Government from interfering in those negotiations. It is a basic economic principle. In competitive markets, supply and demand interact, determining the price of the good or service. How do you get a good price? These pharmacy benefit managers I mentioned have significant market power.

Consider this fact: The three largest PBMs have nearly 200 million members, compared to Medicare's 44 million. So when you talk about the Government using its considerable bargaining clout because it would represent 44 million, appreciate that these pharmacy benefit managers represent 200 million. They insure all of these people—Americans in the private sector, as well as Americans who have Government insurance. So the private drug negotiators already enjoy a significant competitive advantage. They use that power to negotiate lower prices and, as I pointed out, that negotiation has worked.

Third, the secretarial negotiation cannot achieve any lower price without rationing choice in access. That was the testimony before the Senate Finance Committee, and I think every one of us appreciates that we should be very careful about anything which could restrict access to care for our seniors. When the Finance Committee marked up this bill last week, I looked forward to getting some clarity on exactly how Members contemplated this secretarial negotiation, how it would work.

To my disappointment, no one could explain exactly how it would work. In fact, my colleagues openly and candidly admitted they had no plan or any specifics. What they said was that the Secretary would have to use his imagination and that it could take a number of different forms.

So what we are buying, in effect, is a pig in a poke. Nobody knows what the

Secretary would or could do in order to try to bring prices down; he would have to use his imagination.

I think it is appropriate for us to ask this kind of question before we buy into legislation that could so dramatically and negatively impact health care for our seniors. Restricting access could theoretically reduce lower prices if they were raised with some other program. That is the other downside to this legislation.

During the Finance Committee noninterference hearing, we heard testimony from Dr. Fiona Scott Morton, who is a Professor of Economics at the Yale School of Management. She made a couple of critical points. Individuals eligible to participate in Medicare Part D generate approximately 40 percent of prescription drug spending in the United States. The Secretary cannot negotiate a lower average price for such a large population; Medicare is the average.

So if it were somehow theoretically possible to reduce prices, they would have to go up somewhere else. That is the other point we established as well. There are many different organizations, including veterans organizations, that urged us to oppose this legislation because they understand that if you are somehow able to lower the prices for Medicare, they necessarily, arithmetically, have to go up somewhere else. The Veterans' Administration is one of those areas.

Let me quote from two letters, one received from the American Legion, which asks us to consider, and I quote:

> . . . the serious collateral damage that would result from repealing the noninterference provision.
>
> The VA is a health care provider, whereas Medicare is a health insurer. Any possible Medicare savings would likely result in a reciprocal cost to the VA. Compromising the noninterference provision by striking this section is not in the best interest of America's veterans and their families.

The American Legion is not alone. The Military Order of the Purple Heart sent a similar letter to the Hill. Bottom line here: Cost savings are the result of true efficiencies. Repealing the noninterference provision is just another way to shift costs at the expense of other consumers.

In conclusion, during this markup of this bill in the committee, I offered three amendments, each of which ensured important safeguards: No. 1, to prohibit cost shifting, as I mentioned, to entities such as Medicaid or veterans or the uninsured; No. 2, to require a certification of cost savings to Medicare beneficiaries if these negotiations were to occur; No. 3, a certification of four beneficiary protections: One, individual choice of a prescription drug plan; two, access to prescription drugs by prohibiting a government formulary or other tool to restrict drug access; three, guaranteed access to local pharmacies; and, four, no cost shifting to other payors, such as Medicaid, veterans or the uninsured. All three of these amendments were rejected. In fact, somebody called them a red herring. Well, restricting seniors' access to prescription drugs and increasing drug prices for all consumers are not red herrings, they are important issues which have not been adequately addressed in this legislation.

Repealing this noninterference provision would put the Government, not the individual in charge, and put seniors one step closer to a single Government-run designed formulary.

I appreciate and respect the goals of my colleagues. We all want to improve access to affordable health coverage. But with all due respect, they are wrong. A great deal of expert testimony and experience with Medicare Part D by millions of Americans has demonstrated they are wrong. So I urge my colleagues, when considering how to vote on this motion for cloture, to appreciate the fact that, first of all, there is a great benefit that is producing savings and is well appreciated by the American people; that there are organizations that are very much opposed to this, such as the VA, and that we would be very foolish, it seems to me, to adopt a piece of legislation such as this about which there is no consensus as to how the Secretary would utilize his authority to negotiate.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD an editorial from the Wall Street Journal of today, April 18, 2007, which further amplifies the points I have made this morning.

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

[From the Wall Street Journal, Apr. 18, 2007]

BITTER PILLS

The Senate is scheduled to vote today on legislation to allow the government to negotiate drug prices under the 2003 Medicare prescription drug bill. Democrats and such liberal interest groups as AARP claim this would save money for seniors and taxpayers, but the more likely result is that seniors would find that fewer of their therapies are covered.

We opposed the prescription drug bill as a vast new entitlement, but there's no denying the program's innovation of using private-sector competition has worked far better than critics predicted. In the first year alone, the cost of Medicare Part D came in 30 percent below projections. The Congressional Budget Office calculates the 10-year cost of Medicare Part D will be a whopping $265 billion below original estimates.

Seniors are also saving money under this private competition model. Premiums for the drug benefit were expected to average $37 a month. Instead, premiums this year are averaging $22 a month—a more than 40 percent saving. Democrats don't like to be reminded that many of them wanted to lock in premiums at $35 a month back in 2003. No wonder recent polls find that about 80 percent of seniors say they're satisfied with their new Medicare drug benefits.

Democrats who opposed all of this private competition now say that government-negotiated prices will do even better. They must have missed the new study by the Lewin Group, the health policy consulting firm, which found that federal insurance programs that impose price controls typically hold down costs by refusing to cover some of the most routinely prescribed medicines for seniors. These include treatments for high cholesterol, arthritis, heartburn and glaucoma.

Supporters of federal price ''negotiations''—really, an imposed price—also like to point to the example of the Veterans Health Administration, which negotiates prices directly with drug companies. But it turns out that the vaunted VHA drug program has a few holes of its own. The Lewin study examined the availability of the 300 drugs most commonly prescribed for seniors. It found that one in three—including such popular medicines as Lipitor, Crestor, Nexium and Celebrex—are not covered under VHA. However, 94 percent are covered under the private competition model of Medicare Part D. Fewer than one of five new drugs approved by the FDA since 2000 are available under VHA.

Here's the real kicker: Statistics released March 22 by the VHA and Department of Health and Human Services show that 1.16 million seniors who are already enrolled in the VHA drug program have nonetheless signed up for Medicare Part D. That's about one-third of the entire VHA case load. Why? Because these seniors have figured out that Medicare Part D offers more convenience, often lower prices, and better insurance coverage for their prescription drugs. In short, seniors are voting with their feet against the very price control system that Democratic leaders Harry Reid and Nancy Pelosi want to push them into.

Of course, the greatest threat from drug price controls is not to our wallets, but to public health. Price controls reduce the incentive for biotech and pharmaceutical companies to invest the $500 million to $1 billion that is often now required to bring a new drug to market. If government price controls erode the profits these companies can earn to produce these often life-saving medications, the pace of new drug development will almost certainly delay treatments for AIDS, cancer, heart disease and the like. Congress is proposing dangerous medicine, and if it becomes law seniors may be the first victims.

Mr. KYL. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Michigan is recognized.

PRESCRIPTION DRUGS

Ms. STABENOW. Mr. President, we have a very important vote we are going to take in a few minutes about whether we are going to be allowed to proceed—even to proceed—to a bill that would give the Secretary of Health and Human Services a very important tool to lower prices for prescription drugs.

With all due respect to my friends on the other side of the aisle, I hear very differently from seniors. First of all, they don't like, in Michigan, wading through 50, 60, 70 different insurance plans and all the paperwork to figure out what plan they are going to sign up for. They wanted us to go directly to Medicare which is, by the way, a Government-run program, one of the most successful in the U.S. Government.

They wanted us to be able to set up prescription drug coverage through Medicare. That wasn't done. Instead, we have this privatized system that was geared to making sure the industry would have the maximum amount of profit. That has been the focus, unfortunately, of this legislation, which

is why we would see, in the middle of a prescription drug bill for seniors, actual language that says: You cannot negotiate for lower prices.

Now, we have an opportunity to change that, to take that language away. What are we hearing? Well, we are hearing all kinds of things, all kinds of things. On the one hand we hear: This will do nothing for seniors. It will not help seniors. It will not lower prices. On the other hand we hear: It is going to do all kinds of things that are very terrible for people.

Well, it can't be both. What we have going on is an orchestrated effort by the industry to keep things the way they are.

If we were able to get better prices for seniors, there would not be that big gap in coverage that I guess some folks think the seniors like. Seniors in Michigan do not like that. After they have paid some $2,100 in drug costs, going into a gap where the average price has actually gone up, they have no help. This is a very different world I am hearing from, the people in Michigan, rather than what we are hearing from the industry and from others who support this plan the way it is.

We can do better than this Medicare prescription drug benefit. Today is the opportunity to decide whose side you are on, either on the side of the industry that is doing great under this bill, record profits, or you are going to be on the side of the seniors who are asking us to help them, whatever way we can, get the best deal for them by lowering their prices.

I wish to go through a few of the myths and the scare tactics that have been out there, and there have been many, there is no question about it. First of all, we are hearing from the industry now in big ads—by the way, I should say, $135,000 an ad a day—by folks who say this bill would not do anything. It is the Washington Post and another Washington Post. We go on and we can see all of the papers that we read. We have seen these ads in the Congressional Daily—daily, millions and millions of dollars.

I woke up this morning to an ad on television I have seen many times: The Medicare prescription drug benefit, yes, it is doing great for them. It is not doing great for our seniors.

Here is one of the things they are saying: that 89 percent of the folks oppose negotiation, if it could limit access to new prescription drugs. What they are saying is, they are telling people they are going to limit access to new drugs, they are not going to be able to do research anymore.

In fact, this bill would not limit access to prescription medication. I have to say, with all due respect, the industry spends about 2½ times more on advertising and marketing than they do on research. We have a long way to go. We could cut out a couple of ads. One ad for $135,000, if it was not done, I wonder how much medicine that would buy for people? This is not about doing away with research. We know that. CBO says that. We know that as a fact. This is not about taking away access to medicine for people.

We are being told it will have an effect on other purchasers. The Congressional Budget Office, I asked them to put in writing, after our Finance hearing, whether this bill would do that. CBO anticipates that S. 3—the bill in front of us, the Medicare Prescription Drug Price Negotiation Act of 2007 as reported by the Finance Committee—would not have an effect on drug prices for other purchasers.

Unfortunately, my good friends, the veterans for whom we work hard, whom we have raised health care dollars for, have been told something different. That is very unfortunate. It is not true. It is a scare tactic. This bill does not do that. CBO, in fact, has indicated it does not do that.

We hear something else that I think is very important. We hear: Well, we should not compare this to the VA; the Veterans' Administration negotiates group prices for our veterans. In fact, the average difference in price is 58 percent.

Now, some go up to as high as 1,000 percent, a 1,000-percent difference. On Zocor, there is a 1,000-percent difference. It seems to me there is a little room for us to negotiate for those on Medicare within that 1,000 percent.

But we are told no. The problem is that the VA, first of all, gets lower prices because they do not offer as many drugs; you cannot go to the VA and get the drugs you need, which is also not true.

From a presentation overview of the VA pharmacy benefit, in a presentation that was made, comparing apples to apples, now they have compared on the other side of this argument chemical compounds as opposed to actual drugs.

But the fact is, under Medicare there are 4,300 different drugs available, 4,300. Under the VA, they dispense 4,700—not 4,300—4,778 specific drug products, specific drug products which represent the chemical compounds that have been used on the other side of the argument.

In fact, in addition to that, if you go to the VA and if on the list, the approved list, there is not the medicine you need, you can ask for an exception to get the medicine you need. In addition to the 4,778 different medicines available from the VA, last year they dispensed prescriptions for an additional 1,416 different drugs so our seniors, our veterans were able to get what they needed from the VA.

When we hear concerns about veterans health care, with all due respect—I hear a lot about driving too far to get tests, waiting too long to see a doctor—I do not hear about not being able to get medicine.

The fact is, the VA dispenses more different prescriptions at a lower price than this privatized system, what I view as a dismantling of Medicare that has taken place through the prescription drug benefit that is before us.

What we have is the ability today to take a vote on proceeding to a bill that 87 percent of the American public wants to see us pass. And this is the AARP. Now, I find it very interesting, on the one hand, we have got all the folks representing the industry doing well under this bill, putting in ads, doing surveys, talking to us through the television and the radio saying that seniors do not want to negotiate the best price because of all these scare tactics.

But when the group who represents seniors, the AARP, speaks, they tell us 87 percent of voters want us to move ahead. This is a tool. This is giving the Secretary the ability to use that tool in a way that is responsible and will lower prices for our seniors. This is a motion to proceed.

I hope we are not going to see what we have seen, unfortunately, too many times this year, as we have—in the new majority—worked hard to change the direction of this country. I hope we do not see our efforts stopped from even moving forward to debate this critical piece of legislation. Eighty seven percent of the American public has some common sense. They are saying: What are you doing? What are you doing that you would not give the Secretary the ability to negotiate the best price?

I hope we will join together overwhelmingly and vote to give us the opportunity to consider this bill, to be able to move forward on a basic policy of common sense to help our seniors, people on Medicare, get the lowest possible price for their medicine.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mr. CORNYN. May I inquire how much time this side of the aisle has remaining in morning business?

The ACTING PRESIDENT pro tempore. The Senator has a little over 20 minutes.

Mr. CORNYN. I see the distinguished ranking member of the Finance Committee here. I will speak briefly and then certainly yield the rest of our time to him.

There is a much larger question than has been addressed so far before the Senate this morning on this particular motion to proceed; that is, whether we are going to see the incremental growth of Government involved in intervening between decisions that should be made by patients in consultation with their doctors as a matter of individual choice. If, in fact, the advocates of this particular legislation are successful, it will be one step further down the road toward a single-payer system where the Government will decide what kind of health care we get and our family members receive rather than we as a matter of individual choice in consultation with our personal family doctor. That is a dangerous trend.

As my colleagues know, the Federal Government and Federal taxpayers pay for 50 percent of health care today. I am staggered by the suggestion that

the Federal Government can somehow do a better job than the private sector through choice and competition in setting drug prices. Rather than a negotiation, this is like a take-it-or-leave-it offer with a gun to your head. The consequences, if this legislation is successful, will be that seniors will have fewer choices, Government will have grown that much bigger and interfered much more in the private choices we should all make as a matter of personal choice. The irony is, this is one of the Government programs—I would say rare Government programs—that actually works better than we thought it would. As a matter of fact, I voted for the Medicare prescription drug bill in 2003, but I was concerned when some of the estimates that came out of the Congressional Budget Office indicated it would actually cost a lot more than we originally thought. But this is a good news story.

What I don't understand is why our Democratic friends want to ruin a good thing that 80 percent of seniors who have access to this prescription drug plan say they like and 90 percent of seniors eligible have signed up for, saving on average $1,200 a year. Why in the world would we want to mess up a good thing? I don't understand it, unless it is that incremental step toward a single-payer, Government-run health care system that would be a bad direction, rather than leaving the private sector to provide choices and competition, which improves services and lowers price.

Listening to some of my colleagues on the other side of the aisle, to paraphrase H.L. Mencken, they live in dread that somebody somewhere is actually making a profit in a private enterprise. I don't particularly care if shareholders in a company decide they want to risk their money to invest in a competitive enterprise to provide me and my family a service that I want and like and need and do it at a price that is lower and a service quality that is better than the Federal Government. The fact that they make a profit, good for them. That is what this country is built on. That is why our economy is the envy of the world.

Competition provided in the prescription drug benefit has forced costs down far below what was anticipated. In 2007, the average premium for the benefit is $22 a month—40 percent less than projected. We have heard the statistics before, but they bear repeating. The Congressional Budget Office new budget estimates that for the next 10 years, the net Medicare cost for the prescription drug benefit will be more than 30 percent lower than originally forecast, $265 billion. I have only been in the Senate for 4½ years, but I don't think I have ever seen or even read about a Government program that actually came in under budget at a lower cost than originally projected. For some reason—and it escapes me—some of our colleagues here want to change that, and that is a mistake.

One of the editorials in one of my newspapers back in Texas, the Austin American Statesman, writes:

> The incoming majority of Congressional Democrats, it seems, has a problem: a promise to fix something—the new Medicare drug program—that might not need fixing.

The basic point is this: We passed a prescription drug benefit that uses market competition to provide critical medications to seniors at costs much lower than projected. The results so far demonstrate the familiar principle that competition and choice could bring lower prices, something that should not surprise any of us. I must say, I am surprised at the magnitude of the benefit and the magnitude of the savings and the way this has lived up or, I should say, even exceeded expectations.

Today in the Wall Street Journal there is an article entitled ''Bitter Pills'' which I ask unanimous consent to have printed in the RECORD following my remarks.

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

(See exhibit 1.)

Mr. CORNYN. This speaks directly to the comments made by the Senator from Michigan about the Veterans' Administration. Let me briefly read this paragraph:

> Supporters of federal price ''negotiations''—really, an imposed price—also like to point to the example of the Veterans Health Administration which negotiates prices directly with drug companies. But it turns out that the vaunted VHA program has a few holes of its own. The LEWIN study—

Which it alludes to earlier, a health policy consulting firm

> examined the availability of the 300 drugs most commonly prescribed for seniors. It found that one in three—including [the most] popular medicines as Lipitor, Crestor, Nexium and Celebrex—are not covered by the VHA.

Not covered. That is what the advocates of this legislation, I guess, believe is the ideal, to cover less drugs, and that is what the consequences of this legislation would be.

Let me read the last sentence:

> However, 94 percent of these drugs are covered under the private competition model of Medicare Part D. Fewer than one of five new drugs approved by the FDA since 2000 are available under the VHA plan.

If the right vote on this upcoming motion to proceed is to end the debate, it is not true that we haven't had debate. We are having the debate right now. But I believe the country would be better off, seniors would be better off, and choice and competition would remain available if we voted against the motion to proceed. That is how I intend to vote and urge my colleagues to do the same.

I yield the floor.

EXHIBIT 1

[From the Wall Street Journal, Apr. 18, 2007]

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Democrats who opposed all of this private competition now say that government-negotiated prices will do even better. They must have missed the new study by the Lewin Group, the health policy consulting firm, which found that federal insurance programs that impose price controls typically hold down costs by refusing to cover some of the most routinely prescribed medicines for seniors. These include treatments for high cholesterol, arthritis, heartburn and glaucoma.

Supporters of federal price ''negotiations''—really, an imposed price—also like to point to the example of the Veterans Health Administration, which negotiates prices directly with drug companies. But it turns out that the vaunted VHA drug program has a few holes of its own. The Lewin study examined the availability of the 300 drugs most commonly prescribed for seniors. It found that one in three—including such popular medicines as Lipitor, Crestor, Nexium and Celebrex—are not covered under VHA. However, 94 percent are covered under the private competition model of Medicare Part D. Fewer than one of five new drugs approved by the FDA since 2000 are available under VHA.

Here's the real kicker: Statistics released March 22 by the VHA and Department of Health and Human Services show that 1.16 million seniors who are already enrolled in the VHA drug program have nonetheless signed up for Medicare Part D. That's about one-third of the entire VHA case load. Why? Because these seniors have figured out that Medicare Part D offers more convenience, often lower prices, and better insurance coverage for their prescription drugs. In short, seniors are voting with their feet against the very price control system that Democratic leaders Harry Reid and Nancy Pelosi want to push them into.

Of course, the greatest threat from drug price controls is not to our wallets, but to public health. Price controls reduce the incentive for biotech and pharmaceutical companies to invest the $500 million to $1 billion that is often now required to bring a new drug to market. If government price controls erode the profits these companies can earn to produce these often life-saving medications, the pace of new drug development will almost certainly delay treatments for AIDS, cancer, heart disease and the like. Congress is proposing dangerous medicine, and if it becomes law seniors may be the first victims.

The ACTING PRESIDENT pro tempore. The Senator from Oregon is recognized.

Mr. WYDEN. Parliamentary inquiry: How much time remains on our side?

The ACTING PRESIDENT pro tempore. The Senator has 20 minutes.

Mr. WYDEN. It is my intention to go a little less than 10 minutes. I know the distinguished chairman of the committee is here as well, and I want him to be able to speak for our side.

Mr. President, I have always tried to work in a bipartisan way on health care. I voted in favor of creating the Medicare prescription drug program. I do not favor the Government running everything in health care. In fact, I have introduced legislation that would ensure that the government would not run everything. I believe it is important that pharmaceutical companies be successful in developing new products and therapies for America's seniors and for patients who are suffering. I believe it is time for the Senate to right a wrong. Outlawing the Government from any and every opportunity to negotiate lower drug prices for millions of seniors and taxpayers is an instance of special interest overreaching. Everybody else in America negotiates. Employers negotiate. Labor unions negotiate. Individuals negotiate. Everybody tries to be a smart shopper. Certainly Medicare, with 43 million people's interest on the line, ought to do everything it possibly can to be a savvy shopper.

It is especially important that the Government not give up the right to negotiate when single-source drugs are involved. These are drugs where there is no competition and no therapeutic equivalent. For many patients, a single-source drug is essentially the only drug available. Cancer drugs often fall into this particular category. What this means is, seniors who depend on these cancer drugs for their very survival often face bills of thousands and thousands of dollars. In my hometown, it can often cost something like $400 for a particular injection. We are talking about treatment with these single-source drugs for those who are suffering, say, from leukemia, from kidney disease. For the life of me, I don't see how it is common sense to say that we are going to give up every single opportunity for all time for the Secretary of Health and Human Services to try to negotiate a better deal for those seniors on drugs where there is no competition.

Senator SNOWE and I have worked for more than 3 years in a bipartisan way to address the most important concerns of our colleagues who have questioned this proposal. We believe strongly that we should not have price controls in any shape or form. Price controls clearly impede innovation and the development of new therapies. We should not do that. Chairman BAUCUS has ensured that price controls would not be allowed under the measure before the Senate today.

Senator SNOWE and I also believe strongly that there should not be restrictive formularies. These formularies—to use technical health care lingo—essentially involve a list of drugs to which seniors could get access. We should not restrict the access of seniors to medicines. Senator SNOWE and I have made that a priority for more than 3 years. Chairman BAUCUS has addressed that as well.

We don't have any one-size-fits-all, run-from-Washington kind of pricing regimes. All we have said is: Let's make sure we can negotiate when it is critically important. I submit, in every one of these budget letters—I know the history has been hard to follow; one said this, one said that—every one has indicated that there can be savings when there are single-source drugs involved in negotiation. I emphasize that. For certain cancer drugs, where seniors can be spending thousands and thousands of dollars, there is the potential for savings when the Secretary has a role there.

Not a single person in the Congress today can imagine all of the scenarios possible that may come up in 10 or 20 years, what new drugs there may be that could cure or treat health problems. There can be situations in the future where, for example, a different Secretary of Health and Human Services would use negotiating authority to get savings that can't be anticipated for drugs that haven't even been contemplated today. It doesn't make sense for the Congress to preemptively outlaw future savings. It especially doesn't make sense when the American Association of Retired Persons, in an RX Watchdog Report that looked at nearly 200 drugs including the most commonly used brand-name medications, has found that seniors very often need medicines that carry price tags that have gone up twice the rate of inflation. So we have older people getting hit—almost clobbered—with these costs which are going up more than twice the rate of inflation.

I and others have said we want to be sensitive to the question of innovation. That is why we have not supported price controls. But when you are talking about drugs, such as certain cancer drugs, and the interests of older people, let us not say, for all time, and in every instance, we are going to forsake the opportunity to negotiate.

Given that is possible to negotiate savings for seniors, if you stand up at a town meeting anywhere in this country and say, well, gosh, that is no big deal, I think seniors and taxpayers would say, try to get us the most value out of this program. This is a program I voted for and that I have always tried to look at ways to improve. I think there are plenty of ways under the leadership of Chairman BAUCUS and Senator GRASSLEY we can improve this program.

Certainly, it is still far too complicated. You almost have to be a legal wizard to sort through some of these forms and to be able to compare the possibilities you might have for your coverage. So there are other steps that can be taken in a bipartisan way. But we ought to have a real debate in the Senate on one of the most important pocketbook issues of our time. This is what people talk about in coffee shops, in senior centers, and in community halls all across the country.

I think the proposal Chairman BAUCUS has developed in this area makes sense. It does not go over the line and impede pharmaceutical innovation. It ensures we are going to be on the side of trying to stand up for seniors when it comes to those drugs, such as the cancer drugs I have discussed this morning, when they have trouble affording them.

I hope our colleagues will vote for the motion to proceed and a chance for the Senate to have a real debate rather than this abridged kind of discussion where only a handful of Senators can participate.

I thank the chairman of the Finance Committee for making sure this gets to the floor and, particularly, my colleague, Senator SNOWE, who has worked with me on this issue in a bipartisan way for more than 3 years. If we get a chance to proceed, she and I will be offering an amendment to strengthen the proposal still further.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. BAUCUS. Mr. President, in Shakespeare's time, the poor had little access to medicine. In ''Measure for Measure,'' one of Shakespeare's plays, he wrote:

> The miserable have no other medicine, but only hope.

With the Medicare Modernization Act of 2003, we sought to give America's seniors, especially America's poorest seniors, something more than only hope. We sought to ensure that seniors had access to the affordable medicine they need.

When we crafted the Medicare drug benefit, we could only imagine how it would work. We really did not know. In some respects, our work was theoretical. We established a market-based approach in which any number of private insurers would compete to offer drug coverage. That was the foundation.

Even with a market-based design, we had tremendous concern that the market would not be able to offer drug coverage. As the former CMS Administrator said at the time:

> Private drug plans do not yet exist in nature.

We were starting from scratch.

In an abundance of caution, we went a step further than merely creating a market for drug coverage. We took what I am now convinced was a step too far: We tied the hands of the Secretary of Health and Human Services with what has come to be known as the ''noninterference clause.'' We eliminated the Government's ability to intervene to get fair drug prices for seniors. Today, we consider a bill to repeal a portion of that noninterference clause created by the Medicare prescription drug program.

What is the noninterference clause? The noninterference clause prohibits the Secretary of Health and Human Services from ''interfering'' with the negotiations between drug manufacturers and pharmacies and drug plan sponsors. Essentially, this provision bans the Secretary from doing anything that would affect the prices Medicare pays for drugs. Another prong of this noninterference clause prohibits the Secretary from creating a single, national formulary and from setting prices under the Medicare drug benefit. The legislation before us today, however, leaves that part alone. Those prohibitions remain.

Now the Medicare drug benefit is in its second year. Our theory that private plans would offer and deliver Medicare drug coverage proved accurate. It is working for millions of Americans. It is giving them more than just hope. But it is not perfect, and in some cases it still may not be giving seniors affordable drugs. We are here today because we need to do all we can to make sure it works well for everyone. Looking at the program today, the noninterference clause is an unnecessary hindrance. It ties the Secretary's hands.

Free markets are usually the best solution. But markets sometimes fail. In this program, American taxpayers are spending more than $50 billion a year to deliver a prescription drug benefit to seniors. We may on occasion need the Secretary to roll up his sleeves and get more involved in the program. We want Secretaries of HHS to be able to use the tools at their disposal. We want them to help shape the drug benefit into a strong and thriving program. It is time to untie the Secretary's hands.

The bill before us today does not change the market-based approach of the drug benefit. It does not change that at all. This bill is not the first step toward Government-run health care, nothing close to it. This bill is not the first step toward a single-payer health care system. No way. Rather, the bill before us today aims simply to improve and strengthen the drug benefit. It is our way of fulfilling our promise to provide Medicare beneficiaries with access to affordable medicines. We should not allow the Government to sit idly by while seniors continue to pay high prices or even go without their medicine. That would be a dereliction of duty. Congress created this benefit to give seniors access to affordable drug coverage. Now we need to make sure the prices seniors pay at the pharmacy are low, too. That is the goal of this legislation.

So let us build on the Medicare Modernization Act of 2003. Let us seek to give America's seniors something more than only hope. Let us ensure that seniors truly have access to the affordable medicine they need.

Mr. President, I yield the floor and reserve the remainder of our time.

The ACTING PRESIDENT pro tempore. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, I have 12 minutes left; is that right?

The ACTING PRESIDENT pro tempore. That is correct.

Mr. GRASSLEY. Mr. President, I ask the Chair to please inform me when I have used 11 minutes.

Mr. President, we have a situation here where the latest argument has been that when we wrote the bill 4 years ago, providing pharmaceuticals for seniors under Medicare, we went one step too far by saying the Secretary of Health and Human Services should not interfere in plans negotiating drug prices.

Well, I want everybody to understand that we took this language from several different Democratic bills which had been introduced because I wanted this program to be as bipartisan as we could make it. So we had Senator Moynihan introducing President Clinton's bill in 1999 which had that language in it. We had a Daschle-Reid bill in the year 2001 which included that language. We had a House bill in 2001 which included that language. We had a Gephardt-Pelosi-Rangel-Stark-Dingell-Stabenow bill—Senator STABENOW now—which had this language in it.

So I want people to know that as to this language which they now think should not be in this legislation—the bipartisan approach—we took this language because we thought this would be one step further toward making this whole program bipartisan because we do not have enough bipartisanship in the Congress now. All of a sudden, everybody who thought this language was perfect language thinks this language—from Democratic pieces of legislation—ought to be struck out of this bipartisan bill. Obviously, as I said yesterday, and I say today, we have plans that are working. And if it ain't broke, don't fix it.

Mr. President, I have always been fond of jigsaw puzzles—spinning the pieces around, figuring out how the pieces of a puzzle all fit together, until you finally see the whole picture. This debate is a lot like working a jigsaw puzzle. I would like to have you take a look at a few of the pieces.

One piece is the House bill, H. 4, passed by the House. The House bill requires the Secretary to negotiate prices with drug manufacturers. The House bill also strikes the ban on Government price-setting. To date, the House authors have not explained why they wanted to authorize the Government to set prices.

The Congressional Budget Office said the House bill would not achieve any savings unless the Secretary was given the authority to establish a formulary or use some other tools to negotiate lower prices.

Let's look at another piece of the puzzle; that is, the bill before us, S. 3. The Senate bill authorizes the Government to take over Medicare's negotiations. It strikes the prohibition on Government interference in negotiations the prescription drug plans are doing today, negotiating with the drug companies to get drug prices down. The average cost of the 25 most used drugs by seniors is down 35 percent.

The Senate sponsors keep saying their bill ''begins the process'' for negotiation. But what about the negotiation that has been going on for 4 years under this bill? They say their language, by striking, is a step toward what they want.

As was the case in the House bill, H.R. 4, the Congressional Budget Office also says the Senate bill, S. 3, will not achieve any savings unless the Secretary establishes a national formulary or uses other tools to reduce drug prices.

So we have two bills, two pieces to our puzzle. But on Thursday night, in our Finance Committee markup of S. 3, we found a missing piece that helps us bridge the bills together and finally see the full picture of the puzzle.

On Thursday night, I offered an amendment that would prevent the Secretary from using preferred drug lists to limit access to approved prescription drugs. We have heard over and over again from our colleagues that neither H.R. 4 nor the Senate bill, S. 3, allows for a national formulary. But as all observers of the Medicaid Program know, States are not allowed to use formularies, but the courts have said States can use preferred drug lists. A preferred drug list is just like a formulary, only in sheep's clothing. It is a Government-controlled list of drugs a beneficiary can and cannot have; in other words, the Government saying what drugs you can use, not your doctor, or at least what drugs we are going to pay for. A national preferred drug list would have the same effect, then, as a national formulary.

So I thought: For all the talk about not allowing Government formularies, the proponents of S. 3 would embrace a provision banning preferred drug lists. If they really do not want to limit beneficiary access to drugs, it should have been an easy thing for them to support. So I offered that amendment to prohibit the Secretary from imposing a national preferred drug list. Much to my surprise, every Democrat in the committee voted against my amendment. When the proponents of Government negotiations defeated my amendment, they were, in fact, voting in favor of having the Government limit access to drugs. They voted for Government limits on access to drugs. They voted to have the Government tell beneficiaries which drugs they can have and which they cannot have, which is an intervention of Government between a doctor and a patient—that relationship we were working so hard to preserve when we wrote the bill in 2003.

We have the final piece of the puzzle allowing everything to fall into place.

What would H.R. 4 and S. 3 look like after they merged them together in conference between the House and Senate? Well, you can put two and two together and get an answer.

H.R. 4 requires the Secretary to negotiate drug prices and eliminate the ban on price setting. It is clear now that supporters of the Senate bill want the Government to set preferred drug lists because they voted against it when I offered that in committee, that the Secretary couldn't do that, preferred drug lists, which are just like formularies. They want the Government to determine what drugs seniors will be allowed to get coverage for. We have heard all this hooray about the VA and how they do things. Remember, the VA only pays for 23 percent of the drugs that seniors can get now under Part D.

The puzzle is complete. If we let S. 3 go to conference, we will have returned to us a bill that requires the Secretary to negotiate with drug manufacturers using price controls and a national preferred drug list. It couldn't be more clear.

We must not let that happen. We must put a stop to it and do it right here. Price control and a national preferred drug list are the tools they want the Government to have. They want to have the Federal Government take over Medicare prescription drug marketing, and that is absolutely the wrong thing to do. The Medicare drug benefit is working. ''If it ain't broke, don't fix it.'' It is a testimony to the idea that the private market works, that Government-run health care is not the answer.

They say Medicare doesn't negotiate. That is not true. Medicare is negotiating today, just the way we set it up 4 years ago to negotiate. Medicare is negotiating through the market clout of its prescription drug plans, and the market-based model for Part D is working. Costs are far lower than expected. CBO projections for Part D dropped by $308 billion—32 percent lower. That is the 2007 baseline compared to the 2006 baseline. Premiums for beneficiaries are 40 percent lower. Seniors overwhelmingly approve of the benefit.

So why do supporters of this legislation hate the Medicare drug benefit so much? They hate it because nothing could be more damaging to the idea of Government-run health care than Part D, the way we wrote it 4 years ago. It is a free market plan, and it is a market that is working, and that is not their plan for how health care should work. Their view is that Government knows best.

So what do seniors and all Americans have to look forward to if this Trojan horse attack succeeds in a Government takeover of prescription drugs? Seniors can look forward to fewer choices. Gone will be the days when seniors can select from various plans to find one that suits them. If this bill passes, seniors will get only the drugs the Government selects for them.

Do you want a Government bureaucrat in your medicine cabinet? All other Americans will see higher prices for their prescription drugs, experts testified before the Finance Committee.

I will go ahead and use up the remaining minute.

CBO has said that everybody else's prices will go up. We have reams of evidence showing that price controls and Medicare will lead to higher drug costs for everybody else. That means higher prices for veterans. That means higher prices for the disabled, pregnant women, and children on Medicaid. That means higher prices for small business owners and families. If we don't stop this bill right now, that is what we have to look forward to.

We can and should stop this bill in its tracks. Vote against Government-controlled drug lists, vote against Government setting prices, vote against Government restriction on seniors' access to drugs.

Mr. President, everyone should move beyond the simpleminded rhetoric of sound bites and see the full picture because sound bites don't make sound policy.

I yield the floor.

Mr. WYDEN. Mr. President, parliamentary inquiry: How much time does our side have remaining?

The ACTING PRESIDENT pro tempore. The Senator has 6½ minutes.

Mr. WYDEN. Mr. President, I have great respect for the Senator from Iowa, but I simply want to set the record straight with respect to a couple of points. The distinguished Senator from Iowa was talking about the House bill to a great extent. We are not dealing with the House bill. I want to be very clear what the Senate bill does.

All the Senate bill does is lift this restriction which bars the Secretary from ever having a role in negotiation. This bill—the measure that is before the Senate—does not take over the role of the private plans. The private plans would continue as they have since the program's inception: to sign the contracts, to conduct the various activities to make sure that seniors can purchase that coverage. There is no takeover of private plans, despite what has been suggested.

Point No. 2: In no way does the measure now before the Senate limit access to drugs for seniors. We have been told that under this particular measure, there would be huge restrictions with respect to seniors being able to get drugs, that there would be formularies established, a variety of prescriptive arrangements that would deny choice. That is not the case in this legislation.

Let's be clear. One, this is not the bill that is before the House. It is not the bill the House has acted on. Two, it simply lifts the restriction. Three, it doesn't take over the role of the private plans. The Secretary is simply complementing the role of the private plans. Four, under this particular measure, the Government would not limit access to drugs. There would be no restriction on drugs that seniors could get under this bill.

I only come back to the point I made earlier. This is about patients who are hurting. This is about those cancer patients, for example, who are taking drugs for which there is no competitive alternative, where there is no therapeutic alternative. Should we simply sit by and say that when they have to spend thousands and thousands for those cancer drugs—cancer drugs that are essential to their survival—are we going to say that we should give up any and every opportunity for the Secretary to try to negotiate a good price? I think we understand this is a straightforward issue. This is about whether we are going to have a real debate on one of the most important consumer issues of our time.

There are groups such as the AARP that have brought to the attention of every Senator what this means for their members. This is what people are talking about in coffee shops. They are talking about it in community centers. They are talking about it all across the country because they think when you have a program that has 43 million people, be the smartest shopper you possibly can.

We have the private plans out there already. The Baucus proposal—and I want to emphasize this—does not restrict the role of those private plans. It is going to go forward.

The question is, Should we make it possible for the Secretary of Health and Human Services to complement that role, to go beyond it and to say there may be some instances where we ought to negotiate? I voted for the Medicare prescription drug program. I do not support the idea of Government running everything in American health care, but it is time to right a wrong. This particular provision, which restricts the Secretary from ever negotiating, is an example of special interest overreaching.

The Senate ought to say today: We want to proceed to a real debate, not this abridged version where only a handful of Senators could participate. I am glad I could correct the record so that as we go to the vote, Senators understand that this bill is not the House bill, that this bill will not restrict the private plans, and it will not restrict access for seniors to medications. I urge our colleagues to vote for the motion to proceed.

Mr. FEINGOLD. Mr. President, one of the biggest flaws in the Medicare prescription drug benefit is that it does not adequately address the skyrocketing prices of prescription drugs. By denying the Government the ability to negotiate price discounts, the benefit actually takes away one of the best tools the Medicare Program could use in bringing down prescription drug prices.

That is why I am a cosponsor of legislation that would help address this fundamental flaw. The Medicare Prescription Drug Price Negotiation Act, S. 3, will remove language included in the Medicare Modernization Act that prohibits the Secretary of Health and

Human Services from negotiating prescription drug prices with manufacturers. The legislation goes a step further to require much needed data that would set the stage for additional legislation to strengthen negotiation in the future. This bill is something that the entire Senate should support, and I am disappointed that the Senate is being prevented from even debating, let alone voting on, this important bill.

When I talk about the new Medicare prescription drug benefit during my travels around my home State of Wisconsin, I continually hear from constituents about how they cannot believe that the Federal Government cannot negotiate with pharmaceutical companies about the prices of prescription drugs.

We need to help Medicare beneficiaries obtain affordable prescription drugs while still ensuring the Federal Government keeps prescription drug costs down. By lowering the underlying cost of prescription drugs offered through the Medicare Program, we will not only be helping beneficiaries save money, but we will also save the Federal Government money.

In a time of mushrooming deficits, skyrocketing prescription drug costs and an aging population, we need to be smart about how we use taxpayer dollars. If we are going to keep Medicare solvent, we need to take strong action to keep health care costs down, especially the increasing costs of the prescription drugs the new Medicare Program will be providing. This is the fiscally responsible thing to do, and it is also the compassionate thing to do as keeping drugs affordable ensures access to prescriptions for 43 million seniors.

I support this legislation, but I also support an even stronger step. It makes sense at this time to impose a mandate on the Secretary of HHS to negotiate lower prices. The Secretary should also have the right tools to negotiate effectively.

This bill doesn't address formulary or price control authority for the Secretary. An ideal bill would at least examine these issues closely, yet these are not mentioned. Formulary power and price controls in Medicare Part D should be debated in the near future, and the reports required in S. 3 will provide needed information for that debate.

So while I would like a stronger bill today, I support today's legislation because it is a giant step forward from where we are today. I hope my colleagues who are currently blocking this important legislation will reconsider their actions.

Mr. MARTINEZ. Mr. President, today I wish to discuss an issue that is on the minds of millions of seniors—prescription drug access and pricing. I am here to defend Medicare Part D and the importance of competitive drug pricing, because it works.

Prescription drugs play a vital role in our health care system. Thanks to technological and scientific breakthroughs in pharmaceuticals, Americans are living longer and more productive lives than ever before.

There has been a remarkable rise in pharmaceutical drug access to our Nation's citizens. A generation ago, there were nowhere near as many prescription drugs available—today, there are effective drugs on the market that help people do just about anything. From drugs that reduce blood pressure and fight uncommon bacterial infections, to others that lower stress and protect immune systems in the fight against cancer, there has never been a time in history like this.

Members of Congress have—over the last decade or so—made many efforts to extend prescription drug access to as many Americans as possible, specifically seniors. The expense has been significant, but so have the results. This improvement to prescription drug access is due in large part to Medicare Part D.

The Medicare Part D prescription drug program has been successfully reducing drug costs for seniors, and as long as we leave it alone and let it run as it was intended to, millions of Americans will continue to benefit—this was the goal and the goal is being met.

I strongly oppose any efforts to repeal the noninterference clause, and I encourage my colleagues to do the same.

My colleagues on the other side of the aisle, however, are moving to eliminate the noninterference clause—written into the Medicare Modernization Act, MMA—which, in layman's terms, means that some Members of Congress would like to give the Government the ability to negotiate drug prices on behalf of consumers. Proponents of this move believe that Government negotiation of drug prices would lead to lower prices for the millions of Americans in need of prescription drugs. Yet that is not the full picture. The reality is that there is no proof that eliminating noninterference would reduce costs for seniors in need of low-cost prescription drugs; in fact, there is a chance that this approach could limit senior access to certain types of prescription drugs—this is because, in Government negotiating of drug prices, competition will be eliminated. This is to say that certain drug companies will simply back away from the table and choose not to participate.

As you can see, Government negotiation will not benefit the consumer. It actually hurts the consumer because it limits what prescription drugs are available to them.

For that reason, I feel strongly that moving in this direction and having this debate is not the best use of the Senate's time. Why are we debating a program that has been successful in providing drug coverage for our seniors and has done so while costing less than anticipated? Our seniors have a choice in their plans, and they are pleased with those options. We should be using this time to focus on those who lack any healthcare options. I am talking about the millions of uninsured people in this country.

My colleagues and I should be talking about ways to give these individuals a chance for health care coverage. We need to further examine the Tax Code and fix its glaring inequities. The Tax Code needs to be unbiased; where you work should not affect how much you pay for health care coverage or what kind of health care options you have.

Why can't all American workers—whether they work for a Fortune 500 company or the local bakery they started from scratch—have the ability to purchase health insurance with pretax dollars?

My bill, the TEA Act, will allow just that. Why aren't we talking about that?

What about Senator COBURN's Universal Health Care Choice and Access Act—why aren't we talking about that? His bill will help transform our health care system to one that focuses on prevention and helps to reestablish the doctor-patient relationship, while also empowering individuals to choose where their care is delivered.

I encourage us to get past this time-consuming and unnecessary Part D debate and turn toward issues that are in need of solutions. From the uninsured, to future budget insolvency, to the global war on terror, there is plenty—of substance—to discuss.

Mr. ENZI. Mr. President, today I wish to speak in opposition to the bill currently before the Senate.

First I would like to briefly review the status of the new Medicare law that Congress passed in November of 2003. That landmark legislation enacted the first major benefit expansion of the program since 1965 and placed increased emphasis on the private sector to deliver and manage benefits. It created a new voluntary outpatient prescription drug benefit to be administered by private entities. The legislation also expanded covered preventive services and created a specific process for overall program review if general revenue spending exceeded a specified threshold.

I am pleased to be able to report that this new program is working. All across the country, seniors are expressing their approval of the new benefit. In my State of Wyoming, the new Part D prescription drug benefit has been a huge success. Last year, I traveled around Wyoming and visited with seniors in Cheyenne, Douglas, Sheridan, Casper, Powell, and Rock Springs. I talked to folks all over the State and told them about the new program as I encouraged them to sign up for it. I also talked to a few of the pharmacists in Wyoming that worked so hard to make this program a success. I believe I can speak on behalf of many of my colleagues in saying thank you to the thousands of pharmacists throughout the country that did so much to implement this great program.

Today, about 89 percent of Wyoming seniors are receiving prescription drug coverage, an increase of 16 percent from last year. They remember what it used to be like when they tried to get their prescription medications and they don't want to go back. I have received hundreds of calls and letters from Wyoming seniors who like the way things are and don't want Congress interfering with their prescription drug plan because it is working for them. Five separate surveys show that more than 75 percent of all beneficiaries are satisfied with the way the program works.

Not only are about 90 percent of seniors now receiving prescription drugs, the program is costing less than originally expected. When is the last time a government program cost less than was estimated? I came to Washington in 1997, 10 years ago, and I don't know that I have ever seen a government program that spent less money than we expected. Private competition is working better than we envisioned and it is saving seniors and the government more and more money every day. Why should we change that?

For some reason my colleagues on the other side of the aisle have decided they need to ''fix'' a program that isn't broken. We have implemented a plan that is working and before we change it, we need to be sure about what we are doing and the effect it will have on the program and the impact it will ultimately have on seniors from coast to coast.

The bill now before the Senate would strike the noninterference clause from the Medicare law. The ''noninterference'' language in the Medicare law prevents the Federal Government from fixing prices on Medicare drugs or placing nationwide limits on the drugs that will be available to seniors and the disabled. I support this language 100 percent. Decisions on what drugs should be available should be made by seniors and their doctors, not by some central committee in Washington.

Under the Medicare Part D law, each prescription drug plan has its own list of preferred drugs. Each plan's list is different—some are broader, some are narrower. Each list, however, has at least two drugs from each therapeutic class of medications and everyone can find a plan that is advantageous to them.

The ''noninterference'' bill before us is not only unnecessary, but it could also prove to be harmful to the health of our nation's seniors. The ''noninterference'' language protects seniors and the disabled from having the government decide which drugs their doctors can prescribe. It maintains the sacred relationships that seniors have with their doctors, who know best about what particular drugs are right for their patients. Patients support this language, and they want us to maintain it.

I would like to repeat, we have already implemented a plan that is working. Yet the majority party wants to ''fix'' the Medicare drug benefit. It is ironic to me that they use the word ''fix''—fix is exactly what this bill will lead to, the government ''fixing'' prices on drugs. It is not a bill about negotiating prices; it is a bill about fixing prices. As most Americans know, the Government doesn't negotiate in the Medicare program. It sets the prices that the Government will pay doctors and hospitals for serving seniors.

Setting the price is the same as price controls. And we saw what happened in the 1970s when we tried to control the price of gasoline. Do you remember the long lines at the gas pumps? Trying to control the price of gasoline was a complete disaster. Let's not experiment with giving government the ability to control the prices of prescription drugs.

Despite what some folks are reporting, the nonpartisan Congressional Budget Office has said over and over again that removing this language would not save the Government or seniors any money. It wouldn't save money because the Medicare prescription drug plans will have strong incentives to negotiate drug price discounts that would be as low—or lower—than anything the Government could negotiate. Additionally, many plans represent more people than Medicare, Medicaid, or the Veterans Administration, so the plans have greater purchasing power than the Government. To effectively negotiate, you need competing products, or you have to be willing to do without one of the products on which you are negotiating.

How many times does the Congressional Budget Office have to say that this bill will not save the Government any money before it starts to sink in? When will my friends on the other side of the aisle acknowledge that this bill will not save any money?

We do, however, know of something that will save the Federal Government and seniors money—competition among private plans. What has been proven to reduce costs—especially for seniors with low incomes—is the new Medicare drug benefit that we passed in 2003.

The competition among private plans is driving the cost of the program down. The average monthly premium has dropped by 42 percent, from an estimated $38 to $22—and there is a plan available in every state for less than $20 a month. So let me suggest letting competition work to drive the prices even lower instead of instituting government price controls that have failed in the past.

Also, because the program has choice, if the price of one plan goes up, beneficiaries can switch plans. It is important to remember that sometimes the prices will go up, because medical costs will go up as long as new technologies are invented that allow people to live longer, healthier lives.

Democrats want to change Part D to resemble the drug benefit program of the Veterans Administration. In the VA system, the Government sets a price on a drug it can get at the cheapest rate and limits or restricts access to those it can not get at cheap rates. As a result, the VA benefit excludes three out of four drugs available through Part D. Changing the Medicare Program to be as restrictive as the VA system is completely illogical.

Another thing about the VA system is that it can take a long time for new drugs to be included on the formulary—sometimes as long as 3 years. Let me repeat that. It can take as long as 3 years for new, life-saving drugs to be included on the VA formulary.

Lastly, the VA owns the whole system, so you have to order your drugs from them or you have to fill your prescriptions at one of 350 government-run facilities nationwide. In contrast, seniors signing up for a Medicare prescription drug plan can choose their plan based on the pharmacy they want to use to fill their prescriptions. As a result of all of these things, more than 1 million retired veterans have signed up for Medicare in the last year. I talked to many veterans in Wyoming and they all told me that they signed up for Medicare Part D so they could finally get the drugs they needed that they couldn't get from the VA.

Unfortunately, my colleagues on the other side of the aisle want to make the Medicare Program more like the VA program. They want to take away a senior's ability to choose. The real thing we should be talking about is how we can change the VA program to be more like Medicare Part D.

The mark also contains a few other provisions relating to the comparative effectiveness of prescription drugs—a study that determines whether drug A is better than drug B at treating a disease. The mark also contains a provision authorizing consideration of comparative clinical effectiveness studies in developing and reviewing formularies under the Medicare prescription drug program. No surprise here, but the Congressional Budget Office stated no savings will result because of this section.

This is the first step of a dance the Democrats want to do called ''cutting in on the relationship between doctors and patients.'' Decisions about what drugs patients should take should be made by doctors and patients. I think we should keep the Government out of the exam room.

To close, I would just like to remind folks of a few key points: (1) The Medicare Program is working. More seniors are getting the drugs they need at lower costs. (2) The bill before the Senate tries to ''fix'' something that isn't broken. (3) This bill will take away the choices seniors have about the drugs they use. (4) The Congressional Budget Office has stated several times that this bill will not produce any savings. (5) The bill tries to make the Medicare Program more like the Veterans program, but the Veterans program has

fewer choices than the Medicare Program)—that is why over one million veterans have signed up for the Medicare Program.

We don't need meddling for the sake of meddling or a new system conjured up for political convenience. Let's stop wasting the time of this important body and move to a bill that can actually do some good for the American people.

Mr. President, I yield the floor.

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

Mr. MCCONNELL. Mr. President, I am going to proceed in leader time.

I rise in opposition to the effort to roll back the remarkable success of a prescription drug benefit that American seniors have been waiting for for decades and which millions of them now enjoy.

Republicans strongly oppose this effort to tamper with a program that is working extraordinarily well by every conceivable measure. In standing against those who would end it, we are standing up for the 32 million seniors in this country who enthusiastically support this terrific life-changing benefit.

But before I explain our reasons, I want to thank Senator GRASSLEY, who has been an extraordinarily effective leader on the Finance Committee, who has been right in the middle of this issue, going back to its formative stages in 2003, and has made a very articulate and persuasive case today for not tampering with this extraordinarily successful program.

Having said that, let's get right to the point. Republicans are on the side of seniors on this issue. There is simply no doubt about this. The only thing in question is why Democrats would even think about meddling with a drug benefit that has 92 percent coverage, 80 percent satisfaction, and which costs more than 30 percent—more than 30 percent—less than even the most daring bean counters estimated when we passed the bill.

Seniors who signed up for this benefit are saving an average of $1,200 a year on the cost of medicine, and taxpayers are saving billions—billions—$265 billion over the next 10 years less than anticipated.

Now, I ask everyone—anyone—in this Chamber: When was the last time a Government program came in under budget?

For those of you who may be watching on C–SPAN, that quietness was the sound of crickets and tumbleweed you just heard echoing from the Senate Chamber because I doubt a single Government program in modern history, let alone one this big and this important, has ever—ever—come in under budget. So it is a mystery why our Democratic friends would want to tamper with this Medicare benefit. If it isn't broke, why break it?

Now, the refrain we keep hearing from the other side is that we need competition, that drug prices will be even lower if we allow the Government to bargain for lower prices. Unfortunately, that is not true. The impartial Congressional Budget Office just sent us a letter saying there would be zero—that is zero—savings if Government stepped in and interfered with the current system. They sent the same letter to a Republican-controlled Congress last year.

The reason is simple. Prices have plummeted under Part D precisely because we have let private drug benefit managers, who already negotiate, into a Government drug program for the first time. They do the negotiating for us, and it is a good thing because they have much more leverage than we do. The three biggest drug negotiators, in fact, have four times as many members as the entire Medicare population.

Let me say that again. The three biggest drug negotiators have four times as many members as the entire Medicare population.

Look, you don't have to be a Milton Friedman to see that bigger negotiators are going to get better prices, and that is what we have right now with these drug benefit managers. Yet the other side wants to send a Medicare team to the negotiating table—a population with one-fourth the negotiating power. That is like sending a Little League pitcher up to the big leagues and handing him the ball for the big game. We already have aces on the mound, and they don't need any relief.

The point is, Republicans favor negotiation and competition, and our Democratic friends oppose it. Just look at the numbers. They speak for themselves. There is no way we could have achieved these savings if market competition and negotiation weren't at play. Secretary Leavitt said it pretty clearly just yesterday:

> There is rigorous, aggressive negotiation taking place right now.

That is why we are seeing such success and satisfaction with this program. But let's assume just for the sake of argument that price isn't an issue. Let's take price off the table for a moment. What about choice? What about choice? Here, too, Republicans are on the side of seniors. The VA model the Democrats are for some reason enamored with is inflexible and restrictive. It excludes three out of four drugs available through Part D, including some of the most innovative treatments for arthritis, high cholesterol, breast cancer, and other ailments. Veterans who want cutting-edge drugs like Crestor or Revlimid have to go elsewhere or they have to go without. The choice that 1 million of them have already made is to join the Part D Program—more than a third of them have signed up for the program over the last few years.

So let's sum it up. This seniors prescription drug benefit is popular. It is reaching millions of seniors. It is saving us billions of dollars. Veterans who have been using the program that our friends on the other side want us to imitate are signing up for this one in droves.

No wonder the former Democratic majority leader, Senator Daschle, and President Clinton's Health Secretary were all for creating a program such as Part D before suddenly our friends on the other side decided to oppose it.

This debate is hardly worth having. The facts are plain. Tens of millions of seniors in this country have a great drug benefit program—cheap, comprehensive, and easy to use. Republicans aren't going to let anybody fool with them.

I strongly oppose cloture on the motion to proceed and urge my colleagues to vote likewise.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oregon is recognized.

Mr. WYDEN. Mr. President, I have a parliamentary inquiry: Our side has 2 minutes to close; am I correct?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. WYDEN. As one who voted to establish the Medicare prescription drug program and believes in bipartisanship, my message today to colleagues on the other side and on this side is this: We can do better.

There are patients who are enrolled in this program—enrolled right now—who are heart transplant patients and patients suffering from cancer, who, while enrolled in the program, are seeing their medicines go up hundreds of dollars—hundreds and hundreds of dollars in 1 month. They are enrolled in this program that I have voted for.

I say to my colleagues, let us look at ways to do better. The private plans are going to continue to take the lead. This measure does not preempt the work of those private plans. But in the name of those seniors who are enrolled in this program, who are seeing their bills go up hundreds of dollars a month right now, let us not pass up the opportunity to do better.

If we don't vote for cloture and go to this bill, we will not even have a debate in the Senate on an issue with such immediate life-and-death implications for our people, and I simply think that is wrong. I wish to make this program better. I wish to make sure we take advantage of every opportunity to do that.

I urge our colleagues, in the name of seniors who are enrolled in the program today and are having difficulty paying their bills, to vote for cloture. Let us have a real debate on this legislation.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

MEDICARE PRESCRIPTION DRUG PRICE NEGOTIATION ACT OF 2007—MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 3, which the clerk will report.

The bill clerk read as follows:

Motion to proceed to calendar No. 118, S. 3, a bill to amend part D of title XVIII of the Social Security Act to provide for fair prescription drug prices for Medicare beneficiaries.

CLOTURE MOTION

The ACTING PRESIDENT pro tempore. Under the previous order and pursuant to rule XXII, the clerk will report the motion to invoke cloture.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 118, S. 3, Prescription Drugs.

Dick Durbin, Amy Klobuchar, Ken Salazar, Edward Kennedy, Mark Pryor, Blanche L. Lincoln, Daniel K. Inouye, Byron L. Dorgan, Chuck Schumer, Max Baucus, Kent Conrad, Jeff Bingaman, John F. Kerry, Ron Wyden, Debbie Stabenow, Jay Rockefeller, Maria Cantwell, Harry Reid.

The ACTING PRESIDENT pro tempore. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 3, a bill to amend part D of title XVIII of the Social Security Act to provide for fair prescription drug prices for Medicare beneficiaries, shall be brought to a close?

The yeas and nays are mandatory under the rule. The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK) and the Senator from Arizona (Mr. MCCAIN).

The ACTING PRESIDENT pro tempore. Are there any other Senators in the chamber desiring to vote?

The yeas and nays resulted—yeas 55, nays 42, as follows:

[Rollcall Vote No. 132 Leg.]

YEAS—55

Akaka	Feingold	Nelson (FL)
Baucus	Feinstein	Nelson (NE)
Bayh	Hagel	Obama
Biden	Harkin	Pryor
Bingaman	Inouye	Reed
Boxer	Kennedy	Rockefeller
Brown	Kerry	Salazar
Byrd	Klobuchar	Sanders
Cantwell	Kohl	Schumer
Cardin	Landrieu	Smith
Carper	Lautenberg	Snowe
Casey	Leahy	Specter
Clinton	Levin	Stabenow
Coleman	Lieberman	Tester
Collins	Lincoln	Webb
Conrad	McCaskill	Whitehouse
Dodd	Menendez	Wyden
Dorgan	Mikulski	
Durbin	Murray	

NAYS—42

Alexander	Dole	Martinez
Allard	Domenici	McConnell
Bennett	Ensign	Murkowski
Bond	Enzi	Reid
Bunning	Graham	Roberts
Burr	Grassley	Sessions
Chambliss	Gregg	Shelby
Coburn	Hatch	Stevens
Cochran	Hutchison	Sununu
Corker	Inhofe	Thomas
Cornyn	Isakson	Thune
Craig	Kyl	Vitter
Crapo	Lott	Voinovich
DeMint	Lugar	Warner

NOT VOTING—3

Brownback	Johnson	McCain

The ACTING PRESIDENT pro tempore. On this vote, the yeas are 55, the nays are 42. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader.

Mr. REID. Mr. President, I enter a motion to reconsider that vote.

The ACTING PRESIDENT pro tempore. The motion is entered.

Mr. OBAMA. Mr. President, I am extremely disappointed by the Senate's failure to consider a bill that would have placed the needs of seniors ahead of the profits of the health industry. Once again, a minority of the Senate has allowed the power and the profits of the pharmaceutical industry to trump good policy and the will of the American people.

We have a major crisis in this Nation, and that is the rising cost of health care. Over the last century, the Nation has witnessed tremendous advances in medical science and technology, and we now have treatments and cures for diseases and conditions that were at one time surely fatal.

Yet we are paying the price for this success. Health care, particularly the cost of drugs, is becoming increasingly unaffordable. Over the last decade the cost of drugs has quintupled, now totaling almost $200 billion. In 2005, the drug companies' profit was 16 percent of their revenues, compared to only 6 percent for all Fortune 500 firms. The total profit of the top 7 U.S. based drug companies was $34 billion in 2004, and, if you add it up, their CEOs were paid $91 million that same year. Clearly, the new drug benefit in Medicare has been a tremendous boon for the drug companies, adding to these extreme profits.

The growth in the cost of drugs has slowed in recent years, in part because of greater use of generic drugs. But given the pricetag, and the financial challenges of our health care system, we can—and must—take additional steps to curb how much we are spending on drugs.

Allowing the Federal Government to negotiate for lower drug prices in the Medicare Program would have been an important step forward in this regard. When you look at the prices the Federal Government has negotiated for our veterans and military men and women, it is clear that the government can—and should—use its leverage to lower prices for our seniors as well.

Drug negotiation is the smart thing to do and the right thing to do, and it is unconscionable that we were not able to take up this bill today.

Mr. WHITEHOUSE. Mr. President, I speak today in outrage that my colleagues on the other side of the aisle have chosen to block S. 3, the Medicare Prescription Drug Price Negotiation Act, from coming to the floor.

You meet a lot of people when you campaign for a seat in this esteemed body. You meet people of all ages, from all socioeconomic levels, from all ethnic and cultural backgrounds, liberal and conservative, rural and urban, healthy and ailing—you meet them all. These individuals bring personal voices to national issues. They educate us with their stories, and they trust us to be stewards of their experiences. I am sure my fellow freshman Senators will agree with me when I say that listening to these stories was the best part of running for U.S. Senate.

Sometimes these stories are uplifting tales about the triumphs of government: SCHIP providing health insurance to at-risk children, AmeriCorps helping young people serve communities throughout the Nation, The Family and Medical Leave Act allowing parents, spouses, and children the time to care for loved ones. But sometimes these stories are just the opposite—depressing, discouraging, disheartening tales of how the government has failed in its duty to support and safeguard our must vulnerable citizens.

I have hosted community dinners throughout my State. Some of the very saddest stories that Rhode Islanders shared with me were about their experiences with the Part D drug benefit. I would like to share with you a particularly touching story from Travis, who came to one of my community dinners in Woonsocket. Travis told me of his great-grandmother, a woman over 90 who was living independently, in a second or third story walk-up apartment building in Woonsocket. She, like other women her age, had signed up for a Part D plan, and was taking a number of prescription medications. One day, Travis's great-grandmother arrived at the pharmacy, only to be told that she was in the donut hole, that she would now be responsible for almost the entirety of her drug bill. His great-grandmother called Travis in despair. She would no longer be able to afford her apartment, or her independent lifestyle. She was forced to choose between her spirit of self-reliance and her health.

This is a tragedy. It is a human tragedy because no human being should be forced to choose between her dignity and her life, and it is a moral tragedy because this is a totally unnecessary choice. The Congressional Budget Office concludes that the privatization of the drug benefit—the choice not to simply add the drug program onto the established Medicare benefit—costs almost $5 billion a year. The Center for

Economic and Policy Research reveals that the combined cost of privatization and failure to negotiate prices is more than $30 billion a year. I do not know about you, Mr. President, but I cannot look Travis in the eye and tell him that the reason his great-grandmother cannot afford her apartment is that the government needed to give it to pharmaceutical manufacturers, an industry that, in 2004, was three times more profitable than the median for all Fortune 500 companies—an industry that from 1995 to 2002 was the most profitable industry in the entire country.

I was not in the Senate when the drug benefit was created. I was not privy to the debates that went on here regarding the complexities and particulars of the bill. But I have a very hard time understanding how, with a successful Federal drug benefit model in place at the VA, this body created a new program that pays, on average, 70 percent more for drugs than the existing VA program, according to the Center for Economic and Policy Research. I understand that there are fundamental differences between the Veterans population and the senior population, between the Veterans system and the Medicare system, but 70 percent? This seems, to me, like a de-evolution of the policy making process. We are creating new programs that function less effectively and less efficiently than the ones we already had in place.

The real question is why. Have we gained something valuable for this extra cost? Can we justify the expensive and byzantine architecture of this program based on the promotion of other values? Some of my colleagues argue that the Part D drug benefit maximizes choice, and that choice is of fundamental importance in health insurance markets. Indeed, the bill succeeds here. In 2006, there were nearly 1,500 prescription drug plans offered throughout the Nation. Beneficiaries in 46 States had over 40 plans to choose from. This year, seniors everywhere in the country can choose between at least 45 plans. In my small state of Rhode Island alone, there will be 51 plans available.

But study after study, survey after survey, has shown us that, beyond a reasonable point, more plans do not add up to beneficiary or provider satisfaction. In fact, 73 percent of seniors think the Medicare prescription drug benefit is ''too complicated.'' Sixty percent agree with the statement, ''Medicare should select a handful of plans that meet certain standards, so seniors have an easier time choosing.'' Thirty-three percent think it is ''somewhat difficult'' or ''very difficult'' to enroll in a plan. In addition, 91 percent of pharmacists and 92 percent of doctors think the benefit is too complicated. It is time to admit that a plethora of plans does not add value to the program; it adds bewilderment and burden.

And do we have a system in place to deal with the confusion we have caused? No. We have 1–800–Medicare, which is adequate at its best, and inaccurate, unreliable, or altogether unreachable at its worst. But we need not rely on anecdotal evidence. GAO itself placed 500 calls to the Medicare help line in the middle of last year to make its own determination about the usefulness of the feature. Eighteen percent of calls received inaccurate responses, 8 percent of the responses were inappropriate given the question posed, 5 percent of the calls ended in disconnection, and 3 percent of responses were incomplete. In total, one-third of calls placed by GAO in this study were handled in an unacceptable fashion. Our mechanism to demystify the drug benefit for the average consumer is furthering the confusion of one-third of callers. This is a catastrophe.

A second value that some of my colleagues argue excuses the convoluted and costly nature of the drug benefit, is expanded coverage. More seniors have drug coverage now than they did before January 2006. No one disputes this. But insurance is not insurance unless it is there for you when you really need it. Our sicker seniors are reporting far more problems getting their prescription drugs than our healthy seniors are. Over 40 percent of seniors who describe themselves as in ''fair'' or ''poor'' health report problems filling a prescription under their Part D coverage, while only 12 percent of seniors in ''excellent'' or ''very good'' health report a problem. If Part D is failing to help the sick, it is failing to meet the basic definition of insurance.

Do I mean to say that providing some coverage is worse than being uninsured? No. But that was not the option on the table in 2003. We had the option to provide everyone with excellent coverage. We had the option to care equally and comprehensively for every elderly person in this country, healthy, sick, or in between. We did not. Instead, we chose to write checks to the pharmaceutical industry, we chose to write checks to private insurers, and we left our seniors to write their own.

What, then, can we do to fix this broken benefit? There is a lot we can do, and today is the first step. Today, we can allow the Secretary of Health and Human Services to negotiate directly with drug companies to lower prices for consumers. We can require the collection of data from prescription drug plans, so that our experts at CRS, at CBO, at GAO, or at MedPAC can better understand the operations of this program. We can require CBO to study whether or not market competition is truly reducing prices, as was the intent of privatization. We can increase transparency for our seniors, by making the prices of covered drugs available to the public on the CMS website. We can pass S. 3—the only thing standing in our way is Republican obstructionism.

I thank the majority leader and Senator BAUCUS for their commitment to our Nation's seniors, and I hope that my colleagues on the other side of the aisle will drop their obstructionist tactics and let us get to work on this bill. As important as it is, it is only a first step to fixing our Medicare Part D program. I hope we can soon take that step and then move on to the broader issues, for I believe there is much, much more to be done.

Mr. SPECTER. Mr. President, I voted for cloture to cut off debate on the motion to proceed because I think that the Senate should proceed to give full consideration to the proposed legislation which would authorize the Secretary of Health and Human Services to negotiate with the pharmaceutical companies under Medicare Part D coverage. In the past, I have favored such proposals because of the argument that the Secretary's bargaining power would result in lower negotiated prices.

In light of the conclusion by the Congressional Budget Office in a letter dated April 10, 2007 from Director Peter R. Orszag to Chairman MAX BAUCUS that the new authority to the Secretary ''would have a negligible effect on federal spending because we anticipate that under the bill the Secretary would lack the leverage to negotiate prices across the broad range of covered Part D drugs that are more favorable than those obtained by PDPs [prescription drug plans] under current law,'' I have reviewed the negotiation process under existing laws.

The underlying facts are that the pharmacy benefit managers who negotiate prices for the prescription drug plans represent substantially more people than the Secretary would under Part D. For example, Medco represents 62 million people, Caremark represents 80 million and Wellpoint represents 30 million, contrasted to the 29 million people covered under Medicare Part D. Accordingly, it may be that the pharmacy benefit managers have even greater leverage than the Secretary would if the Secretary were authorized to negotiate prices. That is not certain because the negotiations between the pharmacy benefit managers and the pharmaceutical companies are conducted on a confidential basis, so that it is not known with certainty that the lowest prices are obtained or that the cost savings are all passed on to the prescription drug plans.

The latest Congressional Budget Office estimate for Part D costs is $388 billion below the original estimates, for the 10-year period from fiscal year 2007 to fiscal year 2016. That suggests the current system is working well.

Extended Senate floor deliberation would provide an opportunity to debate these issues and obtain greater detail on the facts.

One of the additional arguments favoring giving the Secretary power to negotiate was the analogy to the savings achieved through the negotiating power of the Department of Veterans Affairs. In analyzing the VA's bargaining power, it must be noted that the Veterans Department represents 4.4

million veterans, a much smaller number than represented by the pharmacy benefit managers. It is also important to note that among brand-name drugs listed on the 300 most popular drugs for seniors, only 42 percent are available to the VA plan because the pharmaceutical companies declined to provide some of the drugs because of their unwillingness to meet the price determined unilaterally by the VA. On the other hand, it is estimated that PDPs under Medicare Part D have access to 97 percent of the brandname drugs among the most favored 300 drugs. The Medicare Part D beneficiaries have an opportunity to select the prescription drug plans that best meet their prescription drug needs, with the opportunity to select a new plan on an annual basis.

Notwithstanding these factors, there may be answers and compelling arguments in support of the proposed legislation to give the Secretary negotiating authorities. A full debate by the Senate on these important issues would pose the opportunity to resolve these complicated questions and come to a reasoned judgment. The Senate will doubtless revisit this issue in the future. In the interim, I intend to inquire further and consider these issues in greater depth to determine what policies would best serve the interests of the beneficiaries of Medicare Part D.

COURT SECURITY IMPROVEMENT ACT OF 2007—MOTION TO PROCEED—Resumed

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be 2 minutes of debate equally divided between the Senator from Vermont, Mr. LEAHY, and the Senator from Pennsylvania, Mr. SPECTER, prior to a vote on a motion to proceed to S. 378.

The Senator from Vermont.

Mr. LEAHY. Mr. President, this week we join in mourning the tragic killings at Virginia Tech on Monday. The innocent lives of students and professors are a terrible loss for their families and friends and for their community. It affects us all. We honor them and mourn their loss. I expect that in the days ahead, as we learn more about what happened, how it happened and perhaps why it happened, we will have debate and discussion and perhaps legislative proposals to consider.

For example, I know that Senator BOXER has introduced a School Safety Enhancement Act, S. 677, to allow matching grants for school security, including surveillance equipment, hotlines and tip lines and other measures.

We may need to further enhance the COPS in Schools Program begun by President Clinton. I look forward to working with Regina Schofield, the Assistant Attorney General for the Office of Justice Programs at the Department of Justice, Domingo Herraiz, the Director of the Bureau of Justice Assistance, and others to make improvements that can increase the safety and security of our children and grandchildren in schools and colleges.

Today, we may finally make progress on security in another important setting by turning to the Court Security Improvement Act of 2007, S. 378. Frankly, this legislation should have been enacted last year but was not. It should not be a struggle to enact these measures to improve court security. We are fortunate that we have not suffered another violent assault on judges and their families.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I concur with the statements by the chairman. We introduced court security during the 109th Congress after we had the brutal murders of the family of a Federal judge in Chicago. We have continuing problems. Rat poison was mailed to each of the nine Justices on the Supreme Court. There is no doubt that there is an urgent need for additional court security, in light of the attacks on the judges. The independence of our judiciary is fundamental in our society for the rule of law.

This bill passed by unanimous consent last December, but, unfortunately, it was not taken up by the House. We ought to consider it expeditiously, and I urge my colleagues to vote to invoke cloture.

CLOTURE MOTION

The ACTING PRESIDENT pro tempore. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

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 debate on the motion to proceed to Calendar No. 107, S. 378, the Court Security Improvement Bill.

Harry Reid, Jeff Bingaman, Chuck Schumer, Jack Reed, Byron L. Dorgan, Ron Wyden, Maria Cantwell, Dianne Feinstein, Daniel K. Inouye, Daniel K. Akaka, Jim Webb, Dick Durbin, Jay Rockefeller, S. Whitehouse, Barbara A. Mikulski, Ken Salazar, Edward M. Kennedy, Pat Leahy.

The ACTING PRESIDENT pro tempore. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to consideration of S. 378, a bill to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK) and the Senator from Arizona (Mr. MCCAIN).

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 93, nays 3, as follows:

[Rollcall Vote No. 133 Leg.]

YEAS—93

Akaka	Domenici	Menendez
Alexander	Dorgan	Mikulski
Allard	Durbin	Murkowski
Baucus	Ensign	Murray
Bayh	Enzi	Nelson (FL)
Bennett	Feingold	Nelson (NE)
Biden	Feinstein	Obama
Bingaman	Graham	Pryor
Bond	Grassley	Reed
Boxer	Hagel	Reid
Brown	Harkin	Roberts
Bunning	Hatch	Salazar
Burr	Hutchison	Sanders
Byrd	Inouye	Schumer
Cantwell	Isakson	Sessions
Cardin	Kennedy	Shelby
Carper	Kerry	Smith
Casey	Klobuchar	Snowe
Chambliss	Kohl	Specter
Clinton	Kyl	Stabenow
Cochran	Landrieu	Stevens
Coleman	Lautenberg	Sununu
Collins	Leahy	Tester
Conrad	Levin	Thomas
Corker	Lieberman	Thune
Cornyn	Lincoln	Vitter
Craig	Lott	Voinovich
Crapo	Lugar	Warner
DeMint	Martinez	Webb
Dodd	McCaskill	Whitehouse
Dole	McConnell	Wyden

NAYS—3

Coburn	Gregg	Inhofe

NOT VOTING—4

Brownback	McCain
Johnson	Rockefeller

The ACTING PRESIDENT pro tempore. On this vote, the yeas are 93, the nays are 3. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The Senator from Rhode Island is recognized.

Mr. WHITEHOUSE. Mr. President, the motion to proceed has just passed, 93 to 3. We will bring before the Senate in fairly short order the Court Security Improvement Act of 2007. I rise today to speak in support of that act. It is a bill that is as simple as it is important.

At a time when judges are the subject of sometimes vitriolic criticism, when judges and their families have been made the targets of acts of violence and murder, when the independence of the judiciary must be maintained in a climate of violence, we should take these important steps to improve the safety of our judges and their families. This bill will do that by requiring the U.S. Marshals Service—which has oversight over the safety of the judicial branch—to consult with the Judicial Conference to determine security requirements of the judicial branch, and it authorizes $20 million for the Marshals Service to protect the judiciary further.

The bill also amends the Criminal Code to enhance penalties for the possession of dangerous weapons within Federal court facilities. This bill also extends and expands to family members the authority of the Judicial Conference to redact certain information from a judge's mandatory financial disclosure for security purposes.

The bill directs the Attorney General to report to Congress on the security of assistant U.S. attorneys arising from the prosecution of terrorists and violent gangs. I will speak in a moment to an incident that happened in my State.

The bill will increase criminal penalties for tampering with or retaliating against a witness, victim or informant, and it will authorize grant programs to expand witness and victim protection programs.

In my own experience as U.S. attorney in Rhode Island, I have been the subject of threats. Indeed, one man went to prison for threatening me. Prosecutors whom I sent to court we had fitted with body armor because of the security to their personal safety. We had prosecutors have extensive security systems installed in their homes to protect their security. That is one experience from one U.S. attorney in one 4-year term. Across this country, the need is very great.

In February, the Judiciary Committee held an important hearing where Supreme Court Justice Anthony Kennedy spoke to us about the need to preserve an independent judicial branch and to pass this bill. U.S. District Court Judge Brock Hornby also had important testimony regarding the need to pass this legislation. He said: ''This bill will contribute significantly to the security of Federal judges and their families.''

In short, it is long past time that this bill be enacted. Indeed, the core provisions of this bill have already passed the Senate twice last year, the second time by unanimous consent. So it is a little surprising that it is not being approved by unanimous consent at this time. But apparently some of our colleagues on the other side of the aisle have lodged an objection. Nevertheless, I am happy to spend whatever time is necessary to ensure passage of this important legislation.

The Framers of our Constitution understood the importance of an independent judiciary. As Alexander Hamilton noted in Federalist 78: ''The independence of judges is equally requisite to guard the Constitution and the rights of individuals . . . ''

While in this Chamber we may disagree on judicial nominations and we may argue over judicial philosophies, we should all, every one of us, agree to do everything we can to make sure the men and women who work in the judicial branch, who serve their communities in those important positions—and their families—are safe, as they make the important decisions lodged in their care.

I am pleased this bill has broad bipartisan support. I am pleased with the powerful results of the motion to proceed. I wish to commend particularly the efforts of Chairman LEAHY of the Judiciary Committee and our ranking member on the Judiciary Committee, Senator SPECTER, for their hard work on this issue. I look forward to supporting passage of this important legislation.

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

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

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WHITEHOUSE). Without objection, it is so ordered.

BIPARTISANSHIP

Mr. DURBIN. Mr. President, we are a little over 100 days into the new congressional session. With new leadership, new management, there was hope—and still is—that we can find some ways to establish bipartisan cooperation. By its nature, the Senate almost requires it. Under Senate rules, anything that is serious and important takes 60 votes. In a Chamber with 100 Members, that is obviously a supermajority, and that requires cooperation. When Senator JOHNSON has recovered to the point that he is back on the Senate floor and we are at full complement, Senate Democrats will have 51 votes to the Republicans' 49. This means that on any given day, if we are going to pass or consider important legislation, it has to be bipartisan. We need help. We need Republicans to join with Democrats to bring it to 60 votes. That is the nature of the Senate.

Some people, particularly House Members—I used to be one—look at this as not only a quaint procedure but in many cases antiquated. I disagree. The nature of the Senate is reflected in the wisdom of the Founding Fathers who needed to create this body in order to have a U.S. Government. When they initially suggested that Congress would reflect the population of America, smaller States, such as those represented by the Presiding Officer, the State of Rhode Island, said: We don't have a chance. We are going to be overwhelmed by the big States such as Virginia and Massachusetts. So in their wisdom, they said: In the Senate, every State has two Senators, no matter how large or small.

In the Senate, when it came to rules, the rules reflected the same feeling, that minority rights would always be respected, that it would take a large majority vote to overcome those minority rights; in other words, 60 votes. At one time it was 67 votes. That 60-vote margin was added in the 1960s. As a result, to achieve anything in the Senate, we need to work together.

Unfortunately, in the first 100 days, there have been a few instances of cooperation but some other disappointing episodes. When we wanted to debate and have a vote about President Bush's proposal to send 20 or 30,000 more of our best and bravest American soldiers into the war in Iraq, when we wanted the Senate to go on record on that issue to debate it honestly so the American people and their strong feelings would be represented, we were stopped, stopped by the Republican minority. They would not allow us to go to the substance of that debate. They didn't want the Senate to spend its time considering a resolution going on record as to whether we approve or disapprove of the President's action.

I personally think the escalation of ground troops in Iraq is the wrong decision. This is a civil war, a war between Sunnis and Shias. Our sons and daughters are caught in the crossfire of that civil war, a war that is generated by a conflict within the Islamic religion that dates back 14 centuries. I don't believe sending 20 or 30 or 40,000 more American soldiers is going to change the conflict. Only the Iraqis can change it. I wanted to make that point in the debate and let those who defend the President's position to escalate the war make their point as well and bring it to a vote. That is what the Senate is supposed to be about. But the Republican minority, with the power given them under Senate rules, said: No, there will be no debate.

We couldn't find 60 votes to even have a debate on that issue. They stopped us. Earlier this week, they stopped us again. What was the measure in question? It was the reauthorization of the intelligence agencies of the Government. These agencies are critical to our national security. Intelligence is the first line of defense when it comes to terrorism. Senator JAY ROCKEFELLER of West Virginia is chairman of the Senate Intelligence Committee; Senator CHRIS BOND is the ranking Republican. The two of them worked on a bipartisan bill and brought it to the Senate floor. There was a lot of give and take. Senator ROCKEFELLER acceded to the requests of Senator BOND and vice versa. They brought this bill to the floor. For the first time in years, we were going to have an authorization bill that addressed some of the serious problems of intelligence gathering so that we can be safer. What happened? As it turned out, the Republican leadership decided they didn't want to have this debate. They didn't want this bill to be seriously considered and passed. On two different occasions this week, they refused to vote to give us 60 votes so we could consider this bill and pass it. We had to put it back on the calendar, take it off the floor.

Think about that. In the midst of a war in Iraq and Afghanistan, with all of the threats to the United States, a trip to an airport now becomes a half-hour commitment. As you take off your shoes and make sure your toothpaste is in a plastic bag and all of the things we go through that relate to terrorism, the Republican minority decided they didn't want us to debate and

bring to a vote intelligence reauthorization. That was their decision.

For the second time, on a critical issue—first on the escalation of the troops in Iraq and then on the reauthorization of our intelligence agencies—the Republican minority has said: We don't want the debate. We don't want the Senate to act. It is within their power. That is what the Senate is all about. A minority, in this case 49 Republican Senators, was able to stop it.

But that was not the end of it. There was another issue, one that many of us consider to be very basic. It relates to the Medicare prescription Part D Program. Medicare prescription Part D is a program long overdue. When Medicare was created by President Johnson in the 1960s, it didn't include prescription drugs. Over the years, as more and better prescription drugs were discovered and invented and marketed, we understood that to keep people healthy, our parents and grandparents and disabled people needed access to affordable drugs.

For many years, many of us have supported the idea of including prescription drugs in the Medicare plan so seniors could have help in paying for them. When the bill came before us to vote on several years ago, when the Republicans were in control of this body, we wanted to add one provision. The one provision said the Medicare Program could bargain for less expensive, more affordable drugs. Private insurance companies could do the same, but the Medicare Program could offer prescription drugs to seniors on Medicare as one option, and then seniors could make a choice. Do they want to go with a private insurance company? Do they want to go with some other source for their prescription drugs under Medicare? Or do they want to go back to the Medicare plan?

Our thinking behind it is sound, because what we said is: We learned a lesson at the Veterans' Administration. In the Veterans' Administration we learned that to reduce the cost of prescription drugs for the men and women who serve in uniform and are now veterans, our Veterans' Administration bargains with pharmaceutical companies, and they have bargaining power. They buy in bulk. They buy at discount. Our veterans benefit from it. They get the best at the lowest prices, and it is good for them and for taxpayers.

Why can't our seniors under Medicare have the same opportunity? That was the point we wanted to make, a point that said: Medicare should be allowed to bargain bulk discounts, low prices for seniors so we can give them even a better deal than the current program offers. The pharmaceutical companies hate this idea like the devil hates holy water. The notion that they would face competition, that they would have to give bulk discounts, eats right into their profits, their bottom lines, and their CEOs' golden parachutes. They have been spending millions of dollars trying to convince America that this kind of bulk discount, this effort to have bargaining for lower prices, is somehow fundamentally wrong. They have spent a lot of money on it—full-page ads in newspapers, television advertising to try to convince Americans that having some competition when it comes to prescription drugs is plain wrong.

They didn't convince many, but they convinced enough, because earlier this morning we had a vote as to whether we would move to this proposal to allow Medicare to bargain for lower prescription drugs and, once again, the Republican minority stopped us. They don't want to have that debate. They don't want to face a vote. They want to make sure their friends in the pharmaceutical industry don't have to face competition. I am sure they feel their position is correct. I happen to believe my position is correct.

The nature of debate in the Senate is that we stand and talk and ultimately come to a vote. But on three separate occasions now, the Republican leadership has stopped the debate, stopped the debate on escalating troops in Iraq, when it comes to intelligence reauthorization, and when we try to reduce prescription drug prices for seniors.

It seems they want to do nothing. They want the Senate to come in, collect its paycheck, and go home; make a few speeches on the floor, wave a few flags, and head on home.

That is what happened around here for a long time. The do-nothing Congress of the last 2 years is the reason the voters came out and voted as they did last November. They said: We sent you to Washington to do something. We sent you to Washington to address issues that are meaningful and important to people across America. One of those issues is the war in Iraq. Another issue is homeland security. Certainly another issue is the cost of health insurance and the cost of prescription drugs. In the Democratic majority, we have tried to come to those issues. We have tried to move the debate to those issues. But the Republican minority has stopped us time and time again.

Ultimately, they will be held accountable for their strategy. That is what elections are all about. But we have a year and a half to go here, a year and a half more before another election. Are we going to waste all this time? Are we going to spend a little time addressing the issues that count: first and foremost, the war, but then keeping America safe? How about a national energy policy? Will the Republican minority stop us from debating that at a time when we know we are so dependent on foreign oil that we are sending hundreds of millions of dollars each day to countries around the world that disagree with our basic values because they happen to be supplying us with oil?

When it comes to issues such as global warming, will they use the same strategy to stop the debate so that for 2 more years things will get worse instead of better when it comes to the greenhouse gases and the global warming and climate change which we all know is a reality? They have the power to do it.

The only thing that can break the grip they have on the agenda and calendar of the Senate is if 10 of their Members have the courage to break ranks and join us. It is the only way we can come to these debates. So far a handful have edged across the line, put the toe in the water and said: Well, maybe we are with you on the debate. But it is never enough. It is always enough just to have a press release back home saying: We tried to help the Democrats—but never enough to get the job done. That is what we face.

Now comes this bill before us, the Court Security Improvement Act of 2007. This bill is the kind of bill which routinely passes in the Senate with no debate. The reason is, it isn't debatable. It comes down to a question of protecting the men and women who serve in the Federal judiciary.

This is an issue which is personal with me. In 2005, one of my close personal friends, a woman I appointed to the Federal court in Chicago, Joan Lefkow, went through a tragic personal experience. Someone invaded her home and murdered her husband and mother. Those killings were perpetrated by a disgruntled litigant who had his case dismissed by Judge Lefkow. It was an unwelcomed wake-up call for our country. It sensitized many of us to the vulnerability of our judges and their families.

It was not an isolated incident. Last year, a judge was shot in Reno, NV. In Louisville, KY, a man pleaded guilty to threatening to kill the Federal judge presiding over the outcome of his arson trial. In March 2005, three people were killed in an Atlanta courthouse, including a county judge. Just yesterday, there were reports that the car and garage of an Illinois State court judge on the north side of Chicago were damaged by gunshots.

The sad reality is that violence and threats against our judges are on the rise. Between 1996 and 2005, the number of threats and inappropriate communications toward judges went up dramatically—from 201 in 1996 to 943 in 2005. There may be many reasons for this increased violence against judges, but one of the most regrettable is the rise in criticism and condemnation of these fine men and women not only in the halls of Congress but on some of the shock radio shows that go on and pass as news on some cable channels and radio stations.

Justice Sandra Day O'Connor, a woman I respect, who recently retired from the Supreme Court, said recently:

> [T]he breadth and intensity of rage currently being leveled at the judiciary may be unmatched in American history.

It is time for the rage and irresponsible rhetoric to come to an end. It is

also time for Congress to step up and increase protection for judges.

In 2005, Senator OBAMA, my junior colleague from Illinois, and I helped obtain an appropriation after the terrible Lefkow incident. We wanted to provide enough money so judges would have some basic protection in their home.

The bill we vote on today—the Court Security Improvement Act of 2007—is another important response. It passed the Senate last year on two different occasions. The House of Representatives refused to take it up. Let me touch on a couple important provisions in this bill, and then let me tell you why, at the end of these remarks, we have reached another terrible moment when it comes to considering a bill of this importance.

First, the bill has new criminal penalties for misusing personal information to threaten harm to judges and their families. It expands the definition of dangerous weapons that are banned from Federal courts. It extends and expands the ability of Federal judges to redact personal information from their financial disclosures that might endanger themselves or their families. It allocates more resources to the U.S. Marshals Service to protect Federal judges. It requires better coordination between the Marshals and the Federal judiciary. It authorizes State courts to receive Federal grant money to improve security. It is essential that we pass this legislation, and it is long overdue.

A year ago, on the first anniversary of the murders of her husband and mother, Judge Lefkow, of Chicago, released a statement. Here is what she said:

> The tragedies which we experienced have necessarily alerted me to the fragility of judicial security. Accordingly, I have made a commitment to all of my judicial sisters and brothers to do all in my power to help improve the safety of all judges in the years ahead. It is my fervent hope that nothing that happened in Chicago and Atlanta last year will ever be repeated.

Those are words we need to take to heart today. I commend Majority Leader HARRY REID for bringing up this bill. This Court Security Improvement Act is a legacy to the memory of those judges and family members whose lives were cut short by tragic, vicious acts of violence.

Judges should always feel secure in their courtrooms and safe at home. We owe it to them and their families to do everything we can to protect them.

As I said before, this is the kind of bill which Members would come to the floor and make a few statements on, such as I made, and then pass by a voice vote, for obvious reasons. Who is going to argue against this bill? Who believes our judges should not be safe in their courtrooms and at home? We cannot ignore the obvious. There are dangers to their lives, and we should act on them. But what has happened in the Senate from a procedural viewpoint reflects the argument I made earlier. A Senator on the Republican side, within his rights under the Senate rule, objected to this bill. Well, it was not enough he objected—he can do that; he could vote against it if that is his choosing—but he demanded we have what we call a cloture motion, that we postpone this bill for 30 hours before we take it up and consider it. That is his right. I will fight for his right to do so. But it reflects a mindset among some on the other side that is not constructive and not positive.

Hard as it is to believe, there are some who think the bill I described is an insidious part of the procedure of the Senate, and they call it an earmark—an earmark. This is not the kind of Jack Abramoff earmark where a fat cat lobbyist on K Street in Washington inserts a provision in the bill for one of his clients, which ends up with millions of dollars for his client and a fat fee for him to take home. Nothing in this bill inserts a dollar for any private entity, nor does it create any opportunity for a lobbyist to get fat and sassy. Yet some on the other side of the aisle are arguing this bill has to be stopped because it is an earmark. An earmark? An earmark to create a program to provide money for courts to make them safer? An earmark to increase the penalties for those who would harm our judges and their families?

They have corrupted the word ''earmark'' to the point where they think everything is an earmark. This bill is not. This bill emerged from the Senate Judiciary Committee, on which I serve, with strong bipartisan support. Instead of enacting it and moving on to other important bills, we have been bogged down again by procedural hurdles that are thrown at us from the other side of the aisle—something as basic and as fundamental as this bill.

Now, I am glad Republican Senators joined us in trying to stop this one Senator who believes he sees an earmark behind every bill and every bush. But the point is, if we are going to be constructive in the Senate—whether it is on the war or intelligence or reducing the cost of prescription drugs or protecting judges—we need much more bipartisan cooperation. As I said earlier, I will fight to the death to defend my colleagues' rights under the rules of the Senate. Those rules have been used by me and by other Senators, and that is why they are there. But common sense should prevail. I think the common good should prevail, and we should come together, Democrats and Republicans, and compromise and cooperate. That is one thing the American people are begging for: Start addressing the real problems, some that affect only a small number of Americans, as important as they may be, such as members of the Federal judiciary, and others that affect us all, such as the war in Iraq.

Isn't it time we put behind the do-nothing Congress, the do-nothing mentality, and start out on a new day in this Congress, trying to find bipartisan ways to cooperate and solve the real problems that face our country?

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

ALGERIA BOMBINGS

Mr. FEINGOLD. Mr. President, last Wednesday, April 11, terrorists exploded two bombs in Algiers, Algeria, killing 33 people and wounding over 200. The terrorist organization al-Qaida in the Islamic Maghreb took credit for the attacks, which targeted the Algerian Prime Minister's office and a police station.

The attack occurred 1 day—1 day—after three would-be suicide bombers blew themselves up in Casablanca, Morocco, killing a police officer in the process. A fourth individual was shot before he could detonate his bomb. It also preceded, by only 3 days, attacks by two more would-be suicide bombers in Casablanca, Morocco, this time outside the American consulate and the American Language Center. The consulate subsequently closed.

While a link between the Algeria bombings and the terrorists in Morocco has not yet been established, the confluence of these events demonstrates an increasingly deadly and dangerous situation in North Africa, for the region, for the United States, and for our friends and our allies.

The bombings should also remind us of the need to be more globally focused in the fight against al-Qaida and its affiliates, which must be our national security priority. Yet the administration, fixated on Iraq, remains narrow-minded in its focus and seemingly almost indifferent to last week's attacks in North Africa.

Until last fall, al-Qaida in the Islamic Maghreb was known as the Salafist Group for Preaching and Combat, or GSPC. It has been described by the State Department as a regional terrorist organization which recruits and operates in Algeria, Morocco, Nigeria, Mauritania, and Tunisia, as well as in Europe.

In 2005, GSPC killed 15 people at a military outpost in Mauritania. Police in France, Italy, and Spain have arrested individuals suspected of providing support to the organization. GSPC has also called France ''public enemy number one.'' A French counterterrorism magistrate has described GSPC as the biggest terrorist threat facing his country today.

Last year, al-Qaida leadership announced its formal ties to the GSPC, raising concerns about the extension of al-Qaida's deadly reach. In testimony to the Senate Intelligence Committee this February, FBI Director Mueller warned of the possible consequences of

this alliance, including to the United States. According to Mueller's testimony:

> Al-qaida has made efforts to align itself with established regional terrorist groups such as the GSPC that may expand the scope of the threat to the Homeland.

Despite this clear threat, our Nation barely took notice of the attacks last week. The State Department issued a brief statement. The White House said virtually nothing—or nothing. Vice President CHENEY mentioned them during a radio interview on Friday and again on Sunday, but only in passing, as a part of his repeated efforts to try to link 9/11 to the war in Iraq and to support an endless and disastrous war that is emboldening the members of al-Qaida and other terrorist organizations.

Let me read exactly what the Vice President said:

> We had—just this week there were attacks in Algeria and Morocco by al-Qaida, bombings that were aimed at killing innocent civilians. It is a global conflict, by anybody's measure. And it is clearly against some of the world's worst offenders, and Iraq is very much a part of that. It is, right now, the central front on that global conflict.

Amazingly, the only comments by the White House on these horrific attacks in north Africa were to insist that a terrorist attack in Algeria somehow proved that Iraq, more than 2,000 miles away, is the central front in the war on terrorism. The Vice President's assertions are not just factually wrong, they are offensive to the people murdered in Algeria last week, as well as their families and all those working hard to capture these terrorists. It is also indicative of everything that is wrong with this administration's national security policies.

We should be directing our attention and resources to combating the threat posed by al-Qaida and its affiliates, wherever they may be. As we all know, this is not a conventional war. It requires better intelligence, better cooperation with friends and allies, stronger regional institutions, and diplomatic and economic policies designed to deny terrorists safe havens. It is not easy, and I have enormous respect for the men and women in our intelligence community, diplomatic corps, military, and other elements of our Government who are working hard to protect us from this threat. We should provide them our full support, not only in terms of resources but also with an effective global counterterrorism strategy rather than the current myopic and misguided focus on Iraq.

First, we must improve our intelligence with regard to threats in Africa. The Intelligence authorization bill we were considering in the Senate earlier this week includes an amendment I offered with Senator ROCKEFELLER calling for more intelligence resources to be directed to Africa. If we are to protect our national interests on the continent, we must commit ourselves to understanding not only the terrorist organizations that operate there but regional conflicts, corruption, poor governance, endemic poverty, and the historic marginalization that has allowed terrorists and other threats to fester.

Second, we must expand and strengthen our diplomatic and foreign assistance activities in the continent. Our presence in far-flung parts of Africa, whether it be a new consulate or outpost or an expanded USAID development or public health program, exposes local populations to our Nation, linking us to parts of the world which, as we know, we can no longer afford to ignore. We need to help build strong governmental institutions that respect human rights and an equally vibrant civil society, while also strengthening the relationship between the two.

Third, we need military policies that place counterterrorism in the context of a larger, more comprehensive strategy. Policies such as the Trans-Sahara Counterterrorism Initiative are important, particularly in improving the capacities of local governments. But unless they are part of bilateral and multilateral policies that emphasize human rights and democratization and anticorruption, our military resources may be squandered or, worse, may be even directed in counterproductive ways. For this same reason, I have supported the establishment of an Africa Command within the Defense Department, while insisting that its mission be squarely within the broader strategic goals of the United States on the continent.

Fourth, we must develop effective policies for dealing with terrorist safe havens such as the one in the Sahel where al-Qaida in the Islamic Maghreb operates. According to the most recent State Department terrorism report, the organization not only trains, recruits, and operates in the region, it also raises money, including through smuggling. Clearly, confronting this organization requires addressing the root causes that have allowed it to develop and operate, whether they be poverty or corruption or the lack of government support to and presence in the region. We must develop comprehensive policies to confront these safe havens, including the settlement of regional conflicts and an adequate provision of economic and development assistance, so local populations can reject terrorist organizations.

Fifth, we must help governments in the region in their efforts to confront terrorist organizations. The most recent State Department terrorism report stated that, in Mali, the sheer size of the country and the limited resources of the Malian Government ''hamper the effectiveness of military patrols and Border Patrol measures.'' The report also indicated Mauritania, another country where al-Qaida in the Islamic Maghreb operates, lacks funding and resources to combat terrorism.

In order to combat international terrorist organizations such as the al-Qaida in the Islamic Maghreb, we need regional strategies that address the capabilities and policies of all affected countries on a bilateral and multilateral basis. We must expand our assistance to these and other countries while ensuring that their counterterrorism policies are consistent with ours and that corruption and human rights abuses do not undermine efforts to combat terrorist organizations.

Sixth, we must work closely with our European allies. Al-Qaida in the Islamic Maghreb is a direct threat to Europe; our allies have every incentive to work with us. By working to establish mutually agreed upon approaches to counterterrorism, we can develop a strong, coordinated strategy that helps keep all of us safer.

Seventh, we must encourage regional institutions to confront terrorism. For example, the African Union has established a Center for Study and Research on Terrorism to combat terrorism throughout the continent. This center and other regional initiatives are worthy of far more attention and support than we have thus far provided.

Finally, we must at last recognize that the fight against al-Qaida is being undermined by the endless war in Iraq. As the NIE of last April concluded, the war has become a ''cause celebre'' for international terrorists. Moreover, tactics from Iraq are now being used around the world, including by terrorists in Algeria. As the State Department terrorism report noted:

> Using lessons from Iraq and wanting to reduce the level of casualties sustained in direct confrontation with Algerian security services, the GSPC carried out attacks using roadside improvised explosive devices. In one act on September 14, GSPC terrorists killed three Algerian soldiers and wounded two others in a military vehicle near Boumerdes by remotely detonating a roadside IED.

The horrific bombings last week in Algiers and the manifest threat in Morocco should remind us that our national security does not begin and end in Iraq. Indeed, Iraq remains a drain on our national attention to resources and an endless distraction from our real national security priorities, which is fighting al-Qaida and its affiliates. We cannot ignore the rest of the world to focus solely on Iraq. Al-Qaida is continuing and will continue to be a global terrorist organization. Contrary to what the administration has implied, al-Qaida is not abandoning its efforts to fight us globally so it can fight us in Iraq. No. Instead, it is forming alliances with groups like the GSPC, and it is seeking to attack us and our friends and allies around the world. By downplaying this threat, the administration is ignoring the lessons of September 11 and endangering our Nation.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

MEDICARE PART D

Ms. KLOBUCHAR. Mr. President, when Congress passes a law, the American people have every right to expect that their elected representatives will do what is best for them. But the country did not get a fair deal in 2003 when Congress passed the Medicare Part D prescription drug program. Today, the Senate had the opportunity to remedy this problem, and politics won out over providing affordable prescription drugs to our seniors.

Providing prescription drug coverage to millions of seniors is a very important benefit, and I very much support it, but Part D got off to a very rocky start. Seniors were overwhelmed and confused. Many were not enrolled in a timely fashion. When they were enrolled, there were serious, even life-threatening delays in getting the medication they needed. A number of States, including my own, declared public health emergencies and had to step in to fill the gap. At the time, my mom, a former second grade teacher, told me that Medicare Part D got the grade it deserved from the beginning. Since then, many of these early problems with implementation have been remedied.

Even today, however, Medicare Part D remains needlessly complex and confusing, with dozens of insurance companies involved, hundreds of different plans, and countless benefit structures, pricing tiers, and drug formularies, not to mention the ''doughnut hole'' which each year eats deeper into the wallets and pocketbooks of millions of seniors.

However, by far, the most serious flaw in the original law is the noninterference clause that expressly prohibits Medicare from negotiating lower prices from pharmaceutical companies. This prohibition is contrary to how Medicare handles its purchases of other goods and services. It is contrary to how both Medicaid and Veterans Affairs purchase medications for their beneficiaries. It is contrary to good business practices and to good government.

This prohibition has imposed substantial and unnecessary costs on America's taxpayers and seniors who are paying excessive prices for prescription drugs. An analysis last year by Merrill Lynch found that after Part D took effect, prices on popular brand-name drugs increased by 8.6 percent. This week, there is a new analysis from Families USA. It finds that the prices charged by the largest Part D plans for the 15 most commonly prescribed medications increased by an average of 9.2 percent during the past year. This increase is almost four times the general inflation rate, and it is nearly three times the cost of living adjustment that seniors received this year for their Social Security income. By banning the Government from negotiating discounts, Congress saddled seniors with inflated prices for their medications, while handing a huge financial windfall to the pharmaceutical industry.

As I travel throughout my State, Minnesotans tell me they are mystified and frustrated that the Government has tied its own hands when it comes to achieving huge cost savings with prescription drugs. The people of my State repeatedly tell me they want Medicare to use every possible tool to get the best prices. It is a simple principle of economics that consumers strike better deals when they band together and exercise their bargaining power. The power of many has much more leverage than the power of the few. Congress rejected this commonsense principle when it barred Medicare from negotiating drug prices. This is just plain wrong. When appropriate, the Government should be empowered to harness the collective bargaining power of 43 million Americans on Medicare to deliver low-cost medication to seniors.

We are now poised to give the Government the power to negotiate. The House has already passed a measure to do so. Now it is our turn, and it is our responsibility. This is a matter of fairness for our seniors who deserve affordable prices for their drugs, and it is a matter of fairness for American taxpayers who pay 75 percent of the bill for Medicare Part D.

Under current law, only individual insurance companies can negotiate Medicare drug prices. The pharmaceutical industry has tried to reassure Americans that this will inevitably produce the lowest prices because of competition. This explanation is unconvincing. Evidence and experience shows us that the present system often does not produce the fairest prices.

The pharmaceutical companies like to say that Part D Program costs are lower than projected, but beating artificial projections has not resulted in lower prices. Numerous studies show that Part D prices are significantly higher than prices for drugs and programs where negotiation is permitted.

For example, a review of drug prices in Florida last October reported that the lowest retail price—the price you get by just shopping around—is usually cheaper than the Medicare price for popular drugs.

In January of this year, a study by Families USA found that the top five Medicare Part D insurance companies serving two out of three enrollees charged prices at a median rate that were 58 percent higher than the same drugs provided to veterans through the VA. The study compared the lowest price available under Part D and the lowest VA price for the 20 most common medications prescribed to seniors. Celebrex, for arthritis, was 50 percent more expensive under Medicare Part D; Lipitor, for cholesterol and heart disease, was 51 percent more expensive; Nexium, for heartburn and acid reflux disease, was 65 percent more expensive.

If these aren't bad enough, consider these:

Fosamax was 205 percent more expensive under Part D. That is for osteoporosis; Protonix, for heartburn and acid reflux disease, was 435 percent more expensive; and Zocor, for cholesterol and heart disease, was over 1,000 percent more expensive.

With this tremendous disparity in drug prices, it simply defies common sense to assume Medicare is giving our seniors a good deal. They should be negotiating for better prices.

Maybe the discounts would not be as great as the VA gets because of the differences in those two programs. But how can anybody be satisfied when Medicare is paying prices that are, on average, 58 percent higher? Can we not at least try to get a better deal? Can't we even allow the possibility of negotiation by our Government with the drug companies?

Yet this administration and its Secretary of Health and Human Services have shown absolutely no interest in the potential of negotiation. In fact, the Secretary has been aggressively defiant about even the idea of it. This needs to change.

There is another reason we should not trust the assurances of the pharmaceutical industry that America's seniors are already getting the lowest prices possible. The Government can often negotiate bigger discounts than insurance companies, which represent smaller numbers of seniors. There is no good reason to arbitrarily foreclose this opportunity for gaining a price cut.

By Medicare's own calculations, Part D private plans are negotiating prices that are 73 percent of the average wholesale prices. But Medicaid pays only 51 percent, and the VA pays only 42 percent.

The Congressional Budget Office also agrees that the Government could be more effective than private plans in negotiating prices for unique drugs that have no competition.

Even limited savings on popular drugs could translate into billions of dollars. Consider Zocor and Lipitor, two top-selling prescription medications. If Medicare could negotiate prices in line with what the VA gets, the savings from those two drugs alone could be more than $2.8 billion each year. Even a fraction of this amount would still represent substantial savings. That would mean cheaper drugs for seniors, a better deal for taxpayers, and less Government spending.

The only real winners from a prohibition on negotiation are the pharmaceutical companies. They vigorously lobbied for the ban, knowing it would boost their profits, while denying fair prices to seniors and taxpayers. They paid big money to make sure they got a Medicare drug program that prohibited price negotiation, and now they are spending big money to keep that profitable ban in place.

Since 1998, the pharmaceutical industry has spent over $650 million on lobbying. In the past year and a half, they

have spent a record $155 million. What are America's seniors supposed to think all that money goes for?

The drug industry employs some 1,100 lobbyists. That is two drug lobbyists for every Member of the Senate and House of Representatives. The pharmaceutical industry has fired up its lobbying machine again to oppose efforts to lift the ban.

The industry lobbying organization, PhRMA, has been running a massive advertising campaign in opposition to negotiating lower prices. It includes full-page ads in newspapers across the country. They have been buying these ads in my State, too. The most recent full-page ad appeared earlier this week in the Minneapolis Star Tribune. It tells Minnesotans how they are supposed to think. It uses quotes from USA Today and the Atlanta Journal Constitution.

With all due respect to these good newspapers, we Minnesotans know how to think for ourselves and how to reach our own conclusions. When it comes to Medicare Part D, the people of Minnesota have made up their minds. A statewide survey earlier this year found that fully 93 percent of Minnesotans want Medicare to have the power to bargain for lower prescription drug prices.

But the drug industry keeps using scare tactics, throwing around words such as ''rationing'' and ''price controls.'' It ignores promising negotiation approaches that don't limit the drugs available to seniors and that do not involve price setting.

I have dealt with this before. In the last few years, I was actually accused of trying to ration Lipitor. That simply isn't so. My mom takes Lipitor. If people think I would advance a proposal that would take my mom's drugs away, they don't know my mom.

Allowing negotiation would not mean rationing, but lifting the ban on negotiations would cut into the hugely profitable windfall the drug industry has enjoyed, thanks to Medicare Part D. In the first 6 months after Medicare Part D went into effect, the profit for the top 10 drug companies increased by over $8 billion, which is a 27-percent jump.

It should be no surprise. Medicaid Part D has provided the drug companies with a surge of new Government-subsidized customers. And Congress has allowed the drug companies to charge excessive prices.

This has been especially true with the more than 6 million Americans who were transferred from Medicaid to Medicare under the Part D law. They are known as dual beneficiaries or dual eligibles because they are eligible for both Medicaid and Medicare. They now account for more than 25 percent of all Part D enrollees.

Before the Part D law took effect, Medicaid was already buying prescription drugs for these individuals under a ''best price'' rule. This meant the price a drug company offered Medicaid could not exceed the lowest price it received for that same drug in the private market.

These dual-eligible individuals are now covered only under Medicare Part D, which has no ''best price'' rule and, of course, no negotiating power either.

Two economists have analyzed last year's financial filings from the top drug companies. In a study released earlier this month, the two economists concluded these companies have gained substantial new profits because they no longer had to provide the rebates and discounts previously demanded by Medicaid. That is great for the drug industry, but it is not so great for all of us.

I grew up believing every dollar, every quarter, every penny counts. I remember saving all my quarters from baby sitting in a box in my room. I also believe that is true for our Government, for our taxpayers, and especially for our seniors. The average income for a retiree is about $15,000, with most living on a fixed income. Seniors need medications more than any other age group. For those over age 75, they depend on an average of almost eight prescription medications.

So for seniors, money and medications are a very serious matter. It must be a serious matter for us, too. By lifting the ban on price negotiations, we will continue to give seniors access to the medications they need and the same broad range of plans. The difference is that the Federal Government, representing all 43 million Medicare beneficiaries, will also be at the bargaining table.

It is time to lift the ban. It is time to negotiate with the powerful drug companies. It is time to help our seniors get the lower, fairer prices they deserve for the life-saving and life-enhancing medications they need.

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

The PRESIDING OFFICER (Mr. CASEY). The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. CRAIG. Mr. President, may I inquire as to where we are at this time.

The PRESIDING OFFICER. The Senate is considering the motion to proceed to S. 378.

Mr. CRAIG. Mr. President, I ask unanimous consent that I be allowed to proceed as in morning business for no more than 10 minutes.

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

TAX SIMPLIFICATION ACT OF 2007

Mr. CRAIG. Mr. President, yesterday was tax day 2007. I had hoped to come to the floor at that time, but we were busy on several other issues. I join with my friend and colleague, Senator SHELBY, as a cosponsor of S. 1040, which will replace our current broken tax system with a simple, what I call fair flat tax.

Over the years that I have served the State of Idaho in the Congress, I have looked numerous times at the concept of a flat tax and believe it to be by far a more preferable system for all our taxpayers to be involved in.

Only a few weeks ago, we debated the fiscal year 2008 budget resolution and some recurring points began to emerge. Over and over again, from both sides of the aisle, we heard about the repeal of the death tax, the repeal of the alternative minimum tax, the child tax credit, and marriage penalty relief, and problems associated with the so-called tax gap.

The average American listening to that debate, if they were not true students of the Tax Code or if, in fact, they hadn't been victims of that portion of the Tax Code, would have wondered in what kind of code the Senators were speaking or talking through at the moment.

Congress has offered temporary fixes to these problems for years, but these problems are merely symptoms of a larger problem that needs fixing. I believe the larger problem is we have a convoluted, broken Tax Code system today.

The current Tax Code is—well, let me use this as an example. In 2005, according to the IRS's own estimates, Americans spent 6.4 billion hours preparing their tax returns and a whopping $265 billion in related compliance costs. You know that if you make any kind of money at all and you can afford to, you start hiring attorneys and tax experts to find ways of manipulating yourself through the system, not necessarily to avoid taxes but maybe to provide some level of inheritance to your children and your grandchildren so Uncle Sam doesn't get it on your moment of death. The complication has increasingly grown over the years and, of course, the cost is phenomenal.

So, Mr. President, if you will bear with me for a moment, think about this analysis: Americans, if they had to wade through the 66,498 pages—that is right, 66,498 pages—of the Federal tax rules on a letter-size sheet of paper, that amount of pages would stand about 22 feet tall. That is about three times taller than I am with cowboy boots and a cowboy hat on. That is pretty significant stuff. Yet the average American is supposed to figure out how to get through that? That is why they spend $265 billion hiring the experts to figure out how to get them through it. The Tax Code's purpose is simply to fund the Federal Government, but we have turned it into a system loaded with preferences, deductions, credits and exceptions and, yes, other kinds of loopholes that cater to a special-interest tier and fail to treat all taxpayers fairly because we politically are manipulating where we want the money to go, how we want the economy to run, how we want the average person to spend or not spend his or her hard-earned wages in a way that is, by our definition, beneficial to the

country, to the culture, to the economy at large.

The time for half-measures ought to be over. Fundamental reform is the only thing that will restore, in my opinion, fairness and simplicity to the system, and I have long thought a flat tax is the best approach toward reforming the code.

A flat tax, such as the one in S. 1040, will provide a simple flat rate of 19 percent, eliminate special preferences, end the double taxation of savings and investment, and provide a generous exemption based on family size.

Not everyone agrees—I am sure we all understand that—but that shouldn't stop the conversation, the fundamental debate, the energy of this Senate and this Congress becoming involved in reforming our Tax Code for the greater benefit of our country.

That is one of the reasons why I joined Senator WYDEN, a Democrat on the other side of the aisle, in launching a bipartisan Cleanse the Code Coalition. Although Members of the coalition disagree sharply about the best approach to tax reform, we all agree fundamentally that reform is imperative, that it is something that should embody the principles of simplicity, fairness, and fiscal responsibility.

Our current tax system is a handicap on our Nation's citizens, our businesses, and our economy. As we continue to increase our competitive character and compete with other economies around the world, those features of simplicity and fairness become increasingly important.

Our current tax system is a handicap. There is something that ought to be done about it. We will, again, tinker around the edges, as we did with the 2008 budget resolution that sets parameters for spending and for revenues and, once again, we will talk about it a great deal more than we will act on it. When we act, we will simply adjust and change and modify, and every time we do, in that illustrative picture I gave you, we will add another cowboy hat to the top of my head and make that 66,000-page stack of papers that is 22 feet tall a little taller for the average American to work their way through in frustration, sometimes in anger, sometimes in fear that they have failed to comply and the IRS is just around the corner.

I hope that a day will come in April, a year or two from now, when the process of filing a tax return is a simple sheet of paper: Here is how much I have made, you apply the 19 percent to it, it is all online, and you don't have to hire attorneys and accountants in great complication to weave your way through the morass of rules and regulations. And Americans for the first time could say: You know, that was a pretty easy task. I am a responsible citizen. I have paid my taxes.

As one who gains the great benefit of this country, while we may not necessarily like it, it ought to be an easy and painless task to do. That ought to be our challenge. That is why I am a part of the legislation and in support of it and why I am on the Senate floor today—to challenge my colleagues to think a little more about it. It ought not be a game of dodge and hide and replace and reshape. It truly ought to be one of saying to the average citizen: We want to make it easy, we want to make it simple for you to fulfill your responsibility in assisting your Government in paying for the necessary services it needs in a straightforward and, most importantly, simplistic way.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BROWNBACK. Mr. President, I ask unanimous consent to speak as in morning business for up to 7 minutes.

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

PARTIAL BIRTH ABORTION BAN UPHELD

Mr. BROWNBACK. Mr. President, I rise today with great hope in my heart that a step was taken forward on human dignity today. Earlier today, the U.S. Supreme Court upheld the partial-birth abortion ban passed by Congress in 2003, and I applaud the Court for this decision.

As many of my colleagues know, partial-birth abortion is one of the most heinous and grotesque forms of abortion. Science has shown that after 20 weeks, unborn children do indeed feel pain. Imagine the pain a prenatal baby feels as it is so savagely destroyed in the latter part of the pregnancy. It is incomprehensible that we should allow such a procedure to continue in our Nation, and I am thankful—I am thankful—the Congress passed this important ban, that President Bush signed it into law, and now the Supreme Court has upheld this in the face of a challenge. I think this is an important day for human dignity, that we are starting to recognize the dignity of everybody at all stages.

We had a big debate on the Senate floor last week about stem cells and whether we should destroy the youngest of human lives for research purposes. I don't think we should. We should extend dignity. But certainly we should extend dignity to a child who is very well developed in the womb and who is being aborted feeling great pain, the child itself. We should show dignity for that life. The Court is starting to express the fundamental right to life and the dignity of each life in the country, and what a great message to our Nation, what a great message to our world for us to have that.

The majority decision of the Court, authored by Justice Anthony Kennedy, recognizes that partial-birth abortion is not medically necessary. Far from it. Both mother and child deserve far better than abortion, particularly such an invasive, barbaric procedure as partial-birth abortion.

I am pleased that the Court states in its opinion:

> It is, however, precisely this lack of information concerning the way in which the fetus will be killed that is of legitimate concern to the State.

Citing Casey, the father of the Presiding Officer, supra, at 873, it states:

> States are free to enact laws to provide a reasonable framework for a woman to make a decision that has such profound and lasting meaning.
>
> The State has an interest in ensuring so grave a choice is well informed. It is self-evident that a mother who comes to regret her choice to abort must struggle with grief more anguished and sorrow more profound when she learns, only after the event, what she once did not know: that she allowed a doctor to pierce the skull—

Of a child, her child—

> and vacuum the fast developing brain of her unborn child . . .

The child is human and in her womb.

I repeat, today's decision by the Supreme Court puts hope in our hearts. Americans understand that life is a precious gift and worthy of respect and protection. Indeed, this deep belief is at the very root of our Nation's founding—of our Constitution. I believe our laws and the precedents of our courts ought to reflect this culture of respect for human life and human dignity at all stages, in all places; that every human life is precious, it is unique, it is sacred, and it is a child of a loving God. It applies to the child in the womb at whatever stage its development. It applies to a child in poverty. It applies to a child in Darfur. It is pro-life and it is whole-life, beginning to end, and that is as it should be.

I am delighted that the Supreme Court is moving forward to see the expression of life in the Constitution. I hope that someday we will see all life respected at all stages and protected in this land and around the world.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent the order for the quorum call be rescinded, and I ask to proceed as in morning business.

The PRESIDING OFFICER (Mr. MENENDEZ). Without objection, it is so ordered.

The Senator from Iowa is recognized.

ALTERNATIVE MINIMUM TAX

Mr. GRASSLEY. Mr. President, yesterday was tax return filing day for most Americans for the 2006 tax year. While filing that 2006 tax return and paying tax owed for 2006 was stressful enough, for 23 million families who will be AMT taxpayers in 2007, there was added stress. That added stress is due to the fact that those 23 million families bear the uncertainty of whether

there will be an AMT patch for the year 2007; in other words, for Congress to take action so the alternative minimum tax will not apply to an additional 23 million families for this year's earnings as the present law is going to do it. Congress, each year, has taken action so that would not happen. The big question is will Congress act soon enough so that the uncertainty of these 23 million taxpayers will not be realized.

This matters for taxpayers now because the first quarter estimated tax payments are due for the 2007 tax year. I have a chart here I wish to show that shows the form for the payment these 23 million families have to make, and why going through the trouble of filling this out is stressful for the 23 million taxpayers—in addition to having to pay all of this tax. Barring an extension in the ''hold harmless'' provisions that made certain that people who filed on 2006 earnings did not have to pay the AMT, if we do not take action for the year we are in, AMT exemptions then will return to the pre-2001 levels. Many Americans may be surprised to find in their 1040 ES instruction package that the AMT exemption amount for single taxpayers is decreasing from $42,550 in 2006 to $33,750 in the year we are in now for earnings, 2007. And for married taxpayers, the exemption amount is decreasing by nearly $20,000, from $62,550 down to $45,000.

You can see here on line 29 that these higher exemption amounts are there. To add insult to injury in this whole matter, certain credits will not be allowed against the alternative minimum tax in 2007, including the credit for child and dependent care expenses, credit for the elderly or the disabled, and education credits. And that is just to name a few.

The alternative minimum tax is not a new problem and has been with us for several decades. The individual minimum tax—that is a precursor to our AMT—was originally enacted in 1969 after Congress discovered that 155 taxpayers with incomes greater than $200,000—these are 1969 figures—were not paying any taxes at all.

As originally formulated, the individual minimum tax affected one out of a half-million taxpayers. Clearly that situation has changed now very dramatically in the last 30 years when today about 4 million taxpayers are paying the alternative minimum tax. If we do not do anything this year, 23 million more people will pay it on earnings they are making right now.

Although not its only flaw, the most significant defect of the alternative minimum tax is that it is not indexed for inflation. If it had been indexed for inflation, then obviously we would not have these 3 million people, or these potential 23 million people, having to worry about paying the alternative minimum tax.

This failure to reindex the exemption and the rate brackets, the parameters of the AMT system, is also a bipartisan problem.

Perhaps the most notable missed opportunity to index the AMT for inflation was the passage of the Tax Reform Act of 1986. Another missed opportunity was the Omnibus Budget Reconciliation Act in 1993, in which the exemption levels were not indexed but were increased to $33,750 for individuals and $45,000 for joint returns. But this was accomplished by an additional rate increase.

By the way, the 1993 tax increase passed this body with only Democratic votes. Once again, graduated rates were introduced, except this time they were 26 percent and 28 percent.

By tinkering with the rate and exemption level of the AMT, these bills were only doing what Congress has been doing on a bipartisan basis for almost 40 years, which is to undertake a wholly inadequate approach to a problem that keeps getting bigger. And by ''keeps getting bigger,'' I mean it is applying now to 23 million taxpayers for earnings this year to whom it should not apply.

In 1999, the issue again had to be dealt with. At that time Congress passed the Taxpayers Refund and Relief Act of 1999. In the Senate, only Republicans voted for the bill. That bill in fact included a provision that actually repealed the entire alternative minimum tax. If this bill had not been vetoed by President Clinton, we would not even be talking about this today.

Later on, in 1999, an extenders bill, including a fix good through 2001, was enacted to hold AMT harmless for a little longer.

Most recently, in March of 2007, less than a month ago, this body, now under the control of the Democrats, voted against an amendment I sponsored to put some honesty back into the budgeting process and to stop spending amounts that are scheduled to come into the Federal coffers through the alternative minimum tax.

Take a minute to visit about that vote on my amendment to the budget resolution a month ago. That amendment would have amended the budget resolution for fiscal year 2008 in order to accommodate a full repeal of the alternative minimum tax, preventing the same 23 million people, both families and individuals whom I am talking about today, from being subject to the alternative minimum tax in 2007, not to mention the millions of families and individuals who will be hit by it in subsequent years.

You would think we would have seen a flood of bipartisan support for that amendment, given the numbers of families represented by my colleagues across the aisle who are now paying the alternative minimum tax in 2007. But, instead, true to form, not a single Democratic Senator voted for the amendment to provide relief from the alternative minimum tax and to stop spending money this country does not have and was not intended to get. If you get it from these 23 million people, it has the capability of ruining the middle class in America. We got not a single vote from the other side of the aisle.

So even though the alternative minimum tax is a problem that has been developing for a while, almost 40 years, Congress has had an opportunity to deal with the issue but has blocked attempts to deal with the issue thoroughly. Or, if Congress passed it, President Clinton vetoed it. Although on numerous occasions Congress has made adjustments to the exemption and in the rates, it has not engaged in a sustained effort to keep the alternative minimum tax from further absorbing the working people who are in middle-class America. Instead, despite temporary measures, the AMT has gone from being a threat to millions of taxpayers who were never supposed to be subject to a minimum tax, to being a reality when they sent in their estimated income tax payments to the IRS for the first quarter.

That the alternative minimum tax has grown grossly beyond its original purpose, which was to ensure that the wealthy were not exempt from an income tax, is indisputable, and that the alternative minimum tax is inherently flawed then falls into the commonsense category.

Despite widespread agreement that something needs to be done about the alternative minimum tax, agreement on what exactly to do is not so widespread. I suppose if there had been an agreement to repeal it, I would have gotten more than 44 votes on my amendment to the budget resolution a month ago. So you can use your mathematics. It is going to take at least seven more people to agree with me before we can get that done. And a major factor in the disagreement relates to massive amounts of money that the alternative minimum tax brings to the Federal Government. In 2004, the alternative minimum tax brought $12.8 billion into the Treasury. Projections show that the AMT balloons revenues in coming years. These projections are used to put together the budget using current law, so that is why this money that was never supposed to be collected is put into the budget by the Congressional Budget Office and by the Office of Management and Budget in the executive branch.

This is a bipartisan problem. Whether you have a Republican majority or Democratic majority in this body, it is going to be handled the same way. Republican and Democratic budgets, then, rely on the same source of revenue—even though it is a revenue that was never supposed to be collected. In 1969, it was never anticipated it would hit more than people with adjusted gross incomes, at that time, of $200,000; and if you brought that on for inflation now, it would be somewhat a bigger figure but it would not take in 3 million people as it does today and it wouldn't be taking in 23 million people as it will this very year.

This means the central problem in dealing with the AMT is not money

that will come in, but people are counting on it to come in. I call it phantom income. Of course, for the 23 million people who file or have to file for this year's income, if we do not do something, it is going to bring in additional revenue, and it would not be phantom in that case, but it is phantom in the sense that if it was supposed to hit a few rich people and it is hitting 23 million middle-income Americans, it does not seem legitimate to count it as money coming into the Federal Treasury.

There are some people who would say we can only solve the alternative minimum tax problem if offsetting revenue can be found to replace the money the AMT is currently forecast to collect. Anyone who says this sees the forecast showing revenue being pushed up as a percentage of gross domestic product and, quite frankly, they like to spend more money so they want to keep it there.

These arguments are especially ridiculous when one considers that the alternative minimum tax was never meant to collect as much revenue; in other words, it is a failed policy. It is simply unfair to expect taxpayers to pay a tax they were never intended to pay. It is even more unfair to expect them to continue paying that tax once we get rid of it.

The reform or repeal of the AMT should not be offset because it is money we were never supposed to collect in the first place. So the way to solve this problem is to look on the other side of the ledger, on the spending side. Budget planners need to take off their rose-colored glasses when looking at the long-term revenue projections and read the fine print.

In general, it is a good idea to spend money within your means. That is true in this case as well. If we start trying to spend revenues we expect to collect in the future because of the alternative minimum tax, we will be living beyond our means. We need to stop assuming that record levels of revenue are available to be spent and recognize that the alternative minimum tax is a phony revenue source.

As we consider how to deal with the alternative minimum tax, we must first remember we do not have the option of not dealing with it if we want to maintain a middle class in America. The problem will only get worse every year and make any solution more difficult.

We must also be clear that the revenue the alternative minimum tax will not collect as a result of repeal or reform should not be offset as a condition of repeal or reform. We should not call it lost revenue because it is revenue we never had to begin with.

This week millions of families are beginning to feel the ramifications of that revenue vortex. I have outlined that the alternative minimum tax problem has been developing for decades, but I want to make clear that something distinctly different and more onerous is happening this year for alternative minimum taxpayers; that is, that for the first time in 6 years, there is no money in the budget to fix the alternative minimum tax even for 1 year. So the outlook for those 23 million people who are paying it right now on incomes earned this year is even a little bleaker than in recent years.

For the first time in 6 years, there is also no bill on the floor to deal with the issue. Now, there is the Baucus-Grassley bill that I do not think the Democratic leadership has put on the schedule yet but they ought to if they want to preserve the middle class.

At estimated tax payment time last year, folks were feeling a similar crunch on the alternative minimum tax. But the legislative posture on this point was significantly different. This time last year, the alternative minimum tax fix bill for 2006 had already passed in both the House and the Senate. At this time last year, the tax-writing committees were in conference on a tax package that included a fix to the alternative minimum tax for the year 2006 income and was enacted in May of 2006.

This year, those 23 million families facing a 2007 estimated tax payment have nothing to refer to but the IRS instruction package that is telling them it is time to start paying on the 2007 alternative minimum tax problem now.

It is time for Congress to wake up to this problem. It cannot wait until the end of this year. It cannot wait until the end of the next Presidential election. The time is now. So I implore my colleagues to join me in addressing this issue.

Perhaps the 23 million families who are feeling the absolutely maddening tax increase of 2007, beginning this week, will be inspired to act, and hopefully we will have a prairie fire of support for acting on this quickly and maybe even doing the right thing by repealing it entirely.

We just went through that time of the year where, for most people, the Tax Code transforms from an abstraction to a concrete reality. The same is true of tax relief. What may be an academic or policy discussion becomes something more when the men and women of our Nation actually work out how much of what they have earned they turn over to us in Congress to spend for them.

Thanks to the popular and bipartisan tax relief enacted in 2001 and 2003, virtually all Americans paid less in taxes this year than they did last year. There seems to be several Members of this body who view that as a bad thing to happen, who would rather take what others have earned and stuff it into the pork barrel.

I think that American workers are the best people to decide how to spend their money and that letting them keep as much of their own money as possible is very good.

As I said, Americans generally paid less this year than they did last year because of bipartisan tax relief. Last year I talked about the slim majority who have governed the Senate for the past several years. If tax relief hadn't been bipartisan, the 2000 tax relief bill would not have received the support of nearly a quarter of the Democratic caucus that year when the conference report came up for a rollcall vote.

However, this popular and bipartisan tax relief has been put at risk by Democratic majorities in the House and Senate. The Senate-passed budget resolution only provides 44 percent of the revenue room needed to make tax relief permanent; only 44 percent. The House-passed budget resolution provides zero percent of the revenue room necessary, which means that taxpayers face a serious risk of being hit with a wall of tax increases in 2011, as illustrated by this chart, the wall between what taxes are being paid now and what will be paid when 2011 happens.

According to the U.S. Treasury, a family of four with an income of $40,000 will be hit by a tax hike of $2,052 per year, every year. That is an increase for a family of four with an income of $40,000 a year, not rich people.

To see the consequences, we need to look past academic seminars and working papers and wordy editorials to see what this tax hike will mean for real people. For a family of four at $40,000, this tax wall of $2,052 of increased payment to the Federal Government is real and at that time will be a real problem.

Right now I want to walk through the specific components of the bipartisan tax relief that are at risk. This chart breaks down what could be a $407 billion tax increase over 5 years. Here is the tax increases of various parts of the 2001–2003 tax bills that have those subdivisions in it, and as these expire, income will be coming in this much more from various things that automatically happen.

Let me be clear on this: This is a tax increase that Congress is not going to vote for. This is a tax increase that Congress would not have guts enough to vote for. This is a tax increase that is automatically going to happen because the tax cuts of 2001 and 2003 sunset in 2010.

To anybody around this body who says they are not voting to increase taxes, we can stop this. If we stop this, we keep the present level of taxation, we would not be cutting taxes more. The policy we have had in place for this decade would stay in place the next decade. That is not a bad tax policy because of the increase of the 7.8 million new jobs. And that is Chairman Greenspan saying it is responsible for the recovery we have. As pointed out, almost everything statistically that we use to show that the economy is working, it is all very positive.

So let's look at some of these subdivisions of this 2001–2003 tax bill. Let's take the marginal tax rate cuts. We set up a brand-new 10-percent bracket that year in 2001 so that low-income people

would not have to pay as much tax, if their first tax dollar is taxed at 10 percent, where it used to be taxed at 15 percent for lower income people.

That costs $203 billion over 5 years, according to the Joint Committee on Taxation. I am sorry. That included the 10-percent bracket. But I was talking about the marginal tax rate cut generally, including the 10-percent bracket. What I said about the 10-percent bracket, making it possible for low-income people to pay less tax on their first dollar, is also true.

But the $203 billion applies to all tax rates. The 10-percent bracket costs $78 billion over 5 years, all by itself. But that proposal reduces the taxes of approximately 100 million families and individuals across the Nation. When considering the rest of the marginal rates, it appears some folks think the 35-percent tax rate is too low of a top rate.

Well, guess what. Repealing the marginal tax rates hits small business, the biggest source of new jobs in America. It hits that class of people the most.

The Treasury Department estimates 33 million small business owners who are taxed on their business income at the individual rate benefits from the marginal tax rate cuts. Repealing these cuts would cause 33 million small business owners to pay a 13-percent penalty. Why do we want to kill the goose that laid the golden egg, and that is small business, where most of the jobs are created in America? It is the backbone of our economy.

Do Democratic leaders want to raise taxes on those taxpayers? Treasury also projects that small business gets over 80 percent of the benefits of the cut in the top two rates. Do we want to raise the tax rates of small business by 13 percent? Does that make any sense? Democratic leaders, what would you say about raising that amount of money from small business, a 13-percent tax increase, if Congress does nothing?

So obviously I am recommending we take action between now and that sunset to make sure a tax policy that has been good for the entire economy, according to Chairman Greenspan, stays in place to continue to create jobs above and beyond the 7.8 million jobs that are already created in this recovery.

Now, what about death tax relief? That package scores $102 billion over 5 years. Most of the revenue loss is attributable to increasing the exemption amount and dropping the rate to 45 percent on already-taxed property. Is it unreasonable to provide relief from the death tax? Why should death be an incident of taxation? Why should you have a fire sale, when you do not get as much for assets when someone dies in order to pay the taxes? Why not let the willing buyer or willing seller make a decision when the marketplace is going to work? Death is not the marketplace working. Is it unreasonable to provide that sort of relief, or should we raise the death tax on small business and family farms? That is what will happen if the bipartisan tax relief package is not extended.

Now we have the child tax credit. That is the fourth one down on the chart. Mr. President, 31.6 million families benefit from the child tax credit according to the Joint Committee on Taxation. How about the refundable piece that helped 16 million kids and their families? That proposal loses $41 billion over 5 years. I didn't think we would have a lot of takers on letting that one expire, but the Democratic leadership may be proving me wrong.

The next item on the list is the lower rates on capital gains and dividends. Thirty-three million Americans, a good number of them low-income seniors, benefit from the lower tax rates on capital gains and dividends. Some people try to portray this tax reduction as only for the idle rich. But the beneficiaries of this provision include working-class Americans who have spent a lifetime building up equity in property and securities and probably have their pension funds and their 401(k)s invested in the stock market.

Does the Democratic leadership think we should raise taxes on these 33 million families and individuals?

Take into consideration the fact that 25 years ago, only about 12, 15 percent of Americans had any investment in the stock market. Today it is between 55 and 60 percent because of 401(k)s, IRAs, and pensions.

Then we have the marriage penalty. Why would we ever think there should be a penalty on people being married? We finally did something about the marriage penalty. It is the first relief we delivered to that class of people in over 30 years. This proposal scores at $13 billion over 5 years. The Treasury estimates nearly 33 million married couples benefit from the abolition of the marriage penalty. Again, I don't think many folks would want to raise taxes on people just because they are married. Most of the folks who do want to raise taxes on married couples must be serving in the House and Senate because that is what is going to happen when this sunsets.

Another proposal is expensing for small business, meaning expensing of depreciable property, depreciable equipment, among other things. This is a commonsense bipartisan proposal. According to the Internal Revenue service, 6.7 million small businesses benefited from this provision in 2004. That is the most recent year for which we have statistics. If we don't make this provision permanent, small businesses face a tax increase of $12 billion in 5 years. When this sunsets—and the majority wants it to sunset—do they want to hurt small business? I think that is unwise tax policy.

Continuing on through the bipartisan tax relief package, let's look at the education tax relief provisions. This package helps Americans cope with college education costs. It scores at $2 billion over 5 years, and 16 million families and students benefited from this tax relief in 2004. In this era of rising higher education costs, should we gut tax benefits for families who want a college education for their kids? In order to keep competitive in the global economy, we ought to think about having the most educated workforce we can. Especially in the runup to the last election, I heard a lot about the importance of higher education and helping to ensure that costs do not keep people out of college. But college education is going to increase for middle-income people who are taking advantage of this tax exemption for college tuition. These provisions put those ideas into action and help people afford a college education. Does the Democratic leadership think scrapping them is good for our young people, good for our economy, good for middle-class families?

The last item on this chart is where both parents work and have to deal with childcare expenses. The tax relief package includes enhanced incentives for childcare expenses, and 5.9 million families across America benefit, according to the Joint Committee on Taxation. These provisions helped working mothers and fathers remain in the workforce while having a family. Does the Democratic leadership think we ought to take away these childcare benefits from working families?

I have taken my colleagues through about $407 billion of tax relief. It sounds a lot like an abstraction, but it provides relief to almost every American who pays income tax. I ask any of those who want to adjust or restructure the bipartisan tax relief, where would they cut in this package? Where would they cut? It would be very difficult, considering how this tax package has contributed to the revitalization of this economy, according to Chairman Greenspan, to touch it at all. It seems to me they would not want to kill the goose that laid the golden egg. Wouldn't they want to keep that goose laying those golden eggs into the next decade and do it today instead of waiting until 2010 to do it before it sunsets? The principle of the predictability of tax policy to get business to create jobs is very important. It is very unpredictable now. We get to 2009 and 2010, and we are not going to get the long-term investment until people know what the tax policy is. Some economists tell us this has a very detrimental impact on the economy.

When you ask what you would restructure or adjust, would you hit the 10-percent bracket, drive up taxes for low-income people, or would you hurt small business tax relief and kill the engine that creates most of the jobs, or would you eliminate the refundable child tax credit so parents, where both parents work, would have additional costs of working, and maybe one of them would have to leave the workforce, or do you want to kill small business and farmers by not reforming

the estate tax, or do you want to penalize married people again by doing away with the marriage penalty relief?

What about dividend and capital gains relief, one of the tax bills that has brought $708 billion of new revenue because of increased economic activity, because we are letting 70, 80 million taxpayers decide how to spend their money instead of 16,000 corporate executives, if it is retained in the corporation instead of being given out in the form of dividends, or do you want to hurt people who are getting a college education because of the tuition tax credit or childcare generally?

In a smooth-running, with above-average levels of individual income tax as a percentage of gross domestic product, even with this tax relief package in place since 2001 and 2003, what area, I ask the people who want this to sunset and bring in more revenue because they want to spend more, would they adjust? Where would they restructure? Why undo a bipartisan tax cut that makes the Tax Code more progressive?

I say that without any hesitation whatsoever based upon the judgment of the Joint Committee on Taxation that those making more than $200,000 a year are paying a higher percentage of income tax than they were prior to the 2001 tax cut. As things stand right now, based upon the budget resolution that passed this body last month, bipartisan tax relief is in danger. The Democratic Senate has only provided for 44 percent of the tax relief beyond 2010, and the Democratic House has not provided for any. I am sure much will be said of the high cost of tax relief, but those comments are inherently misleading. My colleagues need to think about the high cost to the American taxpayers when they are hit with the largest tax increase in the history of the country that is going to happen without even a vote of the Congress.

Federal revenues are already at historically high levels, and if something is not done soon Americans will be hit with an additional wall of tax increases, January 1, 2011. If what some have called tax cuts for the rich expire, a family of four with incomes of $40,000 will face an average tax increase of $2,052.

In order to protect the interests of working Americans, our collective Republican leadership has introduced a bill, S. 14, called the Invest in America Act, to ensure that this largest tax increase in history does not go into effect. This bill will help small businesses. It is going to help families afford college. It will help seniors who rely on capital gains or dividends for income. It will help working parents take care of their children.

Why doesn't the Democratic House want to do any of these things? Which 44 percent of tax relief does the Democratic Senate have in mind? When I say this Republican leadership bill invests in America, it maintains existing tax policy. It is going to make sure the taxpayer doesn't run up against this tax increase wall.

I want to end today, as I did in some remarks I made last week, by urging the Democratic caucus to tear down this wall. The Republican Congress is eager to work with them in bipartisan cooperation to promote a progressive and fair Tax Code and to prevent a wall of tax increases from crushing the American taxpayer.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. BUNNING. Mr. President, may I ask, what is the business, what is the regular order?

The PRESIDING OFFICER. The Senate is considering the motion to proceed to S. 378.

Mr. BUNNING. Mr. President, I ask unanimous consent to speak as in morning business for about 10 minutes.

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

The Senator from Kentucky is recognized.

MEDICARE PRESCRIPTION DRUG BENEFIT

Mr. BUNNING. Mr. President, I wish to take a few minutes to talk about the vote we had earlier today on the Medicare noninterference provision, which prohibits the Secretary of the Department of Health and Human Services from getting involved in the negotiations between the private plans offering the Medicare drug benefit and the drug manufacturers.

I did not vote for cloture today because I support the Medicare prescription drug benefit. The benefit is working well. Seniors have access to drugs. They are saving money, and most beneficiaries are happy with the benefit. Removing the noninterference provisions, as the Democrats want to do in S. 3, would jeopardize the Medicare drug benefit and could force beneficiaries to rely on a one-size-fits-all big Government bureaucracy for their prescription drugs.

I was a strong supporter of the 2003 Medicare drug bill and worked very hard to get it passed. For too long, Medicare had not covered prescription drugs for seniors, even though many of these drugs are life sustaining and life enhancing. Since the drug bill was enacted, all Medicare beneficiaries have access to prescription drug coverage, and low-income beneficiaries receive substantial help in affording their prescription drugs.

One of the most important elements in the 2003 bill was allowing private plans to offer the prescription drug benefit. Under the bill, these plans negotiate with drug manufacturers for the prices on prescription drugs, and then market their benefits to beneficiaries.

Medicare beneficiaries have a choice of plans to select. In my State of Kentucky, there are 24 companies offering 54 plans. All of these plans are different, and each one of them offers a different formulary. Plans compete with each other by offering the best benefit, which may not mean the same thing to all 40 million Medicare beneficiaries. Some beneficiaries may not have many drug expenses each month, so they can go with a cheaper plan. Other beneficiaries may have more costly drug expenses and may need a plan that offers more coverage.

The point of having private companies offer the drug benefit was so seniors could pick the plan that works best for them. It is working, and seniors are saving a substantial amount of money. In fact, the average beneficiary is saving about $1,200. Ninety percent of Medicare-eligible beneficiaries have drug coverage, and 80 percent of them are satisfied with the program.

To me, this sounds like a success—a real success. Part of this success comes from the fact that we kept the Medicare bureaucrats out of the program. Traditionally, Medicare is a one-size-fits-all program that sets prices for doctors, hospitals, nursing homes, hospice care, ambulance providers—you name it.

Medicare beneficiaries should ask their doctors the next time they see them how fairly Medicare reimburses them. I suspect most doctors would say their reimbursements fall short of their actual costs, and they are constantly on the lookout for ways Medicare may try to change their reimbursement for the services they offer.

The drug benefit, however, is different. It allows the drug plans to negotiate directly with the manufacturers for prescription drugs. These plans, then, have to attract Medicare beneficiaries to join their program by offering the best possible benefit. A plan that does not offer a competitive benefit will not attract members. A plan that offers an attractive benefit will attract members to its rolls.

It is simple—really, it is—and it is working. The Democrats would have you believe Government negotiation is going to save money for Medicare and seniors. Unfortunately, they are wrong.

First of all, saying Medicare will ''negotiate'' is a fallacy. Medicare does not negotiate; it sets prices. Just ask your doctor how often the Medicare Program negotiates.

Second, the Democrats haven't said a word about how this new authority would actually work. There wasn't one word in S. 3 about what this negotiation would look like. Is Medicare going to negotiate for only a few drugs, as some Members have suggested? No one knows. Are they negotiating prices for all drugs? No one knows. Will the Secretary actually deny access to certain drugs if he doesn't get the price he wants? No one knows. It seems to me that before you undermine a successful, well-received program such as the Medicare prescription drug benefit, you better have the guts to tell people exactly how it is going to change.

Third, there is a real concern by experts in this area that Government price-setting for Medicare drugs could cause drug prices to increase for other payors, including Medicaid, the Veterans' Administration, and private purchasers. This hardly seems like a good plan.

Finally, the Congressional Budget Office has said repeatedly over the years that removing this provision has a negligible effect on Federal spending. In fact, CBO Directors under both Republican- and now Democratic-controlled Congresses have come to the same conclusion. Without Medicare creating a national formulary and limiting access to drugs, it is unlikely they would be able to get a significant discount on drugs.

I also wish to point out that this provision isn't new. In fact, prior to the passage of the 2003 Medicare drug bill, many Members of Congress had proposals to add a prescription drug benefit to Medicare. Many of these bills, including those by Democratic lawmakers, included a noninterference provision. For example, the former Democratic leader, Senator Daschle, in the Senate had a bill in 2000 that included such a provision. This bill was cosponsored by 26 Democratic Members still serving in Congress, including the current chairman of the Finance Committee, Senator BAUCUS. It is curious that this language was fine for Democratic bills but for some reason isn't fine presently for this bill.

The Medicare drug bill we passed in 2003 is working well. Beneficiaries have access to drugs, and people are saving money. Now is not the time to significantly alter the program and rip out the competition that is working so well.

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

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

Mr. DORGAN. Mr. President, I ask unanimous consent to speak as in morning business for such time as I may consume.

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

CLOTURE MOTIONS

Mr. DORGAN. Mr. President, this morning, in one of the newspapers that covers Capitol Hill, there was a story with some complaints by the minority and the leader of the minority that the majority is filing what are called cloture motions. We are, in fact, filing cloture motions, and the reason we are doing it is because the minority doesn't want to move to debate the issues.

To give you an example, in recent days, we have had to file a cloture motion to have a vote on the Intelligence Authorization Bill. It turned out the minority, in nearly a unanimous vote, succeeded in blocking our ability to even debate the bill. That was the motion to proceed on the debate, not the debate itself. The question is: Shall we proceed to debate reauthorization of intelligence? The minority said we won't give you the permission to approve the motion to proceed. We are going to have to have you file cloture on that. We will then have a cloture vote and 40-plus will decide to march in against it. So you cannot proceed on the intelligence reauthorization.

On the issue of negotiating lower prescription drug prices, the minority says we won't allow you to go to the bill to negotiate lower drug prices under Medicare. You have to vote on a motion to proceed. They come over and, by and large, oppose the motion to proceed so we cannot go to negotiating lower drug prices for Medicare.

About an hour or two ago, we had to have a vote on going to the issue of court security—security in our court system. They required us to file cloture and have a vote on the motion to proceed to going to security for America's court system. It is unbelievable.

Let me go back for a moment on this issue of intelligence. They required us to file cloture on the motion to proceed. If there is anything critically needed by this Congress and this country—especially this country—it is to get this issue of intelligence right. Why is that important? We live in a very dangerous world. We face a lot of threats and challenges. We have been through the last half decade or more in a circumstance where the intelligence function in our Government has dramatically failed. The consequences of that have been life or death. Here are some examples:

We went to war with Iraq. We had many top secret briefings prior to the war given by our intelligence officials and top members of the administration. They told us, for example, that the country of Iraq threatened this country because it had mobile chemical weapons labs. They gave us substantial information about mobile chemical weapons labs in Iraq. It turns out now, much later, we discover that in fact those so-called laboratories didn't exist. The information our intelligence community gave Congress came from one source, a man who was named ''Curve Ball,'' who was largely considered to be a drunk and a fabricator. A single source—someone considered to have been a drunk and a fabricator—convinced our intelligence community and this administration to tell us and the American people that Iraq threatened this country because they had mobile chemical weapons labs. We now understand that wasn't true, but it was part of the foundation upon which a decision was made to go to war.

Aluminum tubes for the reconstruction of a nuclear weapons program in Iraq—we were told there was a nuclear weapons program, the reconstruction of which will threaten our country and threaten the world. It turns out the administration and the intelligence community told us a half truth. Some in the administration felt the aluminum tubes specifically ordered by Iraq were for the purpose of reconstructing a nuclear capability. Others in the administration felt equally strongly that there was no such thing involved, that it was for rocketry; it didn't have anything to do with the reconstruction of a nuclear weapons program. The intelligence community did not tell Congress about that portion of the debate.

Yellowcake from Niger. The President told the Congress in briefings and intelligence sources upstairs that Iraq was attempting to procure yellowcake from Niger for the purpose of reconstituting its nuclear capability. It turns out that was based on falsified documents, fraudulent documents. Based on a lot of information, including yellowcake from Niger, and allegations about Iraq trying to secure it, aluminum tubes purchased it was alleged for the purpose of reconstructing a nuclear capability, or mobile chemical weapons labs, reports of which came from apparently one source, a single source, a drunk and fabricator who used to drive a taxicab in Baghdad. That was the basis, at least in part, on which to build a foundation that told this country a threat exists against the United States and we must take military action against the country of Iraq.

We know what has happened in the interim. This war with Iraq has cost an unbelievable amount of money and lives. It has cost this country dearly around the world. Now we are in a situation where, according to the latest National Intelligence Estimate that there is a civil war in Iraq. That is a combined judgment of all of the intelligence sources in our country and the top intelligence officers and folks in the administration.

It is not, as the President seems to suggest, the fight against al-Qaida in Iraq. Our National Intelligence Estimate tells us what it is. It is sectarian violence. There is some presence of al-Qaida in Anbar Province in Iraq, but principally what is happening in Iraq is not about al-Qaida and terrorists; it is about sectarian violence, committing acts of terror—Sunni against Shia and Shia against Sunni—and the most unbelievable acts of terror you can imagine.

In fact, the head of our intelligence has since said this, that the greatest terrorist threat to our country is with al-Qaida and its leadership, which is in a secure hideaway in Pakistan. These are the people who boasted about murdering innocent Americans on 9/11/2001. No, they have not been brought to justice. They are, according to the head of our intelligence services, in a secure hideaway in Pakistan.

What, then, should be our greatest goal? What should be our priority? Continuing in a civil war in Iraq, having our troops in the middle of a civil

war in Iraq? Or deciding we are going to go after the terrorists who represent the greatest threat to our country, al-Qaida? That is not from me. The description of that comes from the head of our intelligence services in this country.

I have described the mistakes that were made. In fact, there was no oversight, of course, in the last few years in the Congress, none at all—no hearings, no oversight to talk about this. So I held oversight hearings as chairman of the Democratic Policy Committee. One day, I had four people come before the committee who previously had worked for the CIA, and others. One of whom was COL Larry Wilkerson, who served 17 years as a top assistant to Colin Powell, including when he was Secretary of State. He was there when the presentation was made at the United Nations. He said later that was the perpetration of a hoax on the American people.

I cannot pretend to know what went wrong or how. I know in the aftermath that this Congress, with the majority that existed last year, held no oversight hearings and didn't seem to care, wanted to keep it behind the curtain. I know this, however: Going forward, this country's future and this country's security depends on good intelligence. It depends on our getting it right, and it depends on our knowing what is happening. Reauthorizing the intelligence functions of our Government is critical.

It undermines our soldiers, in my judgment, for us not to take action to provide the very finest intelligence that can be available to us through reauthorizing our intelligence functions. It should have been done before, but it wasn't. It is brought to the floor now, but it will not be allowed to be debated because the minority says they don't want to reauthorize the intelligence functions under these conditions. I don't understand that. I think that shortchanges the American people.

But it is not just intelligence. Earlier today, the minority said we will not allow you to move forward on a domestic issue, and that is having the American people feel as though their Government is giving them the best deal possible by negotiating decent prices with the pharmaceutical industry for drugs that are purchased under Medicare. We hoped to have a debate about that. In 2000, the drug companies, the pharmaceutical companies, ran an advertising campaign in this country in support of creating a Medicare drug benefit. This is what they said: They touted a study that said private drug insurance will lower prices 30 to 39 percent. That is what they said.

We understand about prices. Mr. President, let me, if I might, show you two bottles that formerly contained medicine. This is Lipitor. The American people understand about drug pricing and the unfairness to the American people. This is a drug produced in Ireland. A lot of people take it to lower their cholesterol. These bottles are, as you can see, identical. They held tablets of Lipitor, made in the same plant, FDA approved—exactly the same medicine. The difference is this one was actually sent to Canada to be sold. This one was sent to the United States. Well, this one was twice as expensive to the U.S. consumer. The same pill made by the same company, made in the same manufacturing plant, sold in two different places—one in Canada and one in the United States—and Americans were told you pay double. And it is not just Canada. Almost any country I could name will be paying lower prices for the same drugs, because the American consumer is charged the highest prices.

We have legislation to try to respond to that. There is plenty of opposition in this Chamber. The first step in dealing with this is for the Government, as the institution that created the prescription drug benefit under Medicare, to be using its capability to buy in large quantities to reduce the price by negotiating with the pharmaceutical industry. But when the prescription drug plan for Medicare was put into place in this Chamber, then the Republicans in the majority said: We are going to prohibit the Federal Government from negotiating lower prices with the pharmaceutical industry.

That is almost unbelievable, when you think about it. Can you think of anybody in your hometown doing that—saying we are going to do business with somebody, but we are going to be prohibited from negotiating the best price? Well, nonetheless, that was the law, and so now we are trying to change it to say, no, we believe the Federal Government ought to be allowed to negotiate better prices for quantity discounts. Yet, now the minority party will not even allow us to continue because they force a cloture vote on a motion to proceed—not the bill itself, but on a motion to proceed to the bill—and they block it.

Well, the pharmaceutical industry had said if we pass prescription drug benefits in the Medicare Program, it would lower prices 30 to 39 percent. Has it done that? Well, no. I will give you examples: From November 2005 to April 2006—that is a half year—the prices charged for the 20 drugs most frequently prescribed to senior citizens increased by 3.7 percent, or about four times the rate of inflation. In the first quarter of 2006, drug prices shot up 3.9 percent, the highest first quarter increase in drug pricing in 6 years.

Now, some of my colleagues will argue that private plans are doing a terrific job of negotiating with drug companies. Well, we recently did a study on this subject. We did a study of 53 stand-alone Part D plans that are available in my State. We looked at the prices these plans paid for the 25 drugs most frequently prescribed to senior citizens. If those senior citizens bought the drugs at average Part D prices, it was $829. If you walked into the pharmacy downtown, it was $845. At Costco, it was $814. Where is the 30 to 39-percent discount here because the Federal Government has now become a giant purchaser? We used to get discounts under Medicaid—still do, in fact, under Medicaid, but those low-income senior citizens who migrated from Medicaid to Medicare mean we now pay more because we don't negotiate for lower prices with the prescription drug industry under Medicare. And that is the problem.

If all Secretary Leavitt would do as Secretary of HHS is to buy part D prescription drugs from Main Street pharmacies, Medicare will save money. I don't understand why those who are self-labeled as conservative would not be on the side of having the Federal Government make the best deal it can to save money when it is making bulk purchases of prescription drugs.

I understand part of what is happening. Part of what is happening is the pharmaceutical industry has a great deal of clout, and there is support for them in this Chamber. I don't come to the floor denigrating the industry. I don't like their pricing policies. I have told them that. The pharmaceutical industry produces some lifesaving medicine, some of it with research paid for by the American taxpayers through the National Institutes of Health and other venues, and some of it through their own research investment. They produce lifesaving medicines, and good for them. But lifesaving prescription drugs offer no miracles to those who can't afford to buy them, and pricing is an issue for all Americans.

With respect to the issue of senior citizens who are getting their prescription drugs now under the Medicare Program, pricing is an issue for the taxpayers because we are paying a much higher price than we should if we were to buy prescription drugs as we do in the veterans system, in the VA system. They are allowed to negotiate for lower prices in the VA system, and the result is dramatic.

We pay much lower prices for those prescription drugs because the Federal Government, as a very large producer, has the clout to negotiate lower prices. The Government is prevented specifically by law from doing the same thing with respect to the Medicare Part D Program, and it makes no sense at all.

I started by saying the minority party is now complaining in the newspapers this morning about the number of cloture motions that are filed in this Chamber. That is inconvenient, apparently, or they don't like it. I understand. But the fact is, the very party that complains about the cloture motions is objecting even to moving to a motion to proceed.

The motion is not shall we debate this issue, the motion is shall we proceed to the issue for a debate, and they are requiring that we file a cloture motion because they will not debate the motion to proceed, let alone the issue itself.

It was interesting that after the cloture motion failed on the motion to proceed because the minority blocked it, we had some people come to the floor to speak about the issue this morning to defend the pharmaceutical industry and say: No, the Federal Government shouldn't negotiate. It seems to me if they wanted to speak about the issue, why wouldn't they support the motion to proceed so we could actually get on the debate and they could debate on the issue rather than debate outside of what they have prevented?

I don't understand that. Maybe I shouldn't say that. I guess I do understand it. The complaint about our being required to file cloture motions comes from those who don't want to apparently go to intelligence reauthorization. They don't want to debate that bill, so they blocked it. They don't want to debate a provision that will allow us to negotiate lower prescription drug prices, so they blocked that bill. They forced us to have a vote on the motion to proceed on providing court security, for God's sake, in the shadow of the unspeakable tragedy and the heartbreak all of us feel with what has happened at Virginia Tech. The issue of court security ought not be controversial. Why on Earth should we be forced to file a cloture motion? Why should there be required a vote on the motion to proceed to something such as this issue? It doesn't make any sense.

The fact is, I have always said I think both political parties contribute something to this country. I believe that. We ought to get the best of what each can contribute to this country rather than what we often do, the worst of each. The best of what both parties can contribute to this country would give this country something to feel proud about. We ought to bring these issues to the floor of the Senate. Yes, reauthorize intelligence, yes, allow us to debate the issue of why shouldn't we negotiate lower priced prescription drugs on behalf of the taxpayers and on behalf of the American citizens. I held a hearing this morning on international trade. Yes, let's have that debate on the floor of the Senate. Why are we drowning in an $832 billion trade deficit? Why are American jobs being shipped off to China?

Let's have these debates on the floor of the Senate. Let's bring the bills out and have these debates rather than have exercises to try to block anybody from getting anything done. That is what has been happening. Block people from getting anything done and then go complain to the press that nothing is getting done—that is a very self-fulfilling prophecy but not very genuine, in my judgment.

I hope in the coming days and weeks—we have 6 weeks or so before there is a period of a few days off during the Memorial Day break—my hope is that during this period of time, we can move forward on some of these issues on the floor of the Senate, have aggressive debates, and try to get the best ideas that could come from both Republicans and Democrats and put them in legislation that will advance this country's interests.

This country deserves that debate on fiscal policy, on trade policy, on foreign policy, on a whole range of issues. This country deserves that from this Congress.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. CASEY). The Senator from New Jersey.

TRAGEDY AT VIRGINIA TECH

Mr. MENENDEZ. Mr. President, I rise today with an incredibly heavy heart to talk about the tragedy at Virginia Tech. Today families and loved ones across the Nation are grieving. A community, a college, and a nation are struggling to mourn the loss of more than 30 of its best and brightest.

I rise to speak today because, as we know, it is not just Virginia that is suffering, but this is a pain that is felt all across the country. This tragedy hit particularly close to home in New Jersey. At least three New Jersey families have suffered unspeakable losses. They are enduring any parent's worst nightmare—losing a child.

These three young people had yet to carve out their path in life, but each had promising ambitions, dreams they hoped to fulfill, and diverse interests that would, no doubt, have left their mark in this world.

Matt LaPorte, a 20-year-old from Dumont, was a talented student and musician who hoped to serve in the Air Force. He was in the Air Force ROTC attending Virginia Tech on a scholarship. A former Boy Scout, Matt was known as a gifted cellist and was a drum major in his school's marching band.

Julia Pryde, from Middletown, had graduated from Virginia Tech with a degree in biological systems engineering and was working on her master's degree. She was drawn to environmental engineering and was interested in clean water issues in South America, a passion that would no doubt have led her to further travel and work abroad. Friends have described her as having a bright spirit and as someone who loved to see the world.

Michael Pohle, Jr., from Flemington, was preparing to graduate in just a few weeks. A biochemistry major, he was working on finding a job that was a good fit for him and that would keep him close to his girlfriend Marcy, whom he had planned to marry. A natural athlete, he was known for his outgoing personality and a glowing smile.

These were young, innocent, and promising lives lost in Monday's vicious attack. Those who knew and loved them may never be the same. We cannot mend the hole in the hearts of the families who are suffering, but we can honor each life lost and carry on their memory.

I join all of my fellow New Jerseyans in offering my condolences to the families and friends who knew and loved these three young people.

I also extend my thoughts and prayers to a fourth New Jersey family who has been watching over their son, Sean McQuade. I join them in hoping and praying for his full recovery.

My heart goes out to all the families who are suffering because of this senseless tragedy. Our Nation grieves with them, and we share in their sorrow.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, again, this morning the Senate voted overwhelmingly to proceed to the court security bill. Ninety-four Senators voted for cloture to bring debate to a close on the motion to proceed to the bill. Yet here we are still stuck in postcloture debate or, in fact, nondebate on that procedural step of going to the bill.

I have heard rumor that one Senator, a Senator on the Judiciary Committee the panel that unanimously reported this very bill, now has 10 amendments to propose. I say to him and to all Senators, that no amendments can be offered until we get to the bill. This objection is apparently what is preventing that.

Today, we may finally make progress on security in another important setting by turning to the Court Security Improvement Act of 2007, S. 378. Frankly, this legislation should have been enacted last year but was not. It should not be a struggle to enact these measures to improve court security. We are fortunate that we have not suffered another violent assault on judges and their families.

It was 2 years ago when the mother and husband of Judge Joan Lefkow of Chicago were murdered in their home. Judge Lefkow's courageous testimony in our committee hearing in May 2005 is something none of us will forget. We witnessed the horrific violence at the courthouse in Atlanta in which a Georgia State court judge was killed. And then last year there was the violence against a State judge in Nevada. Despite our efforts and the commitment of Senator DURBIN and Senator REID, despite Senate passage of this measure twice last year, Congress has yet finally to enact these measures to improve court security.

I introduced this bipartisan measure on January 24, 2007, along with Senator SPECTER, the majority leader, Senator DURBIN, Senator CORNYN, Senator KENNEDY, Senator HATCH, Senator SCHUMER and Senator COLLINS. Senator CARDIN also joined the bill as a cosponsor. House Judiciary Chairman JOHN CONYERS introduced an identical measure in the House also with bipartisan support. We hoped to send a signal with our bicameral, bipartisan introduction at the beginning of this year that we intended to move quickly to complete our work and increase legal protections for the Judiciary and their families.

The Judiciary Committee then held a remarkable hearing in February with Supreme Court Justice Anthony Kennedy. That hearing reminded us all of

the need to provide resources and protections crucial to our Federal and State courts. We also discussed the critical need to preserve the independence of our Federal Judiciary so that it can continue to serve as a bulwark protecting individual rights and liberty. As the Judiciary Committee discussed in our hearings, the independent Judiciary faces many types of threats. I take all of these threats seriously, from the threats to judges' physical safety to rhetorical attacks by some affiliated with the political branches upon their independence. We cannot tolerate or excuse violence against judges, their families and those who serve our justice system.

Nor should we excuse the overheated rhetoric that has become so prominent in political campaigns lately. During the last few years, even as judges have come under physical attacks, we have seen federal judges compared to the Ku Klux Klan, called ''the focus of evil,'' and in one unbelievable instance referred to as a threat ''more serious than a few bearded terrorists who fly into buildings.'' A prominent television evangelist proclaimed the Federal Judiciary ''the worst threat America has faced in 400 years—worse than Nazi Germany, Japan and the Civil War.'' We have seen some in Congress threaten the mass impeachments of judges with whom they disagree and heard comment that violence against judges could be brought on by their own rulings. That is irresponsible and dangerous.

Justice Sandra Day O'Connor has spoken out in recent years about the danger of this rhetoric and criticized the uncivil tone of attacks on the courts, noting that they pose a danger to the very independence of the Federal Judiciary. Like Justice O'Connor, Justice Kennedy urged us to find a more civil discourse about judges and their decisions. This high-pitched partisan rhetoric should stop, not just for the sake of our judges, but also for the independence of the Judiciary. Judicial fairness and independence are essential if we are to maintain our freedoms. During the last few years it has been the courts that have acted to protect our liberties and our Constitution. We ought to do all we can to protect them, physically and institutionally.

We can take a significant step today by passing the Court Security Improvement Act. This bill responds to the needs expressed by the Federal Judiciary for a greater voice in working with the U.S. Marshals Service to determine their security needs. It would enact new criminal penalties for the protections of judges, their families, and others performing official duties, expand resources available to state courts for their security, and provide additional protections for law enforcement officers.

Our Nation's Founders knew that without an independent Judiciary to protect individual rights from the political branches of Government, those rights and privileges would not be preserved. The courts are the ultimate check and balance in our system. We need to do our part to ensure that the dedicated women and men of our Judiciary have the resources, security, and independence necessary to fulfill their crucial responsibilities. We owe it to our judges to better protect them and their families from violence and to ensure that they have the peace of mind necessary to do their vital and difficult jobs. Our independent Judiciary is the envy of the world, and we must take care to protect and preserve it so that it may preserve, protect and defend the Constitution of the United States and the rights and liberties that define us as Americans.

I thank the majority leader for recognizing the significance of this bill and seeking to move to it. The Judiciary Committee voted unanimously to report the bill after its consideration. I have taken care to report the bill favorably to the Senate with a committee report, which has been available since last month.

I was disappointed that we could not gain the consent of the other side to adopt this measure, pass it and send it to the House for its consideration last month. An anonymous Republican objection has stalled Senate action in that regard. Last week, the majority leader sought consent to proceed to the bill, but that was prevented by Republican objection. The Senate has been required to file a cloture petition in order to consider the majority leader's motion to move to this bipartisan, court security legislation.

I do not know exactly who has objected or why. It is unfortunate. I have heard rumors that someone objects to the authorization for States, local governments, and Indian tribes to create and expand witness and victim protection programs to prevent threats, intimidation, and retaliation against victims of, and witnesses to, violent crimes. That was a provision contained in the court security bill we passed last year. While other useful programs were required to be stripped from the bill, that one was retained when the Senate passed this measure last fall. I do not know why someone who agreed to that provision last year now finds authorizing a victim program objectionable. We are about to honor and recognize the importance of crime victims by commemorating National Crime Victims' Rights Week beginning this Sunday, April 22. I hope we can pass this bill with the authorization to prevent threats, intimidation and retaliation against victims of violent crime intact.

I look forward to Senate consideration and passage of this worthwhile legislation. I hope that secret holds and extraneous proposals will not be used to complicate its passage by the Senate and enactment by the Congress. We have a great deal to do. We have an ambitious agenda to assist the judicial branch. We need to extend needed temporary judgeships that are otherwise expiring and expired. We need to consider the important issue of judicial pay. We will need next year to take a comprehensive look at what additional judgeships are needed in the Federal Judiciary. I hope that those who have acted to delay us will work with us and get down to business. It is past time to enact this judicial security legislation.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I thank the chairman of the Judiciary Committee for stating that the debate we are having on this bill isn't really about the bill. The debate is about the process.

We had an election in November, and one of the things outlined by that was that Americans are concerned with excessive spending. There are some big facts that face us. Our judiciary is not nearly as at risk as our children and grandchildren are from the lack of cogent and disciplined spending by this body.

The reason we are at the place we are today is because I believe, and the vast majority of Americans agree with me, that we have to have priorities in how we spend our money. For us to be good stewards of the American taxpayers' dollars, we ought to establish priorities. This bill is a priority. I support the concepts behind the bill, and I will go through them in a minute. But what should be a greater priority for us is that we offer our children and grandchildren the same opportunities, the same freedoms, and the same liberties we enjoy.

The way the Senate works is something I believe needs to be changed, and I am willing to stand out here on every bill that comes to this floor to do exactly the same thing as I am going to do today. Here is the little problem that nobody—or very few in the Senate—wants to address. We react and create a good piece of legislation. This is a good piece of legislation. But we don't do the other half of our job, and the other half of our job is to get rid of the things that aren't working well.

Assume for a minute that every bill we authorize every year is done in a manner that says everything else in the Federal Government is working well. First of all, you ask the average citizen, and they would say: No, that isn't quite right. You go down, and everybody has a different complaint. But the fact is, we continue to authorize, we continue to authorize, and we continue to authorize, but we never go back and look at what isn't working and deauthorize.

My complaint with this bill isn't with the Senator from Pennsylvania. He was very cooperative in trying to address my desires for us to deauthorize certain things that either have excess monies or programs that aren't efficient or aren't working as they were intended to. However, when approaching the chairman of the committee, he refused to even consider the idea that

we ought to deauthorize something that isn't working in order to create this thing we all know is needed. It is a good piece of legislation, and we ought to pass it, and we will pass it. But the point that needs to be made to the American people, a point they agree with, is that authorizing a new piece of legislation is only half of our job. As a matter of fact, it shouldn't even be half. We ought to spend three-quarters of our time looking at what we are doing already that is authorized and making sure it is working efficiently. I don't think anybody in their right mind would disagree with that.

We, in my subcommittee in the 109th Congress, along with TOM CARPER, held 49 oversight hearings on the Federal Government. What we found is that of the discretionary budget, the non-Medicare, non-Social Security, non-Medicaid budget, $1 in every $5 we spend is either wasted, abused, defrauded, or duplicated. It hardly seems fair to a middle-income taxpayer out there, who only yesterday paid their taxes and got hit with an extra $1,500 or $2,000 under the AMT, that they would have to pay that extra money at a time when we are allowing $1 out of every $5 to be wastefully spent, misspent, abused, or defrauded.

So the idea behind what I sent to all of my fellow Senators at the beginning of the year—and the Senator from Vermont knows very well why I objected to coming to the floor without a motion to proceed, without a cloture on that; it is because he represents what I think has to be changed—that we have to be responsible stewards of the American taxpayers' dollars, and we are not.

The idea is to change the culture of how we work. How do we do that? Well, we don't do it by continuing to pass new authorizations without ever looking at what could be deauthorized to pay for what we are authorizing anew. What we do is we fail the test of being good stewards to the very people we represent. As I said, Senator SPECTER, the ranking member on the Judiciary Committee, was very cooperative in trying to find those offsets. I think he basically agrees with my contention that we ought to be about doing good things, but we also ought to be about getting rid of the things that aren't working.

It saddens me to think that all through this 110th Congress, I am going to be doing this on every new authorization that comes out here if my colleagues don't believe we ought to be changing the way we work. It is a simple request. It is easy to find the offsets. As the Senator from Pennsylvania knows, we had offsets for this bill in terms of deauthorizations. They weren't acceptable to the chairman because he disagrees with the underlying fundamental premise of what I believe is an absolute obligation for us in terms of being good stewards.

At the beginning of this Congress, I sent a letter to every Member of this body, and I outlined some principles under which I was going to work in this Congress. I am dedicated to those principles, and it doesn't have anything to do with me or anything to do with the parties. I don't care who is in the majority or who is in the minority.

It has to do with our future. That is what this is about. This is about fighting for our future and having a long-range vision rather than a short-term vision of putting out a fire somewhere.

The principles I outlined said that I would put a hold—and, by the way, the chairman this morning said there was an anonymous hold. That is not true. I very eloquently and directly communicated my hold on this bill. And the letter I sent to everybody in the Senate at the beginning of this Congress directed that I would be the one holding the bills. I said this:

If a bill creates or authorizes a new Federal program or activity, it must not duplicate an existing program or activity without deauthorizing the existing program. That is No. 1. And several bills I had last year were duplications.

No. 2 is, if a bill authorizes new spending, it must be offset by reductions in real authorized spending elsewhere. How are we ever going to control our deficit? And we do not have, as the administration said, a $170 billion deficit. Our real deficit, what we actually added to the debt last year, what we actually added to our children's debt, was about $340 billion. So when we are adding $340 billion every year to our kids' and grandkids' debt, isn't it incumbent upon us to do the necessary things to make sure that doesn't happen in the future? Well, one of the ways to do that is to look at programs which aren't working and are not effective and which do not need authorization.

What happens in the Senate is that the appropriators decide what will get spent and what won't get spent. But the authorizing committee, the committee that is charged with that area, never deauthorizes anything. So we have this continuing mounting of authorization, with limited dollars to go for it, which never forces real priorities or a debate over the priorities by the authorizing committees.

The third point I made is that if a program or activity currently receives funding from sources other than the Federal Government—i.e., a match—then we shouldn't increase the role of the Federal Government in terms of increasing the percentage the Federal Government pays. Take our $340 billion deficit. Every State, save one, has a surplus. They did last year, and they will this year. So if States have surpluses and we have a deficit, we shouldn't increase our role. We shouldn't be doing that.

Finally, if we create a new museum or some new cultural program, then we ought to endow it rather than set it up for its continuing cost. We should use the power of compound interest to help us save money in the future. If we really think something is important enough to invest in, we should endow that and use the power of compound interest with the idea that the endowment will earn enough money to take care of that program in the future rather than passing that new program off to our kids.

Four very simple things that I ask.

I also stated in that letter that if I thought something was unconstitutional, then I would object to it, also. However, that doesn't apply in this instance. There is a legitimate role for us here. This is a good piece of legislation. But it does lack one of the criteria under which I stated I would try to hold bills up. I have no intention of filibustering this bill. I have no intention of making it difficult to pass the bill. I have every intention to make it an issue with the American people that we are not doing our job and that we are better than that. We are better than that. The people in this body care. The question is, Do we care enough to put the elbow grease into doing what is necessary to preserve the future? I believe we do care. I believe we can, and I believe, with persistence—and the chairman and the ranking member know that if there is anything I am about, it is about being persistent—if it requires this type of structure in terms of bringing bills to the floor, then I am happy to oblige the Senate in that to continue to make the point.

Almost 2 years ago, maybe more than 2 years ago, the infamous bridge to nowhere was brought to light, which bought about the changes we are seeing in earmarks. It was one example, which really wasn't a fair example to the Senator who had that, but nevertheless it characterized and became the caricature for the bad habits we have in Congress.

My hope is that the American people will look at the commonsense approach I am trying to propose for us as we authorize new programs and say: That makes sense. Why would you continue funding things that don't work? Why would you continue authorizations for programs that aren't effective? Why would you continue authorizations for programs that are duplicative? Where one works good and one not so good, why shouldn't we put money into something that works good rather than not quite so good?

So the question is not whether we should have court security. Of course we should. The question is not whether this bill should pass. It should. The question is, How do we address this fact?

Every child who is born in this country today, every one of them, has a birth tax on them. It is now at $453,000 a child.

People say: How do you get that?

You take the $70 trillion in unfunded liabilities that we are going to transfer to this next 200 million children, and you can see what they are liable for.

Take 10 percent interest. If you took a 10-percent interest rate on $453,000,

simple interest, to pay the interest on the debt, to cover what we are leaving to our children and grandchildren, is $45,300 a year.

The greatest moral question in our country today is not the war in Iraq, it is not who marries whom, it is not abortion, it is not child abuse, it is stealing the opportunity and the heritage this country has given us and taking that away from our children and grandchildren.

I know the Senator from Vermont is not happy with me for doing this. He believes it is fruitless. But it is the very real difference between he and I. I believe there is plenty in the Federal Government that is not working right that we ought to be about fixing, and one of the ways we do that is by forcing ourselves, before we do a new program, to look at the old programs and see what is wrong with them and clean them up. You can debate that. You can object to it. But the fact is, the vast majority of Americans agree with that.

We are going to be going through this multiple times this year until we get to the fact that we are doing what our oath tells us to do. That oath is to the Constitution. We cannot fulfill that oath if we continue to waste money on ineffective programs and authorize programs that are not accomplishing their goals. It is an oath that we violate, an oath to the Constitution but, more important, it is an oath we violate to the very people who sent us here.

Every dollar we waste today is a dollar that is not going to reduce that $453,000 for our children and grandchildren. One of the greatest joys I have in life today is that I have four grandchildren, each one of them unique, and the great pleasure of seeing your children through your grandchildren and reliving memories. That is always couched in the idea of what can I do to make sure the future is fair and a great opportunity is made available to them and all their peers throughout this country, no matter where they come from, what family they come from. Shouldn't they all have the same opportunities?

If you read what David Walker, the Comptroller General of the United States, has to say—and all you have to do is go on the Web site of the Government Accountability Office—what you find is we are on an unsustainable course. It is not what TOM COBURN says, it is what the head of the Government Accountability Office says. Things have to change. Every day we wait to change them costs us money and makes it more painful when we get around to changing them.

I plan, in a moment, on offering to proceed to the bill. We are out here today because the vision that was created for us, and the heritage that was created for us, is at risk. It is at risk because we do not want to change our culture. We don't want to be responsible. We want to pass but not oversee. We want to do the easy but not the hard. The hard is the thing that is going to secure the future for our children and our grandchildren.

It is easy for us to pass a port security bill. It is bipartisan. It is hard for us to do the very real work of making sure every penny, of the American taxpayers' dollars is spent in an efficient way, that it is not wasted.

Mr. President, if you think $1 in $5 of the discretionary budget of this country should not be wasted, if you think the Congress ought to be about looking at everything and saying, is it working, ought to be about getting rid of the $200 billion of waste, fraud, abuse, and duplication that is in our Federal Government today, then there is no way you could disagree with the principles I outlined to all the Senators in this body. Yet we find ourselves here at this point in time because the chairman of the Judiciary Committee refuses to agree with the premise that we owe it to our children and grandchildren. That is basically it because I am not about to do that. We do not believe that is necessary.

Something has to change if we are going to give our children and our grandchildren the benefits and the opportunity we have all experienced. I think that is worth taking some time on the floor, pushing the envelope to raise the awareness of the American people. I know I can't change this body through persuasion, through words. But what does change this body is the American people. The American people are the ones who send us here. If they will act, if they will put pressure on, then we will do what we are supposed to do. It is a shame we have to work it that way, but this last election proved that. It proved when we are not doing what we are supposed to be doing, the American people awaken, and they change who has the power, who has the representation.

What I am calling for is let's do that for the American people. Let's do it ahead of time. Let's not make them force a change, let's do what we were sent up to do.

With that I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. COBURN. Mr. President, I make a motion to proceed to the bill.

The PRESIDING OFFICER. The motion is pending. Is there further debate?

If not, the question is on agreeing to the motion.

The motion was agreed to.

COURT SECURITY IMPROVEMENT ACT OF 2007

The PRESIDING OFFICER. The Senate will now proceed to the consideration of S. 378, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 378) to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with an amendment.

[Insert the part printed in italic]

S. 378

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Court Security Improvement Act of 2007''.

TITLE I—JUDICIAL SECURITY IMPROVEMENTS AND FUNDING

SEC. 101. JUDICIAL BRANCH SECURITY REQUIREMENTS.

(a) ENSURING CONSULTATION WITH THE JUDICIARY.—Section 566 of title 28, United States Code, is amended by adding at the end the following:

''(i) The Director of the United States Marshals Service shall consult with the Judicial Conference of the United States on a continuing basis regarding the security requirements for the judicial branch of the United States Government, to ensure that the views of the Judicial Conference regarding the security requirements for the judicial branch of the Federal Government are taken into account when determining staffing levels, setting priorities for programs regarding judicial security, and allocating judicial security resources. In this paragraph, the term 'judicial security' includes the security of buildings housing the judiciary, the personal security of judicial officers, the assessment of threats made to judicial officers, and the protection of all other judicial personnel. The United States Marshals Service retains final authority regarding security requirements for the judicial branch of the Federal Government.''.

(b) CONFORMING AMENDMENT.—Section 331 of title 28, United States Code, is amended by adding at the end the following:

''The Judicial Conference shall consult with the Director of United States Marshals Service on a continuing basis regarding the security requirements for the judicial branch of the United States Government, to ensure that the views of the Judicial Conference regarding the security requirements for the judicial branch of the Federal Government are taken into account when determining staffing levels, setting priorities for programs regarding judicial security, and allocating judicial security resources. In this paragraph, the term 'judicial security' includes the security of buildings housing the judiciary, the personal security of judicial officers, the assessment of threats made to judicial officers, and the protection of all other judicial personnel. The United States Marshals Service retains final authority regarding security requirements for the judicial branch of the Federal Government.''.

SEC. 102. PROTECTION OF FAMILY MEMBERS.

Section 105(b)(3) of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended—

(1) in subparagraph (A), by inserting ''or a family member of that individual'' after ''that individual''; and

(2) in subparagraph (B)(i), by inserting ''or a family member of that individual'' after ''the report''.

SEC. 103. FINANCIAL DISCLOSURE REPORTS.

(a) EXTENSION OF AUTHORITY.—Section 105(b)(3) of the Ethics in Government Act of

1978 (5 U.S.C. App) is amended by striking ''2005'' each place that term appears and inserting ''2009''.

(b) REPORT CONTENTS.—Section 105(b)(3)(C) of the Ethics in Government Act of 1978 (5 U.S.C. App) is amended—

(1) in clause (ii), by striking ''and'' at the end;

(2) in clause (iii), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(iv) the nature or type of information redacted;

''(v) what steps or procedures are in place to ensure that sufficient information is available to litigants to determine if there is a conflict of interest;

''(vi) principles used to guide implementation of redaction authority; and

''(vii) any public complaints received in regards to redaction.''.

SEC. 104. PROTECTION OF UNITED STATES TAX COURT.

(a) IN GENERAL.—Section 566(a) of title 28, United States Code, is amended by striking ''and the Court of International Trade'' and inserting '', the Court of International Trade, and any other court, as provided by law''.

(b) INTERNAL REVENUE CODE.—Section 7456(c) of the Internal Revenue Code of 1986 (relating to incidental powers of the Tax Court) is amended in the matter following paragraph (3), by striking the period at the end, and inserting ''and may otherwise provide for the security of the Tax Court, including the personal protection of Tax Court judges, court officers, witnesses, and other threatened person in the interests of justice, where criminal intimidation impedes on the functioning of the judicial process or any other official proceeding.''.

SEC. 105. ADDITIONAL AMOUNTS FOR UNITED STATES MARSHALS SERVICE TO PROTECT THE JUDICIARY.

In addition to any other amounts authorized to be appropriated for the United States Marshals Service, there are authorized to be appropriated for the United States Marshals Service to protect the judiciary, $20,000,000 for each of fiscal years 2007 through 2011 for—

(1) hiring entry-level deputy marshals for providing judicial security;

(2) hiring senior-level deputy marshals for investigating threats to the judiciary and providing protective details to members of the judiciary and assistant United States attorneys; and

(3) for the Office of Protective Intelligence, for hiring senior-level deputy marshals, hiring program analysts, and providing secure computer systems.

TITLE II—CRIMINAL LAW ENHANCEMENTS TO PROTECT JUDGES, FAMILY MEMBERS, AND WITNESSES

SEC. 201. PROTECTIONS AGAINST MALICIOUS RECORDING OF FICTITIOUS LIENS AGAINST FEDERAL JUDGES AND FEDERAL LAW ENFORCEMENT OFFICERS.

(a) OFFENSE.—Chapter 73 of title 18, United States Code, is amended by adding at the end the following:

''SEC. 1521. RETALIATING AGAINST A FEDERAL JUDGE OR FEDERAL LAW ENFORCEMENT OFFICER BY FALSE CLAIM OR SLANDER OF TITLE.

''Whoever files, attempts to file, or conspires to file, in any public record or in any private record which is generally available to the public, any false lien or encumbrance against the real or personal property of an individual described in section 1114, on account of the performance of official duties by that individual, knowing or having reason to know that such lien or encumbrance is false or contains any materially false, fictitious, or fraudulent statement or representation, shall be fined under this title or imprisoned for not more than 10 years, or both.''.

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 73 of title 18, United States Code, is amended by adding at the end the following new item:

''1521. Retaliating against a Federal judge or Federal law enforcement officer by false claim or slander of title.''.

SEC. 202. PROTECTION OF INDIVIDUALS PERFORMING CERTAIN OFFICIAL DUTIES.

(a) OFFENSE.—Chapter 7 of title 18, United States Code, is amended by adding at the end the following:

''§ 118. Protection of individuals performing certain official duties

''(a) IN GENERAL.—Whoever knowingly makes restricted personal information about a covered official, or a member of the immediate family of that covered official, publicly available—

''(1) with the intent to threaten, intimidate, or incite the commission of a crime of violence against that covered official, or a member of the immediate family of that covered official; or

''(2) with the intent and knowledge that the restricted personal information will be used to threaten, intimidate, or facilitate the commission of a crime of violence against that covered official, or a member of the immediate family of that covered official,

shall be fined under this title, imprisoned not more than 5 years, or both.

''(b) DEFINITIONS.—In this section—

''(1) the term 'restricted personal information' means, with respect to an individual, the Social Security number, the home address, home phone number, mobile phone number, personal email, or home fax number of, and identifiable to, that individual;

''(2) the term 'covered official' means—

''(A) an individual designated in section 1114; or

''(B) a grand or petit juror, witness, or other officer in or of, any court of the United States, or an officer who may be serving at any examination or other proceeding before any United States magistrate judge or other committing magistrate;

''(3) the term 'crime of violence' has the meaning given the term in section 16; and

''(4) the term 'immediate family' has the meaning given the term in section 115(c)(2).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of title 18, United States Code, is amended by adding at the end the following new item:

''118. Protection of individuals performing certain official duties.''.

SEC. 203. PROHIBITION OF POSSESSION OF DANGEROUS WEAPONS IN FEDERAL COURT FACILITIES.

Section 930(e)(1) of title 18, United States Code, is amended by inserting ''or other dangerous weapon'' after ''firearm''.

SEC. 204. CLARIFICATION OF VENUE FOR RETALIATION AGAINST A WITNESS.

Section 1513 of title 18, United States Code, is amended by adding at the end the following:

''(g) A prosecution under this section may be brought in the district in which the official proceeding (whether pending, about to be instituted, or completed) was intended to be affected, or in which the conduct constituting the alleged offense occurred.''.

SEC. 205. MODIFICATION OF TAMPERING WITH A WITNESS, VICTIM, OR AN INFORMANT OFFENSE.

(a) CHANGES IN PENALTIES.—Section 1512 of title 18, United States Code, is amended—

(1) so that subparagraph (A) of subsection (a)(3) reads as follows:

''(A) in the case of a killing, the punishment provided in sections 1111 and 1112;'';

(2) in subsection (a)(3)—

(A) in the matter following clause (ii) of subparagraph (B) by striking ''20 years'' and inserting ''30 years''; and

(B) in subparagraph (C), by striking ''10 years'' and inserting ''20 years'';

(3) in subsection (b), by striking ''ten years'' and inserting ''20 years''; and

(4) in subsection (d), by striking ''one year'' and inserting ''3 years''.

SEC. 206. MODIFICATION OF RETALIATION OFFENSE.

Section 1513 of title 18, United States Code, is amended—

(1) in subsection (a)(1)(B)—

(A) by inserting a comma after ''probation''; and

(B) by striking the comma which immediately follows another comma;

(2) in subsection (a)(2)(B), by striking ''20 years'' and inserting ''30 years'';

(3) in subsection (b)—

(A) in paragraph (2)—

(i) by inserting a comma after ''probation''; and

(ii) by striking the comma which immediately follows another comma; and

(B) in the matter following paragraph (2), by striking ''ten years'' and inserting ''20 years''; and

(4) by redesignating the second subsection (e) as subsection (f).

SEC. 207. GENERAL MODIFICATIONS OF FEDERAL MURDER CRIME AND RELATED CRIMES.

Section 1112(b) of title 18, United States Code, is amended—

(1) by striking ''ten years'' and inserting ''20 years''; and

(2) by striking ''six years'' and inserting ''10 years''.

TITLE III—PROTECTING STATE AND LOCAL JUDGES AND RELATED GRANT PROGRAMS

SEC. 301. GRANTS TO STATES TO PROTECT WITNESSES AND VICTIMS OF CRIMES.

(a) IN GENERAL.—Section 31702 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13862) is amended—

(1) in paragraph (3), by striking ''and'' at the end;

(2) in paragraph (4), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(5) by a State, unit of local government, or Indian tribe to create and expand witness and victim protection programs to prevent threats, intimidation, and retaliation against victims of, and witnesses to, violent crimes.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 31707 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13867) is amended to read as follows:

''SEC. 31707. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated $20,000,000 for each of the fiscal years 2007 through 2011 to carry out this subtitle.''.

SEC. 302. ELIGIBILITY OF STATE COURTS FOR CERTAIN FEDERAL GRANTS.

(a) CORRECTIONAL OPTIONS GRANTS.—Section 515 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3762a) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking ''and'' at the end;

(B) in paragraph (3), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(4) grants to State courts to improve security for State and local court systems.''; and

(2) in subsection (b), by inserting after the period the following:

''Priority shall be given to State court applicants under subsection (a)(4) that have the greatest demonstrated need to provide security in order to administer justice.''.

(b) ALLOCATIONS.—Section 516(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3762b) is amended by—

(1) striking ''80'' and inserting ''70'';

(2) striking ''and 10'' and inserting ''10''; and

(3) inserting before the period the following: '', and 10 percent for section 515(a)(4)''.

(c) STATE AND LOCAL GOVERNMENTS TO CONSIDER COURTS.—The Attorney General may require, as appropriate, that whenever a State or unit of local government or Indian tribe applies for a grant from the Department of Justice, the State, unit, or tribe demonstrate that, in developing the application and distributing funds, the State, unit, or tribe—

(1) considered the needs of the judicial branch of the State, unit, or tribe, as the case may be;

(2) consulted with the chief judicial officer of the highest court of the State, unit, or tribe, as the case may be; and

(3) consulted with the chief law enforcement officer of the law enforcement agency responsible for the security needs of the judicial branch of the State, unit, or tribe, as the case may be.

(d) ARMOR VESTS.—Section 2501 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ll) is amended—

(1) in subsection (a), by inserting ''and State and local court officers'' after ''tribal law enforcement officers''; and

(2) in subsection (b), by inserting ''State or local court,'' after ''government,''.

TITLE IV—LAW ENFORCEMENT OFFICERS

SEC. 401. REPORT ON SECURITY OF FEDERAL PROSECUTORS.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on the security of assistant United States attorneys and other Federal attorneys arising from the prosecution of terrorists, violent criminal gangs, drug traffickers, gun traffickers, white supremacists, those who commit fraud and other white-collar offenses, and other criminal cases.

(b) CONTENTS.—The report submitted under subsection (a) shall describe each of the following:

(1) The number and nature of threats and assaults against attorneys handling prosecutions described in subsection (a) and the reporting requirements and methods.

(2) The security measures that are in place to protect the attorneys who are handling prosecutions described in subsection (a), including threat assessments, response procedures, availability of security systems and other devices, firearms licensing (deputations), and other measures designed to protect the attorneys and their families.

(3) The firearms deputation policies of the Department of Justice, including the number of attorneys deputized and the time between receipt of threat and completion of the deputation and training process.

(4) For each requirement, measure, or policy described in paragraphs (1) through (3), when the requirement, measure, or policy was developed and who was responsible for developing and implementing the requirement, measure, or policy.

(5) The programs that are made available to the attorneys for personal security training, including training relating to limitations on public information disclosure, basic home security, firearms handling and safety, family safety, mail handling, counter-surveillance, and self-defense tactics.

(6) The measures that are taken to provide attorneys handling prosecutions described in subsection (a) with secure parking facilities, and how priorities for such facilities are established—

(A) among Federal employees within the facility;

(B) among Department of Justice employees within the facility; and

(C) among attorneys within the facility.

(7) The frequency attorneys handling prosecutions described in subsection (a) are called upon to work beyond standard work hours and the security measures provided to protect attorneys at such times during travel between office and available parking facilities.

(8) With respect to attorneys who are licensed under State laws to carry firearms, the policy of the Department of Justice as to—

(A) carrying the firearm between available parking and office buildings;

(B) securing the weapon at the office buildings; and

(C) equipment and training provided to facilitate safe storage at Department of Justice facilities.

(9) The offices in the Department of Justice that are responsible for ensuring the security of attorneys handling prosecutions described in subsection (a), the organization and staffing of the offices, and the manner in which the offices coordinate with offices in specific districts.

(10) The role, if any, that the United States Marshals Service or any other Department of Justice component plays in protecting, or providing security services or training for, attorneys handling prosecutions described in subsection (a).

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. EXPANDED PROCUREMENT AUTHORITY FOR THE UNITED STATES SENTENCING COMMISSION.

(a) IN GENERAL.—Section 995 of title 28, United States Code, is amended by adding at the end the following:

''(f) The Commission may—

''(1) use available funds to enter into contracts for the acquisition of severable services for a period that begins in 1 fiscal year and ends in the next fiscal year, to the same extent as executive agencies may enter into such contracts under the authority of section 303L of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253l);

''(2) enter into multi-year contracts for the acquisition of property or services to the same extent as executive agencies may enter into such contracts under the authority of section 304B of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254c); and

''(3) make advance, partial, progress, or other payments under contracts for property or services to the same extent as executive agencies may make such payments under the authority of section 305 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 255).''.

(b) SUNSET.—The amendment made by subsection (a) shall cease to have force and effect on September 30, 2010.

SEC. 502. BANKRUPTCY, MAGISTRATE, AND TERRITORIAL JUDGES LIFE INSURANCE.

(a) IN GENERAL.—Section 604(a)(5) of title 28, United States Code, is amended by inserting after ''hold office during good behavior,'' the following: ''bankruptcy judges appointed under section 152 of this title, magistrate judges appointed under section 631 of this title, and territorial district court judges appointed under section 24 of the Organic Act of Guam (48 U.S.C. 1424b), section 1(b) of the Act of November 8, 1877 (48 U.S.C. 1821), or section 24(a) of the Revised Organic Act of the Virgin Islands (48 U.S.C. 1614(a)),''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to any payment made on or after the first day of the first applicable pay period beginning on or after the date of enactment of this Act.

SEC. 503. ASSIGNMENT OF JUDGES.

Section 296 of title 28, United States Code, is amended by inserting at the end of the second undesignated paragraph the following new sentence: ''However, a judge who has retired from regular active service under section 371(b) of this title, when designated and assigned to the court to which such judge was appointed, shall have all the powers of a judge of that court, including participation in appointment of court officers and magistrates, rulemaking, governance, and administrative matters.''.

SEC. 504. SENIOR JUDGE PARTICIPATION IN THE SELECTION OF MAGISTRATES.

Section 631(a) of title 28, United States Code, is amended by striking ''Northern Mariana Islands'' the first place it appears and inserting ''Northern Mariana Islands (including any judge in regular active service and any judge who has retired from regular active service under section 371(b) of this title, when designated and assigned to the court to which such judge was appointed)''.

SEC. 505. REAUTHORIZATION OF THE ETHICS IN GOVERNMENT ACT.

Section 405 of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended by striking ''2006'' and inserting ''2011''.

SEC. 506. FEDERAL JUDGES FOR COURTS OF APPEALS.

Section 44(a) of title 28, United States Code, is amended in the table—

(1) in the item relating to the District of Columbia Circuit, by striking ''12'' and inserting ''11''; and

(2) in the item relating to the Ninth Circuit, by striking ''28'' and inserting ''29''.

Mr. COBURN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SANDERS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. CORNYN. Mr. President, I wish to speak in favor of S. 378, the Court Security Improvement Act. But before I do, I wish to address remarks made this morning by the majority whip, the distinguished Senator from Illinois, for whom I have a lot of respect, but I have to tell you, I disagree with those comments, and I wish to take a few moments to explain why.

Throughout his comments, the Senator repeated the theme that Republicans were stopping debate on the floor and not allowing bills to be debated. I disagree with him, and I believe nothing could be farther from the truth. The truth is, as I see it, the majority has tried to force things through the Senate, and they have done so in a way that has denied the minority an opportunity to offer amendments and to allow this body, the so-called world's greatest deliberative body, to

even have votes and make decisions on those important amendments.

This morning, the Democratic whip talked about our Founders' intent that ''minority rights would always be respected.'' In this body, minority rights are not being respected. That is the problem. So we have no choice but to assert the last protection against majority tyranny; that is, to object or vote against invoking cloture or closing off debate.

In the past, the majority has used cloture when necessary to move a bill forward, after debate has been exhausted, but the minority refuses to allow movement on the legislation. I think that is a perfectly legitimate use of the cloture motion.

By this date in the 109th Congress—the Congress just preceding the current Congress—Republicans, when they were in the majority, had filed cloture four times. In the 108th Congress—the immediately preceding Congress—at this point in time, when Republicans were in the majority, Republicans had filed cloture five times. In the 107th Congress, Republicans only filed cloture one time at this point in time.

By comparison, since the Democrats have now become the new majority in the Senate, Democrats have filed cloture 22 times. The question naturally arises: Why are Democrats using this divisive tactic so frequently to close off debate?

Well, I think my colleague from Illinois disclosed the reason this morning when he stated:

> Ultimately, they will be held accountable for their strategy. That is what elections are all about.

It is the view from this Senator, from my perspective, the Democrats are using this tactic to paint Republicans as obstructionists, when the exact opposite is true. The new Democratic majority in the Senate is refusing to allow full and fair debate on issue after issue and, more importantly, denying us an opportunity to offer amendments on important legislation and to simply have an up-or-down vote on those amendments.

I can tell you, from my perspective, Republicans do not enjoy the procedural clash any more than Democrats do. But it is necessary to protect this institution and, even more importantly, necessary to protect the rights afforded in the Senate to the minority.

We have been eager to engage in full debate, and we understand the rules that majorities will prevail when majorities have an opportunity to vote. But the rules do not permit the new majority, the Democrats, to unilaterally set the terms for the debate. Until the Democratic majority recognizes all Members of this body have the right to debate legislation, to offer amendments, and to have votes on those amendments, we will continue in this standoff.

It is true, I believe, that only the majority—the new Democratic majority—can fix this problem by simply allowing full debate to go forward and by allowing up-or-down votes on amendments on the Senate floor, which requires discussions, which requires negotiations, and, yes, it requires compromise.

Filing cloture—closing off debate—is an intensely aggressive move. It says: We do not want to hear your opinions. We do not want to hear your views. We do not want to consider your ideas on how to improve the legislation on the floor of the Senate. We want to shut down the debate, and we want to shove this legislation through the Senate. It is a ''my way or the highway'' approach to legislation. And do you know what. It does not work.

I would point out—and I guess it is fair to say if you have been in the Senate long enough—and I have not—but I have been told, if you have been in the Senate long enough, you will find yourself, at some points in your career, on the side of the majority, and at other times you will find yourself on the side of the minority. It is the way it works.

Last Congress, when Democrats were in the minority, they insisted that the filing of cloture turned the Senate into the House of Representatives—a refusal to allow open and broad debate, with hard majority rule. Here they are now, though, attempting to cut off debate at, it seems, almost every possible turn. It is the reason—and this is the consequence of it; it is not just complaining about it; this is the consequence that has a very real impact on the American people because the new majority, the Democratic majority, has refused an opportunity for full and fair debate and votes on amendments—that is the reason why Democrats have not sent any real legislation to the President for his signature after 3 months in power. They have chosen the hard edge of party politics instead of bipartisanship.

Our Democratic friends have chosen to pursue this agenda driven by campaign rhetoric instead of seeking the broad middle ground and trying to negotiate and to pass legislation on behalf of the American people. It is true that Democrats won the last election—and my congratulations to them—on a message of bipartisanship, on a message of, let's get things done. But their choices to date have not reflected any effort to seriously reach across the aisle to do that.

One example that comes to mind is on Iraq. My colleague from Illinois claimed:

> We were stopped, stopped by the Republican minority. They would not allow us to go to the substance of that debate. They didn't want the Senate to spend its time on the floor considering a resolution, going on record as to whether we approve or disapprove of the President's action.

The fact is, completely the opposite occurred. Republicans on this incredibly important debate asked only that we be allowed to discuss the issue fully, and the Democratic majority repeatedly attempted to ram through their resolution without offering any alternatives or any opportunity for alternative resolutions to be considered and voted on. We explained this on the Senate floor over and over during that discussion, but our colleagues in the majority simply turned a deaf ear to our concerns. When they finally allowed several options to be considered, we were able to have a full debate we had been asking for all along, and then the process moved forward.

I would point out that was on the 20th iteration of the resolutions on Iraq before we had an opportunity to have that debate, a vote, and to move the process forward.

My colleague from Illinois repeated several times this morning his hope that we could ''find some ways to establish bipartisan cooperation.''

I say to my colleague, there is a way to do that. The majority must stop trying to ram legislation through and allow us to debate openly and to file relevant amendments and allow an up-or-down vote on those amendments.

My colleague from Illinois talked about the ''do-nothing Congress'' of last year—that was his phraseology—and placed sole blame for the current majority's lack of accomplishments on the minority's refusal to invoke cloture or close off debate. The Washington Post just this morning reported that only 26 percent of the public thinks the current Democratic majority in Congress has accomplished ''a great deal'' or ''a good amount.''

The fact is, this approach to legislating has not produced a single piece of significant legislation so far in this Congress due to the lack of bipartisanship and due to the lack of opportunity the minority has had to fully participate in the debate and shaping of legislation. Of the 17 laws enacted this Congress, 10 of those are naming of Federal properties. Let me say that again. Of the 17 pieces of legislation enacted in this Congress so far, 10 of them involve naming of Federal properties, Federal buildings, post offices and the like. Not one of the ''six for '06'' campaign promises has been passed by Congress.

The majority, to be sure, is blaming the minority for the lack of progress here based on the result of cloture votes, but let's look at the facts.

On the 9/11 bill, the recommendations of the 9/11 Commission, the House and the Senate passed different bills. Democratic leadership in neither body has brought up the other's bill so that those might be resolved in a conference committee.

On the minimum wage bill, the House and the Senate passed different versions, but no conferees have been appointed by either body.

On the emergency war supplemental, perhaps the most urgent piece of legislation we could possibly pass and send to the President to support the troops who are in harm's way as I speak, the House and the Senate passed different versions of the bill. The House, fresh off of a 2-week recess, has yet to appoint conferees to start working out

the differences between the bills to get funding to our troops. This is especially damaging and reckless, considering the majority is insisting we send a bill to the President that has a timeline for withdrawal, a provision that has caused the President to promise to veto that legislation. That means before the troops can get the money they need—in other words, to get them the equipment they need during this war—before we can get them the money, we have to come up with a bill the President will sign. Yet the Democratic majority has continued to play politics and stall the bill.

On stem cell research, no conferees have been appointed. The same for the budget. The same for lobbying reform. The list goes on and on.

The distinguished Senator from Illinois, the Democratic whip, explained that due to the numbers in this body:

> On any given day, if we're going to pass or consider important legislation, it has to be bipartisan.

And that:

> If we're going to be constructive in the United States Senate, we need much more bipartisan cooperation.

He continued, saying:

> We should come together, Democrats and Republicans, and compromise and cooperate.

And asking,

> Isn't it time we really start out on a new day in the Congress trying to find bipartisan ways to cooperate and solve the real problems that face our country?

To that I say amen. It is past time for the new majority in this body to stop acting like they are Members of the House of Representatives who are going to be able to force their will by a simple majority through the Senate because this is not the House. This is the Senate. The only way we are going to be able to get any legislation passed is through bipartisan cooperation. The only way we are going to get that cooperation is to meet in the middle somehow, to debate as our constituents would expect us to debate, to take positions—yes, firmly held positions—based on our convictions. But then ultimately we need to have votes on amendments and votes on legislation and let the majority prevail. Let's send the bills to the President for his signature. That is the way it is supposed to work. That is the way it has not been working, but we know the way forward.

I have to tell my colleagues that I and my Republican colleagues would welcome the opportunity to sit down on a bipartisan basis and to reach a consensus on important issues such as how to preserve our entitlement programs, including Social Security, Medicaid, and Medicare by protecting their long-term solvency. How do we avoid passing the bills incurred by the baby boomer generation on down to our children and grandchildren? How can we expand health care access to more Americans? How can we solve our broken immigration system, along with the broken borders that pose a national security risk to each and every American citizen? After all, I have to believe that is the reason we ran for public office. That is the reason we wanted to be elected to serve in the Senate—whether we are a Republican or a Democrat—to make a difference for the American people, to make our country a better place, and to make tomorrow better for our children and grandchildren than it is today. Instead, we spend day after day taking partisan votes that lead to nothing but gridlock. This is the choice of the majority, not the choice of the minority.

After the first 100 days, the Congress is, again, at a fork in the road. So far the new majority has taken the path of partisanship, but we know that will not get us down the road to progress. I hope during the second 100 days of this new Congress, the new majority will pause and decide to take the road less traveled—the road of cooperation and accomplishment.

Mr. President, I want to speak briefly on the Court Security Improvement Act, a bill of which I am proud to be a cosponsor. As we have already heard, this bill is designed to address the critical issue of the security of our judges and courthouse personnel. I have to add as a personal note, this is not a matter of just some academic interest to me. I believe I am correct in that I am the only current Member of the Senate who has served as a member of the judiciary, in my case for 13 years in our State court system in Texas, both at the trial bench and at the Texas Supreme Court level. So this is more than a matter of academic interest to me. Protecting our men and women who personify the rule of law and all that it means is very important.

The dedicated men and women who work in America's courthouses, from the judges to the court reporters to the bailiffs, preside each day over difficult, contentious, and sometimes very emotional disputes.

These public servants, just like our police, are placed in harm's way by the very nature of their jobs. They fulfill essential roles that keep our democracy running smoothly, and I have the greatest respect for the people who try to do this job and try to do it well.

Unfortunately, violence directed at public servants is on the rise, from escalating violence against police officers to courthouse attacks—including in my State of Texas—these despicable actions threaten the administration of justice and threaten our ability to invoke the rule of law.

This Congress has the power, and now we must exercise it, to ensure that certain and swift punishment awaits those who engage in these unconscionable acts of violence. The administration of justice—indeed, the health of our very democracy—depends on our ability to attract dedicated public servants to work at our courthouses. So we must do everything in our power to provide adequate security to these men and women who are too often targeted for violence or harassment simply because of the position they hold and the decisions they are called upon to make.

As a former attorney general in my State, I had the responsibility of defending sentences on appeal of certain defendants who had been found guilty of violent acts. So I am acutely aware of the devastating effects criminal acts of violence have on not only the victims themselves but also on their families. Because I also used to be a judge, I am fortunate to have a number of close personal friends who continue to serve on our benches and work at our courthouses. I personally know judges and their families who have been victims of violence, and I have grieved with those victims and their families.

Our judges are impartial umpires of the law. We know they cannot help but disappoint some people because that is what they do—they make decisions. They determine winners and losers. Judges, witnesses, and courthouse personnel must not face threats and violence for simply doing their job.

The protection of the men and women who compose our judicial system and serve the public and law enforcement is essential to the proper administration of justice in our country. This important bill takes big steps toward providing additional protections on these dedicated public servants. I urge my colleagues to give it their full support.

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

The PRESIDING OFFICER. The clerk will call the roll.

The journal clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. WHITEHOUSE). Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent to speak as in morning business.

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

SUPREME COURT RULING ON ABORTION BAN

Mrs. FEINSTEIN. Mr. President, this morning, I heard my friend and colleague, Senator BROWNBACK, on the floor speaking about the decision of the Supreme Court. He and I both chair the Senate's Cancer Coalition, so it has been a great pleasure for me to work with him. But we have very different views when it comes to a woman's right to choose, and I would like to rise today to express my concern and deep dismay regarding the Supreme Court's decision in the case of Gonzales v. Carhart.

This judgment today is a major strike against a woman's right to choose. The Court, in this case, by a narrow 5-to-4 margin, has essentially enacted the first Federal abortion ban in this country and has struck down a primary requirement of Roe v. Wade—protection of the health of a mother.

In her dissent, Justice Ginsburg wrote:

Today's decision is alarming. It refuses to take Casey and Stenberg seriously. It tolerates, indeed applauds, Federal intervention to ban nationwide a procedure found necessary and proper in certain cases by the American College of Obstetrics and Gynecologists. It blurs the line firmly drawn in Casey between pre-viability and post- viability abortions. And for the first time since Roe, the court blesses a prohibition with no exception safeguarding a woman's health.

This is simply shocking. It is shocking because this can affect any second-trimester abortion.

Just 7 years ago, the Supreme Court struck down this very ban in Stenberg v. Carhart in the year 2000. It struck it down out of concern that it did not provide adequate protections for a woman's health and that the law enacted was too vague. The Federal courts, the Fifth and the Ninth Circuits, have all examined this and opposed it. No Federal Court has upheld this abortion ban until today.

Now, what has changed in the 7 years? The answer is nothing, except the composition of the Court. The additions of Chief Justice Roberts and Justice Alito have accomplished what the Bush administration has sought from its earliest days—a court willing to further restrict a woman's right to choose.

When they appeared before the Judiciary Committee during their confirmation hearings, both Chief Justice Roberts and Justice Alito affirmed their respect for stare decisis as preeminent and a controlling factor. In these hearings, Chief Justice Roberts said, and I quote:

People expect that the law is going to be what the court has told them the law is going to be. And that's an important consideration.

Justice Alito said, and I quote:

I've agreed, I think numerous times during these hearings, that when a decision is reaffirmed, that strengthens its value as stare decisis.

With Justice O'Connor no longer on the Court, the majority of Justices ignored what Senator SPECTER referred to as ''super precedent'' in these hearings.

As Justice Ginsburg points out:

The Court admits that ''moral concerns'' are at work, concerns that could yield prohibitions on any abortions.

She continues:

Instead, the Court deprives women of the right to make an autonomous choice, even at the expense of their safety. This way of thinking reflects ancient notions about women's place in the family and under the Constitution—ideas that have long since been discredited.

The Court, now filled with Bush appointees, is replacing the judicial precedent that they promised to respect for their definition of morality. That is where I see us as being today. With this ruling, the Supreme Court has substituted the medical decisions of politicians for that of doctors.

In the Congressional findings of the legislation creating this ban, as well as the majority opinion of the Court, politicians and Justices decided what procedures are medically necessary and which are not. Justice Kennedy wrote, in today's majority decision, that the Court assumed the abortion ban would ''be unconstitutional if it subjected women to significant health risks.'' He goes on to declare ''safe medical options are available.''

However, doctors who perform these procedures disagree. The American College of Obstetrics and Gynecology, the group that represents more than 90 percent of all OB/GYN specialists in the country, assembled an expert panel that identified several specific instances in which this procedure, intact dilation and extraction, has meaningful safety advantages over other medical options.

The procedure is safer for women with serious underlying medical conditions, including liver disease, bleeding and clotting disorders, and compromised immune systems.

Experts also testified that this procedure is significantly safer for women carrying fetuses with certain abnormalities, including severe hydrocephalus. That is when the head fills with water and is very often larger than the body. In these rare and heartbreaking cases in which a woman learns that something has gone tragically wrong in a pregnancy she very much wanted, no woman should be forced to bear the added burden of undergoing a medical procedure that is not the safest option.

The decision today unquestionably breaks new ground. I am extremely concerned that this has opened the door to a further judicial interference in what should be private medical decisions made by women, their partners, their religious beliefs, and their doctors. With this decision, the Roberts Court is signaling a new willingness to uphold additional restrictions on abortion, even those that do not expressly protect a woman's health. This is dangerous.

The Roberts Court has also opened the door for a major change in how it will determine whether a law unconstitutionally restricts a woman's rights. Generally, laws have been struck down when they are unconstitutional on their face, because if a law is unconstitutional for 10 people or 10 million people, then it should not stand. The Court is turning that analysis on its head. The Court's opinion today says it may uphold laws, even when they may be unconstitutional.

This means that in the future a woman could be put in an untenable situation. A woman facing a health crisis needs to act within days or weeks but instead would need to depend on the legal system. Let me give you an example.

A woman learns her pregnancy has gone tragically wrong and her health is at risk. She is told by the doctor that there exists a medical procedure that would help her, but it is banned. The alternatives will risk her health.

She has to go to court and argue that her constitutional rights, in this specific instance, have been violated.

We all know the wheels of justice spin slowly. It is doubtful the system could respond in a timely manner to a woman in this kind of crisis. If she can prove her case, she might be allowed to have the procedure, but the ban itself would still remain in place, requiring the next woman in a similar situation to have to successfully demonstrate that the law is unconstitutional. This is amazing. The Court, in effect, is requiring that women's health be at risk until it deems enough women have demonstrated the negative impact of the law on them. Requiring this type of legal challenge to any restriction on abortion will impact women in the most vulnerable situations.

I would like, for a moment, to quote Justice Ginsburg. She points out:

Those views, this Court made clear in Casey, ''are no longer consistent with our understanding of the family, the individual, or the Constitution.'' . . . Women, it is now acknowledged, have the talent, capacity, and right ''to participate equally in the social life of this Nation.''

In this, incidentally, she is quoting Sandra Day O'Connor in places in an earlier decision.

Their ability to realize their full potential, the Court recognized, is intimately connected to ''their ability to control their reproductive lives.'' . . . Thus, legal challenges to undue restrictions on abortion procedures do not seek to vindicate some generalized notion of privacy; rather, they center on a woman's autonomy to determine her life's course, and thus to enjoy equal citizenship stature.

In keeping with this comprehension of the right to reproductive choice, the Court has consistently required that laws regulating abortion, at any stage of pregnancy and in all cases, safeguard a woman's health.

This is now out the window. It is monumental.

In conclusion, I remember what it was like when abortion was illegal in America. It was when I was a college student at Stanford. I watched the passing of the plate to collect money so young women could go to Tijuana for an abortion. I knew a woman who ended her life because she was pregnant. In the 1960s, while abortion was still illegal, as a member of the California Board of Terms and Parole, I sentenced women convicted of illegally performing abortions. I saw the morbidity that they caused by their procedures. It was barbaric in those days. So I am very concerned with this ruling.

The Court is taking the first major step back to these days of 30, 40 years ago. Young women today have not had these experiences. They have lived only in an era in which the Court recognized their autonomy, their right to make their own medical decisions. If I were a young woman today, I would be incredibly concerned that this era is drawing to a close. The threat on reproductive freedom is no longer theoretical. Today it is very real. All those who care about protecting a woman's right to privacy should take notice and make their voices heard.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. 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.

Mr. REID. Mr. President, I appreciate very much the minority allowing us to move to this bill, this most important bill, dealing with court security. But here we go again; nothing happening on it. I am willing to have Democrats and Republicans debate these amendments. There have been some that have been filed but not offered.

I just left a meeting in my office with the head of the U.S. Marshals Service. His name is John Clark. He indicated to me, among other things, that this year there has been a 17-percent increase in the threats against our Federal judges, Supreme Court Justices, and all our other Federal judges; about 11,000, I think that is what he told me. I may have that number a little bit wrong; I just left him a minute ago.

This is important legislation. It allows our Federal judges not to have to list the names of their children, where they live, where the individual judge lives. We had in Illinois a terrible situation where one of these disgruntled defendants in a criminal case went to some judge's home and waited for the family to come home and killed them.

We need to move this bill. I don't want a hue and cry from the minority that we are not allowing amendments; we want amendments. If people want to amend this bill, let them do it. But I am going to file cloture on this bill tonight for a Friday cloture vote. We have got to complete legislation around here. We cannot come here each day and sit around looking at each other. We should be doing some legislating.

If people do not like this bipartisan bill that is now before the Senate, offer an amendment to change it. I am not going to give my speech—I have given it too many times—on our being thwarted in efforts to move forward on improving the intelligence services of this country. I don't need to give a speech about our inability to negotiate for lower prices of prescription drugs. But we are now on court security. I had to file cloture on that. After cloture was invoked, they allowed us to move to the bill, saving us 27 hours or 28 hours on it. I do not think it is appropriate that we stand around here today and tomorrow.

We have a bill that is bipartisan to its very core, a competitiveness bill. Senator BINGAMAN, a Democrat, and Senator ALEXANDER, a Republican, have worked on this bill. This is their pride and joy. It is the legislation that will improve this country's ability to be more competitive scientifically. I want to move to that bill and finish it this week. I cannot while this is still around with nothing being done on it.

I alert everyone within the sound of my voice, if you don't like this bill, come and amend it. Lay down an amendment and we will debate it, we will table it, we will approve it, we will vote, and it won't be passed.

But our judges, our U.S. Marshals, our U.S. attorneys need this. In my heart I so understand the importance. I said this morning here, this legislation will also help State courts, not only Federal courts. In Washoe County, Reno, NV, a divorce proceeding was going forward. A very rich man, quite frankly, didn't like what was happening in the divorce proceeding, so this man killed his wife in her home—they were divorced, his ex-wife. The child was in the house, and he took her in the garage, slit her throat, killed her, took the car, drove to a garage, took his hunting rifle, and from 200 yards from a parking lot shot through a window and hit the judge.

That window should have had bulletproof glass in it. It didn't. This bill will allow local jurisdictions to have the ability to obtain items such as bulletproof glass.

We are living in a violent society. We have to, with our judiciary, which is so independent and strong, do what we can to protect it. I was in Ecuador with a congressional delegation. The President of that country, when I told him a little story—and we were in the Embassy. The President of Ecuador was standing next to me, and I told him about the 2000 Presidential election.

I said: You know, that is an interesting election. President Bush got less votes than the person he beat. The matter went to Florida where there was so much confusion and consternation in counting the votes there. The matter worked its way to the Supreme Court. The Supreme Court decided that George Bush would be President of the United States. The minute that was done, I said, in Ecuador: George Bush became my President.

In our great country, which is ruled by law, not by men, there was not a tire burned, a window broken, a demonstration held, because we are a country of laws, and George Bush became everybody's President. I did not like the decision of the Supreme Court; I disagreed with it. But that is the law, that is the law of our country.

When I finished, the President of Ecuador said: I only wish we had a court system like yours.

That is what this bill is all about, to try to have our court system one that is as strong as it has been.

So if my friends on the other side of the aisle come here and say, as they have done on a number of occasions: Well, we didn't have a chance to offer an amendment—we finished this vote early today. They have had all day to offer all of the amendments they wanted. Democrats had every opportunity, if they do not like this bill, to offer an amendment to change it. But we are going to complete this bill by Friday one way or the other.

Now, Mr. President, it is possible under the rules that when we vote on Friday on cloture on the bill—we are on the bill now. It could be 30 hours, but everyone here should understand, we are going to be in session 30 hours after cloture is invoked.

We are not going to play around here, and think, well, we will finish it next week. We are going to finish this bill this week, if it takes Saturday or Sunday or whatever it takes, and everyone should understand that.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TESTER). Without objection, it is so ordered.

Mr. DURBIN. Mr. President, pending before the Senate at this time is a bill to make our courts safer. This is an issue we take personally in Chicago because in 2005, one of our most respected Federal judges had her mother and husband killed in her home, murdered by an upset individual who didn't like the way he was treated in a courtroom. He stalked her family, invaded her home, killed her aging mother, and husband, who was the love of her life. I know this judge because I appointed her to the Federal bench. I have met her daughters and I know her close friends in Chicago. I think about her every time the issue of court security comes up. She is a wonderful woman who has devoted her life to public service. She has put in the time that we expect from real professionals. She has done her best to be fair and just. She works hard. We owe her security in the workplace and security for her family.

That is why Senator OBAMA and I introduced an appropriations bill right after this happened, trying to put some money into the U.S. Marshals Service to protect judges across the United States. That is what this bill is all about. There is nothing partisan about this legislation. There is nothing even controversial about it. This bill should have been passed quickly, sent to the House and approved because it makes a better effort to protect these judges in their homes, gives more resources to U.S. marshals, puts stiffer penalties in for those who harass and shoot at and kill those who serve us in the judiciary. This is basic common sense. Instead of taking up this bill and passing it quickly, as we should have to get it in place and to put the protections in place, it has been slowed down.

One of our colleagues is exercising his rights under the Senate rules. I said earlier I will fight for him to have the right to speak it, on any bill, to offer

an amendment to it, to express himself, and to have the Senate decide finally what the decision will be on his amendment. I respect his right to do that. But instead we are going to slow this bill down for 2 days. We will have amendments filed, six, and they are just going to sit on the desk while the clock runs. Instead of moving to other legislation which is critically important we will just sit here. That is unfair. I don't think that is consistent with what the American people expect of the Senate.

I have called on my colleagues, the one who has six amendments filed and any who have other amendments, please bring them to the floor right now, within the next hour. Let's start the debate right now. Let's set them for a vote as quickly as possible. Let's stop these stall tactics on bills as basic as this, protecting the personal security of judges across America.

It is time for us to get down to business in the Senate. Look around at all the empty chairs. Look for the person who sponsored the amendments to this bill. You won't find him.

It is time for us to get down to business in the Senate. People expect us to. This week has been a pretty horrible week when you look at it. We came in here trying to pass a bill that would authorize intelligence agencies across our Government to make America safer, 16 different intelligence agencies, a bipartisan bill, worked on long and hard by Senator ROCKEFELLER, chairman of the Intelligence Committee, and his staff, and Senator BOND and his staff. The bill was ready to go, a bill which should have passed years ago, stopped in its tracks by the Republican minority that said, no. Vice President CHENEY objects to a provision in the bill relative to the interrogation of prisoners; imagine that he would raise that issue again. Therefore, all Republicans, with maybe a couple exceptions, are going to stop debate on the bill. That was strike 1.

Strike 2, a provision to amend the Medicare Prescription Drug Act so that we could have more competition and lower prices for seniors and disabled when they buy drugs. Some agree with it; some disagree. The pharmaceutical industry hates it; it cuts into their profits. It was worth a debate to see whether we could help seniors pay for their drugs and lower prices. But, no, the Republican minority said: No, we are not going to even debate that. We won't let you go to that. It is within their power to stop us, and they did it again.

Now comes this bill for court security, and for the third strike this week, the Republicans have said: No, we want to slow you down. We want to run out the clock. We want to put amendments on the table and not call them for consideration.

It is becoming increasingly clear what the Republican game plan is. We have seen it this week on three pieces of legislation. We see it with this bill. I have spoken to majority leader Senator REID who spoke moments ago. We have important business to do. In fact, we have business which is very bipartisan. This bill, which has been slowed down by one Republican Senator, has as cosponsors Senators SPECTER, CORNYN, COLLINS, and HATCH, all Republican Senators. It is a bipartisan bill. It is not even controversial. Why aren't we doing this? It isn't as if there are other things going on on the Senate floor. We are waiting on the Senators who want to stop or slow down this bill to finally come and do their business. It is not too much to ask. I understand we are all busy. From time to time we have to leave the Hill to go to a committee meeting. I know I filed an amendment and waited a while to call it. But now this Senator has had his time. He has had the whole day. We should call up one amendment before we go home, just in good faith, to indicate that this is really a serious effort, that there is a substantive reason to slow down this important legislation. We need to remind our colleagues of our responsibility to do the people's business.

IRAQ

I just joined the majority leader and others in meeting with the President of the United States to talk about the war in Iraq. I am glad we had this meeting. We didn't reach a new agreement or compromise. I wish we had. We started a dialog, and that is important. There were heartfelt emotions expressed at that meeting by many of us on both sides of the issue, by the President, as well as by Senator REID and myself and many others. Speaker PELOSI was there. The majority leader of the House, STENY HOYER, was in attendance, as was JIM CLYBORN, the majority whip, and the Republican leadership. We talked about the war in Iraq at length and where we need to go.

It is our belief that if we don't include language in the appropriations bill which says to the Iraqis that we are not going to stay there indefinitely, they are going to drag their feet forever when it comes to making the political reforms that are necessary. We are going to leave our soldiers stuck in the middle of a civil war. Mr. President, 3,311 Americans have died in service to this country while serving in Iraq. These are our best and bravest. They have given their lives, and they continue to give their lives while we debate and delay. It is time for us to move forward.

I suggested to the President in the moments that I had to express my point of view, if he won't accept a timetable for starting to bring American troops home, can't we at least hold the Iraqis to the timetable that they have offered us for political reform? They have missed deadline after deadline. They promised to bring their country together. They promised to bring their army into a leadership that will be effective. They have promised to try to resolve the old differences from the Baath Party under Saddam Hussein. Promise after promise after promise they have failed to keep while our soldiers fight and die every single day.

DARFUR

Despite the obvious differences from that meeting, there was one hopeful sign. We started the meeting, and I began by praising President Bush for delivering a speech today at the U.S. Holocaust Museum on the subject of the genocide in Darfur. It was the appropriate venue for the speech. The Holocaust Museum offers a powerful backdrop to consider the horrors of genocide. I am glad the President made this speech. I applaud him for making it. I had hoped that he would be a little bit stronger, but I understand, speaking personally with the President, that he wants to give new U.N. General Secretary Ban Ki-moon some time to use his office effectively.

The President essentially today, though, by every measure, gave Sudan a final warning, and it is about time. The President stated that within a ''short period of time,'' to use his words, President Bashir of Sudan must take the following steps: Allow the deployment of the full joint African Union-United Nations peacekeeping force in the area of Darfur where somewhere near 400,000 people have been murdered and over 2 million displaced. The President of Sudan must also end support for the Jingaweit militia, reach out to rebel leaders, allow humanitarian aid to reach the people of Darfur, and end his obstructionism. If he does not, President Bush stated, the United States will respond.

First, the U.S. will tighten economic sanctions on the Sudanese Government and the companies it controls. Second, the President will also levy sanctions against individuals who are responsible for the violence. Third, the U.S. will introduce a new U.N. Security Council resolution to apply multilateral sanctions against the Government of Sudan and impose an expanded arms embargo. This resolution will impose a ban on Sudanese offensive military flights over Darfur.

Last fall the President's special envoy talked about a January 1st deadline after which the United States would impose sanctions that would cripple the Sudanese oil industry. That deadline is months behind us, and the sanctions the President outlined are not as potent as they might be in terms of truly hitting the oil industry as I hoped they would.

The U.N. resolution and multilateral sanctions would be a major step forward. If we don't see rapid progress from the Sudanese Government, I urge the President to both introduce the U.N. resolution and to call for a vote. Let's put the countries of the world on notice that they must stand and be on the record on ending this genocide in Darfur.

As I said, I understand President Bush is responding to a special request

from U.N. Secretary General Ban Ki-moon who asked for some more time to negotiate. All I can say is, I hope the Secretary General's faith that real progress is being made is justified. At least on paper there has been a breakthrough in the last few days. The Sudanese Government has reportedly agreed to allowing 3,000 U.N. peacekeepers to deploy. But we have had promises like this in the past and no action.

China, Sudan's biggest supporter and biggest customer for its oil, has also started taking mutant, limited, but proactive steps in recent weeks to convince the Sudanese to move forward on peacekeeping. China's Assistant Foreign Minister recently toured refugee camps full of people from Darfur who had fled their homes. That is not a typical stop on a Chinese Government tour, a positive sign that China is not blind to the human rights abuses going on in Sudan. China has reportedly played an important role recently in urging the Sudanese Government to move forward.

At the same time, however, China continues to oppose sanctions even if Khartoum continues to obstruct peacekeeping. The Chinese Defense Minister recently announced that China is interested in developing military cooperation with Sudan, whatever that could possibly mean. As for Sudan, while Khartoum has said it will allow deployment of 3,000 U.N. peacekeepers, a new U.N. report details how the Sudanese Government is flying arms of heavy military equipment into Darfur.

This morning's New York Times has photographs of the Sudanese painting their airplanes to appear to be United Nations aircraft and African Union aircraft so that they can deceptively ship arms into this region that will be used to kill innocent people. That is the government we are dealing with in Khartoum. Sudan has promised to allow 3,000 U.N. peacekeepers and their equipment into Darfur. If it keeps the promise this time, it would be a start, but what is needed, as the President said today at the Holocaust Museum, is the full 21,000 combined U.N.-African Union force with the means and mandate to protect the people of Darfur. The people of Darfur have waited long enough for peace and security and the end of genocide. Now is the time to act.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. LEAHY. Mr. President, I am about to call up the managers' amendment the distinguished senior Senator from Pennsylvania and I have worked on.

So, Mr. President, I send to the desk, on behalf of myself and Senator SPECTER, an amendment.

The PRESIDING OFFICER. There is already a pending committee amendment.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. LEAHY. Mr. President, parliamentary inquiry: What is currently pending?

The PRESIDING OFFICER. What is currently pending is a committee-reported amendment to the bill.

Mr. LEAHY. Would that be the Feinstein-Kyl amendment?

The PRESIDING OFFICER. It is the language on page 20, starting at line 22: ''Federal Judges For Courts Of Appeals.''

Mr. LEAHY. Mr. President, I ask unanimous consent that the amendment be adopted.

The PRESIDING OFFICER. If there is no further debate on the amendment, without objection, the amendment is agreed to.

The committee amendment was agreed to.

AMENDMENT NO. 896

Mr. LEAHY. Mr. President, I believe the managers' amendment is at the desk. I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for himself and Mr. SPECTER, proposes an amendment numbered 896.

Mr. LEAHY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To make technical changes)

On page 5, line 5, strike ''any other court'' and insert ''the United States Tax Court''.

On page 5, line 10, after ''otherwise provide'' insert '', when requested by the chief judge of the Tax Court,''.

On page 5, line 13, strike ''person'' and insert ''persons''.

On page 5, between lines 15 and 16, insert the following:

(c) REIMBURSEMENT.—The United States Tax Court shall reimburse the United States Marshals Service for protection provided under the amendments made by this section.

On page 7, line 13, strike ''§ **118.**'' and insert ''§ **119.**''.

On page 9, strike line 1 and all that follows through the matter following line 4 and insert the following:

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of title 18, United States Code, is amended by adding at the end the following new item:

''119. Protection of individuals performing certain official duties.''.

On page 19, strike line 18 and insert the following:

(b) CONSTRUCTION.—For purposes of construing and applying chapter 87 of title 5, United States Code, including any adjustment of insurance rates by regulation or otherwise, the following categories of judicial officers shall be deemed to be judges of the United States as described under section 8701 of title 5, United States Code:

(1) Bankruptcy judges appointed under section 151 of title 28, United States Code.

(2) Magistrate judges appointed under section 631 of title 28, United States Code.

(3) Territorial district court judges appointed under section 24 of the Organic Act of Guam (48 U.S.C. 1424b), section 1(b) of the Act of November 8, 1877 (48 U.S.C. 1821), or section 24(a) of the Revised Organic Act of the Virgin Islands (48 U.S.C. 1614(a)).

(4) Judges retired under section 377 of title 28, United States Code.

(5) Judges retired under section 373 of title 28, United States Code.

(c) EFFECTIVE DATE.—The amendment made by

On page 20, line 6, strike ''magistrates'' and insert ''magistrate judges''.

On page 20, line 9, strike ''**MAGISTRATES**'' and insert ''**MAGISTRATE JUDGES**''.

On page 20, strike lines 17 through 22 and insert the following:

SEC. 505. FEDERAL JUDGES FOR COURTS OF APPEALS.

Mr. LEAHY. Mr. President, this amendment, on behalf of myself and Senator SPECTER, irons out a few remaining technical and jurisdictional issues relating to our Court Security Improvement Act of 2007. We are offering a managers' amendment that contains a few technical fixes, including grammatical changes and proper references to ''magistrate judges.''

This bipartisan amendment will make clear that additional protection provided to the Tax Court by the Marshals Service shall be reimbursed by the funds allocated to the Tax Court. We also clarify the construction of which officers qualify as ''judges'' so that all Federal judges are treated the same with regard to life insurance.

Senator LIEBERMAN raised an objection with regard to section 505, which provided for the reauthorization of the Ethics in Government Act. I understand that Chairman LIEBERMAN is currently working to reauthorize that legislation, so Senator SPECTER and I have agreed to remove it from our court security bill.

I note for my colleagues that no major policy changes relating to improving the security that our Federal judges receive appear in this managers' package. I thank the distinguished Senator from Pennsylvania, Mr. SPECTER, for working with me on this important legislation.

Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. If there is no further debate on the amendment—

Mr. LEAHY. Mr. President, I understand there is a concern on the other side of the aisle, and as the one who has the floor at this point, I withhold that request and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 891

Mr. COBURN. Mr. President, I ask unanimous consent that the pending amendment be set aside and that amendment No. 891 be called up for its consideration.

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

The clerk will report.

The bill clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 891.

Mr. COBURN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To express the sense of the Senate that Congress should offset the cost of new spending)

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE.

(a) FINDINGS.—The Senate finds that—(1) the national debt of the United States of America now exceeds $8,500,000,000;000;

(2) each United States citizen's share of this debt is approximately $29,183;

(3) every cent that the United States Government borrows and adds to this debt is money stolen from future generations of Americans and from important programs, including Social Security and Medicare on which our senior citizens depend for their retirement security;

(4) the power of the purse belongs to Congress;

(5) Congress authorizes and appropriates all Federal discretionary spending;

(6) for too long, Congress has simply borrowed more and more money to pay for new spending, while Americans want Congress to live within its means, using the same set of common sense rules and restraints Americans face everyday; because in the real world, families cannot follow Congress's example and must make difficult decisions and set priorities on how to spend their limited financial resources; and

(7) it is irresponsible for Congress to authorize new spending for programs that will result in borrowing from Social Security, Medicare, foreign nations, or future generations of Americans.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that Congress has a moral obligation to offset the cost of new government programs, initiatives, and authorizations.

Mr. COBURN. Mr. President, this is a very simple amendment. It says: it is the sense of the Senate that we should not create new spending programs when we have to borrow money to pay for them; that, in fact, we ought to create priorities, that the priorities ought to be the same type of priorities that everybody in this country has to face every day with their own personal budget, that they cannot go out and use their credit card without having a consequence.

This is a very simple amendment. I wish to read it thoroughly so everybody understands what the amendment says. It says the following:

The Senate finds that—

(1) the national debt of the United States of America now exceeds $8,500,000,000,000;

(2) each United States citizen's share of this debt—

from the oldest to the youngest—

is approximately $29,183;

(3) every [penny] that the United States Government borrows and adds to this debt is money [that will be borrowed] from future generations of Americans and from important programs, including Social Security and Medicare on which our senior citizens depend for their retirement security;

It also states:

(4) the power of the purse belongs to Congress;

(5) Congress authorizes and appropriates all Federal discretionary spending;

(6) for too long, Congress has simply borrowed more and more money to pay for new spending, while Americans want Congress to live within its means, using the same set of common sense rules and restraints [every American faces] everyday; because in the real world, families cannot follow Congress's example and must make difficult decisions and set priorities on how to spend their limited financial resources. . . .

Mr. LEAHY. Mr. President, will the Senator yield for a question?

Mr. COBURN. Mr. President, I am happy to yield for a question.

Mr. LEAHY. Mr. President, would this also include the hundreds of billions of dollars we have borrowed so far for the war in Iraq?

Mr. COBURN. Absolutely. I agree with that.

Mr. LEAHY. Would this mean we would not be able to continue to borrow money for the war in Iraq?

Mr. COBURN. This is a sense of the Senate. I would be happy for us not to borrow money. We had $200 billion a year in waste, fraud, abuse, and duplication outlined by the Federal Financial Management Subcommittee last year. Appropriators refused to look at that, ways to fund it. Mr. President, $200 billion—we could spend $100 billion on the war and $100 billion to lower the deficit. I would be very happy to apply this to everything we do. Every American has to do exactly the same thing with their own budget every day.

Mr. LEAHY. Mr. President, if I could continue for a moment, without the Senator losing his right to the floor. I share his concern about expenditures. I wish we were back in the days of President Clinton, where we built up a surplus and started paying down the Federal debt; other than what a Republican-controlled Congress voted for, which has tripled the national debt.

Mr. COBURN. The Senator makes a great point. The realistic fact is, we decreased the Federal debt $2 billion under the entire Clinton administration. Mr. President, $2 billion. One year we had a true surplus—a true surplus. That was the extent of it. And since then, and before then, we have borrowed the future of our children away.

To continue, this resolution states:

(7) it is irresponsible for Congress to authorize new spending for programs that will result in borrowing from Social Security. . . .

I say to Social Security recipients, we borrowed $140 billion, last year, from Social Security to pay for things we were not willing to either trim down, make more efficient or eliminate in duplicative programs.

We also are borrowing from foreign governments. That is affecting our financial status. But most importantly, we are borrowing from future generations of Americans.

The amendment states:

(b) . . . It is the sense of the Senate that Congress has a moral obligation to offset the cost of new government programs, initiatives, and authorizations.

It is very simple. A resolution has no impact of law. It says: We agree, here are the rules under which we ought to operate. It does not bind anybody. It says, if we are going to create new programs, we either ought to find a way where we do not borrow to pay for them or we ought to offset them by eliminating ineffective programs.

In 2001, as the Senator rightly noted, the Federal debt per person in this country was $21,000. It has risen almost $10,000 since 2001. A lot of people are quick to dismiss that figure, say it does not matter, we only need to worry about the debt and the deficits as compared to the economic growth in the size of our economy. A better rule of thumb is how Government growth compares to the growth of wages and earnings. Last fiscal year alone, the real Federal deficit increased in excess of $300 billion—a debt our children and grandchildren will repay. So $7.2 billion was spent each day, or $84,000 was spent per second—per second. If regular Americans must tighten their belts to live within their means, the Federal Government should do the same instead of authorizing new spending without offsetting similar spending.

Last year's interest costs alone were 8 percent of the total Federal budget. In contrast, the average American spends about 5 percent of their income as a percentage of their interest costs. The Federal Government spent $226 billion on interest costs alone. According to the Government Accountability Office, by the year 2030, interest will consume 25 percent—25 percent—of the Federal debt.

So why do I bring this resolution to the floor? I bring the resolution to the floor to make the point that when we authorize new programs, we ought to find the money to pay for them and we ought to reduce programs that aren't effective. We ought to look at the programs that aren't accomplishing what we want them to, we ought to eliminate duplicate programs where one works well and one doesn't work quite so well and put the money into the one that works well so we get good value for our dollars, and we ought to change the habits under which we work so we can all accomplish what we would like to see.

I would like to see middle-income wages rise in this country at a rate faster than they rise for the wealthy

class. I would like to see opportunity enhanced in this country. I would like to see a balanced budget so we don't steal opportunity from our children and our grandchildren. I don't think most people disagree with that.

The reason we are out here debating this is I had a simple request: Let's just find some deauthorization amendments so that when we bring this new and very needed bill to the floor—and I agree and I think everybody on the Judiciary Committee agrees this is a good bill; it is going to pass—shouldn't we make some hard choices, just like every family makes? Instead, we choose not to. We decide we will pass a new bill. We will add $40 million a year to the cost to run the Government, but we won't deauthorize anything that is out there that is not working effectively. We won't fix the improper payments that are going on in this country to the tune of about $40 billion—that is billion with a ''b.'' That is a thousand times more in improper payments than this bill costs. We won't do the hard work that is necessary.

Mr. DURBIN. Will the Senator yield for a question?

Mr. COBURN. I am happy to yield to the Senator. By the way, I enjoyed the Senator's speech on Darfur, and as the Senator from Illinois knows, I agree with him very much. I thank him for his efforts on the genocide that is now occurring in Darfur.

Mr. DURBIN. I thank the Senator from Oklahoma. He has been a stalwart in the effort for Darfur.

I would like to read a sentence to the Senator from Oklahoma and ask him what it means. It is a sentence from the underlying bill, which is an authorization bill. It relates to section 105. Here is what it says:

> In addition to any other amounts authorized to be appropriated for the U.S. Marshals Service, there are authorized to be appropriated for the U.S. Marshals Service to protect the judiciary $20 million for each of the fiscal years 2007 through 2011.

Now I would like to ask the Senator this: If we pass this bill authorizing $20 million to be appropriated to the U.S. Marshals Service to protect judges and then do not appropriate the money for that purpose, how much money will come out of the Federal Treasury going to the U.S. Marshals pursuant to this bill?

Mr. COBURN. None.

Mr. DURBIN. I would like to ask the Senator another question.

Mr. COBURN. I am happy to answer it.

Mr. DURBIN. Isn't that what this is all about?

Mr. COBURN. No, it is not.

Mr. DURBIN. You were claiming a reauthorization——

Mr. COBURN. Mr. President, reclaiming the floor, here is what it is about. The Senator from Illinois is a great advocate for those who are less fortunate in this country. That is what this is about. It is about changing the habits of the Senate.

I understand the appropriations process. I understand the authorization process. Changing the habits says we are not going to authorize new programs until we have done our homework on the programs that aren't effective. That is the whole purpose of this amendment.

I understand the Senator's consternation with my desire. I understand that most people inside Washington disagree. But I also understand that most people outside of Washington say that if you increase spending—authorized spending, not appropriated spending but authorized spending—$40 million and never look at what you can deauthorize, whenever we get to a surplus or when we get to a balanced budget, we are going to spend more money. We are not going to make the hard choices. That is exactly what happens. We can disagree with that but, in fact, that is how we got an $8.9 trillion deficit. That is how we ran a $300 billion-plus deficit this year. It is the process. It is the process where we have decided that authorization has minimal power to influence in this body and that appropriations has all power.

My point in making us debate this resolution on this bill and bringing it up is to say: Let's start the process where we start looking, as our oath charges us to do, at what doesn't work. Let's bring a bill that authorizes something that is very good and bring a bill that deauthorizes something that might get funding even though it is not effective.

I will give an example: the COPS Program. It is a very good program. It helps a lot of cities. Why shouldn't it be competitively bid? Why shouldn't the cities with the most need get the help with their police force rather than the cities whose Members put an earmark in for the COPS Program, and any money that doesn't go to true need comes back to the Federal Treasury? Why wouldn't we do that? Because that is hard work. Because we might alienate one group as we do what is best for everybody in America.

I understand the resistance to my efforts in challenging the way we operate in the Senate, and I understand the opposition to my techniques and methods in trying to accomplish that. However, as the Senator from Illinois knows, if I am a champion for anything, I am a champion for making sure we don't waste one penny anywhere. The best way to do that is to start having good habits in how we arrange what we are going to spend.

The fact is, it is very easy to find offsets in authorization because we have three times as much authorized as we actually spend. So the Senator's point is exactly true, but it doesn't direct us down to the problem. If we get in the habit of making the decision we are going to look at the programs that don't work, we are going to deauthorize the programs that don't work, guess what we will do. We eventually might get rid of the one $1 of every $5 on the discretionary side today that is either waste, fraud, abuse, or duplication—$1 in $5. No one in this body blows 20 percent of their personal budget on stuff that doesn't mean anything or have any return. Yet in the discretionary budget, everything except Medicare, Medicaid, and Social Security, that is exactly what we do. It is exactly what we do. So why would we not say: Let's change. Let's fulfill an obligation to two generations from us now. I know what I am doing today isn't going to have a great impact on the next appropriations bill or the next one after that or the one after that, but 5 years from now, it might have an impact.

The point is, let's live like everybody else out there. Let's not take the credit card and not look at the things we really should be looking at. Let's do some extra work. Let's try to accomplish what is best for everybody in this country, no matter what their economic station in life, no matter what their background, no matter what their position is. They all have a limited budget. They have to make choices. They have to make choices, and they have to prioritize things. The Senate doesn't; they just authorize another bill and never deauthorize anything else.

Mr. President, with that, I yield the floor and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, I respect the Senator from Oklahoma. I respect his fiscal conservatism. I respect his belief that our budget deficit is a source of growing concern for all of us. He says we need to start with good habits. I believe we need to start with the right language. We need to understand what the Senator is asking us to consider.

He started by saying that no family in America has the luxury the Federal Government has of spending more than they bring in year after year after year, which is what our deficit does at the Federal level. No argument there. Let me use another family example. My wife and I have raised three children. Occasionally, we have given them some choices. A father could say to his son: You have $200 coming up for your birthday. Here are the choices you can make: You can buy a new suit—it wouldn't be a bad idea if you are going to go out for an interview—or you can buy that bicycle you have had your eye on for a long time that you want to take to college or I know you want to buy an iPod. OK. Make a choice, but you only get $200. Make one of those choices. I authorize your birthday gift to be spent on those three things, but I will not appropriate—I will not give you the $200 for all three, only for one. Three choices are on the table; you only get to choose one.

Authorization bills put choices on the table, and then the appropriations bills make a choice. It doesn't mean my son is going to get $600 at the end of the day; he only gets $200. He has to make a choice from the gifts I have authorized. The Senator from Oklahoma is arguing that giving my son a choice of three things means he is going to demand all three and get them. Wrong. It is a matter of discipline when it comes to the appropriations process. The authorization process is not the problem. We could authorize much more than we ultimately spend, and we do, but in the final reckoning, the budget resolution says you can only spend so much money. You can only spend $200 on your birthday, I say to my son, even though you are being given three authorized choices.

So when the Senator offers us this sense of the Senate, it sounds an awful lot like pay-go, which is now the process we are following in the Senate which says: If you want to spend some money, you have to find a way to increase a tax or cut spending in other areas. It is pay as you go. But the Senator from Oklahoma applies it to authorizations. It is a different world. Confusing the two is not going to help us reach a balanced budget; confusing the two creates confusion. Authorization is not appropriation.

Earmarks can be appropriations. I have seen them. I have done them. I have announced them in press releases. I am happy to do so to bring money back to my State as best I can for good reasons, and I stand by them and defend them. People challenge them. That is the nature of this business as I consider it.

The bottom line is, if I am authorized to have three bridges in Illinois, authorized to have three bridges in Illinois and only have money for one bridge to be appropriated, I have to make a choice. The people in my State have to make a choice. Life is about choices. It is not about what I might choose; it is what I ultimately have to choose—one bridge, one birthday gift. That is the appropriation. That is why this is so different.

Ordinarily, this resolution, until it gets to its resolved sense-of-the-Senate clause, is pretty easy to take. I might disagree with some of the rhetoric here and there, but when you end by arguing that an authorization is an expenditure of money, it is just not accurate. It doesn't state what happens here in Congress.

Mr. COBURN. Mr. President, will the Senator yield for a question?

Mr. DURBIN. I am happy to yield for a question.

Mr. COBURN. Under your premise, only bills that are authorized get funded, correct?

Mr. DURBIN. But all bills that are authorized do not get appropriated.

Mr. COBURN. Except you are wrong. Last year, $220 billion of unauthorized programs were appropriated.

If I may—will the Senator yield to me? I am happy to yield back in a moment.

Mr. DURBIN. Sure.

Mr. COBURN. Let's carry your analogy a little further. What has really happened is you give your son $200, but the mandate is—you are going to spend $100 on a broken iPod or a used iPod, and you have $100 to buy down towards a good one, but you mandate that you spend $100 on the bad one. That is the analogy. That is why we ought to deauthorize programs that aren't working. That is why we ought to oversight aggressively every area of the Federal Government.

Let me take one other exception, and then I will be happy to yield back to the Senator.

Mr. DURBIN. Could I interrupt the Senator just to say this: This is getting painfully close to a debate, which rarely occurs on the floor of the Senate, so please proceed.

Mr. COBURN. I love it. I love to debate the Senator from Illinois.

I take a different tact, and the Senator knows that. I look at the oath I took when I came to the Senate. It didn't say ''Oklahoma'' in it; the Senator's didn't say ''Illinois.'' What the oath says is to defend the Constitution of the United States and do what is best for the country as a whole and in the long term.

Now, the Senator—and I admire him greatly—admitted that he plays the game the way it is played. I am telling him that the American people are ready for the game to be played a different way—a totally different way. Part of that is looking at the authority under which we allow money to be spent and recognizing that if we are going to authorize something new, given the jam we are in, all you have to do is talk to David Walker and look at what is going to happen in the next two generations. Don't we have an obligation to look at the programs that are not authorized?

Would the Senator answer this question: When was the last time he saw a program deauthorized in this body?

Mr. DURBIN. I am happy to respond. I think the Senator has asked a good question but not the right question. When we fail to appropriate money for an authorized program, we are saying there is a higher priority. We are saying that authorized program may not be as valid or as valuable today as when it was enacted, and we make the choice. The Senator referred to this, and I know he didn't mean to demean the process in saying that I am ''playing the game.'' I don't think I am ''playing the game'' when I do the best I can to help the 12½ million people I represent. If the Senator ran into a problem—and occasionally Oklahoma has a challenge—I will be there to help him, too. That is the nature of it. We try to represent our States and also do what is good for the Nation.

Secondly, if authorization is broken, as the Senator from Oklahoma says, the obvious answer is, either don't appropriate money for it, or when the appropriations bill comes to the floor, strike it and move the money to another program. You have the right to do that as a Senator. But the fact that the options or choices are out there doesn't mean that every one of them is going to be honored and appropriated.

Mr. COBURN. Mr. President, reclaiming the floor, if I might, the thing that strikes me is the Senator is a wonderful debater, except when he says the appropriators appropriating money on an authorized program—that is great, except the American public needs to know that 22 percent of what we appropriate has never been authorized. Never.

So the fact is, we say authorization means something, but it means nothing as far as the appropriations process goes. The real point of this debate is how do we grab hold of this problem, this behemoth of a problem that will face our children and grandchildren in the next 20 to 25 years, and do it in a way that will give us the greatest opportunity for them?

My idea—and obviously many people disagree with it—is I think we ought to start looking at every program. We ought to ask a couple of questions: Can we measure its effectiveness? Is there a metric on it that says this program is supposed to do this? Is there a metric there so we can measure it? I am of the mind to say that if you cannot measure something, you cannot manage it. Ninety percent of the programs have no metric in the Federal Government, so we don't know if they are working.

No. 2, is it a program that is still needed? We don't ever look at the authorizing level. The Senator would have us defer everything to appropriations, and that is what we actually do because 20 percent of what we appropriate is not authorized and everything we authorize isn't appropriated. So, obviously, authorizations are meaningless. So what we should do is eliminate authorizing committees and just have appropriations committees and we will all be on appropriations committees.

Third, we should ask, is this still a legitimate function of the Federal Government? When we ran a $300 billion-plus true deficit last year and every State, save one, had big surpluses, should we not ask the question: If we are doing things that really are not the Federal Government's role to do, and we have a deficit and the States have a surplus, should we not let them do it without our fingers taking 15 percent of the money as we send it back?

Mr. DURBIN. If the Senator will yield, I will make a constructive suggestion, not to make a debate point or anything else, but to serve his purposes. Can I suggest that instead of a sense-of-the-Senate resolution, the Senator from Oklahoma, when an authorization bill comes along, offer a sunset provision to be added to it to say that at a certain period of time this authorization ends and has to be

reauthorized? Would that not serve his purpose?

Mr. COBURN. As a matter of fact, I did just that on the last 9/11 bill, and the Senator from Illinois voted against it. I voted to sunset it. I actually offered the amendment that said we should sunset it and look at it in 5 years, and the Senator from Illinois disagreed. He thought, no, we should not do that. This Senator must admit that he does have a constructive suggestion. I just wish he had voted that way when we had the amendment up.

Mr. DURBIN. I was reluctant to do this, but I am going to refer to a couple of votes of the Senator from Oklahoma. His amendment was to sunset the entire Department of Homeland Security. Also, on two separate occasions he voted against pay-as-you-go requiring 50 votes. Here are two different rollcalls where the Senator's vote would have made the difference.

Mr. COBURN. My amendment did not sunset the whole Department of Homeland Security. It was the grants process.

Mr. DURBIN. That is what keeps our country safe.

Mr. COBURN. It is made up of how we dole money out to the States rather than looking at the best interests of the country and looking at the risk base for national security and homeland security. I am basically for a true pay-go that says the options are two. One option said the only option is, if we won't cut spending, we will raise taxes. That is a pay-more, not a pay-go. It is pay more.

I am proud of those votes. I had consternation over it because I want to try to hold to those things. But the pay-go as outlined two times in the language was a vote for pay-more.

Will the Senator agree with me that there is waste, fraud, and abuse in the duplication of the Federal Government.

Mr. DURBIN. Absolutely.

Mr. COBURN. Will the Senator agree that since we had a $300 billion-plus deficit last year—$200 billion-plus if we weren't in the war in Iraq—if we took that off the table, would it not make sense for us to try to get rid of the waste, fraud, duplication, and abuse?

Mr. DURBIN. Of course. But I include the war in Iraq——

Mr. COBURN. It doesn't include the war. Let me finish my point.

Mr. DURBIN. I said I do include the war in Iraq.

Mr. COBURN. It was in there, but say we were not in the war and we were still down to $200 billion—let's take that off the table. Say we have a $200 billion deficit, and we can demonstrate from our subcommittee hearings $200 billion a year in waste, fraud, and abuse. Yet we did nothing about it. We did nothing.

I have enjoyed my debate with the Senator from Illinois. I ask that we vote on the question at hand. I thank him for his kindness.

Mr. DURBIN. Mr. President, I understand Senator SPECTER may have a comment he wants to make. I respect the Senator's view on the budget, though we disagree. We both understand the seriousness of the deficit. I don't think authorizations are the problem. For that reason, I will vote against this amendment. When we vote on a pay-go amendment, I hope you can join us.

Mr. COBURN. As long as it is not a pay-more amendment.

Mr. DURBIN. Frankly, it has to include taxes instead of spending.

I will yield the floor to the Senator from Pennsylvania, if he is prepared to speak. If not, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

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

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

Mr. COBURN. Mr. President, I have an amendment in my hand by Senator John Ensign. I will send it to the desk. I ask unanimous consent to set aside the pending amendment and to have this called up.

Mr. LEAHY. Reserving the right to object, and I may, we are about to have a vote in connection with the amendment of the Senator from Oklahoma. If we are going to start talking about amendments for a couple of hours and bring up another one, we are not going to get anywhere on the bill for court security, which has been passed twice by this body. So I object.

The PRESIDING OFFICER (Ms. CANTWELL). Objection is heard.

The Senator from Pennsylvania is recognized.

Mr. SPECTER. Madam President, a great deal of what the Senator from Oklahoma has offered, I agree with; that is, that we ought to live within our means as a society. I have consistently supported constitutional amendments for balanced budgets, to require the Congress to live within its means, like States, cities, and we personally must live within our means. I have supported the line-item veto. I think the transparency for awards, also known as earmarks, will be an improvement of the current system.

I agree with what the Senator from Oklahoma has said about the problems created by the national debt and by the deficit. But the sense-of-the-Senate conclusion, I think, goes further than we can, realistically. The last paragraph says:

> It is the sense of the Senate that Congress has a moral obligation to offset the cost of new government programs, initiatives, and authorizations.

When you talk about living within our means and a balanced budget, in the line-item veto, I would agree with that; but when you talk about offsetting the authorizations, that goes to a point that I think goes too far because the legislative process has two steps. One step is the authorization and the second step is the appropriation.

It is common practice to have authorizations that will be substantially beyond what an appropriation will be. The real decisive factor is what money is appropriated, what money is spent, not what moneys can be authorized. But in structuring programs and authorizations, it is the common practice to put a figure in that is larger than may be used, but it is there for purposes of contingency, if more should be used, so that the real critical factor is the appropriations process.

I cannot agree with what the Senator from Oklahoma seeks to accomplish on tying the hands of the authorizers because of the established practice that I think is appropriate. For that reason, I regrettably cannot support what my colleague has offered, although I think the underlying purpose is very valid.

Mr. LEAHY. Madam President, if this was our Department of Justice authorization bill, these kinds of amendments could certainly be considered.

We are talking about a court security bill which has passed this body twice, which is urgently needed. I am trying to keep extraneous matters off it and have them offered on legislation where it is more appropriate.

AMENDMENT NO. 896

Mr. LEAHY. Madam President, I ask unanimous consent that the pending amendment be set aside and that the managers' package be considered and agreed to, and we revert to the pending amendment.

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

The amendment (No. 896) was agreed to.

AMENDMENT NO. 891

Mr. LEAHY. Madam President, my understanding is the managers' package has been agreed to and we are back on the Coburn amendment.

The PRESIDING OFFICER. Amendment No. 896 is agreed to, and the Coburn amendment is pending.

Mr. LEAHY. Madam President, I don't want to surprise my colleague from Oklahoma, I will in a moment move to table his amendment. Again, if this was a DOJ authorization bill—and I have presented and passed in this body DOJ authorization bills before—then if he wanted to bring the amendment up, we could vote it up or down. This is a different bill. We want it to be a clean bill.

Therefore, Madam President, I move to table the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

Mr. MCCONNELL. The following Senators are necessarily absent: the Senator from Mississippi (Mr. LOTT) and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 59, nays 38, as follows:

[Rollcall Vote No. 134 Leg.]

YEAS—59

Akaka	Durbin	Nelson (FL)
Alexander	Feinstein	Nelson (NE)
Bennett	Harkin	Obama
Biden	Inouye	Pryor
Bingaman	Kennedy	Reed
Bond	Kerry	Reid
Boxer	Klobuchar	Rockefeller
Brown	Landrieu	Salazar
Byrd	Lautenberg	Sanders
Cantwell	Leahy	Schumer
Cardin	Levin	Snowe
Carper	Lieberman	Specter
Casey	Lincoln	Stabenow
Clinton	Lugar	Stevens
Cochran	McCaskill	Voinovich
Collins	McConnell	Warner
Conrad	Menendez	Webb
Dodd	Mikulski	Whitehouse
Domenici	Murkowski	Wyden
Dorgan	Murray	

NAYS—38

Allard	DeMint	Kohl
Baucus	Dole	Kyl
Bayh	Ensign	Martinez
Brownback	Enzi	Roberts
Bunning	Feingold	Sessions
Burr	Graham	Shelby
Chambliss	Grassley	Smith
Coburn	Gregg	Sununu
Coleman	Hagel	Tester
Corker	Hatch	Thomas
Cornyn	Hutchison	Thune
Craig	Inhofe	Vitter
Crapo	Isakson	

NOT VOTING—3

Johnson	Lott	McCain

The motion was agreed to.

Mr. LEAHY. Madam President, I move to reconsider the vote.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mrs. MURRAY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. GRASSLEY. I ask unanimous consent that I be able to speak in morning business.

Mr. REID. Madam President, I ask the distinguished Senator from Iowa, my dear friend, I have to file a cloture motion. It will take me just a minute.

Mr. GRASSLEY. Surely.

CLOTURE MOTION

Mr. REID. Madam 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 debate on Calendar No. 107, S. 378, the Court Security Improvement bill.

Robert Menendez, Sherrod Brown, Dick Durbin, Harry Reid, Ron Wyden, Debbie Stabenow, Patrick Leahy, Sheldon Whitehouse, Ted Kennedy, Tom Carper, Kent Conrad, Frank Lautenberg, Joe Lieberman, Claire McCaskill, Robert P. Casey, Patty Murray, Jay Rockefeller.

MORNING BUSINESS

Mr. REID. Madam President, I now ask unanimous consent we be allowed to proceed to a period of morning business with Senators permitted to speak therein. The Senator from Iowa wishes to speak for a half hour. After that, Senators will be recognized for up to 10 minutes each.

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

FINISHING CONSIDERATION OF S. 378

Mr. REID. Madam President, if I could take another minute of the time of the distinguished Senator, we hope we can finish this bill tomorrow. That would be my desire. Tomorrow is Thursday. I am filing this tonight. The time ripens for voting on this Friday morning. But Friday morning occurs at 1 a.m. We have to finish this bill as soon as we can. I am alerting everyone, there could be a vote Friday morning at 1 a.m.

I also suggest that I have been trying for some time now to do a bipartisan bill that has been worked on by many Senators. There are 50 cosponsors of this legislation, dealing with competitiveness. On our side it will be managed by Senator BINGAMAN. It is my understanding on the other side it will be managed by Senator ALEXANDER. I hope we can have an agreement to move to that. I hope I do not have to file a motion to proceed to that piece of legislation. Remember, next week we need to complete work to send to the President the supplemental appropriations bill.

Having said that, I want to alert everyone I think it is too bad. This bill that is before the body now, the Court Security bill, has been passed by the Senate on two separate occasions. We have filed cloture; cloture was invoked. I appreciate very much the minority allowing us to move to the bill. But this afternoon I had a meeting with Mr. Clark, head of the U.S. Marshals Service. This year, threats to Federal judges have gone up 17 percent. We have had vile things done to judges all over the country, even in the State of Nevada, and we need to give Federal courts and local courts protection. We need to be a country that is ruled by the finest judicial system in the world, which we have now, and we cannot have bad people take away our court system—and violence can do that.

I hope we can finish this bill in a reasonable time tomorrow. If not, tomorrow will be a long night.

I appreciate very much my friend from Iowa allowing me to speak for a minute.

The PRESIDING OFFICER. The Senator from Iowa.

DRUG SAFETY

Mr. GRASSLEY. Madam President, today I wanted to speak on an issue I speak on many times, drug safety. Today is a little different approach to it, though, because earlier today the Committee on Health, Education, Labor, and Pensions began marking up S. 1082, the Food and Drug Administration Revitalization Act. For the first time in almost a decade we have an opportunity to reform, to improve, and to reestablish the FDA as an institution committed to making patient safety as important as bringing new drugs to the market.

S. 1082 presents a framework for the future of drug and device safety. I am gratified by some of its current contents and I express some disappointment about others. That is the purpose of my speaking to my colleagues.

First, I am gratified the bill attempts to address some of the overarching issues plaguing the FDA that have been repeatedly revealed by the investigations I conducted of the FDA over the last 3 years. In particular, S. 1082 takes a number of steps to address the issue of transparency, the issue of accountability, and the issue of respect for the scientific process that has been lacking for some time at the FDA. S. 1082, for example, requires that within 30 days of approval, the action package for approval of a new drug must be posted on the FDA's Web site. This requirement, however, only applies to a drug with an active ingredient that has not been previously approved by the FDA. The action package would contain all documents generated by the FDA related to the review of a drug application, including a summary review of all conclusions and, among other things, any disagreements and how these disagreements were resolved. If a supervisor disagreed with the review, then the supervisor's opposing review would be available to the public. And to address the many allegations that the Food and Drug Administration safety reviewers are sometimes coerced into changing their findings, I greatly welcome the provision that states a scientific review of an application is considered the work of the reviewer and must not be changed by FDA managers or the reviewer once that review is final.

The bill also takes steps to bring more resources to the FDA for drug safety, another matter I have been discussing for years. In addition, the bill requires the Food and Drug Administration's Drug Safety and Risk Management Advisory Committee to meet

at least two times a year to address safety questions and to make recommendations regarding post-market studies.

I am also heartened to see that the bill incorporated several elements from the Dodd-Grassley bill entitled the Fair Access to Clinical Trials Act of 2007. S. 1082 ensures that the clinical trial registry includes trials of devices approved by the FDA. The bill requires a drug sponsor to certify at the time of the submission of a drug, biologics, or device application to the agency, that the sponsor has met all of the clinical trial registry requirements.

Last but not least, S. 1082 attempts to give the Food and Drug Administration some teeth by requiring specific civil penalties, monetary penalties for submission of false certification, and false or misleading clinical trial information.

These are, in my mind, some of the good things that are proposed in S. 1082. I wish to thank Chairman KENNEDY and Ranking Member ENZI in this regard.

I hope additions such as these, which strengthen S. 1082, will make it through the HELP Committee's vote as the committee considers further changes. As I said earlier, I am both gratified and disappointed by the contents of S. 1082.

I turn now to some of what I consider to be lacking in the bill, that in my mind fails to address some of the issues that are critical to reestablishing the FDA's mission and putting John Q. Public and not PhRMA at the helm of the FDA.

I commend the HELP Committee's attempt to ensure that the office responsible for post-market drug safety is involved in, among other things, decisions made regarding labeling and post-market studies by making specific references to that office throughout S. 1082. However, the bill does not address the outstanding critical problem that the office responsible for post-market drug safety lacks the independence, lacks the authority to promptly identify serious health risks and take necessary steps that will protect the public.

As I think we all agree, the Federal Drug Administration is in desperate need of major overhaul. Over the past 3 years, my investigations have demonstrated that the depth and the breadth of the problems plaguing the FDA on both the drug and device side ought to stand out in everybody's mind as something Congress ought to be dealing with. Senator DODD and I have written two bills that we believe will greatly enhance drug and device safety and improve transparency at the FDA and, most importantly, prevent another Vioxx debacle.

The Federal Drug Administration's Safety Act of 2007 and the Fair Access to Clinical Trials Act of 2007 are intended to address some of the problems plaguing the FDA at its very core. Those are the bills that are the Grassley-Dodd bill and the other is a Dodd-Grassley bill.

Let me be clear: Big PhRMA does not like these bills. FDA management does not like these bills. Lobbyists are spending hours upon hours lobbying against these bills. The Food and Drug Administration Revitalization Act does not embrace all the critical elements of the Dodd-Grassley and the Grassley-Dodd bill.

Let me ask each and every Member of the Senate the following: What is wrong with establishing a separate center within the FDA—not outside the FDA, within the FDA—with its only job being that of a watchdog for those drugs already in the market? What is wrong with supporting a group of committed FDA scientists who only watch for serious adverse effects that may pop up only occasionally, perhaps only 1 in 10,000 or 1 in 20,000? What is wrong with ensuring that all clinical trial results, regardless of their outcome, are available to the scientific community, health care practitioners, and the public? What is wrong with supporting a clinical trial registry and results database that also requires sponsors to reveal their negative trials? And what is wrong with giving the FDA strong enforcement tools to combat bad players?

I propose there is nothing wrong with any of these proposals, particularly the proposals that a new, separate, and independent center be created to address post-market surveillance, a proposal supported by Senator DODD and me, not once but twice.

I have heard the naysayers and the naysayers' many bogus arguments about why a new post-market drug safety center will not work. The arguments range from the absurd to the ridiculous.

I will also address a few of those for you today. One argument is the creation of a separate center will slow down the drug approval process and delay much needed drugs from those who need them.

This argument is, in plain English, a nonstarter. Why? Because this new center will be devoted to keeping an eye on drugs once they are already on the market, postmarketing surveillance.

Another argument is that a new postmarket drug safety center will create an unmanageable bureaucracy at the FDA. That is a bogus argument. Why would taking an already existing office at the Food and Drug Administration, moving it on an organizational chart and providing it with new authority to watch for unknown and unexpected adverse events be bad? It does not make sense.

These arguments at first blush made an impression on Dr. Steven Nissen, chair of the Department of Cardiovascular Medicine at Cleveland Clinic and immediate past president of the American College of Cardiology, who was not an original supporter of establishing a separate center within the FDA to address postmarketing surveillance.

But, over time, his views have changed. Dr. Nissen probed more, evaluated the facts more, and as he talked more to on-the-ground FDA staff members, Dr. Nissen changed his mind and told the American public so.

Dr. Nissen recently sent me a letter stating that not only does he support the Fair Access to Clinical Trials Act but also the Food and Drug Administration Safety Act. In other words, Dr. Nissen said:

> In particular, I support the creation of a new independent center within the FDA called the Center for Post-Market Evaluation and Research for drugs and biologics. Although I had previously expressed some concern about creating this center, I have become convinced that the separation of post-market surveillance from the Office of New Drugs represents the best opportunity to improve the performance of the FDA in handling drug safety issues.

I ask unanimous consent to have that letter printed in the RECORD.

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

CLEVELAND CLINIC,
Cleveland, OH, March 29, 2007.

Hon. CHARLES E. GRASSLEY,
U.S. Senate,
Washington, DC.

DEAR SENATOR GRASSLEY: I share your concern about the need for a significant overhaul of the Food and Drug Administration to improve drug safety. Over the last several years, we have endured a series of disturbing revelations about the lack of vigilance by the FDA in monitoring drugs following approval. I have reviewed the two Bills that you and Senator DODD introduced, the Food & Drug Administration Safety Act of 2007 and the Fair Access to Clinical Act of 2007. I strongly support the passage of both of these Acts and believe that they will help protect the public health.

In particular, I support the creation of a new and independent center within the FDA called the Center for Post-Market Evaluation and Research for drugs and biologics (CPER). Although I had previously expressed some concern about creating this center, I have become convinced that the separation of postmarket surveillance from the Office of New Drugs represents the best opportunity to improve the performance of the FDA in handling drug safety issues.

Finally, I want to thank you and Senator DODD for your tireless efforts to promote public health through aggressive oversight of the Food and Drug Administration. Your leadership in this vital area has been invaluable and all of the 300 million Americans who rely upon drugs to protect their health are grateful for your steadfast efforts.

The views expressed in this letter are my own personal opinion and do not necessarily reflect the official views of my employer or the American College of Cardiology.

Sincerely,

STEVEN E. NISSEN, M.D.,
Chairman, Department of Cardiovascular Medicine, Cleveland Clinic, Immediate Past President, American College of Cardiology.

Mr. GRASSLEY. Coupled with Dr. Nissen's letter of support, I also received a letter from Dr. Curt Furberg, professor of public health science at

Wake Forest University School of Medicine. Dr. Furberg is not only a professor of medicine, but he is also a member of the Food and Drug Administration Drug Safety and Risk Management Advisory Committee.

Dr. Furberg knows the FDA from the inside, and you might say he knows it inside-outside, in and out. In fact, even Dr. Furberg has written me to say he is supportive of creating a new center, and he is particularly supportive of creating a new enforcement tool to be used against bad players in the drug industry.

I also have that letter and would ask unanimous consent to have it printed in the RECORD as well.

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

WAKE FOREST,
SCHOOL OF MEDICINE,
March 15, 2007.

Hon. CHUCK GRASSLEY,
U.S. Senate, Washington, DC.

DEAR SENATOR GRASSLEY: I am pleased that members of the U.S. Congress are taking constructive actions to address the major problems with drug safety. Your Bills—FDASA and the FACT Act—are excellent and, if passed, would greatly benefit the U.S. public.

My major concern relates to the FDA's lack of enforcement tools. Regulations and commitments of any kind have limited value if major and repeated violations involve no consequences. Drugmakers who suppress or delay submission of safety information to the FDA, stall label changes (especially new Black Box warnings) or fail to honor their commitments to complete post-market safety studies are rarely (if ever) penalized for their unacceptable behaviors. Thus, I particularly applaud the way your FDASA Bill would give the Director of the Center for Postmarket Evaluation and Research for Drugs and Biologics wide-ranging authority to take corrective action.

If I can be of any assistance in facilitating passage of this legislation, do not hesitate to call me.

Respectfully,

CURT D. FURBERG, MD, PHD,
Professor of Public Health Sciences, Member of the FDA Drug Safety and Risk Management Advisory Committee.

Mr. GRASSLEY. Madam President, if these two thoughtful leaders can come forward and support a new center that is devoted to watching drugs once they are on the market so that American consumers and their doctors know about a problem promptly, what is wrong with that? That is why I hope the HELP Committee will take a second look at the Dodd-Grassley bill. We have seen time and again that the FDA is not as good at this function as it should be. However, the reality is that the FDA needs to perform this function well because lives of American citizens and maybe around the world depend on it.

I wish to see a bill passed that prevents another Vioxx debacle. This Congress has an opportunity to make meaningful and positive changes. Let's not allow that opportunity to slip through our fingers.

MEDICARE

Madam President, I have another set of remarks that I wish to make dealing with the issue that we had before the Senate today, and that we had a cloture vote on, S. 3. Members on the other side of the aisle, including the assistant majority leader, said that Republicans do not want this debate. What are they talking about, do not want a debate about anything dealing with Medicare prescription drugs and all those sorts of things?

This body has debated the so-called prohibition on Government negotiation. The Senate had four votes on this issue. What is rather amusing to me about the statement that we do not want the debate is that they did not seem to want the debate when the Senate considered S. 1.

S. 1 was the Senate version of the Medicare drug law. That bill had a noninterference clause in it just like the current law does. It is that clause that the other side has distorted to come up with the absurd claim that no negotiations occur under the Medicare drug benefit. Not once, I repeat, not once during the entire time that S. 1 was on the Senate floor in the year 2003 did anyone on the other side of the aisle bring up this issue.

That is because this is not an issue of merit, it is simply one born out of political pandering. The assistant majority leader also talked about how Medicare should look like the VA because the VA seems to get lower prices.

The VA gets lower prices because the Government passed a law to guarantee itself an automatic discount that no one else can get. By law, that price is automatically 24 percent less than the average price paid by basically all non-Federal purchasers. That is not negotiation, that is a federally mandated price dictation, or you might call it a 24-percent discount, but it is federally mandated.

I agree that the logical question then is: Why not have Medicare get that price? Experts who testified at the Senate Finance Committee, even the VA itself at a 2001 hearing before the Committee on Veterans' Affairs gave us the answer: They said that giving the Medicare VA prices will increase prices for veterans. Now, why would anybody in this body want to increase prices for veterans?

Now I wish to turn to how the VA uses its own pharmacy benefit manager or PBM as we refer to them. The pharmacy benefit manager for the VA—the VA has one. In 1995, as part of an effort to better manage and monitor drug usage and purchasing and utilization oversight across the entire Veterans' Administration, the VA established its own benefit manager.

The VA did it because it wanted to have its pharmacy operation work similar to the private sector. They did it because, as stated in the VA news release, they wanted to maximize a developing business strategy in the private sector. That business strategy was getting lower prices on drugs in the private sector.

So here we have people holding out the VA as a model, which uses its own PBM to negotiate, and at the same time they are saying: Using PBMs in Medicare is wrong.

Remember, that process has brought 35-percent lower costs on the 25 most used drugs by seniors under the Medicare Program. I cannot help but see how that is a bit of irony when people say they want Medicare to negotiate like the VA negotiates.

Well, the VA negotiates through its PBM. So the funny thing is, the VA actually negotiates similar to Medicare drug plans. You heard that right, but let me state it again. The VA system for negotiating is just like the one already used by Medicare through prescription drug plans that seniors join.

If the VA's PBM looked at itself in the mirror, it would see a Medicare drug plan's PBM staring right back at it. There is another important difference between the VA and Medicare. The VA prescription drug benefit is just one part of the VA's health care delivery system. It is a very different system than Medicare.

The VA system requires veterans to use VA hospitals, to use VA physicians, to use the VA national formulary, to use their pharmacies, and to use their mail order pharmacy. Now, don't get me wrong. The VA has a good system that works for veterans. But what it comes down to is choice. So I have a chart I want you to look at. Under the Medicare prescription drug benefit, beneficiaries have choices. They can choose the plan they want, a plan that covers all their medicines. They can choose the doctor and the hospital they want. They can go to their local pharmacy.

Even the VA recognizes this fact. On its own Web site in a ''frequently asked questions'' page, the VA does not recommend that veterans cancel or decline coverage in Medicare because a veteran may want to consider the flexibility afforded by enrolling in both the VA plan and the Medicare plan.

For example, veterans enrolled in both programs may obtain prescription drugs that are not on the VA formulary if prescribed by a non-VA physician and filled at a local pharmacy.

Making all Part D programs look like the VA and its formulary then will severely restrict access and will severely restrict choice to the 44 million Medicare beneficiaries. Now, the other side says: No. No. We are not going to limit access to drugs. Yes, as I pointed out this morning, every Democrat on the Finance Committee cast a vote against my amendment that would have prohibited the Secretary from creating a national preferred drug list.

I had thought, for all the talk about not allowing a Government formulary, the proponents of S. 3 would embrace a

provision banning preferred drug lists. If they do not want to limit beneficiaries' access to drugs, my amendment should have been easy for them to support.

But by voting against my amendment, they were voting in favor of the Government setting a preferred drug list. Now, the preferred drug list might sound like a good thing, but in reality it is not. It is a Government-controlled list of drugs that you can or cannot have because the Government is not going to pay for what they say you cannot have.

The preferred drug list then operates similar to a formulary. In my opinion, if it walks like a duck, if it quacks like a duck, then it is a duck. But that is not what the courts have found. So what does that mean for Medicare beneficiaries? It means that even though S. 3 prohibits the Secretary from using a formulary, it does not prohibit the Secretary from using a preferred drug list. It is clear now then from all this analysis and their votes on this amendment that supporters of this Senate bill want the Government to set a preferred drug list. They want the Government to determine for what seniors can get coverage.

A number of States have implemented preferred drug lists. Michigan, for example, has a preferred drug list. Here is what the Kaiser Family Foundation found in a 2003 case study on that preferred drug list:

> Fearing opposition from the pharmaceutical industry, the State sought virtually no input from providers, pharmacists, beneficiaries and manufacturers.

Continuing the quote:

> Ultimately the department [meaning Michigan] made only a few changes to the list of drugs on the Michigan preferred drug list in response to beneficiaries and provider concerns.

Both the Illinois House and the Illinois Senate resolutions were introduced in 2002 to establish a committee to oversee that State's preferred drug list.

The resolution noted that the creation of Illinois' preferred drug list ''could lead to unintended consequences such as inferior health care, increased hospitalizations and emergency care, increased admissions into long-term care, and unnecessary patient suffering and potentially death.''

In a statement about this bill, S. 345, the assistant majority leader said that: The Medicare-administered plan envisioned under this bill would have a preferred drug list.

So this morning I talked about fitting all of the pieces of a legislative puzzle together.

Here are some of those pieces: The bill approved by the House allows price controls. The bill that was before the Senate does not prohibit the Secretary from dictating the drugs beneficiaries can get. We have Senator DURBIN's statement about his own bill and how he envisioned a preferred drug list.

So despite claims by those on the other side of the aisle, this bill is not harmless to senior citizens. If this Trojan horse attack succeeds in a Government takeover of the drug benefit, here is what seniors can look forward to: They can look forward to fewer choices. They can look forward to fewer opportunities to choose a plan that best meets their needs—the needs of 44 million senior citizens in America.

If the Senate bill were to pass, seniors will get only the drugs some Government bureaucrat determines they can have. All other Americans will see the prices of their prescription drugs going up. That is not me saying it. Professor Scott Morton of Yale University testified before the Senate Finance Committee to that mathematical fact, that if you have 44 million senior citizens, and you have the Government dictating the price, when you deal with that number of people, the price is going to go up for everybody. If that is what the other side calls harmless, I shudder to think what their definition of ''harmful'' might be.

We should have and did stop this bill in its tracks. Voting no was a vote against Government-controlled drug lists, Government setting prices, and Government restrictions on seniors' access to drugs. That was the right thing to do today, and I am glad the vote came out the way it did. I hope it stays that way because if it ain't broke, don't fix it.

(Mr. CASEY assumed the Chair.)

NATIONAL INFANT IMMUNIZATION WEEK

Mr. REID. Mr. President, I rise in recognition of National Infant Immunization Week, which is being held this year from April 21–28. In Nevada and throughout the country, State and local health departments, health care providers, parents, and other partners will be working together to make sure that all infants are protected against vaccine-preventable diseases. This week is also an opportunity for all of us to spread the message about getting immunized. Not only do immunizations give our children a healthy start to life, they also save lives and protect the American public's health.

Immunization against vaccine-preventable diseases is a tremendous success story. Due to the development of vaccines and immunization campaigns, infectious diseases that used to devastate entire communities have been reduced to record lows or eradicated outright. Thanks to immunizations, few Americans today have any direct knowledge of once commonplace scourges like polio, smallpox, measles, and diphtheria. For most of us, the deaths, suffering, and disability associated with these diseases are now known only through textbooks and old newspaper accounts.

The National Infant Immunization Week is a time to reflect on these achievements. More importantly, this week is also a reminder that we cannot lose ground by becoming complacent or taking the benefits of immunizations for granted. Approximately 1 million children in this country are not fully immunized by age two and many regions of the country have disturbingly low immunization rates. In my home State of Nevada, the immunization rate for infants and young children is ranked last in the country.

Fortunately, there are Federal and State programs that work to provide lifesaving vaccinations to children and adults who would otherwise have to go without. During this year's National Infant Immunization Week, I urge my colleagues in the Senate to support these efforts. By promoting access to immunizations against serious but preventable diseases, we can work to ensure that all Americans will benefit from this invaluable public health tool for generations to come.

EARTH DAY

Mr. REID. Mr. President, Sunday is the 37th anniversary of Earth Day. I have been pleased to read reports that people across the country are planning to come together to celebrate our environmental accomplishments and to renew their environmental commitment to future and current generations. Everyone should celebrate the major steps forward we have taken to achieve clean air and water, to reduce pollution, and to clean up hazardous waste sites.

Earth Day is celebrated because of the great work of former Senator Gaylord Nelson of Wisconsin. In 1970, he founded Earth Day to celebrate the environment and to bring attention to the legislative challenges facing those who want to want to protect the environment. Senator Nelson also cosponsored the Wilderness Act of 1964, a law that has been amazingly important to protecting Nevada's beauty.

Nevada is one of the many States that has greatly benefited from the increased environmental awareness that former Senator Nelson helped to cultivate. Nevada's dramatic landscapes from the high alpine lakes of the Ruby Mountains to the stark open spaces of the Black Rock Desert to the incredible Joshua tree forests in the Piute Valley have provided inspiration to generations of Nevadans. Protecting Nevada's wild lands ensured that those who follow us will have the same opportunity to find and experience these incredible places as we had.

The Wilderness Act of 1964, which was cosponsored by former Senator Nelson, has done tremendous things in Nevada. I have been proud to help designate nearly 2 million acres of wilderness across Nevada, in addition to creating the Sloan Canyon, Red Rock Canyon, and Black Rock Desert-High Rock Canyon National Conservation Areas and Great Basin National Park.

Protecting and serving our environment has always been one of my passions, and I have twice had the privilege to chair the Environment and

Public Works Committee. During that time, I had the chance to write the Safe Drinking Water Act Amendments of 1996, to revise the Clean Air Act, and to improve the Endangered Species Act, Superfund, and the Clean Water Act. In each case, I advocated for laws that not only protect the environment but that are flexible, take advantage of market mechanisms, and reflect the unique needs and circumstances of the West.

I was always pleased that I was able to work in a bipartisan manner with my colleagues on the Environment and Public Works Committee. Republicans, Democrats, and Independents all understood that protecting the environment did not have to be a partisan issue, and I was glad that various presidents joined in our efforts. That is why it is so distressing today to see the current administration's policies pursued in such a manner because environmental issues could and should be bipartisan.

Each year, our understanding grows about how important it is to conserve and protect our land and its rich resources. While the current administration's environmental rollbacks are far too numerous to count, it started with attempts to loosen arsenic standards for drinking water and centers today around their total unwillingness to work together on a plan that will first stabilize and then reduce greenhouse gas emissions.

Global warming and climate change is the single greatest environmental challenge that will confront current and future generations. We have a moral obligation to address this issue and choosing to ignore this problem is madness and a luxury we do not have the time for. I once again urge my colleagues not to fall for the temptation of the administration's voluntary ''technology-only'' strategy. That strategy has only increased emissions and the risks associated with global warming.

The negative impacts that have been linked to global warming and climate change are also far too numerous to mention, but I am continually concerned about the impacts that climate change will have on water in Nevada. Most recently, the National Resources Conservation Service recorded that snowpack throughout the Sierra Nevada Mountains is only at 40 to 50 percent or normal. In eastern Nevada, due to decreases in the snowpack, the stream flow for the Humboldt River is expected to only be at 34 percent and the lower Colorado River at 19 percent of its average. A recent study published in Science said all but one of the 19 major climate models project that the Southwest is at the beginning of a deepening drought largely due to greenhouse gas concentration increases and global warming.

The challenge of eliminating our Nation's overdependence on oil and other greenhouse gas emitting fossil fuels will be a great test for our country and for the world. I believe that America can lead the way in developing new technologies to meet and pass this test. We can and must become more energy independent through the rapid development and diversification of clean, alternative, and renewable sources of energy. They will provide a steady, reliable energy supply, bolster our national security, protect the environment, and create new jobs and whole new industries. We must tap into our Nation's spirit of innovation and bring a new environmental ethic to our energy policy.

Every day, not just on Earth Day, we have to work together to protect our environment from threats so our children and our grandchildren and so on can drink clean water, breath clean air, and enjoy the vast open spaces and the natural beauty of Nevada, America, and the world. That much is for certain, and I look forward to bringing that commitment to everything that I and this Senate undertake.

TRIBUTE TO JOHN L. KIRKWOOD

Mr. DURBIN. Mr. President, today I honor the distinguished career of John L. Kirkwood and to congratulate him on his upcoming retirement. John Kirkwood is the current president and chief executive officer of the American Lung Association.

Mr. Kirkwood graduated from Northwestern University in Evanston, IL. Since then, his life has been dedicated to improving the health of our country.

Mr. Kirkwood served as executive director of the American Lung Association of Metropolitan Chicago from 1975 to 2001. During his tenure, he was instrumental in organizing the American Lung Association Asthma Clinical Research Network, the International Tuberculosis Foundation, the Illinois Coalition against Tobacco, the Chicago Asthma Consortium and the Combined Health Appeal of Illinois. His efforts have made it possible for more Illinoisans in the Chicago metropolitan area to breathe better today.

Luckily for the rest of the country, Mr. Kirkwood decided to expand his commitment beyond the Chicago area to improving the health of the entire Nation. As president and CEO of the American Lung Association, Mr. Kirkwood has expanded the ALA's commitment to research nationwide, strengthened the organization's advocacy programs, and improved knowledge and information transfer systems to assist patients suffering from lung disease.

As the leader of America's oldest national voluntary health organization, Mr. Kirkwood has shown an exemplary commitment to the health and social well-being of all Americans. Thanks to his work and his heartfelt dedication to the public's health, individuals in my State of Illinois and the Nation as a whole will breathe cleaner air and lead healthier, happier lives. We are fortunate for his years of dedication to the American Lung Association, and his leadership will be deeply missed.

Mr. President, I congratulate Mr. Kirkwood on his many accomplishments throughout a long and successful career. As he concludes this chapter of his professional life, I wish him many more years of happiness and accomplishment.

VOTE EXPLANATIONS

Mr. BROWNBACK. Mr. President, I regret that on April 16, I was unable to vote on the motion to invoke cloture on S. 372, the Intelligence Authorization Act for Fiscal Year 2007. I wish to address this vote, so that the people of the great State of Kansas, who elected me to serve them as U.S. Senator, may know my position.

Regarding vote No. 130, on the motion to invoke cloture on S. 372, I would not have voted to invoke cloture. My vote would not have altered the result of this motion.

Mr. President, I regret that on April 17, I was unable to vote, upon reconsideration, on the motion to invoke cloture on S. 372, the Intelligence Authorization Act for Fiscal Year 2007. I wish to address this vote, so that the people of the great State of Kansas, who elected me to serve them as U.S. Senator, may know my position.

Regarding vote No. 131, on the motion to invoke cloture on S. 372, I would not have voted to invoke cloture. My vote would not have altered the result of this motion.

Mr. President, I regret that on April 18, I was unable to vote on the motion to invoke cloture on the motion to proceed to S. 3, the Medicare Prescription Drug Price Negotiation Act of 2007. I wish to address this vote, so that the people of the great State of Kansas, who elected me to serve them as U.S. Senator, may know my position.

Regarding vote No. 132, on the motion to invoke cloture on S. 3, I would not have voted to invoke cloture. My vote would not have altered the result of this motion.

Mr. President, I regret that on April 18, I was unable to vote on the motion to invoke cloture on the motion to proceed to S. 378, the Court Security Improvement Act of 2007. I wish to address this vote, so that the people of the great State of Kansas, who elected me to serve them as U.S. Senator, may know my position.

Regarding vote No. 133, on the motion to invoke cloture on S. 378, I would have voted to invoke cloture. My vote would not have altered the result of this motion.

CIVIL WAR BATTLEFIELD PRESERVATION PROGRAM

Mr. WEBB. Mr. President, today I wish to discuss an issue that has held a special place in my life for many years, the preservation of our Nation's civil war battlefields. Our historic battlefields—outdoor classrooms where visitors may walk in the very footsteps of heroes from past generations—are

under threat. More than 200,000 acres of historically significant battlefield land remain unprotected and are threatened by development pressures. That is why I urge my colleagues to fully fund the Civil War Battlefield Protection Program. This arm of the National Park Service is an invaluable tool to preserve our Nation's history.

In 1990, Congress established the Civil War Sites Advisory Commission, a blue-ribbon panel empowered to investigate the status of America's remaining Civil War battlefields. Congress also tasked the Commission with the mission of prioritizing these battlefields according to their historic importance and the threats to their survival. The Commission ultimately looked at the 10,000-plus battles and skirmishes of the Civil War and determined that 384 priority sites should be preserved. The results of the report were released in 1993 and they were not encouraging.

The 1993 Commission report recommended that Congress create a $10 million-a-year emergency program to save threatened Civil War battlefield land. The result was the Civil War Battlefield Preservation Program. To date, the Preservation Program, working with its partners, has saved 14,100 acres of land in 15 States.

The key to the success of the Preservation Program is that it achieves battlefield preservation through collaborative partnerships between State and local governments, the private sector and nonprofit organizations, such as the Civil War Preservation Trust. Matching grants provided by the program protect lands outside of the National Park Service boundaries and do not add to the Park Service's maintenance costs.

But for the Preservation Program and their partners with the Civil War Preservation Trust, we would have lost key sites from such national shrines at Antietam. Chancellorsville, Fredericksburg, Manassas, Harpers Ferry, Bentonville, Mansfield, and Champion Hill. Their names still haunt us to this day. Had the Civil War Battlefield Preservation Program not intervened, the sites would have been lost forever to commercial and residential development. Now they have been protected for future generations to enjoy and learn about our Nation's history. They are islands of greenspace in a seemingly endless sea of commercial sprawl.

The need to protect our Nation's battlefields is far too great for any one well-intentioned Federal program. That is why the partnership with the Civil War Preservation Trust is so critical. This visionary preservation group is able to work with other foundations, State and local governments and their membership to match Federal funds by 100 percent. How often can we tout such an achievement with other Federal programs? The trust receives no financial gain from the Preservation Program and, working with their non-Federal partners, has raised more than $30 million to secure key battlefield sites in 15 States. They are in this fight for all the right reasons. This partnership truly serves as a model in bringing all stakeholders to the table to tackle pressing national issues.

For me, these hallowed grounds, these living memorials to the 620,000 Americans who sacrificed their lives to fight in the Civil War, have special, personal significance. Ancestors of mine fought on both sides during the war, including William Jewell, who was wounded in the Battle of Cedar Mountain in Culpeper County, VA, wounded again at Antietam and was finally killed in action at Chancellorsville on May 3, 1863. It is not every day you can visit these battlefield sites and have an immediate, direct connection with your ancestors. We must preserve these sites so that future generations might see and touch the very places where so many sacrifices were made, by soldiers and civilians alike, to settle the unresolved issues from the American Revolution of slavery and sovereignty. We are a stronger, more diverse and genuinely free nation because of these sacrifices.

I would remind my colleagues that the Preservation Program has enjoyed bipartisan, bicameral support since its creation. In 2002, program funding was authorized through the Civil War Battlefield Preservation Act at the level recommended by the Civil War Sites Advisory Commission—$10 million a year. The clock is ticking against these threatened historical sites given the pace of commercial development. Just last month, the Civil War Preservation Trust released its list of the 10 most threatened battlefield sites. Among them: Gettysburg; Fort Morgan, Alabama; Marietta, Georgia and three sites in the Commonwealth of Virginia. In 5 years there may be little left to protect. That is why I am here today to urge my colleagues to join me in requesting the full, authorized amount for the Preservation Program. These Federal funds will leverage millions more in private and other charitable donations; thereby increasing the trust's ability to preserve more threatened battlefield sites.

When the ''Soldiers' National Cemetery'' was dedicated at the Gettysburg battlefield in November 1863, President Lincoln spoke eloquently of the imperative to honor those who had given their ''last full measure of devotion'' 4 months earlier. The Civil War Battlefield Preservation Program allows us to carry on Lincoln's vision. I urge my colleagues to join me in seeking full funding for the program this fiscal year.

HONORING GARY J. LANG

Mr. GRASSLEY. Mr. President, I would like to take a moment today to honor the distinguished civil service career of a particularly remarkable senior law enforcement official. Mr. Gary J. Lang recently retired from his position as chief of staff of U.S. Immigration and Customs Enforcement in the Department of Homeland Security and in doing so, this special agent will leave behind a legacy of exceptional accomplishment and dedication to his country.

Over the years, Mr. Lang has successfully handled a series of professional challenges that truly distinguish him as one of our Nation's outstanding leaders. His entry into the Federal service in 1978 as an investigator with the Food and Drug Administration began a tradition in law enforcement to protect the public interest that exists to this day.

From his time at the FDA, through the Defense Investigative Service, and as a special agent with the U.S. Customs Service working in south Florida during an era known for its smuggling, drug trafficking and the related criminal violence, Mr. Lang demonstrated courage, honesty, and leadership in positions of increasing responsibility that have become defining characteristics of his career. He earned the respect of his colleagues and supervisors for his operational and managerial expertise in the field.

The Hill benefited from Mr. Lang's expert Federal law enforcement knowledge during the more than 4 years he spent supporting me through his work on various committees, including serving as special assistant for the Caucus on International Narcotics Control, as well as his time working with staff on the Judiciary and Finance Committees. The positive impact Gary had upon our initiatives through his expertise, dedication and memorable dignity was truly meaningful to me and our work effort.

More recently, in a headquarters management position as deputy executive director of operations/transition teams, Mr. Lang participated at the very center of the decision making that defined the investigative role the DHS would have in its mission to protect the public against acts of terror, and resulted in the creation of U.S. Immigration and Customs Enforcement, the second largest investigative agency in the Federal Government. And, as a senior executive, Mr. Lang served as assistant director for ICE's Office of Investigations, managing the operational activities of a staff of 7,000 across the Nation and around the world.

Mr. Lang most recently served as the chief of staff at ICE, where he spearheaded the advancement of the Assistant Secretary's mission-critical goals across the full spectrum of the agency's operations and administrative lines of business, through its staff of 16,000. He worked diligently to ensure that ICE maximizes the application of its strategic resources to enforce U.S. trade and immigration laws and to target and neutralize national-level homeland security risks under ICE's legal authorities. Mr. Lang leads by example, by holding himself and others accountable in achieving ICE's highest

priority goals, in demanding a proactive approach in addressing emerging homeland security issues, and by setting the standard for dedication, morale and integrity throughout the ICE workforce.

Mr. Lang has distinguished himself at every level of Federal law enforcement and has engendered respect and appreciation from subordinates, peers, and leadership alike. I am glad to be able to congratulate him and honor his memorable career as it comes to a close after nearly 29 years in the Federal Government. We on the Hill wish both Gary and his wonderful wife Karyn the very best of luck for the future and thank them for their years of public service.

MATTHEW SHEPARD ACT

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On March 20, 2007, in Polk County, FL, Ryan Skipper, a gay man, picked up William Brown walking along the side of the road. Some time later Brown stabbed Skipper to death, then bragged about the killing. According to police, witnesses have said that Brown and another man planned the murder in advance and that their motivation was based on Skipper's sexual orientation.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Matthew Shepard Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

PEARL HARBOR

Mr. DORGAN. Mr. President, 2,403 American servicemembers lost their lives during the Japanese attack on Pearl Harbor. The men and women who survived that day of infamy led the United States, and our Allies, to victory in the Pacific during World War II.

Today I would like to specifically honor four of those survivors, the members of the North Dakota Pearl Harbor Survivor's Association. This group of four active members helps keep the memory of those who served so bravely alive: John Martin of Bismarck, ND; Clem Lonski of Jamestown, ND; Harold Bruchwein of Wahpeton, ND; and Agnes Shurr of Grand Forks, ND.

On behalf of the U.S. Senate, my fellow North Dakotans, and all Americans, I would like to commend and thank these four individuals not only for their bravery and valor in leading the fight over fascism 60 years ago, but also for their commitment and dedication to keep alive the memory of those who gave their lives in defense of freedom on December 7, 1941.

UNIVERSITY OF WYOMING WNIT CHAMPIONSHIP

Mr. ENZI. Mr. President, today I commend the University of Wyoming Cowgirls on winning the 2007 Women's National Invitation Tournament.

On March 31, 2007, the University of Wyoming women's basketball team won this exciting national tournament by defeating the University of Wisconsin team by a score of 72–56. They made it to the final by defeating Kansas State in triple overtime.

This historic win was the first WNIT championship for the Cowgirls and was witnessed by a record crowd of over 15,000 fans at the University of Wyoming Arena-Auditorium.

But as any Cowgirl fan can tell you, this victory was the result of months of hard practice, courageous leadership by the players and coaches, and a commitment to excellence both on the court and in the classroom. The teamwork and discipline demonstrated all year by the Wyoming Cowgirls allowed them to be successful on game day. And we do not have to look far to see examples of this success: This year, the Wyoming Cowgirls won the most games in program history, including thrilling late-game comebacks and overtime wins. Equally as important, however, they earned the respect of women's basketball programs across the Nation.

I am proud to stand here today on the floor of the Senate and congratulate the University of Wyoming Cowgirls on a championship season and recognize the student athletes, coaches, faculty, and fans who were essential in achieving this great victory.

MORE WATER, MORE ENERGY, LESS WASTE ACT

Mr. SALAZAR. Mr. President, on Monday my colleagues, Senator BINGAMAN, Senator DOMENICI, Senator THOMAS and I introduced legislation, S. 1116, the More Water, More Energy, and Less Waste Act of 2007, to facilitate the use of water produced in connection with development of energy resources for irrigation and other beneficial uses in ways that will not adversely affect water quality or the environment.

The bill is similar to one that has been introduced during this Congress in the House by Representative MARK UDALL, H.R. 902, More Water and More Energy Act of 2007.

The bill's purpose is to help turn what is today an energy-industry problem into an opportunity. The development of energy resources frequently results in bringing to the surface water from underground sources. Energy producers seek to minimize the waters that are produced during extraction operations, but inevitably waters are produced and they must either be treated before being released to the surface or returned to the ground. In a few cases, the waters are clean enough to be used for livestock watering, irrigation or other beneficial purposes.

Especially in the water-short West, increasing the amount of water that can be used without adversely affecting water quality or the environment can increase water supplies for irrigation of crops, livestock watering, wildlife habitat, and recreational opportunities. Everyone will benefit from increased supplies of useable water, even if the supplies are temporary in nature, provided that the new water is of good quality and will not adversely affect the environment now or in the future.

Our bill would do two things:

First, it would direct the Commissioner of Reclamation, the Director of the U.S. Geological Survey, and the Director of the Bureau of Land Management to conduct a study to identify the technical, economic, environmental, and other obstacles to, one, reducing the quantity of produced water and, two, increasing the extent to which produced water can be used for irrigation and other purposes, without adversely affecting water quality or the environment, during or after energy development. The study would consider the legislative, administrative, and other actions that could reduce or eliminate those obstacles and the costs and benefits associated with reducing or eliminating those obstacles. Results of the study are to be reported to Congress within a year after enactment.

Second, it would provide grants for at least five projects to demonstrate, one, ways to optimize energy resource production by reducing the quantity of produced water generated or, two, feasibility, effectiveness, and safety of processes to increase the extent to which produced water may be recovered and made suitable for use for irrigation, municipal, or industrial uses, or other purposes without adversely affecting water quality or the environment.

The bill directs these pilot plants to be located in each of the Upper Basin States of the Colorado River, Colorado, Utah, Wyoming, and New Mexico, and in at least one of the Lower Basin States of the Colorado River, Arizona, Nevada or California. This is to assure that, together, the projects would demonstrate techniques applicable to a variety of geologic and other conditions.

Under the bill, the Federal Government could pay up to half the cost of building each plant. However, no more than $1 million would be paid for anyone project, and no Federal funds would be used for operating the projects.

In the water-short West, the produced waters are a virtually untapped resource, and the benefits of using them for irrigation and other purposes could be substantial. It is estimated

that up to 18 million barrels of produced waters are generated each year from oil and gas operations. Finding ways to minimize the waters that are produced during oil and gas extraction and then putting to beneficial use those waters that are produced, is a win/win for everyone.

However, there are significant hurdles that must be overcome before produced waters can be used as a water resource in ways that do not adversely affect our water quality or harm our environment. The study required in our bill will bring our country closer to using this important untapped resource.

For the benefit of our colleagues, here is a summary of the bill's provisions:

SECTION BY SECTION SUMMARY OF THE ''MORE WATER, MORE ENERGY, LESS WASTE ACT OF 2007''—S. 1116

Section One—provides a short title (the ''More Water, More Energy, Less Waste Act of 2001''), sets forth several findings regarding the basis for the bill, and states the bill's purpose: ''to optimize the production of energy resources by minimizing the amount of produced water, and by facilitating the use of produced water for irrigation and other purposes without adversely affecting water quality or the environment, and to demonstrate ways to accomplish these results.''

Section Two—defines terms used in the bill.

Section Three—requires the Secretary of the Department of Interior, acting through the Commissioner of Reclamation, the Director of the United States Geological Survey, and the Director of the Bureau of Land Management, to conduct a study to identify (1) the technical, economic, environmental, and other obstacles to reducing the quantity of produced water; (2) the technical, economic, environmental, legal, and other obstacles to increasing the extent to which produced water can be used for irrigation and other purposes, without adversely affecting water quality or the environment; (3) the legislative, administrative, and other actions that could reduce or eliminate those obstacles; and (4) the costs and benefits associated with reducing or eliminating those obstacles. Results of the study are to be reported to Congress within a year after enactment.

Section Four—provides that, subject to appropriation of funds, the Interior Department is to provide financial assistance for development of facilities to demonstrate the feasibility, effectiveness, and safety of processes to increase use of produced water for irrigation, municipal or industrial uses, or other purposes without adversely affecting water quality or the environment. The section specifies that assistance shall be provided for at least one project in each of the Upper Basin States (Colorado, Utah, Wyoming, and New Mexico) and one project in one of the Lower Basin States (Arizona, Nevada or California). Assistance to any facility cannot exceed $1 million and cannot be used for operation or maintenance. The section specifies that assistance under this bill can be in addition to other federal assistance under other provisions of law.

Section Five—requires the Interior Department to—(1) consult with the Department of Energy, EPA, and appropriate Governors and local officials; (2) review relevant information developed in connection with other research; (3) include as much of that information as Interior finds advisable in the report required by section 1; (4) seek the advice of people with relevant professional expertise and of companies with relevant industrial experience; and (5) solicit comments and suggestions from the public.

Section Six—specifies that nothing in the bill is to be construed as affecting—(1) the effect of any State law, or any interstate authority or compact, regarding the use of water or the regulation of water quantity or quality; or (2) the applicability of any Federal law or regulation.

Section Seven—authorizes appropriation of—(1) $1 million for the study required by section 1; and (2) $7.5 million to implement section 4.

ADDITIONAL STATEMENTS

CONGRATULATING THE OKLAHOMA GIRL SCOUTS

• Mr. INHOFE. Mr. President, I am honored today to congratulate 19 girls from Oklahoma for receiving the highest youth award in Girl Scouting, the Gold Award. I would like to honor Jamie Andrews, Tiffany Marie Cathey, Anna Elizabeth Davis, Alonna Marie Dray, Bridget Gibbons, Ashley Goodman, Justinn N. Hamby, Molly Elizabeth Henry, Laura Hopkins, Beth Johnson, Grace E. Lewis, Pammy Mackiewicz, Sarah Pierce, Alexanne E. Schallner, Haley Taylor, Joy-Lee Stowe, Kimberly L. Watson, Kaitlyn Willit, and Alicia Koch.

Girl Scouts of the USA, an organization serving more than 2.5 million girls, has awarded more than 25,000 Girl Scout Gold Awards to Senior Girl Scouts since the beginning of the program in 1980. To receive the award, a Girl Scout must fulfill four requirements: earn the Girl Scout Gold Leadership Award, earn the Girl Scout Gold Career Award, earn the Girl Scout Gold Become, Belong, Believe, Build Award, and design and implement a Girl Scout Gold Award Project. They also have to complete a plan for fulfilling the requirements of the award and follow through with close cooperation between a community consultant and an adult Girl Scout volunteer.

The Gold Award symbolizes outstanding accomplishments in the areas of leadership, community service, career planning, and personal development. In achieving this prestigious award these young women show their dedication and commitment to their families, community, the Girl Scouts, and their country. I am honored to congratulate these recipients of this award from the State of Oklahoma.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, 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 and a withdrawal which were referred to the appropriate committees.

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

MESSAGE FROM THE HOUSE

At 1:55 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 309. An act to direct the Secretary of the Interior to establish a demonstration program to facilitate landscape restoration programs within certain units of the National Park System established by law to preserve and interpret resources associated with American history, and for other purposes.

H.R. 609. An act to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Central Texas Water Recycling and Reuse Project, and for other purposes.

H.R. 786. An act to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Los Angeles County Water Supply Augmentation Demonstration Project, and for other purposes.

H.R. 815. An act to provide for the conveyance of certain land in Clark County, Nevada, for use by the Nevada National Guard.

H.R. 865. An act to grant rights-of-way for electric transmission lines over certain Native allotments in the State of Alaska.

H.R. 886. An act to enhance ecosystem protection and the range of outdoor opportunities protected by statute in the Skykomish River valley of the State of Washington by designating certain lower-elevation Federal lands as wilderness, and for other purposes.

H.R. 1191. An act to authorize the National Park Service to pay for services rendered by subcontractors under a General Services Administration Indefinite Deliver/Indefinite Quantity Contract issued for work to be completed at the Grand Canyon National Park.

H.R. 1515. An act to amend the Housing and Community Development Act of 1974 to treat certain communities as metropolitan cities for purposes of the community development block grant program.

H.R. 1677. An act to amend the Internal Revenue Code of 1986 to enhance taxpayer protections and outreach.

H.R. 1681. An act to amend the Congressional Charter of The American National Red Cross to modernize its governance structure, to enhance the ability of the board of governors of The American National Red Cross to support the critical mission of The American National Red Cross in the 21st century, and for other purposes.

The message also announced that the House agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 76. Concurrent resolution honoring the 50th Anniversary of the International Geophysical Year (IGY) and its past contributions to space research, and looking forward to future accomplishments.

H. Con. Res. 100. Concurrent resolution condemning the recent violent actions of the Government of Zimbabwe against peaceful opposition party activists and members of civil society.

MEASURES REFERRED

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

H.R. 309. An act to direct the Secretary of the Interior to establish a demonstration program to facilitate landscape restoration programs within certain units of the National Park System established by law to preserve and interpret resources associated with American history, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 609. An act to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Central Texas Water Recycling and Reuse Project, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 786. An act to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Los Angeles County Water Supply Augmentation Demonstration Project, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 815. An act to provide for the conveyance of certain land in Clark County, Nevada, for use by the Nevada National Guard; to the Committee on Energy and Natural Resources.

H.R. 886. An act to enhance ecosystem protection and the range of outdoor opportunities protected by statute in the Skykomish River valley of the State of Washington by designating certain lower-elevation Federal lands as wilderness, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 1191. An act to authorize the National Park Service to pay for services rendered by subcontractors under a General Services Administration Indefinite Deliver Indefinite Quantity Contract issued for work to be completed at the Grand Canyon National Park; to the Committee on Energy and Natural Resources.

H.R. 1515. An act to amend the Housing and Community Development Act of 1974 to treat certain communities as metropolitan cities for purposes of the community development block grant program; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 1677. An act to amend the Internal Revenue Code of 1986 to enhance taxpayer protections and outreach; to the Committee on Finance.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 76. Concurrent resolution honoring the 50th Anniversary of the International Geophysical Year (IGY) and its past contributions to space research, and looking forward to future accomplishments; to the Committee on Foreign Relations.

H. Con. Res. 100. Concurrent resolution condemning the recent violent actions of the Government of Zimbabwe against peaceful opposition party activists and members of civil society; to the Committee on the Judiciary.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 1681. An act to amend the Congressional Charter of The American National Red Cross to modernize its governance structure, to enhance the ability of the board of governors of The American National Red Cross to support the critical mission of The American National Red Cross in the 21st century, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–1549. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Apricots Grown in Designated Counties in Washington; Suspension of Container Regulations'' (Docket No. AMS–FV–07–0031) received on April 16, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1550. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Olives Grown in California; Increased Assessment Rate'' (Docket No. AMS–FV–06–0225) received on April 16, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1551. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Irish Potatoes Grown in Washington; Modification of Administrative Rules Governing Committee Representation'' (Docket No. AMS–FV–06–0182) received on April 16, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1552. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Almonds Grown in California; Outgoing Quality Control Requirements'' (Docket No. AMS–FV–06–0181) received on April 16, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1553. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Onions Grown in South Texas; Exemption of Onions for Export'' (Docket No. AMS–FV–07–0043) received on April 16, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1554. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Marketing Order Regulating the Handling of Spearmint Oil Produced in the Far West; Revision of the Salable Quantity and Allotment Percentage for Class 1 and Class 3 Spearmint Oil for the 2006–2007 Marketing Year'' (Docket No. AMS–FV–07–0039) received on April 16, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1555. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Olives Grown in California; Increased Assessment Rate'' (Docket No. FV07–932–1 FR) received on April 16, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1556. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Changes in Hourly Fee Rates for Science and Technology Laboratory Services—Fiscal Year 2007–2009'' ((RIN0581–AC48) (Docket No. ST–05–01)) received on April 16, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1557. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Raisins Produced from Grapes Grown in California; Final Free and Reserve Percentages for 2006–07 Crop Natural Seedless Raisins'' (Docket No. AMS–FV–07–0027) received on April 16, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1558. A communication from the Acting Secretary of the Army, transmitting, pursuant to law, a report relative to the Army's Recruiter Incentive Pay Pilot Program; to the Committee on Armed Services.

EC–1559. A communication from the Assistant Secretary of the Army (Installations and Environment), transmitting, pursuant to law, a report relative to the costs, benefits, feasibility, and suitability of locating support functions for Fort Belvoir and the Engineering Proving Grounds on property in Springfield, Virginia; to the Committee on Armed Services.

EC–1560. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Final List of Fisheries for 2007'' (RIN0648–AU19) received on April 12, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1561. A communication from the Administrator, Environmental Protection Agency, transmitting, pursuant to law, a report relative to the implementation of the Waste Isolation Pilot Plant Land Withdrawal Act during fiscal year 2005; to the Committee on Environment and Public Works.

EC–1562. A communication from the Secretary of Energy, transmitting, the report of draft legislation intended to implement the Convention on Supplementary Compensation for Nuclear Damage; to the Committee on Environment and Public Works.

EC–1563. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2007–61—2007–78); to the Committee on Foreign Relations.

EC–1564. A communication from the Secretary of State, transmitting, pursuant to law, a report relative to current military, diplomatic, political, and economic measures that are being or have been undertaken to complete our mission in Iraq successfully; to the Committee on Foreign Relations.

EC–1565. A communication from the U.S. Global AIDS Coordinator, Department of State, transmitting, pursuant to law, a certification related to the Global Fund to Fight AIDS, Tuberculosis and Malaria; to the Committee on Foreign Relations.

EC–1566. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the issuance of the required determination to waive certain restrictions on maintaining a Palestine Liberation Organization Office and on the receipt and expenditure of PLO funds for a period of six months; to the Committee on Foreign Relations.

EC–1567. A communication from the Assistant Secretary for Legislative Affairs, Department of the Treasury, transmitting, the report of a proposal intended to extend the authorization of appropriations for the 1998 Tropical Forest Conservation Act through fiscal year 2010; to the Committee on Foreign Relations.

EC–1568. A communication from the Director, Division for Strategic Human Resources Policy, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Pay Administration (General)'' (RIN3206–AK74) received on April 16, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–1569. A communication from the Director, Insurance Policy, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Waiver of Requirements for Continued Coverage During Retirement'' (RIN3206–AI62) received on April 16, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–1570. A communication from the Director, Patent and Trademark Office, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Revisions and Technical Corrections Affecting Requirements for Ex Parte and Inter Partes Reexamination'' (RIN0651–AB77) received on April 16, 2007; to the Committee on the Judiciary.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. KENNEDY for the Committee on Health, Education, Labor, and Pensions.

*Douglas G. Myers, of California, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2011.

*Jeffrey Patchen, of Indiana, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2011.

*Lotsee Patterson, of Oklahoma, to be a Member of the National Museum and Library Services Board for a term expiring December 6, 2011.

*Stephen W. Porter, of the District of Columbia, to be a Member of the National Council on the Arts for a term expiring September 3, 2012.

*Cynthia Allen Wainscott, of Georgia, to be a Member of the National Council on Disability for a term expiring September 17, 2008.

Mr. KENNEDY. Mr. President, for the Committee on Health, Education, Labor, and Pensions I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

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

*Public Health Service nominations beginning with Sunee R. Danielson and ending with Mary E. Evans, which nominations were received by the Senate and appeared in the Congressional Record on March 22, 2007.

*Public Health Service nominations beginning with Arturo H. Castro and ending with David J. Lusche, which nominations were received by the Senate and appeared in the Congressional Record on April 11, 2007.

*Public Health Service nominations beginning with David G. Addiss and ending with Allyson M. Alvarado, which nominations were received by the Senate and appeared in the Congressional Record on April 11, 2007.

*Public Health Service nominations beginning with Daniel S. Miller and ending with Darin S. Wiegers, which nominations were received by the Senate and appeared in the Congressional Record on April 11, 2007.

By Mr. LIEBERMAN for the Committee on Homeland Security and Governmental Affairs.

*Gregory B. Cade, of Virginia, to be Administrator of the United States Fire Administration, Department of Homeland Security.

By Mr. AKAKA for the Committee on Veterans' Affairs.

*Thomas E. Harvey, of New York, to be an Assistant Secretary of Veterans Affairs (Congressional Affairs).

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. LUGAR (for himself and Mr. BAYH):

S. 1138. A bill to enhance nuclear safeguards and to provide assurances of nuclear fuel supply to countries that forgo certain fuel cycle activities; to the Committee on Foreign Relations.

By Mr. BINGAMAN (for himself, Mr. SALAZAR, Ms. CANTWELL, and Mr. SANDERS):

S. 1139. A bill to establish the National Landscape Conservation System; to the Committee on Energy and Natural Resources.

By Mr. DEMINT:

S. 1140. A bill to amend the Internal Revenue Code of 1986 to eliminate the limitation on the foreign earned income exclusion, and for other purposes; to the Committee on Finance.

By Mr. BINGAMAN (for himself, Mr. SMITH, Mr. KERRY, Ms. SNOWE, and Mr. HARKIN):

S. 1141. A bill to amend the Internal Revenue Code of 1986 to allow employees not covered by qualified retirement plans to save for retirement through automatic payroll deposit IRAs, to facilitate similar saving by the self-employed, and for other purposes; to the Committee on Finance.

By Mr. GREGG (for himself, Mr. LAUTENBERG, Mr. COCHRAN, Mr. WARNER, Mr. WYDEN, Mr. KENNEDY, Mr. LIEBERMAN, Ms. SNOWE, Mrs. BOXER, Mr. KERRY, Mr. MENENDEZ, Ms. CANTWELL, Mrs. FEINSTEIN, Mr. REED, Mrs. MURRAY, Ms. COLLINS, and Mr. SUNUNU):

S. 1142. A bill to authorize the acquisition of interests in undeveloped coastal areas in order better to ensure their protection from development; to the Committee on Commerce, Science, and Transportation.

By Mr. NELSON of Florida:

S. 1143. A bill to designate the Jupiter Inlet Lighthouse and the surrounding Federal land in the State of Florida as an Outstanding Natural Area and as a unit of the National Landscape System, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. SNOWE:

S. 1144. A bill to provide for an assessment of the achievements by the Government of Iraq of benchmarks for political settlement and national reconciliation in Iraq; to the Committee on Foreign Relations.

By Mr. LEAHY (for himself, Mr. HATCH, Mr. SCHUMER, Mr. CORNYN, and Mr. WHITEHOUSE):

S. 1145. A bill to amend title 35, United States Code, to provide for patent reform; to the Committee on the Judiciary.

By Mr. SALAZAR (for himself, Mr. THUNE, Mr. TESTER, Mr. BURR, Mrs. MURRAY, Mr. GRASSLEY, Mr. WYDEN, Ms. COLLINS, Mr. PRYOR, Mr. ENZI, Mrs. LINCOLN, Ms. SNOWE, Mr. KERRY, Mr. BINGAMAN, Mr. SMITH, Mr. BAUCUS, and Mr. DORGAN):

S. 1146. A bill to amend title 38, United States Code, to improve health care for veterans who live in rural areas, and for other purposes; to the Committee on Veterans' Affairs.

By Mrs. MURRAY:

S. 1147. A bill to amend title 38, United States Code, to terminate the administrative freeze on the enrollment into the health care system of the Department of Veterans Affairs of veterans in the lowest priority category for enrollment (referred to as ''Priority 8''); to the Committee on Veterans' Affairs.

By Mrs. CLINTON (for herself, Mr. SCHUMER, Mr. LEAHY, and Mr. SANDERS):

S. 1148. A bill to establish the Champlain Quadricentennial Commemoration Commission and the Hudson-Fulton 400th Commemoration Commission, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. KOHL (for himself, Mr. BAUCUS, and Mr. CONRAD):

S. 1149. A bill to amend the Federal Meat Inspection Act and the Poultry Products Inspection Act to authorize the interstate distribution of State-inspected meat and poultry if the Secretary of Agriculture determines that the State inspection requirements are at least equal to Federal inspection requirements and to require the Secretary to reimburse State agencies for part of the costs of the inspections; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HATCH (for himself and Mr. ENZI):

S. 1150. A bill to enhance the State inspection of meat and poultry in the United States, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. OBAMA:

S. 1151. A bill to provide incentives to the auto industry to accelerate efforts to develop more energy-efficient vehicles to lessen dependence on oil; to the Committee on Finance.

By Ms. CANTWELL:

S. 1152. A bill to promote wildland firefighter safety; to the Committee on Energy and Natural Resources.

By Ms. SNOWE (for herself and Mr. COLEMAN):

S. 1153. A bill to require assessment of the impact on small business concerns of rules relating to internal controls, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. NELSON of Nebraska (for himself and Mr. CRAIG):

S. 1154. A bill to promote biogas production, and for other purposes; to the Committee on Finance.

By Mr. DORGAN (for himself, Mr. BROWNBACK, Ms. LANDRIEU, Mr. ALLARD, Mr. HARKIN, Mrs. MURRAY, Mr. ROBERTS, Mr. NELSON of Nebraska, Mr. SALAZAR, Mr. HAGEL, Mr. THUNE, and Mr. LEVIN):

S. 1155. A bill to treat payments under the Conservation Reserve Program as rentals from real estate; to the Committee on Finance.

By Mr. DODD (for himself, Mr. KENNEDY, Mr. HARKIN, Mr. BINGAMAN, Mrs. MURRAY, Mrs. CLINTON, and Mr. BROWN):

S. 1156. A bill to amend the Federal Food, Drug, and Cosmetic Act to reauthorize the Best Pharmaceuticals for Children program; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. ALLARD:

S. Res. 154. A resolution demanding the return of the USS Pueblo to the United States Navy; to the Committee on Foreign Relations.

By Mr. DODD (for himself and Mr. LEAHY):

S. Res. 155. A resolution expressing the sense of the Senate on efforts to control violence and strengthen the rule of law in Guatemala; to the Committee on Foreign Relations.

By Mr. LAUTENBERG (for himself, Mr. MENENDEZ, Mr. LEAHY, and Mr. OBAMA):

S. Res. 156. A resolution commending the achievements of the Rutgers University women's basketball team and applauding the character and integrity of the players as student-athletes; considered and agreed to.

By Mr. REID (for himself, Mr. LAUTENBERG, Mr. MENENDEZ, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWN, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. BYRD, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COBURN, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CORKER, Mr. CORNYN, Mr. CRAIG, Mr. CRAPO, Mr. DEMINT, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. ISAKSON, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LOTT, Mr. LUGAR, Mr. MARTINEZ, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MCCONNELL, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. OBAMA, Mr. PRYOR, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. TESTER, Mr. THOMAS, Mr. THUNE, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, and Mr. WYDEN):

S. Res. 157. A resolution extending the best wishes of the Senate to New Jersey Governor Jon S. Corzine and expressing the Senate's hope for his speedy and complete recovery; considered and agreed to.

By Ms. MURKOWSKI (for herself, Mr. AKAKA, Mr. ALEXANDER, Mr. BAUCUS, Mr. BAYH, Mrs. BOXER, Mr. BROWN, Mr. BURR, Ms. CANTWELL, Mr. CASEY, Mrs. CLINTON, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CORKER, Mr. CRAIG, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DURBIN, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GREGG, Mr. HAGEL, Mr. KENNEDY, Mr. KERRY, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LOTT, Mr. MARTINEZ, Mr. MENENDEZ, Ms. MIKULSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. OBAMA, Mr. SALAZAR, Mr. SANDERS, Mr. SPECTER, Ms. STABENOW, and Mr. STEVENS):

S. Res. 158. A resolution designating April 20, 2007, as ''National and Global Youth Service Day''; considered and agreed to.

By Mr. LOTT (for himself and Mr. CONRAD):

S. Res. 159. A resolution commending the Association for Advanced Life Underwriting on its 50th anniversary; considered and agreed to.

By Mrs. LINCOLN (for herself and Mr. PRYOR):

S. Res. 160. A resolution recognizing the importance of Hot Springs National Park on the 175th anniversary of the enactment of the Act that authorized the establishment of Hot Springs Reservation; considered and agreed to.

By Mr. WEBB (for himself and Mr. WARNER):

S. Res. 161. A resolution honoring the life of Oliver White Hill, a pioneer in the field of American civil rights law, on the occasion of his 100th birthday; considered and agreed to.

By Mr. DURBIN (for himself, Mr. OBAMA, and Mr. STEVENS):

S. Con. Res. 28. A concurrent resolution congratulating the City of Chicago for being chosen to represent the United States in the international competition to host the 2016 Olympic and Paralympic Games, and encouraging the International Olympic Committee to select Chicago as the site of the 2016 Olympic and Paralympic Games; considered and agreed to.

ADDITIONAL COSPONSORS

S. 3

At the request of Mr. BAUCUS, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 3, a bill to amend part D of title XVIII of the Social Security Act to provide for fair prescription drug prices for Medicare beneficiaries.

S. 67

At the request of Mr. INOUYE, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 67, a bill to amend title 10, United States Code, to permit former members of the Armed Forces who have a service-connected disability rated as total to travel on military aircraft in the same manner and to the same extent as retired members of the Armed Forces are entitled to travel on such aircraft.

S. 231

At the request of Mrs. FEINSTEIN, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 231, a bill to authorize the Edward Byrne Memorial Justice Assistance Grant Program at fiscal year 2006 levels through 2012.

S. 294

At the request of Mr. LAUTENBERG, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 294, a bill to reauthorize Amtrak, and for other purposes.

S. 368

At the request of Mr. BIDEN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 368, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to enhance the COPS ON THE BEAT grant program, and for other purposes.

S. 378

At the request of Mr. LEAHY, the names of the Senator from California (Mrs. BOXER) and the Senator from Illinois (Mr. OBAMA) were added as cosponsors of S. 378, a bill to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes.

S. 534

At the request of Mr. BIDEN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 534, a bill to bring the FBI to full strength to carry out its mission.

S. 543

At the request of Mr. NELSON of Nebraska, the name of the Senator from Arkansas (Mr. PRYOR) 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. 551

At the request of Mr. ROBERTS, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 551, a bill to amend the Internal Revenue Code of 1986 to provide a credit to certain agriculture-related businesses for the cost of protecting certain chemicals.

S. 573

At the request of Ms. STABENOW, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 573, a bill to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women.

S. 600

At the request of Mr. SMITH, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 600, a bill to amend the Public Health Service Act to establish the School-Based Health Clinic program, and for other purposes.

S. 604

At the request of Mr. LAUTENBERG, the name of the Senator from Montana (Mr. TESTER) 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. 731

At the request of Mr. SALAZAR, the names of the Senator from Tennessee

(Mr. CORKER) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 731, a bill to develop a methodology for, and complete, a national assessment of geological storage capacity for carbon dioxide, and for other purposes.

S. 761

At the request of Mr. REID, the names of the Senator from Mississippi (Mr. LOTT), the Senator from Delaware (Mr. BIDEN) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. 761, a bill to invest in innovation and education to improve the competitiveness of the United States in the global economy.

S. 773

At the request of Mr. WARNER, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 773, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 796

At the request of Ms. STABENOW, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 796, a bill to amend title VII of the Tariff Act of 1930 to provide that exchange-rate misalignment by any foreign nation is a countervailable export subsidy, to amend the Exchange Rates and International Economic Policy Coordination Act of 1988 to clarify the definition of manipulation with respect to currency, and for other purposes.

S. 860

At the request of Mr. SMITH, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 860, a bill to amend title XIX of the Social Security Act to permit States the option to provide Medicaid coverage for low-income individuals infected with HIV.

S. 875

At the request of Mr. CRAIG, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 875, a bill to improve energy security of the United States through a 50 percent reduction in the oil intensity of the economy of the United States by 2030 and the prudent expansion of secure oil supplies, to be achieved by raising the fuel efficiency of the vehicular transportation fleet, increasing the availability of alternative fuel sources, fostering responsible oil exploration and production, and improving international arrangements to secure the global oil supply, and for other purposes.

S. 881

At the request of Mrs. LINCOLN, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 881, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 901

At the request of Mr. KENNEDY, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 901, a bill to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act.

S. 937

At the request of Mr. MENENDEZ, his name was added as a cosponsor of S. 937, a bill to improve support and services for individuals with autism and their families.

S. 970

At the request of Mr. SMITH, the names of the Senator from Utah (Mr. BENNETT), the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 970, a bill to impose sanctions on Iran and on other countries for assisting Iran in developing a nuclear program, and for other purposes.

S. 992

At the request of Mrs. BOXER, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 992, a bill to achieve emission reductions and cost savings through accelerated use of cost-effective lighting technologies in public buildings, and for other purposes.

S. 1012

At the request of Ms. LANDRIEU, the names of the Senator from Kansas (Mr. ROBERTS) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 1012, a bill to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide certain substantive rights to consumers under such agreements, and for other purposes.

S. 1025

At the request of Mr. CHAMBLISS, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 1025, a bill to promote freedom, fairness, and economic opportunity by repealing the income tax and other taxes, abolishing the Internal Revenue Service, and enacting a national sales tax to be administered primarily by the States.

S. 1042

At the request of Mr. ENZI, the names of the Senator from Connecticut (Mr. DODD), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from North Dakota (Mr. CONRAD), the Senator from Delaware (Mr. BIDEN), the Senator from Nebraska (Mr. HAGEL), the Senator from Minnesota (Mr. COLEMAN), the Senator from Mississippi (Mr. COCHRAN) and the Senator from New Mexico (Mr. DOMENICI) were added as cosponsors of S. 1042, a bill to amend the Public Health Service Act to make the provision of technical services for medical imaging examinations and radiation therapy treatments safer, more accurate, and less costly.

S. 1060

At the request of Mr. BIDEN, the names of the Senator from New Mexico (Mr. BINGAMAN), the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Rhode Island (Mr. REED) and the Senator from Indiana (Mr. BAYH) were added as cosponsors of S. 1060, a bill to reauthorize the grant program for reentry of offenders into the community in the Omnibus Crime Control and Safe Streets Act of 1968, to improve reentry planning and implementation, and for other purposes.

S. 1062

At the request of Mr. DURBIN, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 1062, a bill to establish a congressional commemorative medal for organ donors and their families.

S. 1065

At the request of Mrs. CLINTON, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from Michigan (Ms. STABENOW) and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of S. 1065, a bill to improve the diagnosis and treatment of traumatic brain injury in members and former members of the Armed Forces, to review and expand telehealth and telemental health programs of the Department of Defense and the Department of Veterans Affairs, and for other purposes.

S. 1087

At the request of Mr. HARKIN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1087, a bill to amend the Fair Labor Standards Act of 1938 to prohibit discrimination in the payment of wages on account of sex, race, or national origin, and for other purposes.

S. 1117

At the request of Mr. BOND, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1117, a bill to establish a grant program to provide vision care to children, and for other purposes.

S. 1122

At the request of Mr. HAGEL, his name was added as a cosponsor of S. 1122, a bill to improve the calculation of highway mileage to medium and large hub airports, and for other purposes.

S.J. RES. 1

At the request of Mr. CRAIG, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S.J. Res. 1, a joint resolution proposing an amendment to the Constitution of the United States relative to require a balanced budget and protect Social Security surpluses.

S. RES. 106

At the request of Mr. DURBIN, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. Res. 106, a resolution calling on the President to ensure that the foreign policy of the United States reflects appropriate understanding and sensitivity concerning issues related to

human rights, ethnic cleansing, and genocide documented in the United States record relating to the Armenian Genocide.

S. RES. 134

At the request of Mr. DURBIN, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. Res. 134, a resolution designating September 2007 as ''Adopt a School Library Month''.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LUGAR (for himself and Mr. BAYH):

S. 1138. A bill to enhance nuclear safeguards and to provide assurances of nuclear fuel supply to countries that forgo certain fuel cycle activities; to the Committee on Foreign Relations.

Mr. LUGAR. Mr. President, I rise today with my colleague from Indiana, Senator BAYH, to introduce the Nuclear Safeguards and Supply Act of 2007.

The future of the Nuclear Non-Proliferation Treaty and the larger nonproliferation system it supports is in doubt. The existing safeguards regime used by the International Atomic Energy Agency (IAEA) has succeeded in forestalling nuclear weapons programs in the world's advanced industrial states, several of which were weighing the nuclear option 40 years ago. Unfortunately, this regime has failed to keep pace with the increase in the global availability of nuclear weapons technology, especially the technology and equipment for uranium enrichment and spent nuclear reactor fuel reprocessing, which can produce fissile material for weapons. Now the road to nuclear weapons can be traveled by determined countries with only a minimal industrial base. While the number of recognized nuclear weapon states has not dramatically increased over the years, the dangers of proliferation have become all too apparent as demonstrated by the A.Q. Khan network, the Iranian, North Korean, and Libyan examples.

The construction of facilities for the enrichment of uranium and reprocessing of spent nuclear fuel in new states, even for ostensibly peaceful purposes, poses an unacceptable long-term risk to the national security of the United States. The enrichment technology intended to produce fuel for reactors can also be used to create highly-enriched uranium for a nuclear weapon, and the plutonium that is produced from reprocessing spent fuel is also suitable for nuclear weapons and susceptible to diversion to terrorists. The spread of enrichment and reprocessing capabilities will dangerously increase the chances that new nations will develop nuclear weapons and that terrorists might obtain fissile or radiological materials for crude devices. It is therefore incumbent on the United States to lead an international effort to halt the expansion of enrichment and reprocessing to new countries.

We know President Bush shares our assessment of this situation. On February 11, 2004, he stated, ''The world's leading nuclear exporters should ensure that states have reliable access at reasonable cost to fuel for civilian reactors, so long as those states renounce enrichment and reprocessing. Enrichment and reprocessing are not necessary for nations seeking to harness nuclear energy for peaceful purposes.''

The threats posed by new nuclear fuel cycle facilities in new states are made worse by the fact that the use of nuclear power is likely to increase, both in developed and developing countries. As energy costs have soared in recent years, many states are reexamining nuclear power as a potential source of electricity. Importantly, however, the expansion of nuclear power does not require—either technically or economically—the construction of enrichment or reprocessing facilities in countries that do not currently have them.

Senator BAYH and I believe the United States should adopt as a basic nonproliferation principle that countries who give up their own enrichment and reprocessing programs have an assurance, either bilateral or multilateral or both, of nuclear reactor fuel at reasonable prices. Today, the market provides the basic framework for commerce in and access to nuclear fuel, and should not be interrupted by government action, but the exchange of nuclear fuel and fuel services for enrichment and reprocessing capabilities is not currently explicit. This would also require that states agreeing to accept fuel services and leasing of fuel, in return for giving up joining the group of states possessing reprocessing and enrichment capabilities, would also consent to wide access and close monitoring of their nuclear energy activities, exceeding the requirements of the IAEA Additional Protocol. Related efforts in this area should also move forward in the [Nuclear Suppliers Group, where various nations have advocated a criteria-based approach to nuclear fuel supply.

Unfortunately, as the world looks to increase the number of civilian nuclear power plants, the IAEA, charged with ensuring that energy programs do not stray into weapons efforts through the verification of safeguards agreements, operates on a shortsighted budget with old equipment. This situation threatens the institution, and to some degree the nuclear stability that the IAEA's safeguards verification mandate supports. The IAEA is responsible for verifying that states do not violate their obligations under the Nuclear Nonproliferation Treaty (NPT). The IAEA monitors states' nuclear programs through safeguards agreements and additional protocols to ensure that nuclear material, equipment, and technology are used for declared, peaceful purposes.

Last November, I visited the IAEA and its Safeguards Analytical Laboratory (SAL), located just outside Vienna, Austria. Samples collected by IAEA inspectors during inspections are brought to the SAL to verify that safeguards obligations are being met and that there are no undeclared materials and activities. Unfortunately the laboratory's aging equipment and dangerous working conditions will hamper the important work done there, particularly as more samples arrive there and as more states expand their nuclear power infrastructure. Such a situation could, in the future, shut down a critical nonproliferation facility. The IAEA's nuclear materials analysis capability is vulnerable to a single point of failure given the situation at SAL. Laboratory staff is also severely limited in the time they can spend analyzing evidence in the ''hot'' or nuclear part of SAL because of the dilapidated air purification system in one part of the laboratory. Equally disturbing, SAL is still using equipment manufactured in the 1970's. If the IAEA is supposed to be the world's nuclear watchdog, the least we can do is to provide the people who work there with appropriate and effective tools to do their job.

Absent refurbishment of SAL, or the construction of a new IAEA facility with modem equipment, President Ronald Reagan's charge ''trust but verify'' will be abandoned because we have not taken action.

The SAL helped to discover the inconsistencies in Iran's cover-up of its nuclear weapons program. The analysis and questioning by inspectors prompted stonewalling by Tehran. The Iranian failure to provide information and access led the IAEA Board of Governors to refer the matter to the United Nations Security Council. While I wish this might have happened more quickly, the fact is that SAL, the network of laboratories in other Member States, and the IAEA's inspectors provided the evidence necessary to build consensus on Iranian violations.

The Lugar-Bayh legislation works to create both bilateral and multilateral assurances of nuclear fuel supply by specifically authorizing the President to pursue such mechanisms. Importantly, our legislation takes note of the fact that merely ensuring fuel supply is not enough to truly deal with the potential proliferation that could arise as a result of many more nuclear reactors being built around the world. Proliferation of fuel cycle technologies may continue, regardless of the ability of our Nation and others to craft layers of assurance in fuel supply. Our bill makes an important point—that fuel supply for new nuclear power is as important as the safeguards applied to nuclear power.

The Lugar-Bayh legislation makes it the policy of the United States to discourage the development of enrichment and reprocessing capabilities in additional countries, and to encourage the creation of bilateral and multilateral assurances of nuclear fuel supply,

and ensure that all supply mechanisms operate in strict accordance with the IAEA safeguards system and do not result in any additional unmet verification burdens for the system. To ensure that SAL does not cease to function, we authorize an additional $10,000,000 for the refurbishment or possible replacement of the IAEA Safeguards Analytical Laboratory. We also authorize the Secretary of State, in cooperation with the Secretary of Energy and the Directors of the National Laboratories, and in consultation with the Secretary of Defense and the Director of National Intelligence, to pursue a program that will improve nuclear safeguards technology development.

With regard to fuel supply, our bill authorizes the President to create, consistent with existing law, bilateral and multilateral mechanisms to provide a reliable supply of nuclear fuel to those countries and groups of countries that adhere to policies designed to prevent the proliferation of nuclear weapons and that decide to forgo a national uranium enrichment program and spent nuclear fuel reprocessing facilities. Such mechanisms must confront the challenges of international politics, thus the authority contained in the bill is designed to provide a flexible framework, rather than a final set of requirements, for such mechanisms. The bill embraces both bilateral and multilateral fuel supply mechanisms, and calls for a report on the establishment of an International Nuclear Fuel Authority.

The United States cannot fix the IAEA's problems alone, but we must lead. An international diplomatic effort is required to raise the funds necessary to ensure that the IAEA has the resources and leadership it needs to continue its important mission. But the IAEA, its Member States and Board of Governors must also act. The Board must review and revise SAL staffing policies as they apply to professional staff working at SAL to ensure that it attracts and retains key personnel. Current policies are self-defeating and force experts out just as they are accumulating the level of experience and expertise necessary to succeed.

Not only is the existing IAEA infrastructure in desperate need of modernization, but a global nuclear power expansion will require a commensurate increase in IAEA capability. We must strengthen the organization to ensure that multiplying nuclear power facilities are not diverted to weapons work. This can and should be accompanied by better support to our own efforts in verification activities and technologies, such as through the Key Assets Verification Fund at the Department of State and the U.S. Program of Technical Assistance to IAEA Safeguards or POTAS.

If the world is at the dawn of a new nuclear power age, then there will be more facilities and materials for the IAEA to inspect and verify. The IAEA is not prepared for such a future, but there is still time to put the necessary investments in place to ensure that it continues its important role. The United States and other Member States have the ability to plan and make decisions now that will ensure a safer nuclear power option in the future. It is incumbent upon the United States to assist in the construction of the best possible safeguards system to provide for international peace and security. Peaceful uses of nuclear energy are only as good as the means to verify them.

The current budget of the IAEA cannot sustain further stress, nor can the world afford to allow another state to develop nuclear weapons in secret. The IAEA is underfunded to perform its current tasks and would be required to do much more should nuclear energy become more widespread. The Bush Administration must significantly increase funding to the IAEA to improve its ability to exercise its rights and meet its obligations. We hope this legislation will begin that process.

I look forward to working with my colleagues on the Committee on Foreign Relations on these important matters. I thank Senator BAYH for his partnership in this endeavor.

By Mr. BINGAMAN (for himself, Mr. SALAZAR, Ms. CANTWELL, and Mr. SANDERS):

S. 1139. A bill to establish the National Landscape Conservation System; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, together with Senators SALAZAR, CANTWELL, and SANDERS, I am pleased today to introduce legislation to codify the National Landscape Conservation System, the collection of national monuments, national conservation areas, wilderness areas, wild and scenic rivers and other remarkable landscapes on our public lands administered by the Bureau of Land Management.

The National Landscape Conservation System was established administratively by the Department of the Interior in 2000 and consists of all areas the BLM administers for conservation purposes. The concept behind grouping all of these areas into one system was to increase public awareness of the importance of these lands and to highlight the BLM's conservation of these areas and their cultural, historical, scientific, and ecological significance to the Nation.

Within my own State of New Mexico, the National Landscape Conservation System encompasses several nationally significant areas, including the rugged lava flows of El Malpais National Conservation Area, the unique cone-shaped rock formations of the Kasha-Katuwe Tent Rocks National Monument, the Rio Grande Wild and Scenic River, the Continental Divide National Scenic Trail and the El Camino Real de Tierra Adentro and Old Spanish Trail National Historic Trails, as well as over one million acres of wilderness and wilderness study areas.

However, because the NLCS was established administratively, it does not have the permanence that it would have if enacted legislatively. In addition, legislative enactment of the NLCS will help increase the attention to these important, congressionally protected areas, and hopefully will help ensure that the system remains a high priority within the BLM and the Department of the Interior. The bill does not create any new management authority and does not change the authorities for any of the previously designated areas within the system.

Given the broad public support for these areas, I expect this bill to be noncontroversial and it is my hope that it will be able to move quickly through the Congress and enactment into law.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1139

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 ''National Landscape Conservation System Act''.

SEC. 2. DEFINITIONS.

In this Act:

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

(2) SYSTEM.—The term ''system'' means the National Landscape Conservation System established by section 3(a).

SEC. 3. ESTABLISHMENT OF THE NATIONAL LANDSCAPE CONSERVATION SYSTEM.

(a) ESTABLISHMENT.—In order to conserve, protect, and restore nationally significant landscapes that have outstanding cultural, ecological, and scientific values for the benefit of current and future generations, there is established in the Bureau of Land Management the National Landscape Conservation System.

(b) COMPONENTS.—The system shall include each of the following areas administered by the Bureau of Land Management:

(1) Each area that is designated as—

(A) a national monument;

(B) a national conservation area;

(C) an outstanding natural area;

(D) a wilderness study area;

(E) a component of the National Trails System;

(F) a component of the National Wild and Scenic Rivers System; or

(G) a component of the National Wilderness Preservation System.

(2) Any area designated by Congress to be administered for conservation purposes, including—

(A) the Steens Mountain Cooperative Management and Protection Area, as designated under section 101(a) of the Steens Mountain Cooperative Management and Protection Act of 2000 (16 U.S.C. 460nnn–11(a));

(B) the Headwaters Forest Reserve; and

(C) any additional area designated by Congress for inclusion in the system.

(c) MANAGEMENT.—The Secretary shall manage the system—

(1) in accordance with any applicable law (including regulations) relating to any component of the system included under subsection (b); and

(2) in a manner that protects the values for which the components of the system were designated.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

Mr. SALAZAR. Mr. President, today Senator BINGAMAN and I are introducing the National Landscape Conservation System Act, a bill that will help protect some of our Nation's most treasured landscapes.

This bill, which we are introducing with Senators Cantwell and Sanders, will make permanent a system of management for the 26 million most spectacular acres of the 260 million acres that the Bureau of Land Management oversees.

The National Landscape Conservation System was created administratively in 2000 to guide the management of the national monuments, national conservation areas, national wild and scenic rivers, wilderness areas, wilderness study areas, and national historic and scenic trails that are under the BLM's authority.

Many of these lands are on par with our national parks in their beauty and value to the American people. Unfortunately, the National Landscape Conservation System has taken a backseat in our country's land conservation efforts. The NLCS has been shortchanged in funding in the President's budget year in and year out. There are not enough resources or staff to properly manage these lands, and we are hearing a growing number of reports that natural, cultural, and archaeological sites on NLCS lands are being overrun or destroyed. Last year, a report by the National Trust for Historic Preservation painted a disappointing portrait of how cultural resources are being managed on BLM lands.

At Colorado's Canyons of the Ancients National Monument, home to the highest density of cultural sites in America, 47 ancestral Puebloan sites were looted in the first half of 2006. With only one law enforcement officer for the entire monument, it is almost impossible to prevent this type of vandalism.

At McInnis Canyon National Conservation Area, also in Colorado, the one law enforcement officer splits his time with other lands overseen by the BLM field office. How is one officer to be expected to protect 1.3 million acres of BLM land?

This same unit of the NLCS shares an archaeologist with the Grand Junction, CO, field office. There is no way that an individual can oversee the archaeological surveys under way in the area's booming oil and gas fields while still ensuring that the conservation area's petroglyphs, fossils, and archaeological treasures are documented and protected.

The Secretary of the Interior took a good step in 2000 when he established the National Landscape Conservation System. The BLM should have additional resources and tools for the management of lands that the American people have determined to be of exceptional natural, cultural, recreational, scenic, or historic value. Unfortunately, this system has not come far in the last 7 years.

The administration provides no line item in the President's budget for the system, NLCS units have endured repeated funding cuts, and there are meager plans for where the system is going over the coming decades.

The bill that Senator BINGAMAN and I are introducing today takes the first step in improving the stewardship of these crown jewel BLM lands. It is a straightforward bill: it simply writes the National Landscape Conservation System into law, making it permanent for the enjoyment of future generations.

The bill does not change how any of the units in the system are managed. Grazing rights, water rights, and public access to the national monuments, the wilderness areas, and the conservation areas are unchanged.

The bill does, however, recognize that these landscapes are of great interest to the American people and should be managed to protect their values.

Over the coming decades, these lands will become more widely used and known. Americans are already coming to see these landscapes—places like canyons of the Ancients National Monument or Gunnison Gorge National Conservation Area—as treasures that match our great national parks and wildlife refuges.

This bill is a logical and needed step toward improving the management of the units that comprise the National Landscape Conservation. I thank Chairman BINGAMAN for his leadership on this issue, and I hope we will have an opportunity to move this bill through the Senate as quickly as possible.

By Mr. GREGG (for himself, Mr. LAUTENBERG, Mr. COCHRAN, Mr. WARNER, Mr. WYDEN, Mr. LIEBERMAN, Ms. SNOWE, Mrs. BOXER, Mr. KERRY, Mr. MENENDEZ, Ms. CANTWELL, Mrs. FEINSTEIN, Mr. REED, Mrs. MURRAY, Ms. COLLINS, and Mr. SUNUNU):

S. 1142. A bill to authorize the acquisition of interests in undeveloped coastal areas in order better to ensure their protection from development; to the Committee on Commerce, Science, and Transportation.

Mr. GREGG. Mr. President, I rise today along with Senator LAUTENBERG to introduce the Coastal and Estuarine Land Protection Act. We are introducing this much needed coastal protection act along with Senators COCHRAN, WARNER, WYDEN, KENNEDY, LIEBERMAN, SNOWE, BOXER, KERRY, MENENDEZ, CANTWELL, FEINSTEIN, REED, MURRAY, COLLINS, and SUNUNU. In addition, this legislation is supported by the Trust for Public Land, The Nature Conservancy, Association of Fish and Wildlife Agencies, the Land Trust Alliance, The Conservation Fund, Restore America's Estuaries, The Ocean Conservancy, American Fly Fishing Trade Association, Society for the Protection of New Hampshire Forests, National Estuarine Research Reserve Association, Association of National Estuary Programs, Coastal States Organization, New Jersey Audubon Society, and the NY/NJ Baykeeper.

The Coastal and Estuarine Land Protection Act promotes coordinated land acquisition and protection efforts in coastal and estuarine areas by fostering partnerships between non-governmental organizations and Federal, State, and local governments. As clearly outlined by the U.S. Commission of Ocean Policy, these efforts are urgently needed. With Americans rapidly moving to the coast, pressures to develop critical coastal ecosystems are increasing. There are fewer and fewer undeveloped and pristine areas left in the Nation's coastal and estuarine watersheds. These areas provide important nursery habitat for two-thirds of the Nation's commercial fish and shellfish, provide nesting and foraging habitat for coastal birds, harbor significant natural plant communities, and serve to facilitate coastal flood control and pollutant filtration.

The Coastal and Estuarine Land Protection Act pairs willing sellers through community-based initiatives with sources of federal funds to enhance environmental protection. Lands can be acquired in full or through easements, and none of the lands purchased through this program would be held by the Federal Government. This bill puts land conservation initiatives in the hands of State and local communities. This new program, administered by the National Oceanic and Atmospheric Administration, would provide Federal matching funds to states with approved coastal management programs or to National Estuarine Research Reserves through a competitive grant process. Federal matching funds may not exceed 75 percent of the cost of a project under this program, and non-Federal sources may count in-kind support toward their portion of the cost share.

This coastal land protection program provides much needed support for local coastal conservation initiatives throughout the country. In New Hampshire, we have worked collaboratively with local communities, environmental groups, willing sellers, and the State to conserve lands around Great Bay, Sagamore Creek, Massacre Marsh, Hurd Farm, Moose Mountain, Winnicut Headwaters, Marden Woods, Sleeper Wetlands, and the Piscassic River Greenway. These lands are home to a wide variety of plants and animal species that are particularly threatened by encroaching development and environmental pollutants. By working with local communities to purchase lands or easements on these valuable parcels of land, New Hampshire has been able to successfully conserve the natural and scenic heritage of this vital estuary.

Programs like the Coastal and Estuarine Land Protection program will further enable other states to participate in these community-based conservation efforts in coastal areas. This program was modeled after the U.S. Department of Agriculture's successful Forest Legacy Program, which has conserved millions of acres of productive and ecologically significant forest land around the country.

I welcome the opportunity to offer this important legislation, with my good friend from New Jersey, Senator LAUTENBERG. I am thankful for his leadership on this issue, and look forward to working with him to make the vision for this legislation a reality, and to successfully conserve our coastal lands for their ecological, historical, recreational, and aesthetic values.

Mr. LAUTENBERG. Mr. President, I rise today to join Senator GREGG in our introduction of legislation that would help protect and preserve the valuable coastal and estuarine lands of our Nation.

Development of the Nation's coastal and estuarine areas poses an increasing threat to water quality, wildlife habitat, flood protection, and recreational opportunities. The U.S. Commission on Ocean Policy emphasized that intact coastal lands are vital to ensuring the ecological and economic health of coastal communities. However, as these areas are fragmented and disappear, so do the benefits they provide. The Coastal and Estuarine Land Protection Act (CELP) would authorize the National Oceanic and Atmospheric Administration (NOAA) as the lead Federal agency supporting State, local or private acquisition of land or conservation easements in undeveloped coastal areas in order to ensure their protection from development. The Joint Ocean Commission Initiative has identified enactment of the Coastal and Estuarine Land Protection Act as a high priority for improving our coastal resource management. This legislation builds upon the existing Coastal and Estuarine Land Conservation Program (CELCP) within NOAA. The Program allows States to compete for matching funds to acquire land or easements for the protection of sensitive coastal ecosystems. The Federal funds provided through this program help leverage additional State, local and private funding.

The CELCP complements private, Federal and State conservation programs. This program is based on the highly successful Forest Legacy program which is a Federal-State partnership program that supports efforts to protect environmentally sensitive forest lands. Permanent protection of lands in the coastal zone is also necessary to maintain and enhance coastal and estuarine areas for the benefit of the Nation, including protecting water quality, keeping public beachfront accessible, conserving wildlife habitat, and sustaining sport and commercial fisheries.

Coastal and estuarine areas are some of the most productive ecosystems on earth. They are home to countless plants, animals, birds, and fish. These are complex ecosystems that provide a foundation for marine life as well as protection of inland areas from storm damage. Over the last 150 years the national system of estuaries has decreased in size because of our growing coastal populations and short-sighted land-use planning. Today our coastal areas are home to over 150 million Americans, about 53 percent of the U.S. population, and over 180 million people visit the coasts each year. Due to the increasing pressures from development in low-lying areas, NOAA has estimated 80 percent of our Nations' coastal waters are impaired for human use and marine life.

The National Estuarine Research Reserve System (NERRS) established under the Coastal Zone Management Act is a network of 27 protected estuaries throughout the United States, including the Jacques Cousteau NERRS site in New Jersey. These are pristine areas that provide public education and conservation awareness, and serve as living laboratories for scientific research. The funds provided through the CELP program established by our legislation would promote the expansion of these estuarine areas and assist in keeping coastal ecosystems healthy and productive.

Federal funds help make New Jersey conservation possible. New Jersey's treasured natural resources—from the Meadowlands to the marshlands of Barnegat Bay—have substantially benefited from Federal support. The existing CELCP has aided in securing protection for over a thousand acres in New Jersey including lands for Gunning Island, Tuckerton Creek, and the Harbor Herons project. This week there will be a formal dedication of a 115-acre property, acquired with the aid of CELCP, on Potter Creek in Berkeley Township for public use and recreation. Lands have been protected in the Manahawkin Marsh, for wildlife habitat, including migratory birds along the Atlantic Flyway. In Ocean County, the CELCP helped secure the acquisition of 800 acres on Tuckerton Creek in Little Egg Harbor which is vital to protecting Atlantic white cedar stands and improving the water quality of the Barnegat Bay. These projects have successfully protected our coasts while sustaining human activity.

The coastal zone is essential to our country's prosperity and well-being. The coastal and estuarine lands are areas of national importance and they are vulnerable to human activities. From 2002 through 2006 twenty-five States have benefited from the CELCP. Now is the time for Congress to authorize this program to conserve lands that are vital to our Nation.

The bill Senator GREGG and I are introducing today, the Coastal and Estuarine Land Protection Act, will ensure an ongoing partnership between Federal, State, and local governments to support the economic and natural resource base of communities through the acquisition of coastal and estuarine lands. This legislation offers the opportunity for States to protect coastal and estuarine areas that have significant conservation, recreation, ecological, historical, or aesthetic values and are threatened by conversion to other uses.

The organizations supporting this legislation include The Trust for Public Land, The American Littoral Society, NY/NJ Baykeeper, Association of Fish and Wildlife Agencies, Land Trust Alliance, Restore America's Estuaries, American Fly Fishing Trade Association, Society for the Protection of New Hampshire's Forests, National Estuarine Research Reserve Association, Association of National Estuary Programs, The Ocean Conservancy, Coastal States Organization, The Conservation Fund, The Nature Conservancy, and the New Jersey Audubon Society. I ask unanimous consent that a letter of support from these groups be printed in the RECORD.

I would like to thank Senator GREGG for his long-time leadership on this issue. I would also like to thank Senator MIKULSKI for her many years of support for this legislation. I look forward to continuing to work with Senator GREGG and my colleagues in the Senate to ensure its passage so that we can fill this vital need for coastal and estuarine protection.

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

APRIL 16, 2007.

Hon. JUDD GREGG,
Russell Senate Office Building,
Washington, DC.
Hon. FRANK LAUTENBERG,
Hart Senate Office Building,
Washington, DC.

DEAR SENATORS GREGG AND LAUTENBERG: On behalf of the organizations listed below, we would like to thank you for your long-standing support of coastal zone management and coastal land conservation. We are writing today in support of the Coastal and Estuarine Land Protection Act (CELP), which would formally codify the Coastal and Estuarine Land Conservation Program. This program was created by Congress in FY 2002 in order to ''protect those coastal and estuarine areas with significant conservation, recreation, ecological, historical or aesthetic values, or that are threatened by conversion from their natural or recreational states to other uses.'' Thus far, this program has invested over $177 million towards 119 conservation projects in 25 of the nation's 35 coastal states. This federal investment has leveraged more than an equal amount of state, local and private funding, demonstrating the importance of coastal protection throughout the nation and the critical role of federal funding to its success.

Our nation's coastal zone is under significant pressures from unplanned development. In fact, it is estimated that by 2025, nearly 75 percent of the nation's population will live within 50 miles of the coast, in addition to millions more who enjoy America's storied coastlines. Across the nation, beaches and waterfronts have always been the destination of choice for Americans. Fully one-half of the nation's gross domestic product, $4.5

trillion annually, is generated in coastal watershed counties, inexorably linking our coastal zone with the economic health of the nation.

As a result of this economic boom, rapid, unplanned development has marred the once-pristine viewshed and substantially reduced public access to the coast. The resulting increase in impervious surfaces has correspondingly increased non-point source pollution and seriously degraded coastal and estuarine waters. The loss of coastal wetlands has drastically impaired estuaries, some of the most productive habitat on earth, and has exacerbated damage from coastal storms. The U.S. Commission on Ocean Policy has also stressed the importance of land conservation as part of its broader recommendations to Congress and the nation.

From our first-hand experience at the local level, we know that CELP will significantly leverage ongoing community-based conservation, and will provide a much needed boost to local efforts. Given the importance of healthy, productive and accessible coastal areas, a federal commitment to state and local coastal protection is a sound investment. The new legislation codifies the existing investment that Congress has already made to coastal protection and authorizes the program formally. We believe this is an important and necessary step to enhance efforts to ensure safe and accessible coastal waters.

We thank you for introducing this legislation, and look forward to working with you towards its enactment.

Sincerely,

Gary J. Taylor, Legislative Director, Association of Fish and Wildlife Agencies; Russell Shay, Director of Public Policy, Land Trust Alliance; Alan Front, Senior Vice President, The Trust for Public Land; Steven Bosak, Vice President for External Affairs, Restore America's Estuaries; Robert Ramsay, President, American Fly Fishing Trade Association; Jane A. Difley, President-Forester, Society for the Protection of New Hampshire's Forests; Angela Corridore, Executive Director, National Estuarine Research Reserve Association; Rich Innes, Executive Director, Association of National Estuary Programs; David Hoskins, Vice President for Government Affairs and General Counsel, The Ocean Conservancy; Kacky Andrews, Executive Director, Coastal States Organization; Lawrence A. Selzer, President, The Conservation Fund; Jimmie Powell, Director of Government Relations, The Nature Conservancy; Eric Stiles, Vice President for Conservation and Stewardship, New Jersey Audubon Society; Tim Dillingham, Executive Director, American Littoral Society (NJ).

By Mr. NELSON of Florida:

S. 1143. A bill to designate the Jupiter Inlet Lighthouse and the surrounding Federal land in the State of Florida as an Outstanding Natural Area and as a unit of the National Landscape System, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. NELSON of Florida. Mr. President, today I am introducing a bill designating the Jupiter Inlet Lighthouse and the 126 surrounding acres in Jupiter, Florida, as an ''Outstanding Natural Area.'' The Jupiter Lighthouse is a local and regional icon, full of rich history and home to many endangered plant and animal species. Designating the lighthouse as an ''Outstanding Natural Area'' will preserve the rich cultural heritage and important ecological value of the site. This designation would give the Jupiter Inlet the distinction of being the sole East Coast representative of the National Landscape Conservation System—the eastern counterpart to the Yaquina Head Lighthouse in Oregon.

This bill is the product of the hard work and cooperation of many people in Florida, including the Town of Jupiter Island, the Town of Jupiter, the Board of County Commissioners of Palm Beach County, the Loxahatchee River Historical Society, and numerous others. I am also pleased that Representative TIM MAHONEY is introducing similar legislation in the House of Representatives.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1143

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Jupiter Inlet Lighthouse Outstanding Natural Area Act of 2007''.

SEC. 2. FINDINGS.

Congress finds that—

(1) the area surrounding the Jupiter Inlet Lighthouse in the State of Florida—

(A) is at the confluence of the Loxahatchee River and the Indian River Lagoon; and

(B) supports significant ecological values, including—

(i) endangered species of flora and fauna; and

(ii) imperiled natural communities rapidly vanishing in south Florida;

(2) the area surrounding the Lighthouse was first used by Native Americans over 4,000 years ago;

(3) Europeans made contact with the area surrounding the Lighthouse in the 17th century;

(4) the Lighthouse and the associated Oil House, which was constructed in 1860, are nationally recognized historical structures that should be preserved for present and future generations of people in the United States;

(5) the Lighthouse tells an important story about—

(A) the maritime history of southeast Florida;

(B) the prehistory and history of southeast Florida; and

(C) the role of southeast Florida in the Civil War, World War II, and the creation of the National Weather Service;

(6) the Lighthouse is listed on the National Register of Historic Places;

(7) the Lighthouse has been, and continues to be, a physical manifestation of the commitment of the Federal Government to maritime safety and security;

(8) the current operations and activities of the Coast Guard at Jupiter Inlet perpetuate the commitment described in paragraph (7);

(9) the Jupiter Inlet Lighthouse Outstanding Natural Area—

(A) would make a significant addition to the National Landscape Conservation System administered by the Bureau of Land Management; and

(B) would be the only unit of the National Landscape Conservation System located east of the Mississippi River;

(10) statutory protection is needed for the Lighthouse and the Federal land surrounding the Lighthouse to ensure that the natural and cultural resources continue to be—

(A) a part of the historic, cultural, and natural heritage of the United States; and

(B) a source of inspiration for the people of the United States;

(11) the actions of the Federal Government to protect and conserve the land and historic structures associated with the Outstanding Natural Area should not be construed, interpreted, or allowed to diminish or control ongoing or future Coast Guard operations or activities; and

(12) the Lighthouse and the Federal land surrounding the Lighthouse represent a true partnership of the highest order in which collaboration is, and would continue to be, an everyday reality leading to successful management and land stewardship by the Bureau of Land Management, Palm Beach County, Florida, the Town of Jupiter, Florida, the Village of Tequesta, Florida, the Loxahatchee River Historical Society, and the Coast Guard (collectively known as the ''Jupiter Working Group'') and other partners.

SEC. 3. DEFINITIONS.

In this Act:

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

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

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

(A) Palm Beach County, Florida;

(B) the Town of Jupiter, Florida;

(C) the Village of Tequesta, Florida; and

(D) the Loxahatchee River Historical Society.

(4) MANAGEMENT PLAN.—The term ''management plan'' means the management plan developed under section 5(a).

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

(6) OUTSTANDING NATURAL AREA.—The term ''Outstanding Natural Area'' means the Jupiter Inlet Lighthouse Outstanding Natural Area established by section 4(a).

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

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

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

SEC. 4. ESTABLISHMENT OF THE JUPITER INLET LIGHT HOUSE OUTSTANDING NATURAL AREA.

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

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

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

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

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

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

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

(d) WITHDRAWAL.—

(1) IN GENERAL.—Subject to valid existing rights, section 7, and any existing withdrawals under the Executive orders and public land order described in paragraph (2), the Federal land and any interests in the Federal land included in the Outstanding Natural Area are withdrawn from—

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

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

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

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

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

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

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

SEC. 5. MANAGEMENT PLAN.

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

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

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

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

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

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

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

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

(1) objectives and provisions to ensure—

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

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

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

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

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

(A) are compatible with achieving the resource objectives for the Outstanding Natural Area described in section 6(a)(1)(B); and

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

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

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

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

SEC. 6. MANAGEMENT OF THE JUPITER INLET LIGHTHOUSE OUTSTANDING NATURAL AREA.

(a) MANAGEMENT.—

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

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

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

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

(b) USES.—Subject to valid existing rights and section 7, the Secretary shall only allow uses of the Outstanding Natural Area that the Secretary, in consultation with the Commandant and Local Partners, determines would likely further—

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

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

(3) other applicable laws.

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

(d) RESEARCH ACTIVITIES.—To continue successful research partnerships, pursue future research partnerships, and assist in the development and implementation of the management plan, the Secretary may, in accordance with section 307(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1737(a)), authorize the conduct of appropriate research activities in the Outstanding Natural Area for the purposes described in section 4(b).

(e) ACQUISITION OF LAND.—

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

(A) adjacent to the Outstanding Natural Area; and

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

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

(A) donation;

(B) exchange with a willing party; or

(C) purchase from a willing seller.

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

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

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

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

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

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

SEC. 7. EFFECT ON ONGOING AND FUTURE COAST GUARD OPERATIONS.

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

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

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

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

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

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

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

By Ms. SNOWE:

S. 1144. A bill to provide for an assessment of the achievements by the Government of Iraq of benchmarks for

political settlement and national reconciliation in Iraq; to the Committee on Foreign Relations.

Ms. SNOWE. Mr. President, I rise to speak to the monumental and consequential matter regarding the future course of the United States and our courageous men and women in uniform in Iraq.

Today, we are at a profoundly challenging moment in time, and at a critical crossroads with respect to our direction in this war. I know that none of us arrive at this question lightly. In my 28-year tenure in Congress, I have witnessed and participated in debates on such vital matters as Lebanon, Panama, the Persian Gulf, Somalia, Bosnia, and Kosovo. And indisputably, myriad, deeply-held beliefs and arguments were expressed on those pivotal matters—some in concert, some complementary, some in conflict. Yet, without question, all were rooted in mutual concern for—and love of—our great Nation. And there was—and should not be today—no question about our support for our brave and extraordinary troops.

It is therefore with the utmost respect for our troops that I today introduce a bill which allows them the ability to complete the mission they have selflessly undertaken, while assuring them that their valor shall not be unconditionally expended upon an Iraqi government which fails to respond in kind. This amendment requires that government to actually achieve previously agreed political and security benchmarks while the Baghdad Security Plan—commonly referred to as the ''surge''—is in effect, or face the redeployment of those U.S. troops dedicated to that plan.

Specifically, this legislation would require that, 120 days after enactment—a point in time at which our military commanders have stated that they should know whether the surge will succeed—the Commander of Multi-National Forces, Iraq would report to Congress as to whether the Iraqi government has met each of six political and security-related benchmarks which it has already agreed to meet by that time. These six benchmarks are:

Iraqi assumption of control of its military . . .

Enactment of a Militia Law to disarm and demobilize militias and to ensure that such security forces are accountable only to the central government and loyal to the constitution of Iraq . . .

Completion of the constitutional review and a referendum held on special amendments to the Iraqi Constitution that ensure equitable participation in the government of Iraq without regard to religious sect or ethnicity . . .

Completion of provincial election law and preparation for the conduct of provincial elections that ensures equitable constitution of provincial representative bodies without regard to religious sect or ethnicity . . .

Enactment and implementation of legislation to ensure that the energy resources of Iraq benefit Sunni Arabs, Shia Arabs, Kurds, and other Iraqi citizens in an equitable manner; and

Enactment and implementation of legislation that equitably reforms the de-Ba'athification process in Iraq.

The Iraqi Government must know that any opportunity gained from our increased troop levels in Baghdad is a window that we will soon close if it fails to take urgent action and show tangible results in tandem. If, at the end of 120 days, the Commander of Multi-National Forces, Iraq reports the Iraqi Government has not met the benchmarks, then the Commander should plan for the phased redeployment of the troops we provided for the Baghdad Security Plan, period.

That is why, under this amendment, after 120 days, should the Commander report that the Iraqi Government has failed to meet the benchmarks listed, he will then be required to present a plan for the phased redeployment of those combat troops sent to Iraq in support of the Baghdad Security Plan and to provide plans detailing the transition of the mission of the U.S. forces remaining in Iraq to one of logistical support, training, force protection, and targeted counter-terrorism operations—i.e., those functions set forth in the Iraq Study Group Report. As General Petraeus stated in March, ''I have an obligation to the young men and women in uniform out here, that if I think it's not going to happen, to tell them that it's not going to happen, and there needs to be a change.''

The message must be loud and clear—the Iraqi government must understand in no uncertain terms that our presence is neither open-ended nor unconditional, and I support setting conditions for a phased withdrawal. My concern with the supplemental appropriations bill stems from the fact that it mandates a specific date for troop withdrawal by requiring it to occur within 120 days of passage. This arbitrary timeline would telegraph a precise and immediate departure date to our enemies that I believe would jeopardize the security of our men and women remaining on the ground.

Moreover, this mandated, 120-day timetable does not place the necessary pressure and conditions on the Iraqi government to implement national reconciliation and solidify their own security. Rather, we should require that the Iraqi government complete work within 120 days on the specific, concrete benchmarks they have already agreed to that would lead to national reconciliation. If the Iraqis cannot meet these benchmarks within this 120-day period, our commanders should begin planning for the phased redeployment of the troops we deployed for the Baghdad Security Plan.

My colleagues may recall that I opposed the surge because I did not—and still do not—believe that additional troops are a substitute for political will and capacity. General Petraeus said last month that a political resolution is crucial because that is what will determine in the long run the success of this effort. I could not agree more. The fact is, America and the world require more than Iraq's commitment to accomplishing the benchmarks that will lead to a true national reconciliation—we must see actual results. The Iraqi Government must find the will to ensure that it represents and protects the rights of every Iraqi.

After our four-year commitment, Iraq's Government should not doubt that we must observe more than incremental steps toward political reconciliation we require demonstrable changes. While limited progress has been made on necessary legislative initiatives such as the Hydrocarbon Law, it is in fact a sheaf of laws and not just a single measure that must pass to ensure that all Iraqis have a share and stake in their government. Chief among these are constitutional amendments which will permit Iraqis of all ethnicities and confessions to be represented at the local level of government. Yet, so far, the review committee has yet to even finish drafts of these critical amendments.

I believe we were all encouraged by the recent Ambassadorial meetings in Baghdad and the follow-on ministerial conference called at the Iraqi government's request. These talks are vital to securing Iraq's border, reversing the flow of refugees, and stemming the foreign interference which exacerbates sectarian divisions. But we also look for the Iraqi government's leadership in dismantling the militias and strengthening the National Army so that it is truly a national institution that can provide the security so desperately desired by all Iraqis in every province.

We are now three months into the surge, and our troops have made gains in reducing the still horrific levels of violence on Baghdad through their heroic efforts. Yet it is deeply concerning to me that—mirroring the slowness with which the Iraqi government has moved on political reforms—their sacrifice remains by and largely unmatched by their Iraqi counterparts.

Two weeks ago, Leon Panetta, a member of the Iraq Study Group, wrote the following in a New York Times Op-Ed, ''. . . every military commander we talked to felt that the absence of national reconciliation was the fundamental cause of violence in Iraq. As one American general told us, 'if the Iraqi government does not make political progress on reforms, all the troops in the world will not provide security.' '' He went on to enumerate the progress or, more to the point, the lack of progress toward the agreed upon benchmarks and concluded that 'unless the United States finds new ways to bring strong pressure on the Iraqis, things are not likely to pick up any time soon.'''

In fact, over the past few months, many have come to the realization that political action by the Iraqi government is a paramount precursor to

national reconciliation and stability and, without it, the Baghdad Security Plan is only a temporary, tactical fix for one specific location. And while we are hearing about incremental successes, I agree with Thomas Friedman who said recently in an interview, ''there's only one metric for the surge working, and that is whether we're seeing a negotiation among Iraqis to share power, to stabilize the political situation in Iraq, which only they can do . . . telling me that the violence is down 10 percent or 8 percent here or 12 percent there, I don't really think that's the metric at all.''

To this day, the public looks to the United States Senate to temper the passions of politics and to bridge divides. And if ever there were a moment when Americans are imploring us to live up to the moniker of ''world's greatest deliberative body,'' that moment is upon us.

If I had a son or daughter or other family member serving in Iraq, I would want at least the assurance that someone was speaking up to tell the Iraqi government—and frankly our government as well—that my family's sacrifice must be matched by action and sacrifice on the part of the Iraqi government. I would want to know that the most profound of all issues was fully debated by those who are elected to provide leadership. For those of us who seek success in Iraq, and believe that a strategy predicated on political and diplomatic solutions—not merely increased troop levels—presents the strongest opportunity to reach that goal, let us coalesce around this bill, which will allow us to speak as one voice strong . . . together . . . and united in service to a purpose we believe to be right.

By Mr. LEAHY (for himself, Mr. HATCH, Mr. SCHUMER, Mr. CORNYN, and Mr. WHITEHOUSE):

S. 1145. A bill to amend title 35, United States Code, to provide for patent reform; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, our patent system is grounded in the Constitution. Among the specifically enumerated powers of Congress in Article I, Section 8, stands the command to ''promote the progress of science and the useful arts, by securing for limited times to authors and inventors the exclusive right to their respective discoveries.'' Those discoveries have, since the founding of our Nation, made us the envy of the world. Our inventors, our research institutions, and the many companies that commercialize those discoveries have brought a wealth of new products and processes to our society; we have all been the beneficiaries of that creativity and hard work.

Vermont has long played an important role in bringing such inventions to the public, combining 'Yankee ingenuity' with lots of sweat equity. In fact, the very first U.S. patent was granted to Samuel Hopkins, a farmer in Pittsford, VT, who discovered a process for making potash. That ethic continues to the present day; just last year, inventors in IBM's Essex Junction plant received 360 patents 10 percent of IBM's total U.S. patents.

Vermont is special, of course, but not unique in this regard. American inventors are in every community, every company and school. They are individuals tinkering on the weekends in their garages. They are teams of PhDs in our largest corporations. They are scientists training students in laboratories at our colleges and universities. Our patent laws should support and reward all American innovators—independent inventors, small businesses, venture capitalists, academic researchers, and large corporations. To do so, we must update our patent laws. Crafted for an earlier time, when smokestacks rather than microchips were the emblems of industry, those laws have served well but need some refinements.

Senator HATCH and I introduced an earlier version of this bill, S. 3818, last August. At that time, I said we had taken the first step down a road to real, constructive patent reform, which could reduce the unnecessary burdens of litigation in the patent system and enhance the quality of patents granted by the Patent and Trademark Office. Senator HATCH wisely noted that we would have to have continuing conversations about issues that remained unresolved. We have spent the time since then hearing from all manner of interested parties, and indeed we have learned as much since we introduced S. 3818 as we had in the two years prior to its introduction.

In this Congress, the partnership is not only bipartisan but bicameral. We have reached not only across the aisle but across the Hill to work out a bill that joins the Senate and the House, Democrats and Republicans, so that today we are introducing a Leahy-Hatch bill in the Senate that mirrors a Berman-Smith bill in the House. The message is both strong and clear: We have a unified and resolute approach to improving the nation's patent system. We will all have time to focus on the bill's many provisions in the weeks to come, but I would highlight three significant changes we have made since last summer, aided by the many stakeholders in this process.

First, the Patent Reform Act of 2007 now includes a pure ''first-to-file'' system, which will inject needed clarity and certainty into the system. The United States stands alone among nations that grant patents in giving priority for a patent to the first inventor, as opposed to the first to file a patent application for a claimed invention. The result is a lack of international consistency, and a complex and costly system in the United States to determine inventors' rights. At the same time, our legislation provides important protections for inventors at universities, by permitting them to discuss publicly their work without losing priority for their inventions.

Second, poor patent quality has been identified as a key element of the law that needs attention. After a patent is issued, a party seeking to challenge the validity and enforceability of the patent has two avenues under current law: by reexamination proceeding at the USPTO or by litigation in federal district court. The former is used sparingly and some see it as ineffective; the latter, district court litigation, can be unwieldy and expensive. S. 3818 had created a new, post-grant review to provide an effective and efficient system for considering challenges to the validity of patents. The Patent Reform Act of 2007 has improved that system, and in particular, we have addressed concerns about misuse of the procedure. Post-grant review will include protections to avoid the possibility of misuse of the post-grant process. The Director is instructed to prescribe rules to prevent harassment or abuse, successive petitions are prohibited, and petitioners are barred from raising the same arguments in court.

Third, we are keenly aware that a sound patent system needs fair and equitable remedies. As products have become more complex, often involving hundreds or even thousands of patented aspects, litigation has not reliably produced damages awards in infringement cases that correspond to the value of the infringed patent. Our bill last summer was our first effort to ensure that damages awards accurately reflected the harm caused by infringement. Subsequent conversations with many affected parties have led us to language that, we believe, better serves that purpose and avoids potential pitfalls.

The Patent Reform Act of 2007 is also significant for what is not included. S. 3818 would have made three considerable changes to the patent laws that, upon further consideration and after listening to the affected parties, we have decided not to make in this year's legislation. First is the requirement that patent applicants not intentionally misrepresent a material fact or fail to disclose material information to the PTO. Candor and truthfulness are the backbone of the patent application system, and are protected by the inequitable conduct doctrine. S. 3818 would have weakened that doctrine, but it is preserved this year. Second, we maintain the traditional rule on attorneys' fees, instead of shifting fees and other expenses to the non-prevailing party as was proposed in S. 3818. Finally, we do not inject Congress into the ongoing litigation over the extra-territorial provision, section 271(f). S. 3818 would have repealed the provision in its entirety; the Patent Reform Act of 2007 does not, while the interpretation of the provision is currently pending before the Supreme Court. If the Court does not resolve that issue, we will revisit it in the legislative process.

If we are to maintain our position at the forefront of the world's economy, if

we are to continue to lead the globe in innovation and production, if we are to continue to enjoy the fruits of the most creative citizens, then we must have a patent system that produces high quality patents, that limits counterproductive litigation over those patents, and that makes the entire system more streamlined and efficient. This bill is an important step towards that goal. I look forward to immediate and intense debate that will inform both the Members of Congress and the public about these improvements, that will allow us to further refine our legislation, and that will lead us to consideration on the Senate floor.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1145

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 ''Patent Reform 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. Reference to title 35, United States Code.
Sec. 3. Right of the first inventor to file.
Sec. 4. Inventor's oath or declaration.
Sec. 5. Right of the inventor to obtain damages.
Sec. 6. Post-grant procedures and other quality enhancements.
Sec. 7. Definitions; patent trial and appeal board.
Sec. 8. Study and report on reexamination proceedings.
Sec. 9. Submissions by third parties and other quality enhancements.
Sec. 10. Venue and jurisdiction.
Sec. 11. Regulatory authority.
Sec. 12. Technical amendments.
Sec. 13. Effective date; rule of construction.

SEC. 2. REFERENCE TO TITLE 35, UNITED STATES CODE.

Whenever in this Act a section or other provision is amended or repealed, that amendment or repeal shall be considered to be made to that section or other provision of title 35, United States Code.

SEC. 3. RIGHT OF THE FIRST INVENTOR TO FILE.

(a) DEFINITIONS.—Section 100 is amended by adding at the end the following:

''(f) The term 'inventor' means the individual or, if a joint invention, the individuals collectively who invented or discovered the subject matter of the invention.

''(g) The terms 'joint inventor' and 'co-inventor' mean any 1 of the individuals who invented or discovered the subject matter of a joint invention.

''(h) The 'effective filing date of a claimed invention' is—

''(1) the filing date of the patent or the application for patent containing the claim to the invention; or

''(2) if the patent or application for patent is entitled to a right of priority of any other application under section 119, 365(a), or 365(b) or to the benefit of an earlier filing date in the United States under section 120, 121, or 365(c), the filing date of the earliest such application in which the claimed invention is disclosed in the manner provided by the first paragraph of section 112.

''(i) The term 'claimed invention' means the subject matter defined by a claim in a patent or an application for a patent.

''(j) The term 'joint invention' means an invention resulting from the collaboration of inventive endeavors of 2 or more persons working toward the same end and producing an invention by their collective efforts.''.

(b) CONDITIONS FOR PATENTABILITY.—

(1) IN GENERAL.—Section 102 is amended to read as follows:

''§ 102. Conditions for patentability; novelty

''(a) NOVELTY; PRIOR ART.—A patent for a claimed invention may not be obtained if—

''(1) the claimed invention was patented, described in a printed publication, or in public use or on sale—

''(A) more than one year before the effective filing date of the claimed invention; or

''(B) one year or less before the effective filing date of the claimed invention, other than through disclosures made by the inventor or a joint inventor or by others who obtained the subject matter disclosed directly or indirectly from the inventor or a joint inventor; or

''(2) the claimed invention was described in a patent issued under section 151, or in an application for patent published or deemed published under section 122(b), in which the patent or application, as the case may be, names another inventor and was effectively filed before the effective filing date of the claimed invention.

''(b) EXCEPTIONS.—

''(1) PRIOR INVENTOR DISCLOSURE EXCEPTION.—Subject matter that would otherwise qualify as prior art under subparagraph (B) of subsection (a)(1) shall not be prior art to a claimed invention under that subparagraph if the subject matter had, before the applicable date under such subparagraph (B), been publicly disclosed by the inventor or a joint inventor or others who obtained the subject matter disclosed directly or indirectly from the inventor, joint inventor, or applicant.

''(2) DERIVATION AND COMMON ASSIGNMENT EXCEPTIONS.—Subject matter that would otherwise qualify as prior art only under subsection (a)(2), after taking into account the exception under paragraph (1), shall not be prior art to a claimed invention if—

''(A) the subject matter was obtained directly or indirectly from the inventor or a joint inventor; or

''(B) the subject matter and the claimed invention, not later than the effective filing date of the claimed invention, were owned by the same person or subject to an obligation of assignment to the same person.

''(3) JOINT RESEARCH AGREEMENT EXCEPTION.—

''(A) IN GENERAL.—Subject matter and a claimed invention shall be deemed to have been owned by the same person or subject to an obligation of assignment to the same person in applying the provisions of paragraph (2) if—

''(i) the claimed invention was made by or on behalf of parties to a joint research agreement that was in effect on or before the effective filing date of the claimed invention;

''(ii) the claimed invention was made as a result of activities undertaken within the scope of the joint research agreement; and

''(iii) the application for patent for the claimed invention discloses or is amended to disclose the names of the parties to the joint research agreement.

''(B) For purposes of subparagraph (A), the term 'joint research agreement' means a written contract, grant, or cooperative agreement entered into by two or more persons or entities for the performance of experimental, developmental, or research work in the field of the claimed invention.

''(4) PATENTS AND PUBLISHED APPLICATIONS EFFECTIVELY FILED.—A patent or application for patent is effectively filed under subsection (a)(2) with respect to any subject matter described in the patent or application—

''(A) as of the filing date of the patent or the application for patent; or

''(B) if the patent or application for patent is entitled to claim a right of priority under section 119, 365(a), or 365(b) or to claim the benefit of an earlier filing date under section 120, 121, or 365(c), based upon one or more prior filed applications for patent, as of the filing date of the earliest such application that describes the subject matter.''.

(2) CONFORMING AMENDMENT.—The item relating to section 102 in the table of sections for chapter 10 is amended to read as follows:

''102. Conditions for patentability; novelty.''.

(c) CONDITIONS FOR PATENTABILITY; NON-OBVIOUS SUBJECT MATTER.—Section 103 is amended to read as follows:

''§ 103. Conditions for patentability; non-obvious subject matter

''A patent for a claimed invention may not be obtained though the claimed invention is not identically disclosed as set forth in section 102, if the differences between the claimed invention and the prior art are such that the claimed invention as a whole would have been obvious before the effective filing date of the claimed invention to a person having ordinary skill in the art to which the claimed invention pertains. Patentability shall not be negated by the manner in which the invention was made.''.

(d) REPEAL OF REQUIREMENTS FOR INVENTIONS MADE ABROAD.—Section 104, and the item relating to that section in the table of sections for chapter 10, are repealed.

(e) REPEAL OF STATUTORY INVENTION REGISTRATION.—

(1) IN GENERAL.—Section 157, and the item relating to that section in the table of sections for chapter 14, are repealed.

(2) REMOVAL OF CROSS REFERENCES.—Section 111(b)(8) is amended by striking ''sections 115, 131, 135, and 157'' and inserting ''sections 131 and 135''.

(f) EARLIER FILING DATE FOR INVENTOR AND JOINT INVENTOR.—Section 120 is amended by striking ''which is filed by an inventor or inventors named'' and inserting ''which names an inventor or joint inventor''.

(g) CONFORMING AMENDMENTS.—

(1) RIGHT OF PRIORITY.—Section 172 is amended by striking ''and the time specified in section 102(d)''.

(2) LIMITATION ON REMEDIES.—Section 287(c)(4) is amended by striking ''the earliest effective filing date of which is prior to'' and inserting ''which has an effective filing date before''.

(3) INTERNATIONAL APPLICATION DESIGNATING THE UNITED STATES: EFFECT.—Section 363 is amended by striking ''except as otherwise provided in section 102(e) of this title''.

(4) PUBLICATION OF INTERNATIONAL APPLICATION: EFFECT.—Section 374 is amended by striking ''sections 102(e) and 154(d)'' and inserting ''section 154(d)''.

(5) PATENT ISSUED ON INTERNATIONAL APPLICATION: EFFECT.—The second sentence of section 375(a) is amended by striking ''Subject to section 102(e) of this title, such'' and inserting ''Such''.

(6) LIMIT ON RIGHT OF PRIORITY.—Section 119(a) is amended by striking ''; but no patent shall be granted'' and all that follows through ''one year prior to such filing''.

(7) INVENTIONS MADE WITH FEDERAL ASSISTANCE.—Section 202(c) is amended—

(A) in paragraph (2)—

(i) by striking ''publication, on sale, or public use,'' and all that follows through ''obtained in the United States'' and inserting ''the 1-year period referred to in section 102(a) would end before the end of that 2-year period''; and

(ii) by striking ''the statutory'' and inserting ''that 1-year''; and

(B) in paragraph (3), by striking ''any statutory bar date that may occur under this title due to publication, on sale, or public use'' and inserting ''the expiration of the 1-year period referred to in section 102(a)''.

(h) REPEAL OF INTERFERING PATENT REMEDIES.—Section 291, and the item relating to that section in the table of sections for chapter 29, are repealed.

(i) ACTION FOR CLAIM TO PATENT ON DERIVED INVENTION.—Section 135(a) is amended to read as follows:

''(a) DISPUTE OVER RIGHT TO PATENT.—

''(1) INSTITUTION OF DERIVATION PROCEEDING.—An applicant may request initiation of a derivation proceeding to determine the right of the applicant to a patent by filing a request which sets forth with particularity the basis for finding that an earlier applicant derived the claimed invention from the applicant requesting the proceeding and, without authorization, filed an application claiming such invention. Any such request may only be made within 12 months after the date of first publication of an application containing a claim that is the same or is substantially the same as the claimed invention, must be made under oath, and must be supported by substantial evidence. Whenever the Director determines that patents or applications for patent naming different individuals as the inventor interfere with one another because of a dispute over the right to patent under section 101, the Director shall institute a derivation proceeding for the purpose of determining which applicant is entitled to a patent.

''(2) REQUIREMENTS.—A proceeding under this subsection may not be commenced unless the party requesting the proceeding has filed an application that was filed not later than 18 months after the effective filing date of the application or patent deemed to interfere with the subsequent application or patent.

''(3) DETERMINATION BY PATENT TRIAL AND APPEAL BOARD.—In any proceeding under this subsection, the Patent Trial and Appeal Board—

''(A) shall determine the question of the right to patent;

''(B) in appropriate circumstances, may correct the naming of the inventor in any application or patent at issue; and

''(C) shall issue a final decision on the right to patent.

''(4) DERIVATION PROCEEDING.—The Board may defer action on a request to initiate a derivation proceeding until 3 months after the date on which the Director issues a patent to the applicant that filed the earlier application.

''(5) EFFECT OF FINAL DECISION.—The final decision of the Patent Trial and Appeal Board, if adverse to the claim of an applicant, shall constitute the final refusal by the Patent and Trademark Office on the claims involved. The Director may issue a patent to an applicant who is determined by the Patent Trial and Appeal Board to have the right to patent. The final decision of the Board, if adverse to a patentee, shall, if no appeal or other review of the decision has been or can be taken or had, constitute cancellation of the claims involved in the patent, and notice of such cancellation shall be endorsed on copies of the patent distributed after such cancellation by the Patent and Trademark Office.''.

(j) ELIMINATION OF REFERENCES TO INTERFERENCES.—(1) Sections 6, 41, 134, 141, 145, 146, 154, 305, and 314 are each amended by striking ''Board of Patent Appeals and Interferences'' each place it appears and inserting ''Patent Trial and Appeal Board''.

(2) Sections 141, 146, and 154 are each amended—

(A) by striking ''an interference'' each place it appears and inserting ''a derivation proceeding''; and

(B) by striking ''interference'' each additional place it appears and inserting ''derivation proceeding''.

(3) The section heading for section 134 is amended to read as follows:

''§ 134. Appeal to the Patent Trial and Appeal Board''.

(4) The section heading for section 135 is amended to read as follows:

''§ 135. Derivation proceedings''.

(5) The section heading for section 146 is amended to read as follows:

''§ 146. Civil action in case of derivation proceeding''.

(6) Section 154(b)(1)(C) is amended by striking ''INTERFERENCES'' and inserting ''DERIVATION PROCEEDINGS''.

(7) The item relating to section 6 in the table of sections for chapter 1 is amended to read as follows:

''6. Patent Trial and Appeal Board.''.

(8) The items relating to sections 134 and 135 in the table of sections for chapter 12 are amended to read as follows:

''134. Appeal to the Patent Trial and Appeal Board.

''135. Derivation proceedings.''.

(9) The item relating to section 146 in the table of sections for chapter 13 is amended to read as follows:

''146. Civil action in case of derivation proceeding.''.

(10) CERTAIN APPEALS.—Subsection 1295(a)(4)(A) of title 28, United States Code, is amended to read as follows:

''(A) the Patent Trial and Appeal Board of the United States Patent and Trademark Office with respect to patent applications, derivation proceedings, and post-grant review proceedings, at the instance of an applicant for a patent or any party to a patent interference (commenced before the effective date of the Patent Reform Act of 2007), derivation proceeding, or post-grant review proceeding, and any such appeal shall waive any right of such applicant or party to proceed under section 145 or 146 of title 35;''.

SEC. 4. INVENTOR'S OATH OR DECLARATION.

(a) INVENTOR'S OATH OR DECLARATION.—

(1) IN GENERAL.—Section 115 is amended to read as follows:

''§ 115. Inventor's oath or declaration

''(a) NAMING THE INVENTOR; INVENTOR'S OATH OR DECLARATION.—An application for patent that is filed under section 111(a), that commences the national stage under section 363, or that is filed by an inventor for an invention for which an application has previously been filed under this title by that inventor shall include, or be amended to include, the name of the inventor of any claimed invention in the application. Except as otherwise provided in this section, an individual who is the inventor or a joint inventor of a claimed invention in an application for patent shall execute an oath or declaration in connection with the application.

''(b) REQUIRED STATEMENTS.—An oath or declaration under subsection (a) shall contain statements that—

''(1) the application was made or was authorized to be made by the affiant or declarant; and

''(2) such individual believes himself or herself to be the original inventor or an original joint inventor of a claimed invention in the application.

''(c) ADDITIONAL REQUIREMENTS.—The Director may specify additional information relating to the inventor and the invention that is required to be included in an oath or declaration under subsection (a).

''(d) SUBSTITUTE STATEMENT.—

''(1) IN GENERAL.—In lieu of executing an oath or declaration under subsection (a), the applicant for patent may provide a substitute statement under the circumstances described in paragraph (2) and such additional circumstances that the Director may specify by regulation.

''(2) PERMITTED CIRCUMSTANCES.—A substitute statement under paragraph (1) is permitted with respect to any individual who—

''(A) is unable to file the oath or declaration under subsection (a) because the individual—

''(i) is deceased;

''(ii) is under legal incapacity; or

''(iii) cannot be found or reached after diligent effort; or

''(B) is under an obligation to assign the invention but has refused to make the oath or declaration required under subsection (a).

''(3) CONTENTS.—A substitute statement under this subsection shall—

''(A) identify the individual with respect to whom the statement applies;

''(B) set forth the circumstances representing the permitted basis for the filing of the substitute statement in lieu of the oath or declaration under subsection (a); and

''(C) contain any additional information, including any showing, required by the Director.

''(e) MAKING REQUIRED STATEMENTS IN ASSIGNMENT OF RECORD.—An individual who is under an obligation of assignment of an application for patent may include the required statements under subsections (b) and (c) in the assignment executed by the individual, in lieu of filing such statements separately.

''(f) TIME FOR FILING.—A notice of allowance under section 151 may be provided to an applicant for patent only if the applicant for patent has filed each required oath or declaration under subsection (a) or has filed a substitute statement under subsection (d) or recorded an assignment meeting the requirements of subsection (e).

''(g) EARLIER-FILED APPLICATION CONTAINING REQUIRED STATEMENTS OR SUBSTITUTE STATEMENT.—The requirements under this section shall not apply to an individual with respect to an application for patent in which the individual is named as the inventor or a joint inventor and that claims the benefit under section 120 or 365(c) of the filing of an earlier-filed application, if—

''(1) an oath or declaration meeting the requirements of subsection (a) was executed by the individual and was filed in connection with the earlier-filed application;

''(2) a substitute statement meeting the requirements of subsection (d) was filed in the earlier filed application with respect to the individual; or

''(3) an assignment meeting the requirements of subsection (e) was executed with respect to the earlier-filed application by the individual and was recorded in connection with the earlier-filed application.

''(h) SUPPLEMENTAL AND CORRECTED STATEMENTS; FILING ADDITIONAL STATEMENTS.—

''(1) IN GENERAL.—Any person making a statement required under this section may withdraw, replace, or otherwise correct the statement at any time. If a change is made in the naming of the inventor requiring the filing of 1 or more additional statements under this section, the Director shall establish regulations under which such additional statements may be filed.

''(2) SUPPLEMENTAL STATEMENTS NOT REQUIRED.—If an individual has executed an oath or declaration under subsection (a) or an assignment meeting the requirements of subsection (e) with respect to an application

for patent, the Director may not thereafter require that individual to make any additional oath, declaration, or other statement equivalent to those required by this section in connection with the application for patent or any patent issuing thereon.

''(3) SAVINGS CLAUSE.—No patent shall be invalid or unenforceable based upon the failure to comply with a requirement under this section if the failure is remedied as provided under paragraph (1).''.

(2) RELATIONSHIP TO DIVISIONAL APPLICATIONS.—Section 121 is amended by striking ''If a divisional application'' and all that follows through ''inventor.''.

(3) REQUIREMENTS FOR NONPROVISIONAL APPLICATIONS.—Section 111(a) is amended—

(A) in paragraph (2)(C), by striking ''by the applicant'' and inserting ''or declaration'';

(B) in the heading for paragraph (3), by striking ''AND OATH''; and

(C) by striking ''and oath'' each place it appears.

(4) CONFORMING AMENDMENT.—The item relating to section 115 in the table of sections for chapter 10 is amended to read as follows:

''115. Inventor's oath or declaration.''.

(b) FILING BY OTHER THAN INVENTOR.—Section 118 is amended to read as follows:

''§ 118. Filing by other than inventor

''A person to whom the inventor has assigned or is under an obligation to assign the invention may make an application for patent. A person who otherwise shows sufficient proprietary interest in the matter may make an application for patent on behalf of and as agent for the inventor on proof of the pertinent facts and a showing that such action is appropriate to preserve the rights of the parties. If the Director grants a patent on an application filed under this section by a person other than the inventor, the patent shall be granted to the real party in interest and upon such notice to the inventor as the Director considers to be sufficient.''.

(c) SPECIFICATION.—Section 112 is amended—

(1) in the first paragraph——

(A) by striking ''The specification'' and inserting ''(a) IN GENERAL.—The specification'';

(B) by striking ''of carrying out his invention'' and inserting ''or joint inventor of carrying out the invention''; and

(2) in the second paragraph—

(A) by striking ''The specifications'' and inserting ''(b) CONCLUSION.—The specifications''; and

(B) by striking ''applicant regards as his invention'' and inserting ''inventor or a joint inventor regards as the invention'';

(3) in the third paragraph, by striking ''A claim'' and inserting ''(c) FORM.—A claim'';

(4) in the fourth paragraph, by striking ''Subject to the following paragraph,'' and inserting ''(d) REFERENCE IN DEPENDENT FORMS.—Subject to subsection (e),'';

(5) in the fifth paragraph, by striking ''A claim'' and inserting ''(e) REFERENCE IN MULTIPLE DEPENDENT FORM.—A claim''; and

(6) in the last paragraph, by striking ''An element'' and inserting ''(f) ELEMENT IN CLAIM FOR A COMBINATION.—An element''.

SEC. 5. RIGHT OF THE INVENTOR TO OBTAIN DAMAGES.

(a) DAMAGES.—Section 284 is amended—

(1) in the first paragraph—

(A) by striking ''Upon'' and inserting ''(a) AWARD OF DAMAGES.—

''(1) IN GENERAL.—Upon'';

(B) by aligning the remaining text accordingly; and

(C) by adding at the end the following:

''(2) RELATIONSHIP OF DAMAGES TO CONTRIBUTIONS OVER PRIOR ART.—The court shall conduct an analysis to ensure that a reasonable royalty under paragraph (1) is applied only to that economic value properly attributable to the patent's specific contribution over the prior art. In a reasonable royalty analysis, the court shall identify all factors relevant to the determination of a reasonable royalty under this subsection, and the court or the jury, as the case may be, shall consider only those factors in making the determination. The court shall exclude from the analysis the economic value properly attributable to the prior art, and other features or improvements, whether or not themselves patented, that contribute economic value to the infringing product or process.

''(3) ENTIRE MARKET VALUE.—Unless the claimant shows that the patent's specific contribution over the prior art is the predominant basis for market demand for an infringing product or process, damages may not be based upon the entire market value of that infringing product or process.

''(4) OTHER FACTORS.—In determining damages, the court may also consider, or direct the jury to consider, the terms of any nonexclusive marketplace licensing of the invention, where appropriate, as well as any other relevant factors under applicable law.'';

(2) by amending the second undesignated paragraph to read as follows:

''(b) WILLFUL INFRINGEMENT .—

''(1) INCREASED DAMAGES.—A court that has determined that the infringer has willfully infringed a patent or patents may increase the damages up to three times the amount of damages found or assessed under subsection (a), except that increased damages under this paragraph shall not apply to provisional rights under section 154(d).

''(2) PERMITTED GROUNDS FOR WILLFULNESS.—A court may find that an infringer has willfully infringed a patent only if the patent owner presents clear and convincing evidence that—

''(A) after receiving written notice from the patentee—

''(i) alleging acts of infringement in a manner sufficient to give the infringer an objectively reasonable apprehension of suit on such patent, and

''(ii) identifying with particularity each claim of the patent, each product or process that the patent owner alleges infringes the patent, and the relationship of such product or process to such claim,

the infringer, after a reasonable opportunity to investigate, thereafter performed one or more of the alleged acts of infringement;

''(B) the infringer intentionally copied the patented invention with knowledge that it was patented; or

''(C) after having been found by a court to have infringed that patent, the infringer engaged in conduct that was not colorably different from the conduct previously found to have infringed the patent, and which resulted in a separate finding of infringement of the same patent.

''(3) LIMITATIONS ON WILLFULNESS.—(A) A court may not find that an infringer has willfully infringed a patent under paragraph (2) for any period of time during which the infringer had an informed good faith belief that the patent was invalid or unenforceable, or would not be infringed by the conduct later shown to constitute infringement of the patent.

''(B) An informed good faith belief within the meaning of subparagraph (A) may be established by—

''(i) reasonable reliance on advice of counsel;

''(ii) evidence that the infringer sought to modify its conduct to avoid infringement once it had discovered the patent; or

''(iii) other evidence a court may find sufficient to establish such good faith belief.

''(C) The decision of the infringer not to present evidence of advice of counsel is not relevant to a determination of willful infringement under paragraph (2).

''(4) LIMITATION ON PLEADING.—Before the date on which a court determines that the patent in suit is not invalid, is enforceable, and has been infringed by the infringer, a patentee may not plead and a court may not determine that an infringer has willfully infringed a patent. The court's determination of an infringer's willfulness shall be made without a jury.''; and

(3) in the third undesignated paragraph, by striking ''The court'' and inserting ''(c) EXPERT TESTIMONY.—The court''.

(b) DEFENSE TO INFRINGEMENT BASED ON EARLIER INVENTOR.—Section 273 of title 35, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking ''of a method''; and

(ii) by striking ''review period;'' and inserting ''review period; and'';

(B) in paragraph (2)(B), by striking the semicolon at the end and inserting a period; and

(C) by striking paragraphs (3) and (4);

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by striking ''for a method''; and

(ii) by striking ''at least 1 year before the effective filing date of such patent, and'' and all that follows through the period and inserting ''and commercially used, or made substantial preparations for commercial use of, the subject matter before the effective filing date of the claimed invention.'';

(B) in paragraph (2)—

(i) by striking ''The sale or other disposition of a useful end result produced by a patented method'' and inserting ''The sale or other disposition of subject matter that qualifies for the defense set forth in this section''; and

(ii) by striking ''a defense under this section with respect to that useful end result'' and inserting ''such defense''; and

(C) in paragraph (3)—

(i) by striking subparagraph (A); and

(ii) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively;

(3) in paragraph (7), by striking ''of the patent'' and inserting ''of the claimed invention''; and

(4) by amending the heading to read as follows:

''§ 273. Special defenses to and exemptions from infringement''.

(c) TABLE OF SECTIONS.—The item relating to section 273 in the table of sections for chapter 28 is amended to read as follows:

''273. Special defenses to and exemptions from infringement.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to any civil action commenced on or after the date of enactment of this Act.

SEC. 6. POST-GRANT PROCEDURES AND OTHER QUALITY ENHANCEMENTS.

(a) REEXAMINATION.—Section 303(a) is amended to read as follows:

''(a) Within 3 months after the owner of a patent files a request for reexamination under section 302, the Director shall determine whether a substantial new question of patentability affecting any claim of the patent concerned is raised by the request, with or without consideration of other patents or printed publications. On the Director's own initiative, and at any time, the Director may determine whether a substantial new question of patentability is raised by patents and publications discovered by the Director, is cited under section 301, or is cited by any person other than the owner of the patent

under section 302 or section 311. The existence of a substantial new question of patentability is not precluded by the fact that a patent or printed publication was previously cited by or to the Office or considered by the Office.''.

(b) REEXAMINATION.—Section 315(c) is amended by striking ''or could have raised''.

(c) REEXAMINATION PROHIBITED AFTER DISTRICT COURT DECISION.—Section 317(b) is amended—

(1) in the subsection heading, by striking ''FINAL DECISION'' and inserting ''DISTRICT COURT DECISION''; and

(2) by striking ''Once a final decision has been entered'' and inserting ''Once the judgment of the district court has been entered''.

(d) EFFECTIVE DATES.—Notwithstanding any other provision of law, sections 311 through 318 of title 35, United States Code, as amended by this Act, shall apply to any patent that issues before, on, or after the date of enactment of this Act from an original application filed on any date.

(e) POST-GRANT OPPOSITION PROCEDURES.—

(1) IN GENERAL.—Part III is amended by adding at the end the following new chapter:

''CHAPTER 32—POST-GRANT REVIEW PROCEDURES

''Sec.
''321. Petition for post-grant review.
''322. Timing and bases of petition.
''323. Requirements of petition.
''324. Prohibited filings.
''325. Submission of additional information; showing of sufficient grounds.
''326. Conduct of post-grant review proceedings.
''327. Patent owner response.
''328. Proof and evidentiary standards.
''329. Amendment of the patent.
''330. Decision of the Board.
''331. Effect of decision.
''332. Relationship to other pending proceedings.
''333. Effect of decisions rendered in civil action on future post-grant review proceedings.
''334. Effect of final decision on future proceedings.
''335. Appeal.

''§ 321. Petition for post-grant review

''Subject to sections 322, 324, 332, and 333, a person who is not the patent owner may file with the Office a petition for cancellation seeking to institute a post-grant review proceeding to cancel as unpatentable any claim of a patent on any ground that could be raised under paragraph (2) or (3) of section 282(b) (relating to invalidity of the patent or any claim). The Director shall establish, by regulation, fees to be paid by the person requesting the proceeding, in such amounts as the Director determines to be reasonable.

''§ 322. Timing and bases of petition

''A post-grant proceeding may be instituted under this chapter pursuant to a cancellation petition filed under section 321 only if—

''(1) the petition is filed not later than 12 months after the grant of the patent or issuance of a reissue patent, as the case may be;

''(2)(A) the petitioner establishes a substantial reason to believe that the continued existence of the challenged claim in the petition causes or is likely to cause the petitioner significant economic harm; or

''(B) the petitioner has received notice from the patent holder alleging infringement by the petitioner of the patent; or

''(3) the patent owner consents in writing to the proceeding.

''§ 323. Requirements of petition

''A cancellation petition filed under section 321 may be considered only if—

''(1) the petition is accompanied by payment of the fee established by the Director under section 321;

''(2) the petition identifies the cancellation petitioner; and

''(3) the petition sets forth in writing the basis for the cancellation, identifying each claim challenged and providing such information as the Director may require by regulation, and includes copies of patents and printed publications that the cancellation petitioner relies upon in support of the petition; and

''(4) the petitioner provides copies of those documents to the patent owner or, if applicable, the designated representative of the patent owner.

''§ 324. Prohibited filings

''A post-grant review proceeding may not be instituted under paragraph (1), (2), or (3) of section 322 if the petition for cancellation requesting the proceeding identifies the same cancellation petitioner and the same patent as a previous petition for cancellation filed under the same paragraph of section 322.

''§ 325. Submission of additional information; showing of sufficient grounds

''The cancellation petitioner shall file such additional information with respect to the petition as the Director may require. The Director may not authorize a post-grant review proceeding to commence unless the Director determines that the information presented provides sufficient grounds to proceed.

''§ 326. Conduct of post-grant review proceedings

''(a) IN GENERAL.—The Director shall—

''(1) prescribe regulations, in accordance with section 2(b)(2), establishing and governing post-grant review proceedings under this chapter and their relationship to other proceedings under this title;

''(2) prescribe regulations setting forth the standards for showings of substantial reason to believe and significant economic harm under section 322(2) and sufficient grounds under section 325;

''(3) prescribe regulations establishing procedures for the submission of supplemental information after the petition for cancellation is filed; and

''(4) prescribe regulations setting forth procedures for discovery of relevant evidence, including that such discovery shall be limited to evidence directly related to factual assertions advanced by either party in the proceeding, and the procedures for obtaining such evidence shall be consistent with the purpose and nature of the proceeding.

''(b) POST-GRANT REGULATIONS.—Regulations under subsection (a)(1)—

''(1) shall require that the final determination in a post-grant proceeding issue not later than one year after the date on which the post-grant review proceeding is instituted under this chapter, except that, for good cause shown, the Director may extend the 1-year period by not more than six months;

''(2) shall provide for discovery upon order of the Director;

''(3) shall prescribe sanctions for abuse of discovery, abuse of process, or any other improper use of the proceeding, such as to harass or to cause unnecessary delay or unnecessary increase in the cost of the proceeding;

''(4) may provide for protective orders governing the exchange and submission of confidential information; and

''(5) shall ensure that any information submitted by the patent owner in support of any amendment entered under section 328 is made available to the public as part of the prosecution history of the patent.

''(c) CONSIDERATIONS.—In prescribing regulations under this section, the Director shall consider the effect on the economy, the integrity of the patent system, and the efficient administration of the Office.

''(d) CONDUCT OF PROCEEDING.—The Patent Trial and Appeal Board shall, in accordance with section 6(b), conduct each post-grant review proceeding authorized by the Director.

''§ 327. Patent owner response

''After a post-grant proceeding under this chapter has been instituted with respect to a patent, the patent owner shall have the right to file, within a time period set by the Director, a response to the cancellation petition. The patent owner shall file with the response, through affidavits or declarations, any additional factual evidence and expert opinions on which the patent owner relies in support of the response.

''§ 328. Proof and evidentiary standards

''(a) IN GENERAL.—The presumption of validity set forth in section 282 shall not apply in a challenge to any patent claim under this chapter.

''(b) BURDEN OF PROOF.—The party advancing a proposition under this chapter shall have the burden of proving that proposition by a preponderance of the evidence.

''§ 329. Amendment of the patent

''(a) IN GENERAL.—In response to a challenge in a petition for cancellation, the patent owner may file 1 motion to amend the patent in 1 or more of the following ways:

''(1) Cancel any challenged patent claim.

''(2) For each challenged claim, propose a substitute claim.

''(3) Amend the patent drawings or otherwise amend the patent other than the claims.

''(b) ADDITIONAL MOTIONS.—Additional motions to amend may be permitted only for good cause shown.

''(c) SCOPE OF CLAIMS.—An amendment under this section may not enlarge the scope of the claims of the patent or introduce new matter.

''§ 330. Decision of the Board

''If the post-grant review proceeding is instituted and not dismissed under this chapter, the Patent Trial and Appeal Board shall issue a final written decision with respect to the patentability of any patent claim challenged and any new claim added under section 329.

''§ 331. Effect of decision

''(a) IN GENERAL.—If the Patent Trial and Appeal Board issues a final decision under section 330 and the time for appeal has expired or any appeal proceeding has terminated, the Director shall issue and publish a certificate canceling any claim of the patent finally determined to be unpatentable and incorporating in the patent by operation of the certificate any new claim determined to be patentable.

''(b) NEW CLAIMS.—Any new claim held to be patentable and incorporated into a patent in a post-grant review proceeding shall have the same effect as that specified in section 252 for reissued patents on the right of any person who made, purchased, offered to sell, or used within the United States, or imported into the United States, anything patented by such new claim, or who made substantial preparations therefore, prior to issuance of a certificate under subsection (a) of this section.

''§ 332. Relationship to other pending proceedings

''Notwithstanding subsection 135(a), sections 251 and 252, and chapter 30, the Director may determine the manner in which any reexamination proceeding, reissue proceeding, interference proceeding (commenced before the effective date of the Patent Reform Act of 2007), derivation proceeding, or post-grant

review proceeding, that is pending during a post-grant review proceeding, may proceed, including providing for stay, transfer, consolidation, or termination of any such proceeding.

"§ 333. Effect of decisions rendered in civil action on future post-grant review proceedings

''If a final decision has been entered against a party in a civil action arising in whole or in part under section 1338 of title 28 establishing that the party has not sustained its burden of proving the invalidity of any patent claim—

''(1) that party to the civil action and the privies of that party may not thereafter request a post-grant review proceeding on that patent claim on the basis of any grounds, under the provisions of section 311, which that party or the privies of that party raised or had actual knowledge of; and

''(2) the Director may not thereafter maintain a post-grant review proceeding previously requested by that party or the privies of that party on the basis of such grounds.

"§ 334. Effect of final decision on future proceedings

''(a) IN GENERAL.—If a final decision under section 330 is favorable to the patentability of any original or new claim of the patent challenged by the cancellation petitioner, the cancellation petitioner may not thereafter, based on any ground which the cancellation petitioner raised during the post-grant review proceeding—

''(1) request or pursue a reexamination of such claim under chapter 31;

''(2) request or pursue a derivation proceeding with respect to such claim;

''(3) request or pursue a post-grant review proceeding under this chapter with respect to such claim; or

''(4) assert the invalidity of any such claim, in any civil action arising in whole or in part under section 1338 of title 28.

''(b) EXTENSION OF PROHIBITION.—If the final decision is the result of a petition for cancellation filed on the basis of paragraph (2) of section 322, the prohibition under this section shall extend to any ground which the cancellation petitioner raised during the post-grant review proceeding.

"§ 335. Appeal

''A party dissatisfied with the final determination of the Patent Trial and Appeal Board in a post-grant proceeding under this chapter may appeal the determination under sections 141 through 144. Any party to the post-grant proceeding shall have the right to be a party to the appeal.''.

(f) CONFORMING AMENDMENT.—The table of chapters for part III is amended by adding at the end the following:

"32. Post-Grant Review Proceedings .. 321".

(g) REGULATIONS AND EFFECTIVE DATE.—

(1) REGULATIONS.—The Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office (in this subsection referred to as the ''Director'') shall, not later than the date that is 1 year after the date of the enactment of this Act, issue regulations to carry out chapter 32 of title 35, United States Code, as added by subsection (e) of this section

(2) APPLICABILITY.—The amendments made by subsection (e) shall take effect on the date that is 1 year after the date of the enactment of this Act and shall apply to patents issued before, on, or after that date, except that, in the case of a patent issued before that date, a petition for cancellation under section 321 of title 35, United States Code, may be filed only if a circumstance described in paragraph (2), (3), or (4) of section 322 of title 35, United States Code, applies to the petition.

(3) PENDING INTERFERENCES.—The Director shall determine the procedures under which interferences commenced before the effective date under paragraph (2) are to proceed, including whether any such interference is to be dismissed without prejudice to the filing of a cancellation petition for a post-grant opposition proceeding under chapter 32 of title 35, United States Code, or is to proceed as if this Act had not been enacted. The Director shall include such procedures in regulations issued under paragraph (1).

SEC. 7. DEFINITIONS; PATENT TRIAL AND APPEAL BOARD.

(a) DEFINITIONS.—Section 100 (as amended by this Act) is further amended—

(1) in subsection (e), by striking ''or inter partes reexamination under section 311'';

(2) by adding at the end the following:

''(k) The term 'cancellation petitioner' means the real party in interest requesting cancellation of any claim of a patent under chapter 31 of this title and the privies of the real party in interest.''.

(b) PATENT TRIAL AND APPEAL BOARD.—Section 6 is amended to read as follows:

"§ 6. Patent Trial and Appeal Board

''(a) ESTABLISHMENT AND COMPOSITION.—There shall be in the Office a Patent Trial and Appeal Board. The Director, the Deputy Director, the Commissioner for Patents, the Commissioner for Trademarks, and the administrative patent judges shall constitute the Patent Trial and Appeal Board. The administrative patent judges shall be persons of competent legal knowledge and scientific ability who are appointed by the Director. Any reference in any Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or pertaining to the Board of Patent Appeals and Interferences is deemed to refer to the Patent Trial and Appeal Board.

''(b) DUTIES.—The Patent Trial and Appeal Board shall—

''(1) on written appeal of an applicant, review adverse decisions of examiners upon application for patents;

''(2) on written appeal of a patent owner, review adverse decisions of examiners upon patents in reexamination proceedings under chapter 30; and

''(3) determine priority and patentability of invention in derivation proceedings under subsection 135(a); and

''(4) conduct post-grant opposition proceedings under chapter 32.

Each appeal and derivation proceeding shall be heard by at least 3 members of the Patent Trial and Appeal Board, who shall be designated by the Director. Only the Patent Trial and Appeal Board may grant rehearings. The Director shall assign each post-grant review proceeding to a panel of 3 administrative patent judges. Once assigned, each such panel of administrative patent judges shall have the responsibilities under chapter 32 in connection with post-grant review proceedings.''.

SEC. 8. STUDY AND REPORT ON REEXAMINATION PROCEEDINGS.

The Under Secretary of Commerce for Intellectual Property and Director of the Patent and Trademark Office shall, not later than 3 years after the date of the enactment of this Act—

(1) conduct a study of the effectiveness and efficiency of the different forms of proceedings available under title 35, United States Code, for the reexamination of patents; and

(2) submit to the Committees on the Judiciary of the House of Representatives and the Senate a report on the results of the study, including any of the Director's suggestions for amending the law, and any other recommendations the Director has with respect to patent reexamination proceedings.

SEC. 9. SUBMISSIONS BY THIRD PARTIES AND OTHER QUALITY ENHANCEMENTS.

(a) PUBLICATION.—Section 122(b)(2) is amended—

(1) by striking subparagraph (B); and

(2) in subparagraph (A)—

(A) by striking ''(A) An application'' and inserting ''An application''; and

(B) by redesignating clauses (i) through (iv) as subparagraphs (A) through (D), respectively.

(b) PREISSUANCE SUBMISSIONS BY THIRD PARTIES.—Section 122 is amended by adding at the end the following:

''(e) PREISSUANCE SUBMISSIONS BY THIRD PARTIES.—

''(1) IN GENERAL.—Any person may submit for consideration and inclusion in the record of a patent application, any patent, published patent application or other publication of potential relevance to the examination of the application, if such submission is made in writing before the earlier of—

''(A) the date a notice of allowance under section 151 is mailed in the application for patent; or

''(B) either—

''(i) 6 months after the date on which the application for patent is published under section 122, or

''(ii) the date of the first rejection under section 132 of any claim by the examiner during the examination of the application for patent,

whichever occurs later.

''(2) OTHER REQUIREMENTS.—Any submission under paragraph (1) shall—

''(A) set forth a concise description of the asserted relevance of each submitted document;

''(B) be accompanied by such fee as the Director may prescribe; and

''(C) include a statement by the submitter affirming that the submission was made in compliance with this section.''.

SEC. 10. VENUE AND JURISDICTION.

(a) VENUE FOR PATENT CASES.—Section 1400 of title 28, United States Code, is amended by striking subsection (b) and inserting the following:

''(b) Any civil action arising under any Act of Congress relating to patents, other than an action for declaratory judgment or an action seeking review of a decision of the Patent Trial and Appeal Board under chapter 13 of title 35, may be brought only—

''(1) in the judicial district where either party resides; or

''(2) in the judicial district where the defendant has committed acts of infringement and has a regular and established place of business.

''(c) Notwithstanding section 1391(c) of this title, for purposes of venue under subsection (b), a corporation shall be deemed to reside in the judicial district in which the corporation has its principal place of business or in the State in which the corporation is incorporated.''.

(b) INTERLOCUTORY APPEALS.—Subsection (c)(2) of section 1292 of title 28, United States Code, is amended by adding at the end the following:

''(3) of an appeal from an interlocutory order or decree determining construction of claims in a civil action for patent infringement under section 271 of title 35.

Application for an appeal under paragraph (3) shall be made to the court within 10 days after entry of the order or decree, and proceedings in the district court under such paragraph shall be stayed during pendency of the appeal.''.

SEC. 11. REGULATORY AUTHORITY.

Section 3(a) is amended by adding at the end the following:

''(5) REGULATORY AUTHORITY.—In addition to the authority conferred by other provisions of this title, the Director may promulgate such rules, regulations, and orders that the Director determines appropriate to carry out the provisions of this title or any other law applicable to the United States Patent and Trademark Office or that the Director determines necessary to govern the operation and organization of the Office.''.

SEC. 12. TECHNICAL AMENDMENTS.

(a) JOINT INVENTIONS.—Section 116 is amended—

(1) in the first paragraph, by striking ''When'' and inserting ''(a) JOINT INVENTIONS.—When'';

(2) in the second paragraph, by striking ''If a joint inventor'' and inserting ''(b) OMITTED INVENTOR.—If a joint inventor''; and

(3) in the third paragraph, by striking ''Whenever'' and inserting ''(c) CORRECTION OF ERRORS IN APPLICATION.—Whenever''.

(b) FILING OF APPLICATION IN FOREIGN COUNTRY.—Section 184 is amended—

(1) in the first paragraph, by striking ''Except when'' and inserting ''(a) FILING IN FOREIGN COUNTRY.—Except when'';

(2) in the second paragraph, by striking ''The term'' and inserting ''(b) APPLICATION.—The term''; and

(3) in the third paragraph, by striking ''The scope'' and inserting ''(c) SUBSEQUENT MODIFICATIONS, AMENDMENTS, AND SUPPLEMENTS.—The scope''.

(c) REISSUE OF DEFECTIVE PATENTS.—Section 251 is amended—

(1) in the first paragraph, by striking ''Whenever'' and inserting ''(a) IN GENERAL.—Whenever'';

(2) in the second paragraph, by striking ''The Director'' and inserting ''(b) MULTIPLE REISSUED PATENTS.—The Director'';

(3) in the third paragraph, by striking ''The provision'' and inserting ''(c) APPLICABILITY OF THIS TITLE.—The provisions''; and

(4) in the last paragraph, by striking ''No reissued patent'' and inserting ''(d) REISSUE PATENT ENLARGING SCOPE OF CLAIMS.—No reissued patent''.

(d) EFFECT OF REISSUE.—Section 253 is amended—

(1) in the first paragraph, by striking ''Whenever'' and inserting ''(a) IN GENERAL.—Whenever''; and

(2) in the second paragraph, by striking ''in like manner'' and inserting ''(b) ADDITIONAL DISCLAIMER OR DEDICATION.—In the manner set forth in subsection (a),''.

(e) CORRECTION OF NAMED INVENTOR.—Section 256 is amended—

(1) in the first paragraph, by striking ''Whenever'' and inserting ''(a) CORRECTION.—Whenever''; and

(2) in the second paragraph, by striking ''The error'' and inserting ''(b) PATENT VALID IF ERROR CORRECTED.—The error''.

(f) PRESUMPTION OF VALIDITY.—Section 282 is amended—

(1) in the first undesignated paragraph, by striking ''A patent'' and inserting ''(a) IN GENERAL.—A patent'';

(2) in the second undesignated paragraph, by striking ''The following'' and inserting ''(b) DEFENSES.—The following''; and

(3) in the third undesignated paragraph, by striking ''In actions'' and inserting ''(c) NOTICE OF ACTIONS; ACTIONS DURING EXTENSION OF PATENT TERM.—In actions''.

SEC. 13. EFFECTIVE DATE; RULE OF CONSTRUCTION.

(a) EFFECTIVE DATE.—Except as otherwise provided in this Act, the provisions of this Act shall take effect 12 months after the date of the enactment of this Act and shall apply to any patent issued on or after that effective date.

(b) CONTINUITY OF INTENT UNDER THE CREATE ACT.—The enactment of section 102(b)(3) of title 35, United States Code, under section (3)(b) of this Act is done with the same intent to promote joint research activities that was expressed, including in the legislative history, through the enactment of the Cooperative Research and Technology Enhancement Act of 2004 (Public Law 108–453; the ''CREATE Act''), the amendments of which are stricken by section 3(c) of this Act. The United States Patent and Trademark Office shall administer section 102(b)(3) of title 35, United States Code, in a manner consistent with the legislative history of the CREATE Act that was relevant to its administration by the Patent and Trademark Office.

Mr. HATCH. Mr. President, I rise today to introduce with Senate Judiciary Committee Chairman PATRICK LEAHY the Patent Reform Act of 2007, S. 1145. S. 1145 represents years of careful negotiation and input from a wide-spectrum of stake holders. In fact, the 2006 Hatch-Leahy bill has served as a blueprint for this year's legislation and contains substantially similar language. Chairman LEAHY's desire to have a piece of legislation that is both bipartisan and bicameral is a great undertaking and represents a tremendous commitment by Congress to move forward in streamlining and strengthening our patent system.

The patent system is the bedrock of innovation, especially in today's global economy. Last year, more than 440,000 patent applications were filed at the United States Patent and Trademark Office (USPTO). The sheer volume of patent applications reflects the vibrant, innovative spirit that has made America a world-wide leader in science, engineering, and technology. Because America's ingenuity continues to fund our economy, we must protect new ideas and investments in innovation and creativity. Patents encourage technological advancement by providing incentives to invent, invest in, and disclose new technology. Now, more than ever, it is important to ensure efficiency and increased quality in the issuance of patents. This in turn creates an environment that fosters entrepreneurship and the creation of jobs: two significant pillars in our economy. In my home State of Utah alone, there are over 3,200 technology and 500 life science companies, and eight percent year-over-year growth. Utah leads the western States region in creating and sustaining these companies.

Additionally, the concentration of college graduates in Utah is contributing to the State's technological friendliness, attracting growth companies to Utah and creating new ones. There is a large, young adult population in Utah attending not only the two world-class research universities of the University of Utah and Utah State University, but also Brigham Young University, Utah Valley State College and Weber State University. These universities and colleges are strong economic drivers that encourage technology industry growth in my State.

For years, Chairman LEAHY and I have been working together to craft meaningful patent reform to address problems that have been identified through a series of hearings and discussions with stake holders. This bill addresses many of the problems with the substantive, procedural, and administrative aspects of the patent system, which governs how entities here in the United States apply for, receive, and eventually make use of patents.

The Patent Reform Act of 2007 includes provisions to improve patent quality. Many complaints about the current patent system deal with the number of suspect and over-broad patents that are issued. Because bad patents are generally of little value to productive companies, in many cases their value is maximized by using them as a basis for infringement suits against deep-pocket defendants. This bill institutes a robust post-grant review process so that third parties can challenge suspect patents in an administrative process, rather than through costly litigation. In the bill we introduced today, Section 6 has been tightened by including an anti-harassment provision to discourage companies from colluding and perpetually harassing one company. I am hopeful this will serve as a deterrent to those who seek to abuse post-grant review process.

In addition, S. 1145 is designed to harmonize U.S. law with the law of other countries by instituting a first-to-file system. The United States is the only significant country following the first-to-invent system, in which the right of the patent lies with the first inventor, rather than the first inventor to file for a patent. The Patent Reform Act of 2007 provides greater certainty because the filing date of an application can very rarely be challenged.

S. 1145 also seeks to provide fair and equitable remedies. Some claim that courts have allowed damages for infringement to be based on the market for an entire product when all that was infringed is a minor component of the product. The bill's language preserves the current rule that mandates that a damages award shall not be less than a reasonable royalty for the infringed patent, and further requires the court to conduct an analysis to ensure that when a reasonable royalty is the award, it reflects only the economic value of the patent's specific contribution over the prior art.

There are a few provisions I believe need further discussion. I was disappointed that the inequitable conduct provision from last year's bill was removed. Attorneys well know that the inequitable conduct defense has been overpleaded and has become a drag on the litigation process. I think last year's language struck the correct balance by focusing on the patentability of the claims in dispute and properly prevented parties from asserting the defense frivolously. Let me hasten to add that I do believe there should be consequences for misconduct. I believe that reforms to the inequitable conduct defense should focus on the nature

of the misconduct and not permit the unenforceability of a perfectly valid patent on a meritorious invention. And, sanctions should be commensurate with the misconduct.

Moreover, establishing inequitable conduct is supposed to require independent proof that: (1) the information at issue was material; and (2) the person who failed to disclose it or made the misrepresentation had the specific intention of misleading the USPTO. The two elements have become linked, and courts often discount the intent requirement by finding that the information is ''highly material.'' In fact, the materiality standard has become so inclusive that virtually anything now is portrayed as material. Information should only be considered material when it causes the USPTO to improperly grant patent claims. Using a standard of whether USPTO examiners would reject the claims is a good approximation of materiality because of the prima facie standard they use to determine whether the claims meet the requirements for patentability. Unfortunately, this bill preserves the status quo.

A provision that would provide attorneys' fees and costs to a prevailing party was also left out of this bill. I included this provision in last year's bill to discourage weak cases from clogging the already-burdened judicial system. This is not a new concept in the realm of intellectual property. In fact, I note, Section 505 of the Copyright Act clearly provides courts the discretion to award attorneys' fees and costs. It seems logical that we would provide the same discretion in S. 1145 and I look forward to discussing this issue with Chairman LEAHY.

We opted this year not to include a provision that would repeal Section 271(f) of Title 35, pending a Supreme Court decision that is expected soon. Section 271(f) creates a cause of action for infringement due to foreign sales when a component of a patented invention is supplied from this country, knowing that a component will be combined in an infringing manner outside the United States. In the event of an unfavorable ruling, Chairman LEAHY and I are committed to addressing this issue using the legislative process.

Patent law is vital to our Nation's ability to compete in the global economy. S. 1145 is designed to ensure that the United States remains at the forefront of developing and translating new ideas into tangible goods and services through an effective patent review and protection system

This bill represents a commitment from Congress to move forward in streamlining and strengthening our patent system. I am hopeful that further refinements will be made to this bill during the legislative process. I am committed to moving this legislation forward and hope that we can join efforts to refine and enact this important bill.

By Mr. SALAZAR (for himself, Mr. THUNE, Mr. TESTER, Mr. BURR, Mrs. MURRAY, Mr. GRASSLEY, Mr. WYDEN, Ms. COLLINS, Mr. PRYOR, Mr. ENZI, Mrs. LINCOLN, Ms. SNOWE, Mr. KERRY, Mr. BINGAMAN, Mr. SMITH, Mr. BAUCUS, and Mr. DORGAN):

S. 1146. A bill to amend title 38, United States Code, to improve health care for veterans who live in rural areas, and for other purposes; to the Committee on Veterans' Affairs.

Mr. SALAZAR. Mr. President, today I am introducing the Rural Veterans Healthcare Improvement Act of 2007, with my colleague from South Dakota, Senator THUNE, and my colleague from Montana, Senator TESTER. We are pleased to be joined by Senators BURR, MURRAY, GRASSLEY, WYDEN, COLLINS, PRYOR, ENZI, LINCOLN, SNOWE, KERRY, BINGAMAN, SMITH, BAUCUS, and DORGAN.

Over the last two years my colleagues have heard me speak repeatedly about the challenges that are facing rural America. In the America where I grew up—the America of farmers, ranchers, small business owners, and generations of close-knit families—it is getting more difficult to make a living, to access affordable healthcare, and to provide opportunities for kids to learn and grow.

The challenges facing veterans in rural communities are particularly grave. For generations, men and women from rural America have devoted themselves to the cause of freedom without hesitation and in numbers greatly beyond their proportion of the U.S. population. Yet we consistently overlook the unique challenges these men and women face after they return home to their families and friends in the heartland of America. When it comes to the VA healthcare system, we fail our Nation's rural veterans by not doing more to ensure they can access the high-quality health care they have earned. We owe them much better.

Over and over, I hear from veterans in my state about obstacles to care. In northwest Colorado, veterans must brave three and four hour drives on winding mountain roads to reach the VA hospital in Grand Junction.

In northeast Colorado I have heard from a veteran who must travel 500 miles round trip just to get a simple blood test at a VA hospital. I think most of my colleagues would agree with me that this is ludicrous.

I wish I could say these are isolated circumstances. Unfortunately, they are not. Because of gaps in the network of VA hospitals and clinics, we hear stories like this all the time.

Every day, veterans from rural communities throughout the country are forced to put off crucial treatment because they live too far from VA facilities and can't get the care they need. As a result, rural veterans die younger and suffer from more debilitating illnesses—all because our system is not equipped to address their needs and provide care accordingly. A 2004 study of over 750,000 veterans conducted by Dr. Jonathan Perlin, the Under Secretary for Health at the VA, consistently found that veterans living in rural areas are in poorer health than their urban counterparts.

Last year, we took an important first step in improving care for rural veterans. Thanks to the bipartisan efforts of my colleagues on the Veterans' Affairs Committee, we were able to create the Office of Rural Health within the VA. The Office of Rural Health is charged with working to reduce the wide disparities between care for rural and non-rural veterans by developing and refining policies and programs to improve care and services for rural veterans. Because nearly one in every four veterans is from a rural area, the creation of this Office of Rural Health is crucial if we are to live up to our promise to provide all of our Nation's veterans with high-quality services.

The bill we are introducing today, the Rural Veterans Healthcare and Improvement Act of 2007, builds on last year's work by giving direction and resources to the Office of Rural Health and by making healthcare more accessible to veterans in rural areas.

The bill tasks the Office of Rural Health with developing demonstration projects that would expand care in rural areas through partnerships between the VA, Centers for Medicare and Medicaid Services, and the Department of Health and Human Services at critical access hospitals and community health centers. The bill also instructs the Director of the Office of Rural Health to carry out demonstration projects in partnership with the Indian Health Service to improve healthcare for Native American veterans.

In addition, the Rural Veterans Healthcare Improvement Act of 2007 establishes centers of excellence to research ways to improve care for rural veterans. The centers would be based at VA medical centers with strong academic connections. The Office of Rural Health would establish between one and five centers across the country with the advice of an advisory panel.

The Rural Veterans Healthcare Improvement Act includes two key provisions that will help veterans in rural areas reach healthcare facilities.

First, the bill establishes the VetsRide grant program to provide innovative transportation options to veterans in remote rural areas. The bill tasks the Director of the Office of Rural Health to create a program that would provide grants of up to $50,000 to veterans' service organizations and State veterans' service officers to assist veterans with travel to VA medical

centers and to improve healthcare access in remote rural areas. The bill authorizes $3 million per year for the grant program through 2012.

Secondly, the bill increases the reimbursement rates for veterans for their travel expenses related to VA medical care so that they are compensated at the same rate paid to federal employees.

Finally, our bill requires the VA to report to Congress on the assessment it is conducting of its fee-based healthcare policies. We need to improve the VA's fee-based healthcare policies to be more equitable and efficient in helping veterans in rural areas get the care they deserve.

With almost one-quarter of our Nation's veterans living in rural communities, and with the obstacles they face in accessing high-quality care, it is evident that we need to do a better job of making sure they receive the care they deserve. The creation of the Office of Rural Veterans Healthcare was a first step, and this legislation will move us further down the path toward improved care.

I want to again thank my colleague from South Dakota, Senator THUNE, and my colleague from Montana, Senator TESTER, for their efforts on this bill. We have a strong group of 17 Senators from both sides of the aisle behind this bill so far.

I know that each and every one of my colleagues deals with veterans' issues and feels a deep sense of gratitude towards the brave men and women who have fought for our freedom. I hope we can join together to move this legislation through Congress and send it to the President for his signature.

Mr. President, I yield the floor.

By Mrs. MURRAY:

S. 1147. A bill to amend title 38, United States Code, To terminate the administrative freeze on the enrollment into the health care system of the Department of Veterans Affairs of veterans in the lowest priority category for enrollment (referred to as ''Priority 8''); to the Committee on Veterans' Affairs.

Mrs. MURRAY. Mr. President, I rise today to introduce the Honor Our Commitment to Veterans Act.

More than four years ago, the Bush Administration cut off enrollment of Priority 8 veterans in the VA healthcare system. Priority 8 veterans are those veterans without service-connected disabilities whose income is above a means tested level that varies across the country. Many of these so-called ''high-income veterans'' have annual incomes as low as $26,902.

When the Administration announced its intention to suspend healthcare enrollment for new Priority 8 veterans, they said that they were doing so in order to reduce the backlog and alleviate a longstanding funding crisis within the VA.

There is no doubt that the VA has problems. Nearly five years into this war, our veterans are facing lengthy waits just to get in the door to see a primary care physician. They are having trouble accessing critical mental health services, and some are waiting up to two years for benefits claims to be processed. These are real problems facing real people, and they deserve real solutions.

But instead of cutting off enrollment to veterans of modest means four years ago, the Bush Administration should have asked Congress for the resources necessary to address its shortcomings and increase access to this high quality health care system.

It is absolutely unacceptable that veterans in need of care are being prohibited from enrolling in the system that is supposed to serve them. Veterans who have fought hard to secure our freedoms shouldn't have to fight for access to health care at home. Our veterans deserve better.

That is why I am introducing the Honor Our Commitment to Veterans Act today, which would permit new Priority 8 veterans to enroll in the VA healthcare system.

According to a recent Congressional Research Service report, the VA estimates that if the enrollment freeze was lifted, approximately 273,000 Priority 8 veterans would have been eligible to receive medical care from VA in FY2006, and 242,000 Priority 8 veterans would be eligible in FY2007.

This legislation, which has been introduced in the House by Congressman STEVE ROTHMAN of New Jersey, would correct the injustice perpetrated in 2003 by allowing all new Priority 8 veterans to enroll in the VA healthcare system.

By Mr. KOHL (for himself, Mr. BAUCUS, and Mr. CONRAD):

S. 1149. A bill to amend the Federal Meat Inspection Act and the Poultry Products Inspection Act to authorize the interstate distribution of State-inspected meat and poultry if the Secretary of Agriculture determines that the State inspection requirements are at least equal to Federal inspection requirements and to require the Secretary to reimburse State agencies for part of the costs of the inspections; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. KOHL. Mr. President, I am today introducing with Senators BAUCUS and CONRAD a bill that will eliminate the prohibition on interstate commerce in State-inspected meat and poultry products. Senator HATCH is also introducing a State meat inspection measure and I congratulate him on his bill. We are working together and in collaboration with the National Association of State Departments of Agriculture and a coalition of national, State, and local agricultural organizations on this effort. I expect our coalition to grow over time. Together, we intend to push for changes that will protect public health and safety and at the same time help state-inspected meat and poultry processors compete in new markets.

Removing the current prohibition will help level the playing field for small businesses and spur additional competition in the marketplace. It will help main street businesses—who often specialize in local, organic, grass-fed or artisinal products—meet emerging markets. And it will help livestock producers who want more options for marketing their livestock.

For too long, processors with State-inspected facilities have been unfairly constrained to selling only within their home States. Meanwhile, foreign-processed meat can be shipped anywhere in the United States so long as the originating Nation's inspection program is deemed equivalent to U.S. Federal standards. We want our State-inspected processors to be treated at least as well. This is an effort to give main street businesses the same opportunity our Government confers on foreign processors.

I look forward to working with Senators HATCH, BAUCUS and CONRAD and a number of our House colleagues on this topic in the months to come.

By Ms. SNOWE (for herself and Mr. COLEMAN):

S. 1153. A bill to require assessment of the impact on small business concerns of rules relating to internal controls, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Ms. SNOWE. Mr. President, I rise today with my colleague Senator COLEMAN, to introduce the ''Small Business Regulatory Review Act.'' This is a targeted, non-controversial measure. It would ensure that the Securities and Exchange Commission (SEC) and the Public Company Accounting Oversight Board (PCAOB) fully consider the impacts of their final rules mandating how small public companies must comply with the internal control requirements of the Sarbanes-Oxley Act.

Our Nation's small stock companies are the cornerstone of our entrepreneurial economy, and it is essential that we carefully address the regulatory barriers that impede their growth.

The Sarbanes-Oxley Act was essential in restoring investor confidence after accounting fraud and massive company deceptions shook the public's trust in U.S. markets. The horrendous debacle of corporate greed from companies like Enron and Worldcom forced not only thousands of employees to lose their jobs, but also wiped out the life savings of many retirees. Now, as we refine Sarbanes-Oxley's regulations, we must carefully preserve investor protections and ensure company transparency and accountability.

In my home State of Maine, small publicly-traded companies are indispensable to the strength and renewal of our economy. However, the fact is that many of these small stock companies are struggling mightily with the cost and regulatory burden imposed by Sarbanes-Oxley compliance, regardless of

their industry. Whether it's a utility company, a dairy pharmaceutical company that makes large animal vaccines, or a community bank that fears being smothered by the combined weight of Sarbanes-Oxley and banking regulations, it is crucial that Maine's home grown companies focus their energies on developing new products, entering new markets, and creating jobs—not on compliance.

This is why I rise today, with Senator COLEMAN, to introduce the ''Small Business Regulatory Review Act of 2007.'' Our bill would require the SEC to conduct a small business analysis, consistent with the Regulatory Flexibility Act (RFA), before the SEC publishes its final rules on small business internal controls compliance. This non-controversial provision simply restates existing law, ensuring that the SEC conducts a final RFA analysis. As the SEC should already be conducting this analysis as part of its final rulemaking process, this bill will impose no additional delay.

Our bill would also require the SEC to publish a small business compliance guide, consistent with the Small Business Regulatory Enforcement Fairness Act (SBREFA). This compliance guide would explain, in plain language, the small business requirements under the rule. The SEC should publish this small businesses compliance guide when it publishes its final rule, so that small business understand the new requirements. As this non-controversial provision also restates existing law, this measure would impose no additional delay on the SEC's rulemaking process.

Regulations disproportionately affect small businesses and significantly hinder their competitiveness. In 2004, Senator ENZI and I jointly requested that the Government Accountability Office (GAO) study the effects of the Sarbanes-Oxley Act on small public companies' access to capital. The study found that the costs for complying with Sarbanes-Oxley were nine times greater for smaller companies than for large stock companies. We must reduce the burden imposed by Sarbanes-Oxley so that our small stocks in Maine, Minnesota, and across the country can continue to be some of the world's fastest growing and most innovative companies.

Finally, to address this disproportionate regulatory burden on small businesses, our bill would require that the GAO re-analyze the impact of these rules on small public companies two years after final rules are published. The GAO's report would include an assessment of the costs and time commitments the SEC and PCAOB requirements impose on small businesses and whether these costs are expected to decrease or increase in the future. Additionally, the final report would include recommendations, and regulatory alternatives, on how to simplify or improve the process of complying with SEC and PCAOB small company stock requirements. This provision simply ensures that the rules do not impose unintended, undue burdens on small businesses.

The ''Small Business Regulatory Review Act of 2007'' will help to ensure that small stock companies do not suffer from additional unintended consequences which harm their ability to compete, innovate, and grow—and, most importantly, create jobs.

By Mr. DORGAN (for himself, Mr. BROWNBACK, Ms. LANDRIEU, Mr. ALLARD, Mr. HARKIN, Mrs. MURRAY, Mr. ROBERTS, Mr. NELSON of Nebraska, Mr. SALAZAR, Mr. HAGEL, Mr. THUNE, and Mr. LEVIN):

S. 1155. A bill to treat payments under the Conservation Reserve Program as rentals from real estate; to the Committee on Finance.

Mr. DORGAN. Mr. President, today I am joined by Senator BROWNBACK and ten of our colleagues in introducing the Conservation Reserve Program Tax Fairness Act of 2007. This legislation clarifies once and for all that Conservation Reserve Program (CRP) payments received by active or retired farmers, or other landowners for that matter will be treated for Federal tax purposes as rental payments that are not subject to self-employment taxes.

Let me take a moment to describe this problem. For many years now, the Internal Revenue Service (IRS) has been taking the erroneous position that CRP payments received by farmers are self-employment income derived from a trade or business and therefore are subject to Self-Employment Contributions Act (SECA) taxes. Regrettably, the IRS and the Treasury Department proposed a new ruling late last year that not only requires active farmers to pay SECA taxes on CRP payments but expands similar tax treatment to CRP payments received by retired farmers and other landowners.

This latest ruling proposed by the IRS would impose a significant financial hardship on family farmers and others who have voluntarily agreed to take environmentally-sensitive lands out of farm production and place them in the Conservation Reserve Program in return for an annual rental payment from the Commodity Credit Corporation of the U.S. Department of Agriculture.

Today, North Dakota has some 3.4 million acres with about $112 million in rental payments in the CRP program. Left intact, the IRS's ruling would mean that farmers in North Dakota may owe an additional $16 million in Federal taxes this coming year. A typical North Dakota farmer with 160 acres of CRP would owe nearly $750 in new self-employment taxes because of the agency's ill-advised position.

If the IRS decides to pursue back taxes on returns filed by farmers in past years, the amount of taxes owed by individual farmers for CRP payments could amount to thousands of dollars. That would be devastating to many farmers and others who depend on CRP rental payments to make ends meet. As a result, the proposed change in our bill applies to CRP payments made in open tax years before, on, or after the date of its enactment.

We believe the IRS's position on the tax treatment of CRP payments is dead wrong. In our judgment, forcing CRP recipients to pay self-employment taxes on CRP payments is not what Congress intended, nor is it supportable in law. The U.S. Tax Court, the Federal court with the most expertise on tax issues, shares our view that the IRS position is improper. In fact, the U.S. Tax Court ruled in the late 1990's that CRP payments are properly treated by farmers as rental payments and, thus, not subject to self-employment taxes. Unfortunately, the IRS challenged the Tax Court decision and the Tax Court was later reversed by a Federal appellate court.

In February, IRS Commissioner Mark Everson sent a letter to me and a number of our colleagues who are concerned about this issue. In his letter, Commissioner Everson made clear that the IRS would not change its position that CRP payments are subject to self-employment tax as income derived from a trade or business—absent new statutory language passed by the Congress and enacted into law.

With the legislation we are introducing today, Congress will send a clear message to the IRS that its misguided effort to subject CRP payments to self-employment taxes is inappropriate and will not be allowed to stand. Our bill also makes sure that Federal trust funds that would have received SECA revenues but for the enactment of our bill are held harmless through the use of revenue transfers from the Treasury general fund.

Senator BROWNBACK and I ask our colleagues to support this much-needed tax relief for family farmers and other CRP recipients by cosponsoring the Conservation Reserve Program Tax Fairness Act. And we hope you will work with us to get this legislation enacted into law without delay.

By Mr. DODD (for himself, Mr. KENNEDY, Mr. HARKIN, Mr. BINGAMAN, Mrs. MURRAY, Mrs. CLINTON, and Mr. BROWN):

S. 1156. A bill to amend the Federal Food, Drug, and Cosmetic Act to reauthorize the Best Pharmaceuticals for Children program; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, I rise today to introduce the Best Pharmaceuticals for Children Amendments of 2007, which is a bill to reauthorize the Best Pharmaceuticals for Children Act—BPCA. If Congress doesn't act, this successful program will expire on October I, 2007. I thank my colleagues Senators KENNEDY, HARKIN, BINGAMAN, MURRAY, CLINTON and BROWN who are joining me as original cosponsors of this important legislation.

I am pleased that Senators KENNEDY and ENZI, the distinguished chairman and ranking member of the Health Education Labor, and Pensions—HELP—Committee, have included this bill in the chairman's mark for S. 1082, which is expected to be voted on today in the HELP Committee.

I would also like to recognize the contributions and leadership of former Senator Mike De Wine, a friend and colleague, who always fought to ensure children would not be treated as second-class citizens when it came to drug and device development. He was a champion of BPCA along with me even when it wasn't popular to hold that view.

The story of the Best Pharmaceuticals for Children Act is one of huge success for children and their families. Children with a wide range of diseases such as HIV/AIDS, cancer, allergies, asthma, neurological and psychiatric disorders, and obesity can now lead healthier, more productive lives as a result of new information about the safety and efficacy of drugs they use to treat and manage their diseases where previously there was none.

Children are not simply little adults and results of the drug studies conducted under the BPCA have shown us that they should not be treated as such. Pediatric drug studies conducted. under the BPCA showed that children may have been exposed to ineffective drugs, ineffective dosing, overdosing, or side effects that were previously unknown.

Since the BPCA's passage in 1997 and its reauthorization in 2002, FDA has requested nearly 800 studies involving more than 45,000 children in clinical trials. Useful new pediatric information is now part of product labeling for 119 drugs. By comparison, in the 7 years prior to the BPCA's passage, only 11 studies of marketed drugs were completed. In the past 10 years, there has been a twentyfold increase in the number of drugs studied in infants, children, and adolescents since BPCA was enacted.

Labeling changes resulting from clinical studies under the BPCA have informed physicians of the proper dosing in the examples of Viracept, a protease inhibitor used in a combination therapy for the treatment of HIV, and Neurontin, a pain relief medication used to treat children with chronic pain. For children with epilepsy, the BPCA studies informed physicians that the drugs Keppra and Trileptal could be used safely and effectively at an even earlier age than previously known. Studies of Imitrex as a result of the BPCA showed no better results than placebo for the treatment of migraine headaches in adolescents. These same studies also showed serious adverse events due to Imitrex in pediatric populations and therefore the drug is not recommended to treat migraines in anyone less than 18 years of age.

Recent studies of the BPCA by the Government Accountability Office—GAO—and by several authors from Duke University in an article which appeared in the Journal of the American Medical Association—JAMA—have demonstrated that the program is a success and have identified opportunities to strengthen the program. Authors of the recent JAMA article found that outside of the BPCA, the FDA is limited in the number and scope of studies for which it can require pediatric data for existing products on the market.

Data from this article showed that only a minority of drugs studied under the BPC, about 20 percent, had more than $1 billion in annual sales. In fact, the median drug granted exclusivity was a small-market drug with annual sales of $180 million and 30 percent of drugs studied had sales less than $200 million. This article went on to say that a universal reduction in the length of pediatric exclusivity from 6 to 3 months would mean that products with small profit margins may not be submitted for pediatric testing.

The BPCA has always tried to strike the right balance between cost to consumers and benefits to children. I believe there is an ongoing need to evaluate the cost of the incentive as it relates to reaching the goal of having medications properly studied and labeled for children. In fact, that is why I strongly support a 5–year sunset of the BPCA.

After 10 years, experience and data has shown us that for a small number of drugs, pediatric exclusivity has far exceeded the ''carrot'' it was intended to provide for manufacturers. As the authors of the recent JAMA article noted, ''our study shows that the Pediatric Exclusivity Program overcompensates blockbuster products for performing clinical trials in children, while other products have more modest returns on investment under this program.''

The bill I am introducing today contains a reasonable, workable proposal to address cost concerns without jeopardizing the extraordinary success of BPCA. I have worked closely with the chairman and ranking member of the HELP Committee to craft this proposal into the form it appears in this legislation and in the bipartisan chairman's mark which is expected to be voted on in the HELP Committee today.

On March 27, the HELP Committee held a hearing, which I chaired, entitled ''Ensuring Safe Medicines and Medical Devices for Children.'' We learned from pediatricians and a parent of five children, four of whom are HIV-positive, Mrs. Susan Belfiore, about the tremendous impact BPCA has had on the quality of life for countless numbers of children and their families. We received testimony with many suggestions for improvements to BPCA which I believe are reflected in this bill. I would also add that in the month since I circulated this bill as a draft, I received comments from several pharmaceutical companies. Some have been strongly supportive of this effort and many of their ideas and suggestions are incorporated in this bill.

The success of the BPCA has transformed the drug development process for children. It is my hope that we will achieve similar success with another piece of legislation I recently introduced called the Pediatric Medical Device Safety and Improvement Act. It is also contained within the chairman's mark to S. 1082 and I thank Chairman KENNEDY and Ranking Member ENZI for working with me to ensure that medical devices used in children are safe and are designed specifically for their use.

The BPCA has had a long history of bipartisan support and it has been my longstanding hope that this initiative will continue to be bipartisan as the chairman's mark to S. 1082 moves to the Senate floor. The safety of our Nation's children is not a partisan issue.

As the parent of two young children, I know that it is essential that products used in children's growing bodies, whether they be drugs or devices, are appropriately tested and designed specifically for their use. We must continue the tremendous success of BPCA and its complementary program, the Pediatric Research Improvement Act, of which I am an original cosponsor, by strengthening both programs through the reauthorization process this year. It is essential that we use the past experience of both programs to ensure they will continue to thrive in the future.

I urge my colleagues to support this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1156

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 ''Best Pharmaceuticals for Children Amendments of 2007''.

SEC. 2. PEDIATRIC STUDIES OF DRUGS.

(a) IN GENERAL.—Section 505A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a) is amended—

(1) in subsection (a), by inserting before the period at the end the following: '', and, at the discretion of the Secretary, may include preclinical studies'';

(2) in subsection (b)—

(A) in paragraph (1)(A)(i), by striking ''(D)'' both places it appears and inserting ''(E)'';

(B) in paragraph (1)(A)(ii), by striking ''(D)'' and inserting ''(E)'';

(C) by striking ''(1)(A)(i)'' and inserting ''(A)(i)(I)'';

(D) by striking ''(ii) the'' and inserting ''(II) the'';

(E) by striking ''(B) if the drug is designated'' and inserting ''(ii) if the drug is designated'';

(F) by striking ''(2)(A)'' and inserting ''(B)(i)'';

(G) by striking ''(i) a listed patent'' and inserting ''(I) a listed patent'';

(H) by striking ''(ii) a listed patent'' and inserting ''(II) a listed patent'';

(I) by striking ''(B) if the drug is the subject'' and inserting ''(ii) if the drug is the subject'';

(J) by striking ''If'' and all that follows through ''subsection (d)(3)'' and inserting the following:

''(1) IN GENERAL.—Except as provided in paragraph (2), if, prior to approval of an application that is submitted under section 505(b)(1), the Secretary determines that information relating to the use of a new drug in the pediatric population may produce health benefits in that population, the Secretary makes a written request for pediatric studies (which shall include a timeframe for completing such studies), the applicant agrees to the request, such studies are completed using appropriate formulations for each age group for which the study is requested within any such timeframe and the reports thereof are submitted and accepted in accordance with subsection (d)(3), and if the Secretary determines that labeling changes are appropriate, such changes are made within the timeframe requested by the Secretary—''; and

(K) by adding at the end the following:

''(2) EXCEPTION.—The Secretary shall not extend the period referred to in paragraph (1)(A) or in paragraph (1)(B) later than 9 months prior to the expiration of such period.'';

(3) in subsection (c)—

(A) in paragraph (1)(A)(i), by striking ''(D)'' both places it appears and inserting ''(E)'';

(B) in paragraph (1)(A)(ii), by striking ''(D)'' and inserting ''(E)'';

(C) by striking ''(1)(A)(i)'' and inserting ''(A)(i)(I)'';

(D) by striking ''(ii) the'' and inserting ''(II) the'';

(E) by striking ''(B) if the drug is designated'' and inserting ''(ii) if the drug is designated'';

(F) by striking ''(2)(A)'' and inserting ''(B)(i)'';

(G) by striking ''(i) a listed patent'' and inserting ''(I) a listed patent'';

(H) by striking ''(ii) a listed patent'' and inserting ''(II) a listed patent'';

(I) by striking ''(B) if the drug is the subject'' and inserting ''(ii) if the drug is the subject'';

(J) by striking ''If'' and all that follows through ''subsection (d)(3)'' and inserting the following:

''(1) IN GENERAL.—Except as provided in paragraph (2), if the Secretary determines that information relating to the use of an approved drug in the pediatric population may produce health benefits in that population and makes a written request to the holder of an approved application under section 505(b)(1) for pediatric studies (which shall include a timeframe for completing such studies), the holder agrees to the request, such studies are completed using appropriate formulations for each age group for which the study is requested within any such timeframe and the reports thereof are submitted and accepted in accordance with subsection (d)(3), and if the Secretary determines that labeling changes are appropriate, such changes are made within the timeframe requested by the Secretary—''; and

(K) by adding at the end the following:

''(2) EXCEPTION.—The Secretary shall not extend the period referred to in paragraph (1)(A) or in paragraph (1)(B) later than 9 months prior to the expiration of such period.'';

(4) by striking subsection (d) and inserting the following:

''(d) CONDUCT OF PEDIATRIC STUDIES.—

''(1) REQUEST FOR STUDIES.—

''(A) IN GENERAL.—The Secretary may, after consultation with the sponsor of an application for an investigational new drug under section 505(i), the sponsor of an application for a new drug under section 505(b)(1), or the holder of an approved application for a drug under section 505(b)(1), issue to the sponsor or holder a written request for the conduct of pediatric studies for such drug. In issuing such request, the Secretary shall take into account adequate representation of children of ethnic and racial minorities. Such request to conduct pediatric studies shall be in writing and shall include a timeframe for such studies and a request to the sponsor or holder to propose pediatric labeling resulting from such studies.

''(B) SINGLE WRITTEN REQUEST.—A single written request—

''(i) may relate to more than 1 use of a drug; and

''(ii) may include uses that are both approved and unapproved.

''(2) WRITTEN REQUEST FOR PEDIATRIC STUDIES.—

''(A) REQUEST AND RESPONSE.—

''(i) IN GENERAL.—If the Secretary makes a written request for pediatric studies (including neonates, as appropriate) under subsection (b) or (c), the applicant or holder, not later than 180 days after receiving the written request, shall respond to the Secretary as to the intention of the applicant or holder to act on the request by—

''(I) indicating when the pediatric studies will be initiated, if the applicant or holder agrees to the request; or

''(II) indicating that the applicant or holder does not agree to the request and the reasons for declining the request.

''(ii) DISAGREE WITH REQUEST.—If, on or after the date of enactment of the Best Pharmaceuticals for Children Amendments of 2007, the applicant or holder does not agree to the request on the grounds that it is not possible to develop the appropriate pediatric formulation, the applicant or holder shall submit to the Secretary the reasons such pediatric formulation cannot be developed.

''(B) ADVERSE EVENT REPORTS.—An applicant or holder that, on or after the date of enactment of the Best Pharmaceuticals for Children Amendments of 2007, agrees to the request for such studies shall provide the Secretary, at the same time as submission of the reports of such studies, with all postmarket adverse event reports regarding the drug that is the subject of such studies and are available prior to submission of such reports.

''(3) MEETING THE STUDIES REQUIREMENT.—Not later than 180 days after the submission of the reports of the studies, the Secretary shall accept or reject such reports and so notify the sponsor or holder. The Secretary's only responsibility in accepting or rejecting the reports shall be to determine, within the 180 days, whether the studies fairly respond to the written request, have been conducted in accordance with commonly accepted scientific principles and protocols, and have been reported in accordance with the requirements of the Secretary for filing.

''(4) EFFECT OF SUBSECTION.—Nothing in this subsection alters or amends section 301(j) of this Act or section 552 of title 5 or section 1905 of title 18, United States Code.'';

(5) by striking subsections (e) and (f) and inserting the following:

''(e) NOTICE OF DETERMINATIONS ON STUDIES REQUIREMENT.—

''(1) IN GENERAL.—The Secretary shall publish a notice of any determination, made on or after the date of enactment of the Best Pharmaceuticals for Children Amendments of 2007, that the requirements of subsection (d) have been met and that submissions and approvals under subsection (b)(2) or (j) of section 505 for a drug will be subject to the provisions of this section. Such notice shall be published not later than 30 days after the date of the Secretary's determination regarding market exclusivity and shall include a copy of the written request made under subsection (b) or (c).

''(2) IDENTIFICATION OF CERTAIN DRUGS.—The Secretary shall publish a notice identifying any drug for which, on or after the date of enactment of the Best Pharmaceuticals for Children Amendments of 2007, a pediatric formulation was developed, studied, and found to be safe and effective in the pediatric population (or specified subpopulation) if the pediatric formulation for such drug is not introduced onto the market within 1 year of the date that the Secretary publishes the notice described in paragraph (1). Such notice identifying such drug shall be published not later than 30 days after the date of the expiration of such 1 year period.

''(f) INTERNAL REVIEW OF WRITTEN REQUESTS AND PEDIATRIC STUDIES.—

''(1) INTERNAL REVIEW.—

''(A) IN GENERAL.—The Secretary shall create an internal review committee to review all written requests issued and all reports submitted on or after the date of enactment of the Best Pharmaceuticals for Children Amendments of 2007, in accordance with paragraphs (2) and (3).

''(B) MEMBERS.—The committee under subparagraph (A) shall include individuals, each of whom is an employee of the Food and Drug Administration, with the following expertise:

''(i) Pediatrics.

''(ii) Biopharmacology.

''(iii) Statistics.

''(iv) Drugs and drug formulations.

''(v) Legal issues.

''(vi) Appropriate expertise pertaining to the pediatric product under review.

''(vii) One or more experts from the Office of Pediatric Therapeutics, including an expert in pediatric ethics.

''(viii) Other individuals as designated by the Secretary.

''(2) REVIEW OF WRITTEN REQUESTS.—All written requests under this section shall be reviewed and approved by the committee established under paragraph (1) prior to being issued.

''(3) REVIEW OF PEDIATRIC STUDIES.—The committee established under paragraph (1) shall review all studies conducted pursuant to this section to determine whether to accept or reject such reports under subsection (d)(3).

''(4) TRACKING PEDIATRIC STUDIES AND LABELING CHANGES.—The committee established under paragraph (1) shall be responsible for tracking and making available to the public, in an easily accessible manner, including through posting on the website of the Food and Drug Administration—

''(A) the number of studies conducted under this section;

''(B) the specific drugs and drug uses, including labeled and off-labeled indications, studied under this section;

''(C) the types of studies conducted under this section, including trial design, the number of pediatric patients studied, and the number of centers and countries involved;

''(D) the number of pediatric formulations developed and the number of pediatric formulations not developed and the reasons such formulations were not developed;

''(E) the labeling changes made as a result of studies conducted under this section;

''(F) an annual summary of labeling changes made as a result of studies conducted under this section for distribution pursuant to subsection (k)(2); and

''(G) information regarding reports submitted on or after the date of enactment of the Best Pharmaceuticals for Children Amendments of 2007.'';

(6) in subsection (g)—

(A) in paragraph (1)—

(i) by striking ''(c)(1)(A)(ii)'' and inserting ''(c)(1)(A)(i)(II)''; and

(ii) by striking ''(c)(2)'' and inserting ''(c)(1)(B)'';

(B) in paragraph (2), by striking ''(c)(1)(B)'' and inserting ''(c)(1)(A)(ii)'';

(C) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(D) by striking ''LIMITATIONS.—A drug'' and inserting ''LIMITATIONS.—

''(1) IN GENERAL.—Notwithstanding subsection (c)(2), a drug''; and

(E) by adding at the end the following:

''(2) EXCLUSIVITY ADJUSTMENT.—

''(A) ADJUSTMENT.—

''(i) IN GENERAL.—With respect to any drug, if the organization designated under subparagraph (B) notifies the Secretary that the combined annual gross sales for all drugs with the same active moiety exceeded $1,000,000,000 in any calendar year prior to the time the sponsor or holder agrees to the initial written request pursuant to subsection (d)(2), then each period of market exclusivity deemed or extended under subsection (b) or (c) shall be reduced by 3 months for such drug.

''(ii) DETERMINATION.—The determination under clause (i) of the combined annual gross sales shall be determined—

''(I) taking into account only those sales within the United States; and

''(II) taking into account only the sales of all drugs with the same active moiety of the sponsor or holder and its affiliates.

''(B) DESIGNATION.—The Secretary shall designate an organization other than the Food and Drug Administration to evaluate whether the combined annual gross sales for all drugs with the same active moiety exceeded $1,000,000,000 in a calendar year as described in subparagraph (A). Prior to designating such organization, the Secretary shall determine that such organization is independent and is qualified to evaluate the sales of pharmaceutical products. The Secretary shall re-evaluate the designation of such organization once every 3 years.

''(C) NOTIFICATION.—Once a year at a time designated by the Secretary, the organization designated under subparagraph (B) shall notify the Food and Drug Administration of all drugs with the same active moiety with combined annual gross sales that exceed $1,000,000,000 during the previous calendar year.''.

(7) in subsection (i)—

(A) in the heading, by striking ''SUPPLEMENTS'' and inserting ''CHANGES'';

(B) in paragraph (1)—

(i) in the heading, by inserting ''APPLICATIONS AND'' after ''PEDIATRIC'';

(ii) by inserting ''application or'' after ''Any'';

(iii) by striking ''change pursuant to a report on a pediatric study under'' and inserting ''change as a result of any pediatric study conducted pursuant to''; and

(iv) by inserting ''application or'' after ''to be a priority''; and

(C) in paragraph (2)(A), by—

(i) striking ''If the Commissioner'' and inserting ''If, on or after the date of enactment of the Best Pharmaceuticals for Children Amendments of 2007, the Commissioner''; and

(ii) striking ''an application with'' and all that follows through ''on appropriate'' and inserting ''the sponsor and the Commissioner have been unable to reach agreement on appropriate'';

(8) by striking subsection (m);

(9) by redesignating subsections (j), (k), (l), and (n), as subsections (k), (m), (o), and (p), respectively;

(10) by inserting after subsection (i) the following:

''(j) OTHER LABELING CHANGES.—If, on or after the date of enactment of the Best Pharmaceuticals for Children Amendments of 2007, the Secretary determines that a pediatric study conducted under this section does or does not demonstrate that the drug that is the subject of the study is safe and effective, including whether such study results are inconclusive, in pediatric populations or subpopulations, the Secretary shall order the labeling of such product to include information about the results of the study and a statement of the Secretary's determination.'';

(11) in subsection (k), as redesignated by paragraph (9)—

(A) in paragraph (1)—

(i) by striking ''a summary of the medical and'' and inserting ''the medical, statistical, and''; and

(ii) by striking ''for the supplement'' and all that follows through the period and inserting ''under subsection (b) or (c).'';

(B) by redesignating paragraph (2) as paragraph (3); and

(C) by inserting after paragraph (1) the following:

''(2) DISSEMINATION OF INFORMATION REGARDING LABELING CHANGES.—Beginning on the date of enactment of the Best Pharmaceuticals for Children Amendments of 2007, the Secretary shall require that the sponsors of the studies that result in labeling changes that are reflected in the annual summary developed pursuant to subsection (f)(4)(F) distribute, at least annually (or more frequently if the Secretary determines that it would be beneficial to the public health), such information to physicians and other health care providers.'';

(12) by inserting after subsection (k), as redesignated by paragraph (9), the following:

''(l) ADVERSE EVENT REPORTING.—

''(1) REPORTING IN YEAR ONE.—Beginning on the date of enactment of the Best Pharmaceuticals for Children Amendments of 2007, during the 1-year period beginning on the date a labeling change is made pursuant to subsection (i), the Secretary shall ensure that all adverse event reports that have been received for such drug (regardless of when such report was received) are referred to the Office of Pediatric Therapeutics established under section 6 of the Best Pharmaceuticals for Children Act (Public Law 107–109). In considering such reports, the Director of such Office shall provide for the review of the report by the Pediatric Advisory Committee, including obtaining any recommendations of such Committee regarding whether the Secretary should take action under this section in response to such reports.

''(2) REPORTING IN SUBSEQUENT YEARS.—Following the 1-year period described in paragraph (1), the Secretary shall, as appropriate, refer to the Office of Pediatric Therapeutics all pediatric adverse event reports for a drug for which a pediatric study was conducted under this section. In considering such reports, the Director of such Office may provide for the review of such reports by the Pediatric Advisory Committee, including obtaining any recommendation of such Committee regarding whether the Secretary should take action in response to such reports.

''(3) EFFECT.—The requirements of this subsection shall supplement, not supplant, other review of such adverse event reports by the Secretary.'';

(13) by inserting after subsection (m), as redesignated by paragraph (9), the following:

''(n) REFERRAL IF PEDIATRIC STUDIES NOT COMPLETED.—

''(1) IN GENERAL.—Beginning on the date of enactment of the Best Pharmaceuticals for Children Amendments of 2007, if pediatric studies of a drug have not been completed under subsection (d) and if the Secretary, through the committee established under subsection (f), determines that there is a continuing need for information relating to the use of the drug in the pediatric population (including neonates, as appropriate), the Secretary shall carry out the following:

''(A) For a drug for which a listed patent has not expired, make a determination regarding whether an assessment shall be required to be submitted under section 505B. Prior to making such determination, the Secretary may take not more than 60 days to certify whether the Foundation for the National Institutes of Health has sufficient funding at the time of such certification to initiate 1 or more of the pediatric studies of such drug referred to in the sentence preceding this paragraph and fund 1 or more of such studies in their entirety. Only if the Secretary makes such certification in the affirmative, the Secretary shall refer such pediatric study or studies to the Foundation for the National Institutes of Health for the conduct of such study or studies.

''(B) For a drug that has no listed patents or has 1 or more listed patents that have expired, determine whether there are funds available under section 736 to award a grant to conduct the requested studies pursuant to paragraph (2).

''(2) FUNDING OF STUDIES.—If, pursuant to paragraph (1), the Secretary determines that there are funds available under section 736 to award a grant to conduct the requested pediatric studies, then the Secretary shall issue a proposal to award a grant to conduct the requested studies. If the Secretary determines that funds are not available under section 736, the Secretary shall refer the drug for inclusion on the list established under section 409I of the Public Health Service Act for the conduct of studies.

''(3) PUBLIC NOTICE.—The Secretary shall give the public notice of—

''(A) a decision under paragraph (1)(A) not to require an assessment under section 505B and the basis for such decision;

''(B) the name of any drug, its manufacturer, and the indications to be studied pursuant to a grant made under paragraph (2); and

''(C) any decision under paragraph (2) to refer a drug for inclusion on the list established under section 409I of the Public Health Service Act.

''(4) EFFECT OF SUBSECTION.—Nothing in this subsection alters or amends section 301(j) of this Act or section 552 of title 5 or section 1905 of Title 18, United States Code.'';

(14) in subsection (p), as redesignated by paragraph (9)—

(A) striking ''6-month period'' and inserting ''3-month or 6-month period'';

(B) by striking ''subsection (a)'' and inserting ''subsection (b)''; and

(C) by striking ''2007'' both places it appears and inserting ''2012''.

(b) EFFECTIVE DATE.—Except as otherwise provided in the amendments made by subsection (a), such amendments shall apply to written requests under section 505A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a) made after the date of enactment of this Act.

SEC. 3. PROGRAM FOR PEDIATRIC STUDIES OF DRUGS.

Section 409I of the Public Health Service Act (42 U.S.C. 284m) is amended—

(1) by striking subsections (a) and (b) and inserting the following:

''(a) LIST OF PRIORITY ISSUES IN PEDIATRIC THERAPEUTICS.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Best Pharmaceuticals for Children Amendments of 2007, the Secretary, acting through the Director of the National Institutes of Health

and in consultation with the Commissioner of Food and Drugs and experts in pediatric research, shall develop and publish a priority list of needs in pediatric therapeutics, including drugs or indications that require study. The list shall be revised every 3 years.

''(2) CONSIDERATION OF AVAILABLE INFORMATION.—In developing and prioritizing the list under paragraph (1), the Secretary shall consider—

''(A) therapeutic gaps in pediatrics that may include developmental pharmacology, pharmacogenetic determinants of drug response, metabolism of drugs and biologics in children, and pediatric clinical trials;

''(B) particular pediatric diseases, disorders or conditions where more complete knowledge and testing of therapeutics, including drugs and biologics, may be beneficial in pediatric populations; and

''(C) the adequacy of necessary infrastructure to conduct pediatric pharmacological research, including research networks and trained pediatric investigators.

''(b) PEDIATRIC STUDIES AND RESEARCH.—The Secretary, acting through the National Institutes of Health, shall award funds to entities that have the expertise to conduct pediatric clinical trials or other research (including qualified universities, hospitals, laboratories, contract research organizations, practice groups, federally funded programs such as pediatric pharmacology research units, other public or private institutions, or individuals) to enable the entities to conduct the drug studies or other research on the issues described in subsection (a). The Secretary may use contracts, grants, or other appropriate funding mechanisms to award funds under this subsection.'';

(2) in subsection (c)—

(A) in the heading, by striking ''CONTRACTS'' and inserting ''PROPOSED PEDIATRIC STUDY REQUESTS'';

(B) by striking paragraphs (4) and (12);

(C) by redesignating paragraphs (1), (2), and (3), as paragraphs (2), (3), and (4);

(D) by inserting before paragraph (2), as redesignated by subparagraph (C), the following:

''(1) SUBMISSION OF PROPOSED PEDIATRIC STUDY REQUEST.—The Director of the National Institutes of Health shall, as appropriate, submit proposed pediatric study requests for consideration by the Commissioner of Food and Drugs for pediatric studies of a specific pediatric indication identified under subsection (a). Such a proposed pediatric study request shall be made in a manner equivalent to a written request made under subsection (b) or (c) of section 505A of the Federal Food, Drug, and Cosmetic Act, including with respect to the information provided on the pediatric studies to be conducted pursuant to the request. The Director of the National Institutes of Health may submit a proposed pediatric study request for a drug for which—

''(A)(i) there is an approved application under section 505(j) of the Federal Food, Drug, and Cosmetic Act; or

''(ii) there is a submitted application that could be approved under the criteria of section 505(j) of the Federal Food, Drug, and Cosmetic Act; and

''(B) there is no patent protection or market exclusivity protection for at least 1 form of the drug under the Federal Food, Drug, and Cosmetic Act; and

''(C) additional studies are needed to assess the safety and effectiveness of the use of the drug in the pediatric population.'';

(E) in paragraph (2), as redesignated by subparagraph (C)—

(i) by inserting ''based on the proposed pediatric study request for the indication or indications submitted pursuant to paragraph (1)'' after ''issue a written request'';

(ii) by striking ''in the list described in subsection (a)(1)(A) (except clause (iv))'' and inserting ''under subsection (a)''; and

(iii) by inserting ''and using appropriate formulations for each age group for which the study is requested'' before the period at the end;

(F) in paragraph (3), as redesignated by subparagraph (C)—

(i) in the heading, by striking ''CONTRACTS'';

(ii) by striking ''paragraph (1)'' and inserting ''paragraph (2)'';

(iii) by striking ''or if a referral described in subsection (a)(1)(A)(iv) is made,'';

(iv) by striking ''for contract proposals'' and inserting ''for proposals''; and

(v) by inserting ''in accordance with subsection (b)'' before the period at the end;

(G) in paragraph (4), as redesignated by subparagraph (C)—

(i) by striking ''contract''; and

(ii) by striking ''paragraph (2)'' and inserting ''paragraph (3)'';

(H) in paragraph (5)—

(i) by striking the heading and inserting ''CONTRACTS, GRANTS, OR OTHER FUNDING MECHANISMS''; and

(ii) by striking ''A contract'' and all that follows through ''is submitted'' and inserting ''A contract, grant, or other funding may be awarded under this section only if a proposal is submitted'';

(I) in paragraph (6)(A)—

(i) by striking ''a contract awarded'' and inserting ''an award''; and

(ii) by inserting '', including a written request if issued'' after ''with the study''; and

(3) by inserting after subsection (c) the following:

''(d) DISSEMINATION OF PEDIATRIC INFORMATION.—Not later than 1 year after the date of enactment of the Best Pharmaceuticals for Children Amendments of 2007, the Secretary, acting through the Director of the National Institutes of Health, shall study the feasibility of establishing a compilation of information on pediatric drug use and report the findings to Congress.''

''(e) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated to carry out this section—

''(A) $200,000,000 for fiscal year 2008; and

''(B) such sums as are necessary for each of the 4 succeeding fiscal years.

''(2) AVAILABILITY.—Any amount appropriated under paragraph (1) shall remain available to carry out this section until expended.''.

SEC. 4. REPORTS AND STUDIES.

(a) GAO REPORT.—Not later than January 31, 2011, the Comptroller General of the United States, in consultation with the Secretary of Health and Human Services, shall submit to Congress a report that addresses the effectiveness of section 505A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a) in ensuring that medicines used by children are tested and properly labeled, including—

(1) the number and importance of drugs for children that are being tested as a result of the amendments made by this Act and the importance for children, health care providers, parents, and others of labeling changes made as a result of such testing;

(2) the number and importance of drugs for children that are not being tested for their use notwithstanding the provisions of this Act and the amendments made by this Act, and possible reasons for the lack of testing, including whether the number of written requests declined by sponsors or holders of drugs subject to section 505A(g)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a(g)(2)), has increased or decreased as a result of the amendments made by this Act;

(3) the number of drugs for which testing is being done and labeling changes required, including the date labeling changes are made and which labeling changes required the use of the dispute resolution process established pursuant to the amendments made by this Act, together with a description of the outcomes of such process, including a description of the disputes and the recommendations of the Pediatric Advisory Committee;

(4) any recommendations for modifications to the programs established under section 505A of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 355a) and section 409I of the Public Health Service Act that the Secretary determines to be appropriate, including a detailed rationale for each recommendation; and

(5)(A) the efforts made by the Secretary to increase the number of studies conducted in the neonate population; and

(B) the results of those efforts, including efforts made to encourage the conduct of appropriate studies in neonates by companies with products that have sufficient safety and other information to make the conduct of the studies ethical and safe.

(b) IOM STUDY.—Not later than 3 years after the date of enactment of this Act, the Secretary of Health and Human Services shall enter into a contract with the Institute of Medicine to conduct a study and report to Congress regarding the written requests made and the studies conducted pursuant to section 505A of the Federal Food, Drug, and Cosmetic Act. The Institute of Medicine may devise an appropriate mechanism to review a representative sample of requests made and studies conducted pursuant to such section in order to conduct such study. Such study shall—

(1) review such representative written requests issued by the Secretary since 1997 under subsections (b) and (c) of such section 505A;

(2) review and assess such representative pediatric studies conducted under such subsections (b) and (c) since 1997 and labeling changes made as a result of such studies; and

(3) review the use of extrapolation for pediatric subpopulations, the use of alternative endpoints for pediatric populations, neonatal assessment tools, and ethical issues in pediatric clinical trials.

SEC. 5. TRAINING OF PEDIATRIC PHARMACOLOGISTS.

(a) INVESTMENT IN TOMORROW'S PEDIATRIC RESEARCHERS.—Section 452G(2) of the Public Health Service Act (42 U.S.C. 285g–10(2)) is amended by adding before the period at the end the following: '', including pediatric pharmacological research''.

(b) PEDIATRIC RESEARCH LOAN REPAYMENT PROGRAM.—Section 487F(a)(1) of the Public Health Service Act (42 U.S.C. 288–6(a)(1)) is amended by inserting ''including pediatric pharmacological research,'' after ''pediatric research,''.

SEC. 6. FOUNDATION FOR THE NATIONAL INSTITUTES OF HEALTH.

Section 499(c)(1)(C) of the Public Health Service Act (42 U.S.C. 290b(c)(1)(C)) is amended by striking ''and studies listed by the Secretary pursuant to section 409I(a)(1)(A) of the is Act and referred under section 505A(d)(4)(C) of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 355(a)(d)(4)(C)'' and inserting ''and studies for which the Secretary issues a certification under section 505A(n)(1)(A) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a(n)(1)(A))''.

SEC. 7. CONTINUATION OF OPERATION OF COMMITTEE.

Section 14 of the Best Pharmaceuticals for Children Act (42 U.S.C. 284m note) is amended by adding at the end the following:

''(d) CONTINUATION OF OPERATION OF COMMITTEE.—Notwithstanding section 14 of the

Federal Advisory Committee Act (5 U.S.C. App.), the advisory committee shall continue to operate during the 5-year period beginning on the date of enactment of the Best Pharmaceuticals for Children Amendments of 2007.''.

SEC. 8. PEDIATRIC SUBCOMMITTEE OF THE ONCOLOGIC DRUGS ADVISORY COMMITTEE.

Section 15 of the Best Pharmaceuticals for Children Act (42 U.S.C. 284m note) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in subparagraph (B), by striking ''and'' after the semicolon;

(ii) in subparagraph (C), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(D) provide recommendations to the internal review committee created under section 505A(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a(f)) regarding the implementation of amendments to sections 505A and 505B of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a and 355c) with respect to the treatment of pediatric cancers.''; and

(B) by adding at the end the following:

''(3) CONTINUATION OF OPERATION OF SUBCOMMITTEE.—Notwithstanding section 14 of the Federal Advisory Committee Act (5 U.S.C. App.), the Subcommittee shall continue to operate during the 5-year period beginning on the date of enactment of the Best Pharmaceuticals for Children Amendments of 2007.''; and

(2) in subsection (d), by striking ''2003'' and inserting ''2009''.

SEC. 9. EFFECTIVE DATE AND LIMITATION FOR RULE RELATING TO TOLL-FREE NUMBER FOR ADVERSE EVENTS ON LABELING FOR HUMAN DRUG PRODUCTS.

(a) IN GENERAL.—Notwithstanding subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the ''Administrative Procedure Act'') and any other provision of law, the proposed rule issued by the Commissioner of Food and Drugs entitled ''Toll-Free Number for Reporting Adverse Events on Labeling for Human Drug Products'', 69 Fed. Reg. 21778, (April 22, 2004) shall take effect on January 1, 2008, unless such Commissioner issues the final rule before such date.

(b) LIMITATION.—The proposed rule that takes effect under subsection (a), or the final rule described under subsection (a), shall, notwithstanding section 17(a) of the Best Pharmaceuticals for Children Act (21 U.S.C. 355b(a)), not apply to a drug—

(1) for which an application is approved under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355);

(2) that is not described under section 503(b)(1) of such Act (21 U.S.C. 353(b)(1)); and

(3) the packaging of which includes a toll-free number through which consumers can report complaints to the manufacturer or distributor of the drug.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 154—DEMANDING THE RETURN OF THE USS ''PUEBLO'' TO THE UNITED STATES NAVY

Mr. ALLARD submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 154

Whereas the USS *Pueblo*, which was attacked and captured by the Navy of North Korea on January 23, 1968, was the first ship of the United States Navy to be hijacked on the high seas by a foreign military force in more than 150 years;

Whereas 1 member of the USS *Pueblo* crew, Duane Hodges, was killed in the assault, while the other 82 crew members were held in captivity, often under inhumane conditions, for 11 months;

Whereas the USS *Pueblo*, an intelligence collection auxiliary vessel, was operating in international waters at the time of the capture, and therefore did not violate the territorial waters of North Korea;

Whereas the capture of the USS *Pueblo* resulted in no reprisals against the Government or people of North Korea and no military action at any time; and

Whereas the USS *Pueblo*, though still the property of the United States Navy, has been retained by the Government of North Korea for more than 30 years, was subjected to exhibition in the North Korean cities of Wonsan and Hungham, and is now on display in Pyongyang, the capital city of North Korea: Now, therefore, be it

Resolved, That the Senate—

(1) demands the return of the USS *Pueblo* to the United States Navy; and

(2) directs the Secretary of the Senate to transmit copies of this resolution to the President, the Secretary of Defense, and the Secretary of State.

SENATE RESOLUTION 155—EXPRESSING THE SENSE OF THE SENATE ON EFFORTS TO CONTROL VIOLENCE AND STRENGTHEN THE RULE OF LAW IN GUATEMALA

Mr. DODD (for himself and Mr. LEAHY) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 155

Whereas warring parties in Guatemala ended a 36-year internal armed conflict with a peace agreement in 1996, but the country has since faced alarming levels of violence, organized crime, and corruption;

Whereas the alleged involvement of senior officials of the National Civilian Police in the murder of three Salvadoran parliamentarians and their driver, and the subsequent killing of four of the police officers while in custody underscored the need to purge and strengthen law enforcement and judicial institutions in Guatemala;

Whereas high-level officials of the Government of Guatemala have acknowledged the infiltration of organized criminal networks into the state apparatus and the difficulty of combating these networks when they are deeply entrenched in public institutions;

Whereas, in its 2006 Country Report on Human Rights Practices in Guatemala, the Department of State noted that police corruption was a serious problem in Guatemala and that there were credible allegations of involvement by individual police officers in criminal activity, including rapes, killings, and kidnappings;

Whereas, in its most recent report on Guatemala, the United Nations High Commissioner for Human Rights notes that impunity continues to undermine the credibility of the justice system in Guatemala and that the justice system is still too weak to confront organized crime and its powerful structures; and

Whereas, the Government of Guatemala and the United Nations signed an agreement on December 12, 2006, to establish the International Commission against Impunity in Guatemala (Comisión Internacional Contra la Impunidad en Guatemala—CICIG), to assist local authorities in investigating and dismantling the illegal security groups and clandestine organizations that continue to operate in Guatemala: Now, therefore, be it

Resolved, That—

(1) it is the sense of the Senate that the International Commission against Impunity in Guatemala is an innovative mechanism to support local efforts to confront the entrenched and dangerous problem posed by illegal armed groups and clandestine security organizations in Guatemala and their infiltration into state institutions;

(2) the Senate commends the Government of Guatemala, local civil society organizations, and the United Nations for such a creative effort;

(3) the Senate encourages the Guatemalan Congress to enact necessary legislation required to implement the International Commission against Impunity in Guatemala and other pending legislation needed to fulfill the 1996 peace agreement;

(4) the Senate calls on the Government of Guatemala and all sectors of society in Guatemala to unreservedly support the investigation and prosecution of illegal armed groups and clandestine security organizations; and

(5) the Senate reiterates its commitment to support the Government of Guatemala in its efforts to strengthen the rule of law in that country, including the dismantling of the clandestine groups, the purging of the police and judicial institutions, and the implementation of key justice and police reforms.

SENATE RESOLUTION 156—COMMENDING THE ACHIEVEMENTS OF THE RUTGERS UNIVERSITY WOMEN'S BASKETBALL TEAM AND APPLAUDING THE CHARACTER AND INTEGRITY OF THE PLAYERS AS STUDENT-ATHLETES

Mr. LAUTENBERG (for himself, Mr. MENENDEZ, Mr. LEAHY, and Mr. OBAMA) submitted the following resolution; which was considered and agreed to:

S. RES. 156

Whereas under head coach C. Vivian Stringer the Rutgers University women's basketball team (referred to in this preamble as the ''Lady Knights'') finished an extraordinary 2006–2007 season with a 27–9 record;

Whereas, after losing 4 of their first 6 games, the Lady Knights refused to give up and spent their winter break in the gym honing their skills and working to become a better team for the rest the season;

Whereas, on March 6, 2007, the Lady Knights upset the top-seeded University of Connecticut team for their first-ever Big East Championship title;

Whereas the young women of the Lady Knights displayed great talent in their run to the Final Four of the women's National Collegiate Athletic Association (NCAA) tournament;

Whereas 5 freshmen played an integral role in the team's march to the championship game;

Whereas the Lady Knights showed enormous composure with tournament wins against teams playing in their home States;

Whereas, through hard work and determination, the young team fought through improbable odds to reach the NCAA title game;

Whereas the team was just the third number 4 seed in history to reach the championship;

Whereas the Lady Knights made school history as the first athletic team from Rutgers University to play for any national championship;

Whereas, during the 3 weeks of the tournament, the Lady Knights brought excitement to the NCAA tournament and captured the hearts of basketball fans throughout New Jersey and across the Nation;

Whereas Rutgers students, alumni, faculty, and staff, along with countless New Jerseyans are immensely proud of what the Lady Knights accomplished during the season;

Whereas the members of the team are excellent representatives of Rutgers University and of the State of New Jersey;

Whereas the young women of the Lady Knights are outstanding individuals who are striving to reach lifetime goals both on and off the basketball court;

Whereas the Lady Knights epitomize the term ''student-athlete'' with a combined B+ grade point average;

Whereas by excelling in academics, music, and community service, Katie Adams, Matee Ajavon, Essence Carson, Dee Dee Jernigan, Rashidat Junaid, Myia McCurdy, Epiphanny Prince, Judith Brittany Ray, Kia Vaughn, and Heather Zurich are great role models for young women across the Nation; and

Whereas the Lady Knights embody integrity, leadership, and class: Now, therefore, be it

Resolved, That the Senate—

(1) commends the amazing performance of Rutgers University women's basketball team in the National Collegiate Athletic Association tournament; and

(2) expresses its admiration for the achievements and character of this team of remarkable young women.

SENATE RESOLUTION 157—EXTENDING THE BEST WISHES OF THE SENATE TO NEW JERSEY GOVERNOR JON S. CORZINE AND EXPRESSING THE SENATE'S HOPE FOR HIS SPEEDY AND COMPLETE RECOVERY

Mr. REID (for himself, Mr. LAUTENBERG, Mr. MENENDEZ, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN Mr. BOND, Mrs. BOXER, Mr. BROWN, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. BYRD, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COBURN, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CORKER, Mr. CORNYN, Mr. CRAIG, Mr. CRAPO, Mr. DEMINT, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. ISAKSON, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LOTT, Mr. LUGAR, Mr. MARTINEZ, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MCCONNELL, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. OBAMA, Mr. PRYOR, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. TESTER, Mr. THOMAS, Mr. THUNE, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 157

Whereas The Honorable Jon S. Corzine, the Governor of the State of New Jersey, served with distinction in the United States Senate from January 3, 2001, to January 17, 2006;

Whereas, during his time in the Senate, Governor Corzine made many friends in both political parties;

Whereas, on April 12, 2007, Governor Corzine was seriously injured in a major traffic accident;

Whereas Governor Corzine is in critical but stable condition in the Trauma Intensive Care Unit at Cooper University Hospital in Camden, New Jersey; and

Whereas Governor Corzine's many friends in the Senate are deeply concerned about the Governor and have had him in their thoughts since the tragic accident occurred: Now, therefore, be it

Resolved, That the Senate extends its best wishes to New Jersey Governor Jon S. Corzine and hopes for his speedy and complete recovery.

SENATE RESOLUTION 158—DESIGNATING APRIL 20, 2007, AS ''NATIONAL AND GLOBAL YOUTH SERVICE DAY''

Ms. MURKOWSKI (for herself, Mr. AKAKA, Mr. ALEXANDER, Mr. BAUCUS, Mr. BAYH, Mrs. BOXER, Mr. BROWN, Mr. BURR, Ms. CANTWELL, Mr. CASEY, Mrs. CLINTON, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CORKER, Mr. CRAIG, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DURBIN, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GREGG, Mr. HAGEL, Mr. KENNEDY, Mr. KERRY, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LOTT, Mr. MARTINEZ, Mr. MENENDEZ, Ms. MIKULSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. OBAMA, Mr. SALAZAR, Mr. SANDERS, Mr. SPECTER, Ms. STABENOW, and Mr. STEVENS) submitted the following resolution; which was considered and agreed to:

S. RES. 158

Whereas National and Global Youth Service Day is an annual public awareness and education campaign that highlights the valuable contributions that young people make to their communities;

Whereas the goals of National and Global Youth Service Day are to—

(1) mobilize the youth of the United States to identify and address the needs of their communities through service and service-learning;

(2) support young people in embarking on a lifelong path of service and civic engagement; and

(3) educate the public, the media, and policymakers about contributions made by young people as community leaders throughout the year;

Whereas National and Global Youth Service Day, a program of Youth Service America, is the largest service event in the world and is being observed for the 19th consecutive year in 2007;

Whereas young people in the United States and in many other countries are volunteering more than in any other generation in history;

Whereas children and youth not only represent the future of the world, but also are leaders and assets today;

Whereas children and youth should be valued for the idealism, energy, creativity, and unique perspectives that they use when addressing real-world issues such as poverty, hunger, illiteracy, education, gang activity, natural disasters, climate change, and myriad other issues;

Whereas a fundamental and conclusive correlation exists between youth service and lifelong adult volunteering and philanthropy;

Whereas, through community service, young people of all ages and backgrounds build character and learn valuable skills sought by employers, including time management, decisionmaking, teamwork, needs-assessment, and leadership;

Whereas service-learning is a teaching and learning strategy that integrates meaningful community service with academic curriculum;

Whereas service-learning supports young people in mastering important curriculum content by helping them make meaningful connections between what they are studying and the challenges that they see in their own communities;

Whereas high quality service-learning has been found to increase student academic engagement, academic achievement scores, civic engagement, character development, and career aspirations;

Whereas a report by Civic Enterprises found that 47 percent of high school dropouts reported boredom as a primary reason for dropping out;

Whereas service-learning has been found to increase students' cognitive engagement, motivation to learn, and school attendance;

Whereas several private foundations and corporations in the United States support service-learning as a means to develop the leadership and workforce skills necessary for the competitiveness of the United States in the 21st century;

Whereas a report by America's Promise found that 94 percent of young people want to be involved in making the world a better place, but 50 percent say there should be more volunteer programs for people their age;

Whereas the same report found that one-third of young people say they lack adult role models who volunteer and help others;

Whereas a sustained investment by the Federal Government, business partners, schools, and communities could fuel the positive, long-term cultural change that will make service and service-learning a common expectation and a common experience for all young people;

Whereas National and Global Youth Service Day engages millions of young people worldwide with the support of 51 lead agencies, 40 international organizations, and 110 national partners;

Whereas National Youth Service Day inspired Global Youth Service Day, which occurs concurrently in more than 100 countries and is now in its 8th year;

Whereas a growing number of Global Youth Service Day projects involve youth working collaboratively across national and geographic boundaries, increasing intercultural understanding and promoting the sense that they are global citizens; and

Whereas both young people and their communities will benefit greatly from expanded opportunities to engage youth in meaningful volunteer service and service-learning: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes and commends the significant contributions of the youth of the United States and encourages the cultivation of a common civic bond between young people dedicated to serving their neighbors, their communities, and the Nation;

(2) designates April 20, 2007, as ''National and Global Youth Service Day''; and

(3) calls on the people of the United States to—

(A) observe the day by encouraging youth to participate in civic and community service projects and by joining them in such projects;

(B) recognize the volunteer efforts of the young people of the United States throughout the year; and

(C) support the volunteer efforts of young people and engage them in meaningful learning and decisionmaking opportunities today as an investment in the future of the United States.

SENATE RESOLUTION 159—COMMENDING THE ASSOCIATION FOR ADVANCED LIFE UNDERWRITING ON ITS 50TH ANNIVERSARY

Mr. LOTT (for himself and Mr. CONRAD) submitted the following resolution; which was considered and agreed to:

S. RES. 159

Whereas, for 50 years, Association for Advanced Life Underwriting members have been increasingly strong advocates for advanced life insurance planning and its benefits to millions of Americans;

Whereas, the Association for Advanced Life Underwriting has helped educate Congress and the country about the trillions of dollars of protection, savings, and capital and millions of jobs provided by life insurance products;

Whereas, Association for Advanced Life Underwriting members have helped Americans with long-term estate, business, pension, and deferred compensation planning;

Whereas, Association for Advanced Life Underwriting members have been very active participants in our democracy, particularly at the Federal or congressional level, providing their real life, market-based expertise on issues involving life insurance;

Whereas, the Association for Advanced Life Underwriting has provided technical assistance on a variety of life insurance-related matters to the Department of the Treasury, the Internal Revenue Service, the Office of the Comptroller of the Currency, the Department of Labor, and the Financial Accounting Standards Board;

Whereas, the Association for Advanced Life Underwriting has advocated in both the Federal and State legislatures for reforms needed to assure that life insurance is used appropriately for the benefit of clients and the general public;

Whereas, the Association for Advanced Life Underwriting has worked to unify the life insurance industry to better advocate in the interests of the American public; and

Whereas, the Association for Advanced Life Underwriting has worked to reflect the high level of commitment, principles, and expertise of its members and leaders: Now, therefore, be it

Resolved, That—

(1) the Association for Advanced Life Underwriting is congratulated on its 50th anniversary; and

(2) the Association for Advanced Life Underwriting is wished continued success during its next 50 years.

SENATE RESOLUTION 160—RECOGNIZING THE IMPORTANCE OF HOT SPRINGS NATIONAL PARK ON THE 175TH ANNIVERSARY OF THE ENACTMENT OF THE ACT THAT AUTHORIZED THE ESTABLISHMENT OF HOT SPRINGS RESERVATION

Mrs. LINCOLN (for herself and Mr. PRYOR) submitted the following resolution; which was considered and agreed to:

S. RES. 160

Whereas, in 1803, the 47 hot springs that eventually received protection under the first section of the Act of April 20, 1832 (4 Stat. 505, chapter 70) formally became the property of the United States as part of the Louisiana Purchase;

Whereas, with the establishment of the Hot Springs Reservation, the concept in the United States of setting aside a nationally significant place for the future enjoyment of the citizens of the United States was first carried out 175 years ago in Hot Springs, Arkansas;

Whereas the Hot Springs Reservation protected 47 hot springs in the area of Hot Springs, Arkansas;

Whereas, in the first section of the Act of April 20, 1832 (4 Stat. 505, chapter 70), Congress required that ''the hot springs in said territory, together with four sections of land, including said springs, as near the centre thereof as may be, shall be reserved for the future disposal of the United States, and shall not be entered, located, or appropriated, for any other purpose whatever'';

Whereas the Hot Springs Reservation was the first protected area in the United States;

Whereas the Act that authorized the establishment of the Hot Springs Reservation was enacted before the establishment of the Department of the Interior in 1849, and before the establishment of Yellowstone National Park as the first national park of the United States in 1872;

Whereas, in 1921, the Hot Springs Reservation was renamed ''Hot Springs National Park'' and became the 18th national park of the United States; and

Whereas the tradition of preservation and conservation that inspired the development of the National Park System, which now includes 390 units, began with the Act that authorized the establishment of the Hot Springs Reservation: Now, therefore, be it

Resolved, That on 175th anniversary of the Act of Congress that authorized the establishment of the Hot Springs Reservation, the Senate recognizes the important contributions of the Hot Springs Reservation and the Hot Springs National Park to the history of conservation in the United States.

SENATE RESOLUTION 161—HONORING THE LIFE OF OLIVER WHITE HILL, A PIONEER IN THE FIELD OF AMERICAN CIVIL RIGHTS LAW, ON THE OCCASION OF HIS 100TH BIRTHDAY

Mr. WEBB (for himself and Mr. WARNER) submitted the following resolution; which was considered and agreed to:

S. RES. 161

Whereas Oliver White Hill was born on May 1, 1907, in Richmond, Virginia, moved with his family to Roanoke, Virginia, and graduated from Dunbar High School in Washington, DC;

Whereas Mr. Hill earned his undergraduate degree from Howard University and received a law degree from Howard University School of Law in 1933, graduating second in his class behind valedictorian and future Supreme Court Justice Thurgood Marshall;

Whereas, in 1934, Mr. Hill became a member of the Virginia Bar and began his law practice in Roanoke, Virginia, and continued in Richmond, Virginia, in 1939, leading the Virginia legal team of the National Association for the Advancement of Colored People (NAACP) from 1940 to 1961 and serving as one of the principal attorneys on the historic Brown v. Board of Education case in 1954;

Whereas Mr. Hill interrupted his law practice to serve in the United States Armed Forces from 1943 to 1945, and was later appointed by President Harry S. Truman to a committee to study racism in the United States;

Whereas, in 1948, Mr. Hill became the first African-American elected to the Richmond, Virginia, City Council since Reconstruction, and later served in appointed capacities with the Federal Housing Administration and the then-newly-created Department of Housing and Urban Development;

Whereas Mr. Hill served as legal counsel in many of the Nation's most important civil rights cases concerning equal opportunity in education, employment, housing, transportation, and the justice system;

Whereas Mr. Hill has remained actively engaged with civic enterprises at the community, State, national, and international levels, and earned numerous accolades and awards, including the Presidential Medal of Freedom from President William Jefferson Clinton in 1999; the NAACP Spingarn Medal in 2005; and the dedication of a building on the grounds of the Virginia State Capitol in his honor by the Commonwealth of Virginia in 2005; and

Whereas Mr. Hill served as a mentor to generations of attorneys, activists, and public servants: Now, therefore, be it

Resolved, That the Senate honors the life and legacy of Oliver White Hill, a pioneer in the field of American civil rights law, on the occasion of his 100th birthday.

SENATE CONCURRENT RESOLUTION 28—CONGRATULATING THE CITY OF CHICAGO FOR BEING CHOSEN TO REPRESENT THE UNITED STATES IN THE INTERNATIONAL COMPETITION TO HOST THE 2016 OLYMPIC AND PARALYMPIC GAMES, AND ENCOURAGING THE INTERNATIONAL OLYMPIC COMMITTEE TO SELECT CHICAGO AS THE SITE OF THE 2016 OLYMPIC AND PARALYMPIC GAMES

Mr. DURBIN (for himself, Mr. OBAMA, and Mr. STEVENS) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 28

Whereas the City of Chicago has been selected by the United States Olympic Committee to represent the United States in its bid to host the 2016 Summer Olympic and Paralympic Games;

Whereas, by 2016, 20 years will have passed since the Summer Olympics were held in a city in the United States;

Whereas Chicago is a world-class city with remarkable diversity, culture, history, and people;

Whereas the citizens of Chicago take great pride in all aspects of their city and have a deep love for sports;

Whereas Chicago already holds a place in the international community as a city of immigrants from around the world, who are eager to be ambassadors to visiting Olympic athletes;

Whereas the Olympic and Paralympic Games will be played in the heart of Chicago so that athletes and visitors can appreciate the beauty of the downtown parks and lakefront;

Whereas Chicago is one of the transportation hubs of the world and can provide accessible transportation to international visitors through extensive rail, transit, and motorways infrastructure, combined with the world-class O'Hare and Midway International Airports;

Whereas the motto of the 2016 Olympic and Paralympic Games in Chicago would be ''Stir the Soul,'' and the games would inspire citizens around the world, both young and old;

Whereas a Midwestern city has not hosted the Olympic Games since the 1904 games in St. Louis, Missouri, and the opportunity to host the Olympics would be an achievement not only for Chicago and for the State of Illinois, but also for the entire Midwest;

Whereas hosting the 2016 Olympic and Paralympic Games would provide substantial local, regional, and national economic benefits;

Whereas Mayor Richard M. Daley, Patrick Ryan, and members of the Chicago 2016 Committee have campaigned tirelessly to secure Chicago's bid to host the Olympic and Paralympic Games;

Whereas, through the campaign to be selected by the United States Olympic Committee, Chicago's citizens, officials, workers, community groups, and businesses have demonstrated their ability to come together to exemplify the true spirit of the Olympic Games and the City of Chicago; and

Whereas the Olympic and Paralympic Games represent the best of the human spirit and there is no better fit for hosting this event than one of the world's truly great cities: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) congratulates the City of Chicago on securing the bid to represent the United States in the international competition to host the 2016 Olympic and Paralympic Games; and

(2) encourages the International Olympic Committee to select Chicago as the site of the 2016 Olympic and Paralympic Games.

AMENDMENTS SUBMITTED AND PROPOSED

SA 888. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 378, to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes; which was ordered to lie on the table.

SA 889. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 378, supra; which was ordered to lie on the table .

SA 890. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 378, supra; which was ordered to lie on the table .

SA 891. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 378, supra.

SA 892. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 378, supra; which was ordered to lie on the table .

SA 893. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 378, supra; which was ordered to lie on the table .

SA 894. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 378, supra; which was ordered to lie on the table.

SA 895. Mr. BIDEN submitted an amendment intended to be proposed by him to the bill S. 378, supra; which was ordered to lie on the table .

SA 896. Mr. LEAHY (for himself and Mr. SPECTER) proposed an amendment to the bill S. 378, supra.

SA 897. Mr. ENSIGN (for himself and Mr. CRAIG) submitted an amendment intended to be proposed by him to the bill S. 378, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 888. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 378, to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 507. OFFSET REQUIREMENT.

Any funds appropriated for the activities authorized by this Act shall be offset by an equal amount of funds appropriated to the Department of Justice that are unobligated which shall be returned to the Treasury for retirement of the national debt.

SA 889. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 378, to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 5___. PROHIBITION ON FUNDING TO THE DRUG POLICY ALLIANCE OF NEW MEXICO.

Notwithstanding any other provision of law, the Department of Justice may not provide any funds to the Drug Policy Alliance of New Mexico.

SA 890. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 378, to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 5___. PROHIBITION ON FUNDING TO ORGANIZATIONS THAT DO NOT OPPOSE THE LEGALIZATION OR DECRIMINALIZATION OF ILLEGAL DRUGS.

Notwithstanding any other provision of law, the Department of Justice may not provide any funds to any organization that does not explicitly oppose the legalization or decriminalization of illegal drugs.

SA 891. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 378, to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC 5.___ SENSE OF THE SENATE.

(a) FINDINGS.—The Senate finds that—

(1) the national debt of the United States of America now exceeds $8,500,000,000;000;

(2) each United States citizen's share of this debt is approximately $29,183;

(3) every cent that the United States Government borrows and adds to this debt is money stolen from future generations of Americans and from important programs, including Social Security and Medicare on which our senior citizens depend for their retirement security;

(4) the power of the purse belongs to Congress;

(5) Congress authorizes and appropriates all Federal discretionary spending;

(6) for too long, Congress has simply borrowed more and more money to pay for new spending, while Americans want Congress to live within its means, using the same set of common sense rules and restraints Americans face everyday; because in the real world, families cannot follow Congress's example and must make difficult decisions and set priorities on how to spend their limited financial resources; and

(7) it is irresponsible for Congress to authorize new spending for programs that will result in borrowing from Social Security, Medicare, foreign nations, or future generations of Americans.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that Congress has a moral obligation to offset the cost of new government programs, initiatives, and authorizations.

SA 892. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 378, to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 5___. DEPARTMENT OF JUSTICE CONFERENCE EXPENSES.

(a) DEFINITION.—In this section, the term ''conference'' means a meeting that—

(1) is held for consultation, education, or discussion;

(2) includes participants who are not all employees of the same agency;

(3) is not held entirely at an agency facility;

(4) involves costs associated with travel and lodging for some participants; and

(5) is sponsored by 1 or more agencies, 1 or more organizations that are not agencies, or a combination of such agencies or organizations.

(b) LIMITATION.—Notwithstanding any other provision of law, the Department of Justice may not expend more than $35,000,000 for conferences in any fiscal year.

SA 893. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 378, to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 507. COMPETITIVE BIDDING FOR COPS.

(a) GRANT COMPETITIVENESS.—Each grant made under part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (COPS program) shall be—

(1) awarded on a competitive basis;

(2) given priority based on—

(A) demonstrated need; and

(B) demonstrated results or effective use of the funds; and

(3) made without consideration of report language accompanying enacted legislation.

(b) UNOBLIGATED FUNDS.—Any funds appropriated for the COPS program that are not obligated to a grantee through a competitive process shall be returned to the Treasury to pay down the national debt.

SA 894. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 378, to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 5___. IMPROVEMENTS TO THE CLASSIFIED INFORMATION PROCEDURES ACT.

(a) INTERLOCUTORY APPEALS UNDER THE CLASSIFIED INFORMATION PROCEDURES ACT.—Section 7(a) of the Classified Information Procedures Act (18 U.S.C. App.) is amended by adding at the end ''The Government's right to appeal under this section applies without regard to whether the order appealed from was entered under this Act.''.

(b) EX PARTE AUTHORIZATIONS UNDER THE CLASSIFIED INFORMATION PROCEDURES ACT.—Section 4 of the Classified Information Procedures Act (18 U.S.C. App.) is amended—

(1) in the second sentence—

(A) by striking ''may'' and inserting ''shall''; and

(B) by striking ''written statement to be inspected'' and inserting ''statement to be made ex parte and to be considered''; and

(2) in the third sentence—

(A) by striking ''If the court enters an order granting relief following such an ex parte showing, the'' and inserting ''The''; and

(B) by inserting '', as well as any summary of the classified information the defendant seeks to obtain,'' after ''text of the statement of the United States''.

(c) APPLICATION OF CLASSIFIED INFORMATION PROCEDURES ACT TO NONDOCUMENTARY INFORMATION.—Section 4 of the Classified Information Procedures Act (18 U.S.C. App.) is amended—

(1) in the section heading, by inserting '', AND ACCESS TO,'' after ''OF'';

(2) by inserting ''(a) DISCOVERY OF CLASSIFIED INFORMATION FROM DOCUMENTS.—'' before the first sentence; and

(3) by adding at the end the following:

''(b) ACCESS TO OTHER CLASSIFIED INFORMATION.—

''(1) If the defendant seeks access through deposition under the Federal Rules of Criminal Procedure or otherwise to non-documentary information from a potential witness or other person which he knows or reasonably believes is classified, he shall notify the attorney for the United States and the district court in writing. Such notice shall specify with particularity the classified information sought by the defendant and the legal basis for such access. At a time set by the court, the United States may oppose access to the classified information.

''(2) If, after consideration of any objection raised by the United States, including any objection asserted on the basis of privilege, the court determines that the defendant is legally entitled to have access to the information specified in the notice required by paragraph (1), the United States may request the substitution of a summary of the classified information or the substitution of a statement admitting relevant facts that the classified information would tend to prove.

''(3) The court shall permit the United States to make its objection to access or its request for such substitution in the form of a statement to be made ex parte and to be considered by the court alone. The entire text of the statement of the United States, as well as any summary of the classified information the defendant seeks to obtain, shall be sealed and preserved in the records of the court and made available to the appellate court in the event of an appeal.

''(4) The court shall grant the request of the United States to substitute a summary of the classified information or to substitute a statement admitting relevant facts that the classified information would tend to prove if it finds that the summary or statement will provide the defendant with substantially the same ability to make his defense as would disclosure of the specific classified information.

''(5) A defendant may not obtain access to classified information subject to this subsection except as provided in this subsection. Any proceeding, whether by deposition under the Federal Rules of Criminal Procedure or otherwise, in which a defendant seeks to obtain access to such classified information not previously authorized by a court for disclosure under this subsection must be discontinued or may proceed only as to lines of inquiry not involving such classified information.''.

SA 895. Mr. BIDEN submitted an amendment intended to be proposed by him to the bill S. 378, to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, insert the following:

DIVISION B—RECIDIVISM REDUCTION AND SECOND CHANCE ACT OF 2007

SEC. __01. SHORT TITLE.

This division may be cited as the ''Recidivism Reduction and Second Chance Act of 2007'' or the ''Second Chance Act of 2007''.

SEC. __02. FINDINGS.

Congress finds the following:

(1) In 2002, over 7,000,000 people were incarcerated in Federal or State prisons or in local jails. Nearly 650,000 people are released from Federal and State incarceration into communities nationwide each year.

(2) There are over 3,200 jails throughout the United States, the vast majority of which are operated by county governments. Each year, these jails will release more than 10,000,000 people back into the community.

(3) Recent studies indicate that over ⅔ of released State prisoners are expected to be rearrested for a felony or serious misdemeanor within 3 years after release.

(4) According to the Bureau of Justice Statistics, expenditures on corrections alone increased from $9,000,000,000 in 1982, to $59,600,000,000 in 2002. These figures do not include the cost of arrest and prosecution, nor do they take into account the cost to victims.

(5) The Serious and Violent Offender Reentry Initiative provided $139,000,000 in funding for State governments to develop and implement education, job training, mental health treatment, and substance abuse treatment for serious and violent offenders. This Act seeks to build upon the innovative and successful State reentry programs developed under the Serious and Violent Offender Reentry Initiative, which terminated after fiscal year 2005.

(6) Between 1991 and 1999, the number of children with a parent in a Federal or State correctional facility increased by more than 100 percent, from approximately 900,000 to approximately 2,000,000. According to the Bureau of Prisons, there is evidence to suggest that inmates who are connected to their children and families are more likely to avoid negative incidents and have reduced sentences.

(7) Released prisoners cite family support as the most important factor in helping them stay out of prison. Research suggests that families are an often underutilized resource in the reentry process.

(8) Approximately 100,000 juveniles (ages 17 years and under) leave juvenile correctional facilities, State prison, or Federal prison each year. Juveniles released from secure confinement still have their likely prime crime years ahead of them. Juveniles released from secure confinement have a recidivism rate ranging from 55 to 75 percent. The chances that young people will successfully transition into society improve with effective reentry and aftercare programs.

(9) Studies have shown that between 15 percent and 27 percent of prisoners expect to go to homeless shelters upon release from prison.

(10) Fifty-seven percent of Federal and 70 percent of State inmates used drugs regularly before going to prison, and the Bureau of Justice Statistics report titled ''Trends in State Parole, 1990–2000'' estimates the use of drugs or alcohol around the time of the offense that resulted in the incarceration of the inmate at as high as 84 percent.

(11) Family-based treatment programs have proven results for serving the special populations of female offenders and substance abusers with children. An evaluation by the Substance Abuse and Mental Health Services Administration of family-based treatment for substance-abusing mothers and children found that 6 months after such treatment, 60 percent of the mothers remained alcohol and drug free, and drug-related offenses declined from 28 percent to 7 percent. Additionally, a 2003 evaluation of residential family-based treatment programs revealed that 60 percent of mothers remained clean and sober 6 months after treatment, criminal arrests declined by 43 percent, and 88 percent of the children treated in the program with their mothers remained stabilized.

(12) A Bureau of Justice Statistics analysis indicated that only 33 percent of Federal inmates and 36 percent of State inmates had participated in residential in-patient treatment programs for alcohol and drug abuse 12 months before their release. Further, over ⅓ of all jail inmates have some physical or mental disability and 25 percent of jail inmates have been treated at some time for a mental or emotional problem.

(13) State Substance Abuse Agency Directors, also known as Single State Authorities (in this paragraph referred to as ''SSAs''), manage the publicly funded substance abuse prevention and treatment system of the Nation. SSAs are responsible for planning and implementing State-wide systems of care that provide clinically appropriate substance abuse services. Given the high rate of substance use disorders among offenders reentering our communities, successful reentry programs require close interaction and collaboration with each SSA as the program is planned, implemented and evaluated.

(14) According to the National Institute of Literacy, 70 percent of all prisoners function at the lowest literacy levels.

(15) Less than 32 percent of State prison inmates have a high school diploma or a higher level of education, compared to 82 percent of the general population.

(16) Approximately 38 percent of inmates who completed 11 years or less of school were not working before entry into prison.

(17) The percentage of State prisoners participating in educational programs decreased by more than 8 percent between 1991 and 1997, despite growing evidence of how educational programming while incarcerated reduces recidivism.

(18) The National Institute of Justice has found that 1 year after release, up to 60 percent of former inmates are not employed.

(19) Transitional jobs programs have proven to help people with criminal records to successfully return to the workplace and to the community, and therefore can reduce recidivism.

SEC. __03. SUBMISSION OF REPORTS TO CONGRESS.

Not later than January 31 of each year, the Attorney General shall submit each report received under this division or an amendment made by this division during the preceding year to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives.

TITLE I—AMENDMENTS RELATED TO THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968

Subtitle A—Improvements to Existing Programs

SEC. 101. REAUTHORIZATION OF ADULT AND JUVENILE OFFENDER STATE AND LOCAL REENTRY DEMONSTRATION PROJECTS.

(a) ADULT AND JUVENILE OFFENDER DEMONSTRATION PROJECTS AUTHORIZED.—Section 2976(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797w(b)) is amended by striking paragraphs (1) through (4) and inserting the following:

''(1) establishing or improving the system or systems under which—

''(A) correctional agencies and other criminal and juvenile justice agencies of the grant recipient develop and carry out plans to facilitate the reentry into the community of each offender in the custody of the jurisdiction involved;

''(B) the supervision and services provided to offenders in the custody of the jurisdiction involved are coordinated with the supervision and services provided to offenders after reentry into the community, including coordination with Comprehensive and Continuous Offender Reentry Task Forces under section 2902 or with similar planning groups;

''(C) the efforts of various public and private entities to provide supervision and services to offenders after reentry into the community, and to family members of such offenders, are coordinated; and

''(D) offenders awaiting reentry into the community are provided with documents (such as identification papers, referrals to services, medical prescriptions, job training certificates, apprenticeship papers, and information on obtaining public assistance) useful in achieving a successful transition from prison, jail, or a juvenile facility;

''(2) carrying out programs and initiatives by units of local government to strengthen reentry services for individuals released from local jails, including coordination with Comprehensive and Continuous Offender Reentry Task Forces under section 2902 or with similar planning groups;

''(3) assessing the literacy, educational, and vocational needs of offenders in custody and identifying and providing services appropriate to meet those needs, including follow-up assessments and long-term services;

''(4) facilitating collaboration among the corrections (including community corrections), technical school, community college, business, nonprofit, workforce development, and employment service sectors—

''(A) to promote, where appropriate, the employment of people released from prison, jail, or a juvenile facility through efforts such as educating employers about existing financial incentives;

''(B) to facilitate the creation of job opportunities, including transitional jobs and time-limited subsidized work experience (where appropriate);

''(C) to connect offenders to employment (including supportive employment and employment services before their release to the community), provide work supports (including transportation and retention services), as appropriate, and identify labor market needs to ensure that education and training are appropriate; and

''(D) to address obstacles to employment that are not directly connected to the offense committed and the risk that the offender presents to the community and provide case management services as necessary to prepare offenders for jobs that offer the potential for advancement and growth;

''(5) providing offenders with education, job training, responsible parenting and healthy relationship skills training (designed specifically to address the needs of fathers and mothers in or transitioning from prison, jail, or a juvenile facility), English literacy education, work experience programs, self-respect and life skills training, and other skills useful in achieving a successful transition from prison, jail, or a juvenile facility;

''(6) providing structured post-release housing and transitional housing (including group homes for recovering substance abusers (with appropriate safeguards that may include single-gender housing)) through which offenders are provided supervision and services immediately following reentry into the community;

''(7) assisting offenders in securing permanent housing upon release or following a stay in transitional housing;

''(8) providing substance abuse treatment and services (including providing a full continuum of substance abuse treatment services that encompasses outpatient services, comprehensive residential services and recovery, and recovery home services) to offenders reentering the community from prison, jail, or a juvenile facility;

''(9) expanding family-based drug treatment centers that offer family-based comprehensive treatment services for parents and their children as a complete family unit, as appropriate to the safety, security, and well-being of the family;

''(10) encouraging collaboration among juvenile and adult corrections, community corrections, and community health centers to allow access to affordable and quality primary health care for offenders during the period of transition from prison, jail, or a juvenile facility to the community;

''(11) providing or facilitating health care services to offenders (including substance abuse screening, treatment, and aftercare, infectious disease screening and treatment, and screening, assessment, and aftercare for mental health services) to protect the communities in which offenders will live;

''(12) enabling prison, jail, or juvenile facility mentors of offenders to remain in contact with those offenders (including through the use of all available technology) while in prison, jail, or a juvenile facility and after reentry into the community, and encouraging the involvement of prison, jail, or a juvenile facility mentors in the reentry process;

''(13) systems under which family members of offenders are involved in facilitating the successful reentry of those offenders into the community (as appropriate to the safety, security, and well-being of the family), including removing obstacles to the maintenance of family relationships while the offender is in custody, strengthening the family's capacity to function as a stable living situation during reentry, and involving family members in the planning and implementation of the reentry process;

''(14) creating, developing, or enhancing offender and family assessments, curricula, policies, procedures, or programs (including mentoring programs)—

''(A) to help offenders with a history or identified risk of domestic violence, dating violence, sexual assault, or stalking reconnect with their families and communities (as appropriate to the safety, security, and well-being of the family), and become non-abusive parents or partners; and

''(B) under which particular attention is paid to the safety of children affected and the confidentiality concerns of victims, and efforts are coordinated with victim service providers;

''(15) maintaining the parent-child relationship, as appropriate to the safety, security, and well-being of the child as determined by the relevant corrections and child protective services agencies, including—

''(A) implementing programs in correctional agencies to include the collection of information regarding any dependent children of an offender as part of intake procedures, including the number, age, and location or jurisdiction of such children;

''(B) connecting those identified children with services as appropriate and needed;

''(C) carrying out programs (including mentoring) that support children of incarcerated parents, including those in foster care and those cared for by grandparents or other relatives (which is commonly referred to as kinship care);

''(D) developing programs and activities (including mentoring) that support parent-child relationships, as appropriate to the safety, security, and well-being of the family, including technology to promote the parent-child relationship and to facilitate participation in parent-teacher conferences, books on tape programs, family days, and visitation areas for children while visiting an incarcerated parent;

''(E) helping incarcerated parents to learn responsible parenting and healthy relationship skills;

''(F) addressing visitation obstacles to children of an incarcerated parent, such as the location of facilities in remote areas, telephone costs, mail restrictions, and visitation policies; and

''(G) identifying and addressing obstacles to collaborating with child welfare agencies in the provision of services jointly to offenders in custody and to the children of such offenders;

''(16) carrying out programs for the entire family unit, including the coordination of service delivery across agencies;

''(17) facilitating and encouraging timely and complete payment of restitution and fines by offenders to victims and the community;

''(18) providing services as necessary to victims upon release of offenders, including security services and counseling, and facilitating the inclusion of victims, on a voluntary basis, in the reentry process;

''(19) establishing or expanding the use of reentry courts and other programs to—

''(A) monitor offenders returning to the community;

''(B) provide returning offenders with—

''(i) drug and alcohol testing and treatment; and

''(ii) mental and medical health assessment and services;

''(C) facilitate restorative justice practices and convene family or community impact panels, family impact educational classes, victim impact panels, or victim impact educational classes;

''(D) provide and coordinate the delivery of other community services to offenders, including—

''(i) employment training;

''(ii) education;

''(iii) housing assistance;

''(iv) children and family support, including responsible parenting and healthy relationship skill training designed specifically to address the needs of incarcerated and transitioning fathers and mothers;

''(v) conflict resolution skills training;

''(vi) family violence intervention programs; and

''(vii) other appropriate services; and

''(E) establish and implement graduated sanctions and incentives;

''(20) developing a case management reentry program that—

''(A) provides services to eligible veterans, as defined by the Attorney General; and

''(B) provides for a reentry service network solely for such eligible veterans that coordinates community services and veterans services for offenders who qualify for such veterans services; and

''(21) protecting communities against dangerous offenders, including—

''(A) conducting studies in collaboration with Federal research initiatives in effect on the date of enactment of the Second Chance Act of 2007, to determine which offenders are returning to prisons, jails, and juvenile facilities and which of those returning offenders represent the greatest risk to community safety;

''(B) developing and implementing procedures to assist relevant authorities in determining when release is appropriate and in the use of data to inform the release decision;

''(C) using validated assessment tools to assess the risk factors of returning inmates, and developing or adopting procedures to ensure that dangerous felons are not released from prison prematurely; and

''(D) developing and implementing procedures to identify efficiently and effectively those violators of probation, parole, or post-incarceration supervision who represent the greatest risk to community safety.''.

(b) JUVENILE OFFENDER DEMONSTRATION PROJECTS REAUTHORIZED.—Section 2976(c) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797w(c)) is amended by striking ''may be expended for'' and all that follows through the period at the end and inserting ''may be expended for any activity described in subsection (b).''.

(c) APPLICATIONS; REQUIREMENTS; PRIORITIES; PERFORMANCE MEASUREMENTS.—Section 2976 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797w) is amended—

(1) by redesignating subsection (h) as subsection (o); and

(2) by striking subsections (d) through (g) and inserting the following:

''(d) APPLICATIONS.—A State, unit of local government, territory, or Indian tribe, or combination thereof, desiring a grant under this section shall submit an application to the Attorney General that—

''(1) contains a reentry strategic plan, as described in subsection (h), which describes the long-term strategy and incorporates a detailed implementation schedule, including the plans of the applicant to pay for the program after the Federal funding is discontinued;

''(2) identifies the local government role and the role of governmental agencies and nonprofit organizations that will be coordinated by, and that will collaborate on, the offender reentry strategy of the applicant, and certifies the involvement of such agencies and organizations; and

''(3) describes the evidence-based methodology and outcome measures that will be used to evaluate the program funded with a grant under this section, and specifically explains how such measurements will provide valid measures of the impact of that program.

''(e) REQUIREMENTS.—The Attorney General may make a grant to an applicant under this section only if the application—

''(1) reflects explicit support of the chief executive officer of the State, unit of local government, territory, or Indian tribe applying for a grant under this section;

''(2) provides extensive discussion of the role of State corrections departments, community corrections agencies, juvenile justice systems, or local jail systems in ensuring successful reentry of offenders into their communities;

''(3) provides extensive evidence of collaboration with State and local government agencies overseeing health, housing, child welfare, education, substance abuse, victims services, and employment services, and with local law enforcement agencies;

''(4) provides a plan for analysis of the statutory, regulatory, rules-based, and practice-based hurdles to reintegration of offenders into the community; and

''(5) includes the use of a State, local, territorial, or tribal task force, described in subsection (i), to carry out the activities funded under the grant.

''(f) PRIORITY CONSIDERATIONS.—The Attorney General shall give priority to grant applications under this section that best—

''(1) focus initiative on geographic areas with a disproportionate population of offenders released from prisons, jails, and juvenile facilities;

''(2) include—

''(A) input from nonprofit organizations, in any case where relevant input is available and appropriate to the grant application;

''(B) consultation with crime victims and offenders who are released from prisons, jails, and juvenile facilities; and

''(C) coordination with families of offenders;

''(3) demonstrate effective case assessment and management abilities in order to provide comprehensive and continuous reentry, including—

''(A) planning while offenders are in prison, jail, or a juvenile facility, pre-release transition housing, and community release;

''(B) establishing pre-release planning procedures to ensure that the eligibility of an offender for Federal or State benefits upon release is established prior to release, subject to any limitations in law, and to ensure that offenders obtain all necessary referrals for reentry services; and

''(C) delivery of continuous and appropriate drug treatment, medical care, job training and placement, educational services, or any other service or support needed for reentry;

''(4) review the process by which the applicant adjudicates violations of parole, probation, or supervision following release from prison, jail, or a juvenile facility, taking into account public safety and the use of graduated, community-based sanctions for minor and technical violations of parole, probation, or supervision (specifically those violations that are not otherwise, and independently, a violation of law);

''(5) provide for an independent evaluation of reentry programs that include, to the maximum extent possible, random assignment and controlled studies to determine the effectiveness of such programs; and

''(6) target high-risk offenders for reentry programs through validated assessment tools.

''(g) USES OF GRANT FUNDS.—

''(1) FEDERAL SHARE.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the Federal share of a grant received under this section may not exceed 75 percent of the project funded under such grant in fiscal year 2008.

''(B) WAIVER.—Subparagraph (A) shall not apply if the Attorney General—

''(i) waives, in whole or in part, the requirement of this paragraph; and

''(ii) publishes in the Federal Register the rationale for the waiver.

''(2) SUPPLEMENT NOT SUPPLANT.—Federal funds received under this section shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for the activities funded under this section.

''(h) REENTRY STRATEGIC PLAN.—

''(1) IN GENERAL.—As a condition of receiving financial assistance under this section, each applicant shall develop a comprehensive strategic reentry plan that contains measurable annual and 5-year performance outcomes, and that uses, to the maximum extent possible, random assigned and controlled studies to determine the effectiveness of the program funded with a grant under this section. One goal of that plan shall be to reduce the rate of recidivism (as defined by the Attorney General, consistent with the research on offender reentry undertaken by the Bureau of Justice Statistics) for offenders released from prison, jail, or a juvenile facility who are served with funds made available under this section by 50 percent over a period of 5 years.

''(2) COORDINATION.—In developing a reentry plan under this subsection, an applicant shall coordinate with communities and stakeholders, including persons in the fields of public safety, juvenile and adult corrections, housing, health, education, substance abuse, children and families, victims services, employment, and business and members of nonprofit organizations that can provide reentry services.

''(3) MEASUREMENTS OF PROGRESS.—Each reentry plan developed under this subsection shall measure the progress of the applicant toward increasing public safety by reducing rates of recidivism and enabling released offenders to transition successfully back into their communities.

''(i) REENTRY TASK FORCE.—

''(1) IN GENERAL.—As a condition of receiving financial assistance under this section, each applicant shall establish or empower a Reentry Task Force, or other relevant convening authority, to—

''(A) examine ways to pool resources and funding streams to promote lower recidivism rates for returning offenders and minimize the harmful effects of offenders' time in prison, jail, or a juvenile facility on families and communities of offenders by collecting data and best practices in offender reentry from demonstration grantees and other agencies and organizations; and

''(B) provide the analysis described in subsection (e)(4).

''(2) MEMBERSHIP.—The task force or other authority under this subsection shall be comprised of—

''(A) relevant State, tribal, territorial, or local leaders; and

''(B) representatives of relevant—

''(i) agencies;

''(ii) service providers;

''(iii) nonprofit organizations; and

''(iv) stakeholders.

''(j) STRATEGIC PERFORMANCE OUTCOMES.—

''(1) IN GENERAL.—Each applicant shall identify in the reentry strategic plan developed under subsection (h), specific performance outcomes relating to the long-term goals of increasing public safety and reducing recidivism.

''(2) PERFORMANCE OUTCOMES.—The performance outcomes identified under paragraph (1) shall include, with respect to offenders released back into the community—

''(A) reduction in recidivism rates, which shall be reported in accordance with the measure selected by the Director of the Bureau of Justice Statistics under section 234(c)(2) of the Second Chance Act of 2007;

''(B) reduction in crime;

''(C) increased employment and education opportunities;

''(D) reduction in violations of conditions of supervised release;

''(E) increased payment of child support;

''(F) increased housing opportunities;

''(G) reduction in drug and alcohol abuse; and

''(H) increased participation in substance abuse and mental health services.

''(3) OTHER OUTCOMES.—A grantee under this section may include in the reentry strategic plan developed under subsection (h) other performance outcomes that increase the success rates of offenders who transition from prison, jails, or juvenile facilities.

''(4) COORDINATION.—A grantee under this section shall coordinate with communities and stakeholders about the selection of performance outcomes identified by the applicant, and shall consult with the Attorney General for assistance with data collection and measurement activities as provided for in the grant application materials.

''(5) REPORT.—Each grantee under this section shall submit an annual report to the Attorney General that—

''(A) identifies the progress of the grantee toward achieving its strategic performance outcomes; and

''(B) describes other activities conducted by the grantee to increase the success rates of the reentry population, such as programs that foster effective risk management and treatment programming, offender accountability, and community and victim participation.

''(k) PERFORMANCE MEASUREMENT.—

''(1) IN GENERAL.—The Attorney General, in consultation with grantees under this section, shall—

''(A) identify primary and secondary sources of information to support the measurement of the performance indicators identified under this section;

''(B) identify sources and methods of data collection in support of performance measurement required under this section;

''(C) provide to all grantees technical assistance and training on performance measures and data collection for purposes of this section; and

''(D) consult with the Substance Abuse and Mental Health Services Administration and the National Institute on Drug Abuse on strategic performance outcome measures and data collection for purposes of this section relating to substance abuse and mental health.

''(2) COORDINATION.—The Attorney General shall coordinate with other Federal agencies to identify national and other sources of information to support performance measurement of grantees.

''(3) STANDARDS FOR ANALYSIS.—Any statistical analysis of population data conducted pursuant to this section shall be conducted in accordance with the Federal Register Notice dated October 30, 1997, relating to classification standards.

''(l) FUTURE ELIGIBILITY.—To be eligible to receive a grant under this section in any fiscal year after the fiscal year in which a grantee receives a grant under this section, a grantee shall submit to the Attorney General such information as is necessary to demonstrate that—

''(1) the grantee has adopted a reentry plan that reflects input from nonprofit organizations, in any case where relevant input is available and appropriate to the grant application;

''(2) the reentry plan of the grantee includes performance measures to assess progress of the grantee toward a 10 percent reduction in the rate of recidivism over a 2-year period.

''(3) the grantee will coordinate with the Attorney General, nonprofit organizations (if relevant input from nonprofit organizations is available and appropriate), and other experts regarding the selection and implementation of the performance measures described in subsection (k).

''(m) NATIONAL ADULT AND JUVENILE OFFENDER REENTRY RESOURCE CENTER.—

''(1) AUTHORITY.—The Attorney General may, using amounts made available to carry out this subsection, make a grant to an eligible organization to provide for the establishment of a National Adult and Juvenile Offender Reentry Resource Center.

''(2) ELIGIBLE ORGANIZATION.—An organization eligible for the grant under paragraph (1) is any national nonprofit organization approved by the Interagency Task Force on Federal Programs and Activities Relating to the Reentry of Offenders Into the Community, that provides technical assistance and training to, and has special expertise and broad, national-level experience in, offender reentry programs, training, and research.

''(3) USE OF FUNDS.—The organization receiving a grant under paragraph (1) shall establish a National Adult and Juvenile Offender Reentry Resource Center to—

''(A) provide education, training, and technical assistance for States, tribes, territories, local governments, service providers, nonprofit organizations, and corrections institutions;

''(B) collect data and best practices in offender reentry from demonstration grantees and others agencies and organizations;

''(C) develop and disseminate evaluation tools, mechanisms, and measures to better assess and document coalition performance measures and outcomes;

''(D) disseminate information to States and other relevant entities about best practices, policy standards, and research findings;

''(E) develop and implement procedures to assist relevant authorities in determining when release is appropriate and in the use of data to inform the release decision;

''(F) develop and implement procedures to identify efficiently and effectively those violators of probation, parole, or supervision following release from prison, jail, or a juvenile facility who should be returned to prisons, jails, or juvenile facilities and those who should receive other penalties based on defined, graduated sanctions;

''(G) collaborate with the Interagency Task Force on Federal Programs and Activities Relating to the Reentry of Offenders Into the Community, and the Federal Resource Center for Children of Prisoners;

''(H) develop a national reentry research agenda; and

''(I) establish a database to enhance the availability of information that will assist offenders in areas including housing, employment, counseling, mentoring, medical and mental health services, substance abuse treatment, transportation, and daily living skills.

''(4) LIMIT.—Of amounts made available to carry out this section, not more than 4 percent shall be available to carry out this subsection.

''(n) ADMINISTRATION.—Of amounts made available to carry out this section—

''(1) not more than 2 percent shall be available for administrative expenses in carrying out this section; and

''(2) not more than 2 percent shall be made available to the National Institute of Justice to evaluate the effectiveness of the demonstration projects funded under this section, using a methodology that—

''(A) includes, to the maximum extent feasible, random assignment of offenders (or entities working with such persons) to program delivery and control groups; and

''(B) generates evidence on which reentry approaches and strategies are most effective.''.

(d) GRANT AUTHORIZATION.—Section 2976(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797w(a)) is amended by striking ''States, Territories'' and all that follows through the period at the end and inserting the following: ''States, local governments, territories, or Indian tribes, or any combination thereof, in partnership with stakeholders, service providers, and nonprofit organizations.''.

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 2976(o) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797w), as so redesignated by subsection (c) of this section, is amended—

(1) in paragraph (1), by striking ''$15,000,000 for fiscal year 2003'' and all that follows and inserting ''$50,000,000 for each of fiscal years 2008 and 2009.''; and

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

''(2) LIMITATION.—Of the amount made available to carry out this section in any fiscal year, not more than 3 percent or less than 2 percent may be used for technical assistance and training.''.

SEC. 102. IMPROVEMENT OF THE RESIDENTIAL SUBSTANCE ABUSE TREATMENT FOR STATE OFFENDERS PROGRAM.

(a) REQUIREMENT FOR AFTERCARE COMPONENT.—Section 1902(c) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ff–1(c)), is amended—

(1) by striking the subsection heading and inserting ''REQUIREMENT FOR AFTERCARE COMPONENT.—''; and

(2) by amending paragraph (1) to read as follows:

''(1) To be eligible for funding under this part, a State shall ensure that individuals who participate in the substance abuse treatment program established or implemented with assistance provided under this part will be provided with aftercare services, which may include case management services and a full continuum of support services that ensure providers furnishing services under that program are approved by the appropriate State or local agency, and licensed, if necessary, to provide medical treatment or other health services.''.

(b) DEFINITION.—Section 1904(d) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ff–3(d)) is amended to read as follows:

''(d) RESIDENTIAL SUBSTANCE ABUSE TREATMENT PROGRAM DEFINED.—In this part, the term 'residential substance abuse treatment program' means a course of comprehensive individual and group substance abuse treatment services, lasting a period of at least 6 months, in residential treatment facilities set apart from the general population of a prison or jail (which may include the use of pharmacological treatment, where appropriate, that may extend beyond such period).''.

(c) REQUIREMENT FOR STUDY AND REPORT ON AFTERCARE SERVICES.—The Attorney General, through the National Institute of Justice, and in consultation with the National Institute on Drug Abuse, shall conduct a study on the use and effectiveness of funds

used by the Department of Justice for aftercare services under section 1902(c) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by subsection (a) of this section, for offenders who reenter the community after completing a substance abuse program in prison or jail.

Subtitle B—New and Innovative Programs to Improve Offender Reentry Services

SEC. 111. STATE AND LOCAL REENTRY COURTS.

(a) IN GENERAL.—Part FF of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797w et seq.) is amended by adding at the end the following:

"SEC. 2978. STATE AND LOCAL REENTRY COURTS.

''(a) GRANTS AUTHORIZED.—The Attorney General shall award grants, in accordance with this section, of not more than $500,000 to—

''(1) State and local courts; and

''(2) State agencies, municipalities, public agencies, nonprofit organizations, territories, and Indian tribes that have agreements with courts to take the lead in establishing a reentry court (as described in section 2976(b)(19)).

''(b) USE OF GRANT FUNDS.—Grant funds awarded under this section shall be administered in accordance with such guidelines, regulations, and procedures as promulgated by the Attorney General, and may be used to—

''(1) monitor juvenile and adult offenders returning to the community;

''(2) provide juvenile and adult offenders returning to the community with coordinated and comprehensive reentry services and programs such as—

''(A) drug and alcohol testing and assessment for treatment;

''(B) assessment for substance abuse from a substance abuse professional who is approved by the State and licensed by the appropriate entity to provide alcohol and drug addiction treatment, as appropriate;

''(C) substance abuse treatment from a provider that is approved by the State, and licensed, if necessary, to provide medical and other health services;

''(D) health (including mental health) services and assessment;

''(E) aftercare and case management services that—

''(i) facilitate access to clinical care and related health services; and

''(ii) coordinate with such clinical care and related health services; and

''(F) any other services needed for reentry;

''(3) convene community impact panels, victim impact panels, or victim impact educational classes;

''(4) provide and coordinate the delivery of community services to juvenile and adult offenders, including—

''(A) housing assistance;

''(B) education;

''(C) employment training;

''(D) conflict resolution skills training;

''(E) batterer intervention programs; and

''(F) other appropriate social services; and

''(5) establish and implement graduated sanctions and incentives.

''(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as preventing a grantee that operates a drug court under part EE at the time a grant is awarded under this section from using funds from such grant to supplement the drug court under part EE in accordance with paragraphs (1) through (5) of subsection (b).

''(d) APPLICATION.—To be eligible for a grant under this section, an entity described in subsection (a) shall, in addition to any other requirements required by the Attorney General, submit to the Attorney General an application that—

''(1) describes the program to be assisted under this section and the need for such program;

''(2) describes a long-term strategy and detailed implementation plan for such program, including how the entity plans to pay for the program after the Federal funding is discontinued;

''(3) identifies the governmental and community agencies that will be coordinated by the project;

''(4) certifies that—

''(A) all agencies affected by the program, including community corrections and parole entities, have been appropriately consulted in the development of the program;

''(B) there will be appropriate coordination with all such agencies in the implementation of the program; and

''(C) there will be appropriate coordination and consultation with the Single State Authority for Substance Abuse (as that term is defined in section 201(e) of the Second Chance Act of 2007) of the State; and

''(5) describes the methodology and outcome measures that will be used to evaluate the program.

''(e) MATCHING REQUIREMENTS.—The Federal share of a grant under this section may not exceed 75 percent of the costs of the project assisted by such grant unless the Attorney General—

''(1) waives, wholly or in part, the matching requirement under this subsection; and

''(2) publicly delineates the rationale for the waiver.

''(f) ANNUAL REPORT.—Each entity receiving a grant under this section shall submit to the Attorney General, for each fiscal year in which funds from the grant are expended, a report, at such time and in such manner as the Attorney General may reasonably require, that contains—

''(1) a summary of the activities carried out under the program assisted by the grant;

''(2) an assessment of whether the activities are meeting the need for the program identified in the application submitted under subsection (d); and

''(3) such other information as the Attorney General may require.

''(g) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated $10,000,000 for each of fiscal years 2008 and 2009 to carry out this section.

''(2) LIMITATIONS.—Of the amount made available to carry out this section in any fiscal year—

''(A) not more than 2 percent may be used by the Attorney General for salaries and administrative expenses; and

''(B) not more than 5 percent nor less than 2 percent may be used for technical assistance and training.''.

SEC. 112. GRANTS FOR COMPREHENSIVE AND CONTINUOUS OFFENDER REENTRY TASK FORCES.

Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by inserting after part BB the following:

"PART CC—GRANTS FOR COMPREHENSIVE AND CONTINUOUS OFFENDER REENTRY TASK FORCES

"SEC. 2901. AUTHORIZATION.

''The Attorney General shall carry out a grant program under which the Attorney General makes grants to States, units of local government, territories, Indian tribes, and other public and private entities for the purpose of establishing and administering task forces (to be known as 'Comprehensive and Continuous Offender Reentry Task Forces'), in accordance with this part.

"SEC. 2902. COMPREHENSIVE AND CONTINUOUS OFFENDER REENTRY TASK FORCES.

''(a) IN GENERAL.—For purposes of this part, a Comprehensive and Continuous Offender Reentry Task Force is a planning group of a State, unit of local government, territory, or Indian tribe that—

''(1) develops a community reentry plan, described in section 2903, for each juvenile and adult offender to be released from a correctional facility in the applicable jurisdiction;

''(2) supervises and assesses the progress of each such offender, with respect to such plan, starting on a date before the offender is released from a correctional facility and ending on the date on which the court supervision of such offender ends;

''(3) conducts a detailed assessment of the needs of each offender to address employment training, medical care, drug treatment, education, and any other identified need of the offender to assist in the offender's reentry;

''(4) demonstrates affirmative steps to implement such a community reentry plan by consulting and coordinating with other public and nonprofit entities, as appropriate;

''(5) establishes appropriate measurements for determining the efficacy of such community reentry plans by monitoring offender performance under such reentry plans;

''(6) complies with applicable State, local, territorial, and tribal rules and regulations regarding the provision of applicable services and treatment in the applicable jurisdiction; and

''(7) consults and coordinates with the Single State Authority for Substance Abuse (as that term is defined in section 201(e) of the Second Chance Act of 2007) and the criminal justice agencies of the State to ensure that offender reentry plans are coordinated and delivered in the most cost-effective manner, as determined by the Attorney General, in consultation with the grantee.

''(b) CONSULTATION REQUIRED.—A Comprehensive and Continuous Offender Reentry Task Force for a county or other defined geographic area shall perform the duties described in paragraphs (1) and (2) of subsection (a) in consultation with representatives of—

''(1) the criminal and juvenile justice and correctional facilities within that county or area;

''(2) the community health care services of that county or area;

''(3) the drug treatment programs of that county or area;

''(4) the employment services organizations available in that county or area;

''(5) the housing services organizations available in the county or area; and

''(6) any other appropriate community services available in the county or area.

"SEC. 2903. COMMUNITY REENTRY PLAN DESCRIBED.

''For purposes of section 2902(a)(1), a community reentry plan for an offender is a plan relating to the reentry of the offender into the community and, according to the needs of the offender, shall—

''(1) identify employment opportunities and goals;

''(2) identify housing opportunities;

''(3) provide for any needed drug treatment;

''(4) provide for any needed mental health services;

''(5) provide for any needed health care services;

''(6) provide for any needed family counseling;

''(7) provide for offender case management programs or services; and

''(8) provide for any other service specified by the Comprehensive and Continuous Offender Reentry Task Force as necessary for the offender.

"SEC. 2904. APPLICATION.

''To be eligible for a grant under this part, a State or other relevant entity shall submit to the Attorney General an application in such form and manner and at such time as the Attorney General specifies. Such application shall contain such information as the Attorney General specifies.

"SEC. 2905. RULE OF CONSTRUCTION.

''Nothing in this part shall be construed as supplanting or modifying a sentence imposed by a court, including any terms of supervision.

"SEC. 2906. REPORTS.

''An entity that receives funds under this part for a Comprehensive and Continuous Offender Reentry Task Force during a fiscal year shall submit to the Attorney General, not later than a date specified by the Attorney General, a report that describes and evaluates the effectiveness of such Task Force during such fiscal year.

"SEC. 2907. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated $10,000,000 to carry out this section for each of fiscal years 2008 and 2009.''.

SEC. 113. PROSECUTION DRUG TREATMENT ALTERNATIVE TO PRISON PROGRAMS.

(a) AUTHORIZATION.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by this Act, is amended by adding after part CC the following:

"PART DD—PROSECUTION DRUG TREATMENT ALTERNATIVE TO PRISON PROGRAMS

"SEC. 2911. GRANT AUTHORITY.

''(a) IN GENERAL.—The Attorney General may make grants to State and local prosecutors to develop, implement, or expand qualified drug treatment programs that are alternatives to imprisonment, in accordance with this part.

''(b) QUALIFIED DRUG TREATMENT PROGRAMS DESCRIBED.—For purposes of this part, a qualified drug treatment program is a program—

''(1) that is administered by a State or local prosecutor;

''(2) that requires an eligible offender who is sentenced to participate in the program (instead of incarceration) to participate in a comprehensive substance abuse treatment program that is approved by the State and licensed, if necessary, to provide medical and other health services;

''(3) that requires an eligible offender to receive the consent of the State or local prosecutor involved to participate in such program;

''(4) that, in the case of an eligible offender who is sentenced to participate in the program, requires the offender to serve a sentence of imprisonment with respect to the crime involved if the prosecutor, in conjunction with the treatment provider, determines that the offender has not successfully completed the relevant substance abuse treatment program described in paragraph (2);

''(5) that provides for the dismissal of the criminal charges involved in an eligible offender's participation in the program if the offender is determined to have successfully completed the program;

''(6) that requires each substance abuse provider treating an eligible offender under the program to—

''(A) make periodic reports of the progress of the treatment of that offender to the State or local prosecutor involved and to the appropriate court in which the eligible offender was convicted; and

''(B) notify such prosecutor and such court if the eligible offender absconds from the facility of the treatment provider or otherwise violates the terms and conditions of the program, consistent with Federal and State confidentiality requirements; and

''(7) that has an enforcement unit comprised of law enforcement officers under the supervision of the State or local prosecutor involved, the duties of which shall include verifying an eligible offender's addresses and other contacts, and, if necessary, locating, apprehending, and arresting an eligible offender who has absconded from the facility of a substance abuse treatment provider or otherwise violated the terms and conditions of the program, consistent with Federal and State confidentiality requirements, and returning such eligible offender to court for sentencing for the crime involved.

"SEC. 2912. USE OF GRANT FUNDS.

''(a) IN GENERAL.—A State or local prosecutor that receives a grant under this part shall use such grant for expenses of a qualified drug treatment program, including for the following expenses:

''(1) Salaries, personnel costs, equipment costs, and other costs directly related to the operation of the program, including the enforcement unit.

''(2) Payments for substance abuse treatment providers that are approved by the State and licensed, if necessary, to provide alcohol and drug addiction treatment to eligible offenders participating in the program, including aftercare supervision, vocational training, education, and job placement.

''(3) Payments to public and nonprofit private entities that are approved by the State and licensed, if necessary, to provide alcohol and drug addiction treatment to offenders participating in the program.

''(b) SUPPLEMENT AND NOT SUPPLANT.—Grants made under this part shall be used to supplement, and not supplant, non-Federal funds that would otherwise be available for programs described in this part.

"SEC. 2913. APPLICATIONS.

''To request a grant under this part, a State or local prosecutor shall submit an application to the Attorney General in such form and containing such information as the Attorney General may reasonably require. Each such application shall contain the certification by the State or local prosecutor that the program for which the grant is requested is a qualified drug treatment program, in accordance with this part.

"SEC. 2914. FEDERAL SHARE.

''The Federal share of a grant made under this part shall not exceed 75 percent of the total costs of the qualified drug treatment program funded by such grant for the fiscal year for which the program receives assistance under this part.

"SEC. 2915. GEOGRAPHIC DISTRIBUTION.

''The Attorney General shall ensure that, to the extent practicable, the distribution of grants under this part is equitable and includes State or local prosecutors—

''(1) in each State; and

''(2) in rural, suburban, and urban jurisdictions.

"SEC. 2916. REPORTS AND EVALUATIONS.

''For each fiscal year, each recipient of a grant under this part during that fiscal year shall submit to the Attorney General a report with respect to the effectiveness of activities carried out using that grant. Each report shall include an evaluation in such form and containing such information as the Attorney General may reasonably require. The Attorney General shall specify the dates on which such reports shall be submitted.

"SEC. 2917. DEFINITIONS.

''In this part:

''(1) STATE OR LOCAL PROSECUTOR.—The term 'State or local prosecutor' means any district attorney, State attorney general, county attorney, or corporation counsel who has authority to prosecute criminal offenses under State or local law.

''(2) ELIGIBLE OFFENDER.—The term 'eligible offender' means an individual who—

''(A) has been convicted, pled guilty, or admitted guilt with respect to a crime for which a sentence of imprisonment is required and has not completed such sentence;

''(B) has never been charged with or convicted of an offense, during the course of which—

''(i) the individual carried, possessed, or used a firearm or dangerous weapon; or

''(ii) there occurred the use of force against the person of another, without regard to whether any of the behavior described in clause (i) is an element of the offense or for which the person is charged or convicted;

''(C) does not have 1 or more prior convictions for a felony crime of violence involving the use or attempted use of force against a person with the intent to cause death or serious bodily harm; and

''(D)(i) has received an assessment for alcohol or drug addiction from a substance abuse professional who is approved by the State and licensed by the appropriate entity to provide alcohol and drug addiction treatment, as appropriate; and

''(ii) has been found to be in need of substance abuse treatment because that individual has a history of substance abuse that is a significant contributing factor to the criminal conduct of that individual.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)) is amended by adding at the end the following new paragraph:

''(26) There are authorized to be appropriated to carry out part DD such sums as may be necessary for each of fiscal years 2008 and 2009.''.

SEC. 114. GRANTS FOR FAMILY SUBSTANCE ABUSE TREATMENT ALTERNATIVES TO INCARCERATION.

Title I of the Omnibus Crime Control and Safe Streets Act (42 U.S.C. 3711 et seq.) is amended by inserting after part II the following:

"PART JJ—GRANTS FOR FAMILY SUBSTANCE ABUSE TREATMENT ALTERNATIVES TO INCARCERATION

"SEC. 3001. GRANTS AUTHORIZED.

''The Attorney General may make grants to States, units of local government, territories, and Indian tribes to develop, implement, and expand comprehensive and clinically-appropriate family-based substance abuse treatment programs as alternatives to incarceration for nonviolent parent drug offenders.

"SEC. 3002. USE OF GRANT FUNDS.

''Grants made to an entity under section 3001 for a program described in such section may be used for the following:

''(1) Salaries, personnel costs, facility costs, and other costs directly related to the operation of that program.

''(2) Payments to providers of substance abuse treatment for providing treatment and case management to nonviolent parent drug offenders participating in that program, including comprehensive treatment for mental health disorders, parenting classes, educational classes, vocational training, and job placement.

''(3) Payments to public and nonprofit private entities to provide substance abuse treatment to nonviolent parent drug offenders participating in that program.

"SEC. 3003. PROGRAM REQUIREMENTS.

''A program for which a grant is made under section 3001 shall comply with the following requirements:

''(1) The program shall ensure that all providers of substance abuse treatment are approved by the State and are licensed, if necessary, to provide medical and other health services.

''(2) The program shall ensure appropriate coordination and consultation with the Single State Authority for Substance Abuse of the State (as that term is defined in section 201(e) of the Second Chance Act of 2007).

''(3) The program shall consist of clinically-appropriate, comprehensive, and long-term family treatment, including the treatment of the nonviolent parent drug offender, the child of such offender, and any other appropriate member of the family of the offender.

''(4) The program shall be provided in a residential setting that is not a hospital setting or an intensive outpatient setting.

''(5) The program shall provide that if a nonviolent parent drug offender who participates in that program does not successfully complete the program the offender shall serve an appropriate sentence of imprisonment with respect to the underlying crime involved.

''(6) The program shall ensure that a determination is made as to whether a nonviolent drug offender has completed the substance abuse treatment program.

''(7) The program shall include the implementation of a system of graduated sanctions (including incentives) that are applied based on the accountability of the nonviolent parent drug offender involved throughout the course of that program to encourage compliance with that program.

''(8) The program shall develop and implement a reentry plan for each nonviolent parent drug offender that shall include reinforcement strategies for family involvement as appropriate, relapse strategies, support groups, placement in transitional housing, and continued substance abuse treatment, as needed.

''SEC. 3004. DEFINITIONS.

''In this part:

''(1) NONVIOLENT PARENT DRUG OFFENDERS.—The term 'nonviolent parent drug offender' means an offender who is—

''(A) a parent of an individual under 18 years of age; and

''(B) convicted of a drug (or drug-related) felony that is a nonviolent offense.

''(2) NONVIOLENT OFFENSE.—The term 'nonviolent offense' has the meaning given that term in section 2991(a).

''SEC. 3005. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this part $10,000,000 for each of fiscal years 2008 and 2009.''.

SEC. 115. PRISON-BASED FAMILY TREATMENT PROGRAMS FOR INCARCERATED PARENTS OF MINOR CHILDREN.

Title I of the Omnibus Crime Control and Safe Streets Act (42 U.S.C. 3711 et seq.), is amended—

(1) by redesignating part X as part KK; and

(2) by adding at the end the following:

''PART LL—PRISON-BASED FAMILY TREATMENT PROGRAMS FOR INCARCERATED PARENTS OF MINOR CHILDREN

''SEC. 3021. GRANTS AUTHORIZED.

''The Attorney General may make grants to States, units of local government, territories, and Indian tribes to provide prison-based family treatment programs for incarcerated parents of minor children.

''SEC. 3022. USE OF GRANT FUNDS.

''An entity that receives a grant under this part shall use amounts provided under that grant to—

''(1) develop, implement, and expand prison-based family treatment programs in correctional facilities for incarcerated parents with minor children, excluding from the programs those parents with respect to whom there is reasonable evidence of domestic violence or child abuse;

''(2) coordinate the design and implementation of such programs between appropriate correctional facility representatives and the appropriate governmental agencies; and

''(3) develop and implement a pre-release assessment and a reentry plan for each incarcerated parent scheduled to be released to the community, which shall include—

''(A) a treatment program for the incarcerated parent to receive continuous substance abuse treatment services and related support services, as needed;

''(B) a housing plan during transition from incarceration to reentry, as needed;

''(C) a vocational or employment plan, including training and job placement services; and

''(D) any other services necessary to provide successful reentry into the community.

''SEC. 3023. PROGRAM REQUIREMENTS.

''A prison-based family treatment program for incarcerated parents with respect to which a grant is made shall comply with the following requirements:

''(1) The program shall integrate techniques to assess the strengths and needs of immediate and extended family of the incarcerated parent to support a treatment plan of the incarcerated parent.

''(2) The program shall ensure that each participant in that program has access to consistent and uninterrupted care if transferred to a different correctional facility within the State or other relevant entity.

''(3) The program shall be located in an area separate from the general population of the prison.

''SEC. 3024. APPLICATIONS.

''To be eligible for a grant under this part for a prison-based family treatment program, an entity described in section 3021 shall, in addition to any other requirement specified by the Attorney General, submit an application to the Attorney General in such form and manner and at such time as specified by the Attorney General. Such application shall include a description of the methods and measurements the entity will use for purposes of evaluating the program involved and such other information as the Attorney General may reasonably require.

''SEC. 3025. REPORTS.

''An entity that receives a grant under this part for a prison-based family treatment program during a fiscal year shall submit to the Attorney General, not later than a date specified by the Attorney General, a report that describes and evaluates the effectiveness of that program during such fiscal year that—

''(1) is based on evidence-based data; and

''(2) uses the methods and measurements described in the application of that entity for purposes of evaluating that program.

''SEC. 3026. PRISON-BASED FAMILY TREATMENT PROGRAM DEFINED.

''In this part, the term 'prison-based family treatment program' means a program for incarcerated parents in a correctional facility that provides a comprehensive response to offender needs, including substance abuse treatment, child early intervention services, family counseling, legal services, medical care, mental health services, nursery and preschool, parenting skills training, pediatric care, physical therapy, prenatal care, sexual abuse therapy, relapse prevention, transportation, and vocational or GED training.

''SEC. 3027. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this part $10,000,000 for each of fiscal years 2008 and 2009.''.

SEC. 116. GRANT PROGRAMS RELATING TO EDUCATIONAL METHODS AT PRISONS, JAILS, AND JUVENILE FACILITIES.

Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by this Act, is amended by adding at the end the following:

''PART MM—GRANT PROGRAM TO EVALUATE EDUCATIONAL METHODS AT PRISONS, JAILS, AND JUVENILE FACILITIES

''SEC. 3031. GRANT PROGRAM TO EVALUATE EDUCATIONAL METHODS AT PRISONS, JAILS, AND JUVENILE FACILITIES.

''(a) GRANT PROGRAM AUTHORIZED.—The Attorney General shall carry out a grant program under which the Attorney General may make grants to States, units of local government, territories, Indian tribes, and other public and private entities to—

''(1) evaluate methods to improve academic and vocational education for offenders in prisons, jails, and juvenile facilities; and

''(2) identify, and make recommendations to the Attorney General regarding, best practices relating to academic and vocational education for offenders in prisons, jails, and juvenile facilities, based on the evaluation under paragraph (1).

''(b) APPLICATION.—To be eligible for a grant under this section, a State or other entity described in subsection (a) shall submit to the Attorney General an application in such form and manner, at such time and accompanied by such information as the Attorney General specifies.

''(c) REPORT.—Not later than 90 days after the last day of the final fiscal year of a grant under this section, the entity described in subsection (a) receiving that grant shall submit to the Attorney General a detailed report of the aggregate findings and conclusions of the evaluation described in subsection (a)(1), conducted by that entity and the recommendations of that entity to the Attorney General described in subsection (a)(2).

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $5,000,000 to carry out this section for each of fiscal years 2008 and 2009.

''SEC. 3032. GRANTS TO IMPROVE EDUCATIONAL SERVICES IN PRISONS, JAILS, AND JUVENILE FACILITIES.

''(a) GRANT PROGRAM AUTHORIZED.—The Attorney General shall carry out a grant program under which the Attorney General may make grants to States, units of local government, territories, and Indian tribes for the purpose of improving the academic and vocational education programs available to offenders in prisons, jails, and juvenile facilities.

''(b) APPLICATION.—To be eligible for a grant under this section, an entity described in subsection (a) shall submit to the Attorney General an application in such form and manner, at such time, and accompanied by such information as the Attorney General specifies.

''(c) REPORTS.—An entity that receives a grant under subsection (a) during a fiscal year shall, not later than the last day of the following fiscal year, submit to the Attorney General a report that describes and assesses the uses of that grant.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $10,000,000 to carry out this section for each of fiscal years 2008 and 2009.''.

Subtitle C—Conforming Amendments

SEC. 121. USE OF VIOLENT OFFENDER TRUTH-IN-SENTENCING GRANT FUNDING FOR DEMONSTRATION PROJECT ACTIVITIES.

Section 20102(a) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13702(a)) is amended—

(1) in paragraph (2) by striking ''and'' at the end;

(2) in paragraph (3) by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(4) to carry out any activity described in section 2976(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797w(b)).''.

TITLE II—ENHANCED DRUG TREATMENT AND MENTORING GRANT PROGRAMS

Subtitle A—Drug Treatment

SEC. 201. GRANTS FOR DEMONSTRATION PROGRAMS TO REDUCE DRUG USE AND RECIDIVISM IN LONG-TERM SUBSTANCE ABUSERS.

(a) AWARDS REQUIRED.—The Attorney General may make competitive grants to eligible partnerships, in accordance with this section, for the purpose of establishing demonstration programs to reduce the use of alcohol and other drugs by supervised long-term substance abusers during the period in which each such long-term substance abuser is in prison, jail, or a juvenile facility, and until the completion of parole or court supervision of such abuser.

(b) USE OF GRANT FUNDS.—A grant made under subsection (a) to an eligible partnership for a demonstration program, shall be used—

(1) to support the efforts of the agencies, organizations, and researchers included in the eligible partnership, with respect to the program for which a grant is awarded under this section;

(2) to develop and implement a program for supervised long-term substance abusers during the period described in subsection (a), which shall include—

(A) alcohol and drug abuse assessments that—

(i) are provided by a State-approved program; and

(ii) provide adequate incentives for completion of a comprehensive alcohol or drug abuse treatment program, including through the use of graduated sanctions; and

(B) coordinated and continuous delivery of drug treatment and case management services during such period; and

(3) to provide addiction recovery support services (such as job training and placement, peer support, mentoring, education, and other related services) to strengthen rehabilitation efforts for long-term substance abusers.

(c) APPLICATION.—To be eligible for a grant under subsection (a) for a demonstration program, an eligible partnership shall submit to the Attorney General an application that—

(1) identifies the role, and certifies the involvement, of each agency, organization, or researcher involved in such partnership, with respect to the program;

(2) includes a plan for using judicial or other criminal or juvenile justice authority to supervise the long-term substance abusers who would participate in a demonstration program under this section, including for—

(A) administering drug tests for such abusers on a regular basis; and

(B) swiftly and certainly imposing an established set of graduated sanctions for noncompliance with conditions for reentry into the community relating to drug abstinence (whether imposed as a pre-trial, probation, or parole condition, or otherwise);

(3) includes a plan to provide supervised long-term substance abusers with coordinated and continuous services that are based on evidence-based strategies and that assist such abusers by providing such abusers with—

(A) drug treatment while in prison, jail, or a juvenile facility;

(B) continued treatment during the period in which each such long-term substance abuser is in prison, jail, or a juvenile facility, and until the completion of parole or court supervision of such abuser;

(C) addiction recovery support services;

(D) employment training and placement;

(E) family-based therapies;

(F) structured post-release housing and transitional housing, including housing for recovering substance abusers; and

(G) other services coordinated by appropriate case management services;

(4) includes a plan for coordinating the data infrastructures among the entities included in the eligible partnership and between such entities and the providers of services under the demonstration program involved (including providers of technical assistance) to assist in monitoring and measuring the effectiveness of demonstration programs under this section; and

(5) includes a plan to monitor and measure the number of long-term substance abusers—

(A) located in each community involved; and

(B) who improve the status of their employment, housing, health, and family life.

(d) REPORTS TO CONGRESS.—

(1) INTERIM REPORT.—Not later than September 30, 2008, the Attorney General shall submit to Congress a report that identifies the best practices relating to the comprehensive and coordinated treatment of long-term substance abusers, including the best practices identified through the activities funded under this section.

(2) FINAL REPORT.—Not later than September 30, 2009, the Attorney General shall submit to Congress a report on the demonstration programs funded under this section, including on the matters specified in paragraph (1).

(e) DEFINITIONS.—In this section:

(1) ELIGIBLE PARTNERSHIP.—The term ''eligible partnership'' means a partnership that includes—

(A) the applicable Single State Authority for Substance Abuse;

(B) the State, local, territorial, or tribal criminal or juvenile justice authority involved;

(C) a researcher who has experience in evidence-based studies that measure the effectiveness of treating long-term substance abusers during the period in which such abusers are under the supervision of the criminal or juvenile justice system involved;

(D) community-based organizations that provide drug treatment, related recovery services, job training and placement, educational services, housing assistance, mentoring, or medical services; and

(E) Federal agencies (such as the Drug Enforcement Agency, the Bureau of Alcohol, Tobacco, Firearms, and Explosives, and the office of a United States attorney).

(2) LONG-TERM SUBSTANCE ABUSER.—The term ''long-term substance abuser'' means an individual who—

(A) is in a prison, jail, or juvenile facility;

(B) has abused illegal drugs or alcohol for a significant number of years; and

(C) is scheduled to be released from prison, jail, or a juvenile facility during the 24-month period beginning on the date the relevant application is submitted under subsection (c).

(3) SINGLE STATE AUTHORITY FOR SUBSTANCE ABUSE.—The term ''Single State Authority for Substance Abuse'' means an entity designated by the Governor or chief executive officer of a State as the single State administrative authority responsible for the planning, development, implementation, monitoring, regulation, and evaluation of substance abuse services in that State.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2008 and 2009.

SEC. 202. OFFENDER DRUG TREATMENT INCENTIVE GRANTS.

(a) GRANT PROGRAM AUTHORIZED.—The Attorney General shall carry out a grant program under which the Attorney General may make grants to States, units of local government, territories, and Indian tribes in an amount described in subsection (c) to improve the provision of drug treatment to offenders in prisons, jails, and juvenile facilities.

(b) REQUIREMENTS FOR APPLICATION.—

(1) IN GENERAL.—To be eligible to receive a grant under subsection (a) for a fiscal year, an entity described in that subsection shall, in addition to any other requirements specified by the Attorney General, submit to the Attorney General an application that demonstrates that, with respect to offenders in prisons, jails, and juvenile facilities who require drug treatment and who are in the custody of the jurisdiction involved, during the previous fiscal year that entity provided drug treatment meeting the standards established by the Single State Authority for Substance Abuse (as that term is defined in section 201) for the relevant State to a number of such offenders that is 2 times the number of such offenders to whom that entity provided drug treatment during the fiscal year that is 2 years before the fiscal year for which that entity seeks a grant.

(2) OTHER REQUIREMENTS.—An application under this section shall be submitted in such form and manner and at such time as specified by the Attorney General.

(c) ALLOCATION OF GRANT AMOUNTS BASED ON DRUG TREATMENT PERCENT DEMONSTRATED.—The Attorney General shall allocate amounts under this section for a fiscal year based on the percent of offenders described in subsection (b)(1) to whom an entity provided drug treatment in the previous fiscal year, as demonstrated by that entity in its application under that subsection.

(d) USES OF GRANTS.—A grant awarded to an entity under subsection (a) shall be used—

(1) for continuing and improving drug treatment programs provided at prisons, jails, and juvenile facilities of that entity; and

(2) to strengthen rehabilitation efforts for offenders by providing addiction recovery support services, such as job training and placement, education, peer support, mentoring, and other similar services.

(e) REPORTS.—An entity that receives a grant under subsection (a) during a fiscal year shall, not later than the last day of the following fiscal year, submit to the Attorney General a report that describes and assesses the uses of such grant.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $10,000,000 to carry out this section for each of fiscal years 2008 and 2009.

SEC. 203. ENSURING AVAILABILITY AND DELIVERY OF NEW PHARMACOLOGICAL DRUG TREATMENT SERVICES.

(a) GRANT PROGRAM AUTHORIZED.—The Attorney General, through the National Institute of Justice, and in consultation with the National Institute on Drug Abuse and the Substance Abuse and Mental Health Services Administration, shall carry out a grant program under which the Attorney General may make grants to States, units of local government, territories, Indian tribes, and public and private organizations to establish pharmacological drug treatment services as part of the available drug treatment programs being offered by such grantees to offenders who are in prison or jail.

(b) CONSIDERATION OF PHARMACOLOGICAL TREATMENTS.—In awarding grants under this section to eligible entities, the Attorney General shall consider—

(1) the number and availability of pharmacological treatments offered under the program involved; and

(2) the participation of researchers who are familiar with evidence-based studies and are able to measure the effectiveness of such treatments using randomized trials.

(c) APPLICATIONS.—

(1) IN GENERAL.—To be eligible for a grant under this section, an entity described in subsection (a) shall submit to the Attorney General an application in such form and manner and at such time as the Attorney General specifies.

(2) INFORMATION REQUIRED.—An application submitted under paragraph (1) shall—

(A) provide assurances that grant funds will be used only for a program that is created in coordination with (or approved by) the Single State Authority for Substance Abuse (as that term is defined in section 201) of the State involved to ensure pharmacological drug treatment services provided under that program are clinically appropriate;

(B) demonstrate how pharmacological drug treatment services offered under the program are part of a clinically-appropriate and comprehensive treatment plan; and

(C) contain such other information as the Attorney General specifies.

(d) REPORTS.—An entity that receives a grant under subsection (a) during a fiscal year shall, not later than the last day of the following fiscal year, submit to the Attorney General a report that describes and assesses the uses of that grant.

SEC. 204. STUDY OF EFFECTIVENESS OF DEPOT NALTREXONE FOR HEROIN ADDICTION.

(a) GRANT PROGRAM AUTHORIZED.—The Attorney General, through the National Institute of Justice, and in consultation with the National Institute on Drug Abuse, shall carry out a grant program under which the Attorney General may make grants to public and private research entities (including consortia, single private research entities, and individual institutions of higher education) to evaluate the effectiveness of depot naltrexone for the treatment of heroin addiction.

(b) EVALUATION PROGRAM.—To be eligible to receive a grant under this section, an entity described in subsection (a) shall submit to the Attorney General an application that—

(1) contains such information as the Attorney General specifies, including information that demonstrates that—

(A) the applicant conducts research at a private or public institution of higher education, as that term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1101);

(B) the applicant has a plan to work with parole officers or probation officers for offenders who are under court supervision; and

(C) the evaluation described in subsection (a) will measure the effectiveness of such treatments using randomized trials; and

(2) is in such form and manner and at such time as the Attorney General specifies.

(c) REPORTS.—An entity that receives a grant under subsection (a) during a fiscal year shall, not later than the last day of the following fiscal year, submit to the Attorney General a report that describes and assesses the uses of that grant.

SEC. 205. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $10,000,000 to carry out sections 203 and 204 for each of fiscal years 2008 and 2009.

Subtitle B—Job Training

SEC. 211. TECHNOLOGY CAREERS TRAINING DEMONSTRATION GRANTS.

(a) AUTHORITY TO MAKE GRANTS.—From amounts made available to carry out this section, the Attorney General shall make grants to States, units of local government, territories, and Indian tribes to provide technology career training to prisoners.

(b) USE OF FUNDS.—A grant awarded under subsection (a) may be used to establish a technology careers training program to train prisoners during the 3-year period before release from prison, jail, or a juvenile facility for technology-based jobs and careers.

(c) REPORTS.—An entity that receives a grant under subsection (a) during a fiscal year shall, not later than the last day of the following fiscal year, submit to the Attorney General a report that describes and assesses the uses of that grant during that fiscal year.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2008 and 2009.

SEC. 212. GRANTS TO STATES FOR IMPROVED WORKPLACE AND COMMUNITY TRANSITION TRAINING FOR INCARCERATED YOUTH OFFENDERS.

Section 821 of the Higher Education Amendments of 1998 (20 U.S.C. 1151) is amended to read as follows:

"SEC. 821. GRANTS TO STATES FOR IMPROVED WORKPLACE AND COMMUNITY TRANSITION TRAINING FOR INCARCERATED YOUTH OFFENDERS.

''(a) DEFINITION.—For purposes of this section, the term 'youth offender' means a male or female offender under the age of 35, who is incarcerated in a State prison, including a prerelease facility.

''(b) GRANT PROGRAM.—The Secretary of Education (in this section referred to as the 'Secretary')—

''(1) shall establish a program in accordance with this section to provide grants to the State correctional education agencies in the States, from allocations for the States under subsection (h), to assist and encourage youth offenders to acquire functional literacy, life, and job skills, through—

''(A) the pursuit of a postsecondary education certificate, or an associate or bachelor's degree while in prison; and

''(B) employment counseling and other related services which start during incarceration and end not later than 1 year after release from confinement; and

''(2) may establish such performance objectives and reporting requirements for State correctional education agencies receiving grants under this section as the Secretary determines are necessary to assess the effectiveness of the program under this section.

''(c) APPLICATION.—To be eligible for a grant under this section, a State correctional education agency shall submit to the Secretary a proposal for a youth offender program that—

''(1) identifies the scope of the problem, including the number of youth offenders in need of postsecondary education and career and technical education;

''(2) lists the accredited public or private educational institution or institutions that will provide postsecondary educational services;

''(3) lists the cooperating agencies, public and private, or businesses that will provide related services, such as counseling in the areas of career development, substance abuse, health, and parenting skills;

''(4) describes specific performance objectives and evaluation methods (in addition to, and consistent with, any objectives established by the Secretary under subsection (b)(2)) that the State correctional education agency will use in carrying out its proposal, including—

''(A) specific and quantified student outcome measures that are referenced to outcomes for non-program participants with similar demographic characteristics; and

''(B) measures, consistent with the data elements and definitions described in subsection (d)(1)(A), of—

''(i) program completion, including an explicit definition of what constitutes a program completion within the proposal;

''(ii) knowledge and skill attainment, including specification of instruments that will measure knowledge and skill attainment;

''(iii) attainment of employment both prior to and subsequent to release;

''(iv) success in employment indicated by job retention and advancement; and

''(v) recidivism, including such subindicators as time before subsequent offense and severity of offense;

''(5) describes how the proposed programs are to be integrated with existing State correctional education programs (such as adult education, graduate education degree programs, and career and technical education) and State industry programs;

''(6) describes how the proposed programs will have considered or will utilize technology to deliver the services under this section; and

''(7) describes how students will be selected so that only youth offenders eligible under subsection (e) will be enrolled in postsecondary programs.

''(d) PROGRAM REQUIREMENTS.—Each State correctional education agency receiving a grant under this section shall—

''(1) annually report to the Secretary regarding—

''(A) the results of the evaluations conducted using data elements and definitions provided by the Secretary for the use of State correctional education programs;

''(B) any objectives or requirements established by the Secretary pursuant to subsection (b)(2); and

''(C) the additional performance objectives and evaluation methods contained in the proposal described in subsection (c)(4), as necessary to document the attainment of project performance objectives; and

''(2) expend on each participating eligible student for an academic year, not more than the maximum Federal Pell Grant funded under section 401 of the Higher Education Act of 1965 for such academic year, which shall be used for—

''(A) tuition, books, and essential materials; and

''(B) related services such as career development, substance abuse counseling, parenting skills training, and health education.

''(e) STUDENT ELIGIBILITY.—A youth offender shall be eligible for participation in a program receiving a grant under this section if the youth offender—

''(1) is eligible to be released within 5 years (including a youth offender who is eligible for parole within such time); and

''(2) is 35 years of age or younger.

''(f) LENGTH OF PARTICIPATION.—A State correctional education agency receiving a grant under this section shall provide educational and related services to each participating youth offender for a period not to exceed 5 years, 1 year of which may be devoted to study in a graduate education degree program or to remedial education services for students who have obtained a secondary school diploma or its recognized equivalent. Educational and related services shall start during the period of incarceration in prison or prerelease, and the related services may continue for not more than 1 year after release from confinement.

''(g) EDUCATION DELIVERY SYSTEMS.—State correctional education agencies and cooperating institutions shall, to the extent practicable, use high-tech applications in developing programs to meet the requirements and goals of this section.

''(h) ALLOCATION OF FUNDS.—From the funds appropriated pursuant to subsection (i) for each fiscal year, the Secretary shall allot to each State an amount that bears the same relationship to such funds as the total number of students eligible under subsection (e) in such State bears to the total number of such students in all States.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $30,000,000 for fiscal years 2008 and 2009.''.

Subtitle C—Mentoring

SEC. 221. MENTORING GRANTS TO NONPROFIT ORGANIZATIONS.

(a) AUTHORITY TO MAKE GRANTS.—From amounts made available to carry out this section, the Attorney General shall make grants to nonprofit organizations for the purpose of providing mentoring and other transitional services essential to reintegrating offenders into the community.

(b) USE OF FUNDS.—A grant awarded under subsection (a) may be used for—

(1) mentoring adult and juvenile offenders during incarceration, through transition back to the community, and post-release;

(2) transitional services to assist in the reintegration of offenders into the community; and

(3) training regarding offender and victims issues.

(c) APPLICATION; PRIORITY CONSIDERATION.—

(1) IN GENERAL.—To be eligible to receive a grant under this section, a nonprofit organization shall submit an application to the Attorney General at such time, in such manner, and accompanied by such information as the Attorney General may require.

(2) PRIORITY CONSIDERATION.—Priority consideration shall be given to any application under this section that—

(A) includes a plan to implement activities that have been demonstrated effective in facilitating the successful reentry of offenders; and

(B) provides for an independent evaluation that includes, to the maximum extent feasible, random assignment of offenders to program delivery and control groups.

(d) STRATEGIC PERFORMANCE OUTCOMES.—The Attorney General shall require each applicant under this section to identify specific performance outcomes related to the long-term goal of stabilizing communities by reducing recidivism (using a measure that is consistent with the research undertaken by the Bureau of Justice Statistics under section 241(b)(6)), and reintegrating offenders into society.

(e) REPORTS.—An entity that receives a grant under subsection (a) during a fiscal year shall, not later than the last day of the following fiscal year, submit to the Attorney General a report that describes and assesses the uses of that grant during that fiscal year and that identifies the progress of the grantee toward achieving its strategic performance outcomes.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General to carry out this section $15,000,000 for each of fiscal years 2008 and 2009.

SEC. 222. BUREAU OF PRISONS POLICY ON MENTORING CONTACTS.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Director of the Bureau of Prisons shall, in order to promote stability and continued assistance to offenders after release from prison, adopt and implement a policy to ensure that any person who provides mentoring services to an incarcerated offender is permitted to continue such services after that offender is released from prison. That policy shall permit the continuation of mentoring services unless the Director demonstrates that such services would be a significant security risk to the offender, incarcerated offenders, persons who provide such services, or any other person.

(b) REPORT.—Not later than September 30, 2008, the Director of the Bureau of Prisons shall submit to Congress a report on the extent to which the policy described in subsection (a) has been implemented and followed.

Subtitle D—Administration of Justice Reforms

CHAPTER 1—IMPROVING FEDERAL OFFENDER REENTRY

SEC. 231. FEDERAL PRISONER REENTRY PROGRAM.

(a) ESTABLISHMENT.—The Director of the Bureau of Prisons (in this chapter referred to as the ''Director'') shall establish a prisoner reentry strategy to help prepare prisoners for release and successful reintegration into the community, which shall require that the Bureau of Prisons—

(1) assess each prisoner's skill level (including academic, vocational, health, cognitive, interpersonal, daily living, and related reentry skills) at the beginning of the term of imprisonment of that prisoner to identify any areas in need of improvement prior to reentry;

(2) generate a skills development plan for each prisoner to monitor skills enhancement and reentry readiness throughout incarceration;

(3) determine program assignments for prisoners based on the areas of need identified through the assessment described in paragraph (1);

(4) ensure that priority is given to the reentry needs of high-risk populations, such as sex offenders, career criminals, and prisoners with mental health problems;

(5) coordinate and collaborate with other Federal agencies and with State and local criminal justice agencies, community-based organizations, and faith-based organizations to help effectuate a seamless reintegration of prisoners into their communities;

(6) collect information about a prisoner's family relationships, parental responsibilities, and contacts with children to help prisoners maintain important familial relationships and support systems during incarceration and after release from custody; and

(7) provide incentives for prisoner participation in skills development programs.

(b) INCENTIVES FOR PARTICIPATION IN SKILLS DEVELOPMENT PROGRAMS.—A prisoner who participates in reentry and skills development programs may, at the discretion of the Director, receive any of the following incentives:

(1) The maximum allowable period in a community confinement facility.

(2) A reduction in the term of imprisonment of that prisoner, except that such reduction may not be more than 1 year from the term the prisoner must otherwise serve.

(3) Such other incentives as the Director considers appropriate.

SEC. 232. IDENTIFICATION AND RELEASE ASSISTANCE FOR FEDERAL PRISONERS.

(a) OBTAINING IDENTIFICATION.—The Director shall assist prisoners in obtaining identification (including a social security card, driver's license or other official photo identification, or birth certificate) prior to release.

(b) ASSISTANCE DEVELOPING RELEASE PLAN.—At the request of a direct-release prisoner, a representative of the United States Probation System shall, prior to the release of that prisoner, help that prisoner develop a release plan.

(c) DIRECT-RELEASE PRISONER DEFINED.—In this section, the term ''direct-release prisoner'' means a prisoner who is scheduled for release and will not be placed in pre-release custody.

SEC. 233. IMPROVED REENTRY PROCEDURES FOR FEDERAL PRISONERS.

The Attorney General shall take such steps as are necessary to modify the procedures and policies of the Department of Justice with respect to the transition of offenders from the custody of the Bureau of Prisons to the community—

(1) to enhance case planning and implementation of reentry programs, policies, and guidelines;

(2) to improve such transition to the community, including placement of such individuals in community corrections facilities; and

(3) to foster the development of collaborative partnerships with stakeholders at the national and local levels to facilitate the exchange of information and the development of resources to enhance opportunities for successful offender reentry.

SEC. 234. DUTIES OF THE BUREAU OF PRISONS.

(a) DUTIES OF THE BUREAU OF PRISONS EXPANDED.—Section 4042(a) of title 18, United States Code, is amended—

(1) in paragraph (4), by striking ''and'' at the end;

(2) in paragraph (5), by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

''(6) establish pre-release planning procedures that help prisoners—

''(A) apply for Federal and State benefits upon release (including Social Security Cards, Social Security benefits, and veterans' benefits); and

''(B) secure such identification and benefits prior to release, subject to any limitations in law; and

''(7) establish reentry planning procedures that include providing Federal prisoners with information in the following areas:

''(A) Health and nutrition.

''(B) Employment.

''(C) Literacy and education.

''(D) Personal finance and consumer skills.

''(E) Community resources.

''(F) Personal growth and development.

''(G) Release requirements and procedures.''.

(b) MEASURING THE REMOVAL OF OBSTACLES TO REENTRY.—

(1) PROGRAM REQUIRED.—The Director shall carry out a program under which each institution within the Bureau of Prisons codes the reentry needs and deficits of prisoners, as identified by an assessment tool that is used to produce an individualized skills development plan for each inmate.

(2) TRACKING.—In carrying out the program under this subsection, the Director shall quantitatively track, by institution and Bureau-wide, the progress in responding to the reentry needs and deficits of individual inmates.

(3) ANNUAL REPORT.—On an annual basis, the Director shall prepare and submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report that documents the progress of each institution within the Bureau of Prisons, and of the Bureau as a whole, in responding to the reentry needs and deficits of inmates. The report shall be prepared in a manner that groups institutions by security level to allow comparisons of similar institutions.

(4) EVALUATION.—The Director shall—

(A) implement a formal standardized process for evaluating the success of each institution within the Bureau of Prisons in enhancing skills and resources to assist in reentry; and

(B) ensure that—

(i) each institution is held accountable for low performance under such an evaluation; and

(ii) plans for corrective action are developed and implemented as necessary.

(c) MEASURING AND IMPROVING RECIDIVISM OUTCOMES.—

(1) ANNUAL REPORT REQUIRED.—

(A) IN GENERAL.—At the end of each fiscal year, the Director shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report containing the statistics demonstrating the relative reduction in recidivism for inmates released by the Bureau of Prisons within that fiscal year and the 2 prior fiscal years, comparing inmates who participated in major inmate programs (including residential drug treatment, vocational training, and prison industries) with inmates who did not participate in such programs. Such statistics shall be compiled separately for each such fiscal year.

(B) SCOPE.—A report under this paragraph is not required to include statistics for a fiscal year that begins before the date of the enactment of this Act.

(C) CONTENTS.—Each report under this paragraph shall provide the recidivism statistics for the Bureau of Prisons as a whole, and separately for each institution of the Bureau.

(2) MEASURE USED.—In preparing the reports required by paragraph (1), the Director shall, in consultation with the Director of the Bureau of Justice Statistics, select a measure for recidivism (such as rearrest, reincarceration, or any other valid, evidence-based measure) that the Director considers appropriate and that is consistent with the research undertaken by the Bureau of Justice Statistics under section 241(b)(6).

(3) GOALS.—

(A) IN GENERAL.—After the Director submits the first report required by paragraph (1), the Director shall establish goals for reductions in recidivism rates and shall work to attain those goals.

(B) CONTENTS.—The goals established under subparagraph (A) shall use the relative reductions in recidivism measured for the fiscal year covered by that first report as a baseline rate, and shall include—

(i) a 5-year goal to increase, at a minimum, the baseline relative reduction rate by 2 percent; and

(ii) a 10-year goal to increase, at a minimum, the baseline relative reduction rate by 5 percent within 10 fiscal years.

(d) FORMAT.—Any written information that the Bureau of Prisons provides to inmates for reentry planning purposes shall use common terminology and language.

(e) MEDICAL CARE.—The Bureau of Prisons shall provide the United States Probation and Pretrial Services System with relevant information on the medical care needs and the mental health treatment needs of inmates scheduled for release from custody. The United States Probation and Pretrial Services System shall take this information into account when developing supervision plans in an effort to address the medical care and mental health care needs of such individuals. The Bureau of Prisons shall provide inmates with a sufficient amount of all necessary medications (which will normally consist of, at a minimum, a 2-week supply of such medications) upon release from custody.

SEC. 235. AUTHORIZATION OF APPROPRIATIONS FOR BUREAU OF PRISONS.

There are authorized to be appropriated to the Director to carry out sections 231, 232, 233, and 234 of this chapter, $5,000,000 for each of the fiscal years 2008 and 2009.

SEC. 236. ENCOURAGEMENT OF EMPLOYMENT OF FORMER PRISONERS.

The Attorney General, in consultation with the Secretary of Labor, shall take such steps as are necessary to implement a program to educate employers and the one-stop partners and one-stop operators (as such terms are defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801)) that provide services at any center operated under a one-stop delivery system established under section 134(c) of the Workforce Investment Act of 1998 (29 U.S.C. 2864(c)) regarding incentives (including the Federal bonding program of the Department of Labor and tax credits) for hiring former Federal, State, or local prisoners.

SEC. 237. ELDERLY NONVIOLENT OFFENDER PILOT PROGRAM.

(a) PROGRAM ESTABLISHED.—

(1) IN GENERAL.—Notwithstanding section 3624 of title 18, United States Code, or any other provision of law, the Director shall conduct a pilot program to determine the effectiveness of removing each eligible elderly offender from a Bureau of Prison facility and placing that offender on home detention until the date on which the term of imprisonment to which that offender was sentenced expires.

(2) TIMING OF PLACEMENT IN HOME DETENTION.—

(A) IN GENERAL.—In carrying out the pilot program under paragraph (1), the Director shall—

(i) in the case of an offender who is determined to be an eligible elderly offender on or before the date specified in subparagraph (B), place such offender on home detention not later than 180 days after the date of enactment of this Act; and

(ii) in the case of an offender who is determined to be an eligible elderly offender after the date specified in subparagraph (B) and before the date that is 3 years and 91 days after the date of enactment of this Act, place such offender on home detention not later than 90 days after the date of that determination.

(B) DATE SPECIFIED.—For purposes of subparagraph (A), the date specified in this subparagraph is the date that is 90 days after the date of enactment of this Act.

(3) VIOLATION OF TERMS OF HOME DETENTION.—A violation by an eligible elderly offender of the terms of home detention (including the commission of another Federal, State, or local crime) shall result in the removal of that offender from home detention and the return of that offender to the designated Bureau of Prisons institution in which that offender was imprisoned immediately before placement on home detention under paragraph (1).

(b) SCOPE OF PILOT PROGRAM.—

(1) PARTICIPATING DESIGNATED FACILITIES.—The pilot program under subsection (a) shall be conducted through at least 1 Bureau of Prisons institution designated by the Director as appropriate for the pilot program.

(2) DURATION.—The pilot program shall be conducted during each of fiscal years 2008 and 2009.

(c) PROGRAM EVALUATION.—

(1) IN GENERAL.—The Director shall contract with an independent organization to monitor and evaluate the progress of each eligible elderly offender placed on home detention under subsection (a)(1) for the period that offender is on home detention during the period described in subsection (b)(2).

(2) ANNUAL REPORT.—The organization described in paragraph (1) shall annually submit to the Director and to Congress a report on the pilot program under subsection (a)(1), which shall include—

(A) an evaluation of the effectiveness of the pilot program in providing a successful transition for eligible elderly offenders from incarceration to the community, including data relating to the recidivism rates for such offenders; and

(B) the cost savings to the Federal Government resulting from the early removal of such offenders from incarceration.

(3) PROGRAM ADJUSTMENTS.—Upon review of the report submitted under paragraph (2), the Director shall submit recommendations to Congress for adjustments to the pilot program, including its expansion to additional facilities.

(d) DEFINITIONS.—In this section:

(1) ELIGIBLE ELDERLY OFFENDER.—The term ''eligible elderly offender'' means an offender in the custody of the Bureau of Prisons who—

(A) is not less than 60 years of age;

(B) is serving a term of imprisonment after conviction for an offense other than a crime of violence (as that term is defined in section 16 of title 18, United States Code) and has served the greater of 10 years or ½ of the term of imprisonment of that offender;

(C) has not been convicted in the past of any Federal or State crime of violence;

(D) has not been determined by the Bureau of Prisons, on the basis of information the Bureau uses to make custody classifications, and in the sole discretion of the Bureau, to have a history of violence; and

(E) has not escaped, or attempted to escape, from a Bureau of Prisons institution.

(2) HOME DETENTION.—The term ''home detention'' has the same meaning given the term in the Federal Sentencing Guidelines, and includes detention in a nursing home or other residential long-term care facility.

(3) TERM OF IMPRISONMENT.—The term ''term of imprisonment'' includes multiple terms of imprisonment ordered to run consecutively or concurrently, which shall be treated as a single, aggregate term of imprisonment for purposes of this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2008 and 2009.

CHAPTER 2—REENTRY RESEARCH

SEC. 241. OFFENDER REENTRY RESEARCH.

(a) NATIONAL INSTITUTE OF JUSTICE.—The National Institute of Justice may conduct research on juvenile and adult offender reentry, including—

(1) a study identifying the number and characteristics of minor children who have had a parent incarcerated, and the likelihood of such minor children becoming involved in the criminal justice system some time in their lifetime;

(2) a study identifying a mechanism to compare rates of recidivism (including rearrest, violations of parole, probation, post-incarceration supervision, and reincarceration) among States; and

(3) a study on the population of offenders released from custody who do not engage in recidivism and the characteristics (housing, employment, treatment, family connection) of that population.

(b) BUREAU OF JUSTICE STATISTICS.—The Bureau of Justice Statistics may conduct research on offender reentry, including—

(1) an analysis of special populations (including prisoners with mental illness or substance abuse disorders, female offenders, juvenile offenders, offenders with limited English proficiency, and the elderly) that present unique reentry challenges;

(2) studies to determine which offenders are returning to prison, jail, or a juvenile facility and which of those returning offenders represent the greatest risk to victims and community safety;

(3) annual reports on the demographic characteristics of the population returning

to society from prisons, jails, and juvenile facilities;

(4) a national recidivism study every 3 years;

(5) a study of parole, probation, or post-incarceration supervision violations and revocations; and

(6) a study concerning the most appropriate measure to be used when reporting recidivism rates (whether rearrest, reincarceration, or any other valid, evidence-based measure).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $1,000,000 for each of fiscal years 2008 and 2009.

SEC. 242. GRANTS TO STUDY PAROLE OR POST-INCARCERATION SUPERVISION VIOLATIONS AND REVOCATIONS.

(a) GRANTS AUTHORIZED.—From amounts made available to carry out this section, the Attorney General may make grants to States to study and to improve the collection of data with respect to individuals whose parole or post-incarceration supervision is revoked, and which such individuals represent the greatest risk to victims and community safety.

(b) APPLICATION.—As a condition of receiving a grant under this section, a State shall—

(1) certify that the State has, or intends to establish, a program that collects comprehensive and reliable data with respect to individuals described in subsection (a), including data on—

(A) the number and type of parole or post-incarceration supervision violations that occur with the State;

(B) the reasons for parole or post-incarceration supervision revocation;

(C) the underlying behavior that led to the revocation; and

(D) the term of imprisonment or other penalty that is imposed for the violation; and

(2) provide the data described in paragraph (1) to the Bureau of Justice Statistics, in a form prescribed by the Bureau.

(c) ANALYSIS.—Any statistical analysis of population data under this section shall be conducted in accordance with the Federal Register Notice dated October 30, 1997, relating to classification standards.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $1,000,000 for each of fiscal years 2008 and 2009.

SEC. 243. ADDRESSING THE NEEDS OF CHILDREN OF INCARCERATED PARENTS.

(a) BEST PRACTICES.—

(1) IN GENERAL.—The Attorney General shall collect data and develop best practices of State corrections departments and child protection agencies relating to the communication and coordination between such State departments and agencies to ensure the safety and support of children of incarcerated parents (including those in foster care and kinship care), and the support of parent-child relationships between incarcerated (and formerly incarcerated) parents and their children, as appropriate to the health and well-being of the children.

(2) CONTENTS.—The best practices developed under paragraph (1) shall include information related to policies, procedures, and programs that may be used by States to address—

(A) maintenance of the parent-child bond during incarceration;

(B) parental self-improvement; and

(C) parental involvement in planning for the future and well-being of their children.

(b) DISSEMINATION TO STATES.—Not later than 1 year after the date of enactment of this Act, the Attorney General shall disseminate to States and other relevant entities the best practices described in subsection (a).

(c) SENSE OF CONGRESS.—It is the sense of Congress that States and other relevant entities should use the best practices developed and disseminated in accordance with this section to evaluate and improve the communication and coordination between State corrections departments and child protection agencies to ensure the safety and support of children of incarcerated parents (including those in foster care and kinship care), and the support of parent-child relationships between incarcerated (and formerly incarcerated) parents and their children, as appropriate to the health and well-being of the children.

CHAPTER 3—CORRECTIONAL REFORMS TO EXISTING LAW

SEC. 251. CLARIFICATION OF AUTHORITY TO PLACE PRISONER IN COMMUNITY CORRECTIONS.

(a) PRE-RELEASE CUSTODY.—Section 3624(c) of title 18, United States Code, is amended to read as follows:

''(c) PRE-RELEASE CUSTODY.—

''(1) IN GENERAL.—The Director of the Bureau of Prisons shall, to the extent practicable, ensure that a prisoner serving a term of imprisonment spends a portion of the final months of that term (not to exceed 12 months), under conditions that will afford that prisoner a reasonable opportunity to adjust to and prepare for the reentry of that prisoner into the community. Such conditions may include a community correctional facility.

''(2) HOME CONFINEMENT AUTHORITY.—The authority under this subsection may be used to place a prisoner in home confinement for the shorter of 10 percent of the term of imprisonment of that prisoner or 6 months.

''(3) ASSISTANCE.—The United States Probation System shall, to the extent practicable, offer assistance to a prisoner during pre-release custody under this subsection.

''(4) NO LIMITATIONS.—Nothing in this subsection shall be construed to limit or restrict the authority of the Director of the Bureau of Prisons under section 3621.

''(5) REPORTING.—Not later than 1 year after the date of enactment of the Recidivism Reduction and Second Chance Act of 2007 (and every year thereafter), the Director of the Bureau of Prisons shall transmit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report describing the Bureau's utilization of community corrections facilities. Each report under this paragraph shall set forth the number and percentage of Federal prisoners placed in community corrections facilities during the preceding year, the average length of such placements, trends in such utilization, the reasons some prisoners are not placed in community corrections facilities, and any other information that may be useful to the committees in determining if the Bureau is utilizing community corrections facilities in an effective manner.

''(6) ISSUANCE OF REGULATIONS.—The Director of Bureau of Prisons shall issue regulations pursuant to this subsection not later than 90 days after the date of enactment of the Recidivism Reduction and Second Chance Act of 2007.''.

(b) COURTS MAY NOT REQUIRE A SENTENCE OF IMPRISONMENT TO BE SERVED IN A COMMUNITY CORRECTIONS FACILITY.—Section 3621(b) of title 18, United States Code, is amended by adding at the end the following: ''Any order, recommendation, or request by a sentencing court that a convicted person serve a term of imprisonment in a community corrections facility shall have no binding effect on the authority of the Bureau under this section to determine or change the place of imprisonment of that person.''.

SEC. 252. RESIDENTIAL DRUG ABUSE PROGRAM IN FEDERAL PRISONS.

Section 3621(e)(5)(A) of title 18, United States Code, is amended by striking ''means a course of'' and all that follows and inserting the following: ''means a course of individual and group activities and treatment, lasting at least 6 months, in residential treatment facilities set apart from the general prison population (which may include the use of pharmocotherapies, where appropriate, that may extend beyond the 6-month period);''.

SEC. 253. MEDICAL CARE FOR PRISONERS.

Section 3621 of title 18, United States Code, is further amended by adding at the end the following new subsection:

''(g) CONTINUED ACCESS TO MEDICAL CARE.—

''(1) IN GENERAL.—In order to ensure a minimum standard of health and habitability, the Bureau of Prisons shall ensure that each prisoner in a community confinement facility has access to necessary medical care, mental health care, and medicine.

''(2) DEFINITION.—In this subsection, the term 'community confinement' has the meaning given that term in the application notes under section 5F1.1 of the Federal Sentencing Guidelines Manual, as in effect on the date of the enactment of the Second Chance Act of 2007.''.

SEC. 254. CONTRACTING FOR SERVICES FOR POST-CONVICTION SUPERVISION OFFENDERS.

Section 3672 of title 18, United States Code, is amended by inserting after the third sentence in the seventh undesignated paragraph the following: ''He also shall have the authority to contract with any appropriate public or private agency or person to monitor and provide services to any offender in the community, including treatment, equipment and emergency housing, corrective and preventative guidance and training, and other rehabilitative services designed to protect the public and promote the successful reentry of the offender into the community.''.

SA 896. Mr. LEAHY (for himself and Mr. SPECTER) proposed an amendment to the bill S. 378, to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes; as follows:

On page 5, line 5, strike ''any other court'' and insert ''the United States Tax Court''.

On page 5, line 10, after ''otherwise provide'' insert '', when requested by the chief judge of the Tax Court,''.

On page 5, line 13, strike ''person'' and insert ''persons''.

On page 5, between lines 15 and 16, insert the following:

(c) REIMBURSEMENT.—The United States Tax Court shall reimburse the United States Marshals Service for protection provided under the amendments made by this section.

On page 7, line 13, strike ''§ **118.**'' and insert ''§ **119.**''.

On page 9, strike line 1 and all that follows through the matter following line 4 and insert the following:

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of title 18, United States Code, is amended by adding at the end the following new item:

''119. Protection of individuals performing certain official duties.''.

On page 11, strike lines 10 through 17 and insert the following:

On page 19, strike line 18 and insert the following:

(b) CONSTRUCTION.—For purposes of construing and applying chapter 87 of title 5,

United States Code, including any adjustment of insurance rates by regulation or otherwise, the following categories of judicial officers shall be deemed to be judges of the United States as described under section 8701 of title 5, United States Code:

(1) Bankruptcy judges appointed under section 151 of title 28, United States Code.

(2) Magistrate judges appointed under section 631 of title 28, United States Code.

(3) Territorial district court judges appointed under section 24 of the Organic Act of Guam (48 U.S.C. 1424b), section 1(b) of the Act of November 8, 1877 (48 U.S.C. 1821), or section 24(a) of the Revised Organic Act of the Virgin Islands (48 U.S.C. 1614(a)).

(4) Judges retired under section 377 of title 28, United States Code.

(5) Judges retired under section 373 of title 28, United States Code.

(c) EFFECTIVE DATE.—The amendment made by

On page 20, line 6, strike ''magistrates'' and insert ''magistrate judges''.

On page 20, line 9, strike ''**MAGISTRATES**'' and insert ''**MAGISTRATE JUDGES**''.

On page 20, strike lines 17 through 22 and insert the following:

SEC. 505. FEDERAL JUDGES FOR COURTS OF APPEALS.

SA 897. Mr. ENSIGN (for himself and Mr. CRAIG) submitted an amendment intended to be proposed by him to the bill S. 378, to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes; which was ordered to lie on the table; as follows:

TITLE VI: NINTH CIRCUIT SPLIT

At the end of the bill, add the following:

SEC. 601. SHORT TITLE.

This title may be cited as the ''The Circuit Court of Appeals Restructuring and Modernization Act of 2007''.

SEC. 602. DEFINITIONS.

In this title:

(1) FORMER NINTH CIRCUIT.—The term ''former ninth circuit'' means the ninth judicial circuit of the United States as in existence on the day before the effective date of this title.

(2) NEW NINTH CIRCUIT.—The term ''new ninth circuit'' means the ninth judicial circuit of the United States established by the amendment made by section 603(2)(A).

(3) TWELFTH CIRCUIT.—The term ''twelfth circuit'' means the twelfth judicial circuit of the United States established by the amendment made by section 603(2)(B).

SEC. 603. NUMBER AND COMPOSITION OF CIRCUITS.

Section 41 of title 28, United States Code, is amended—

(1) in the matter preceding the table, by striking ''thirteen'' and inserting ''fourteen''; and

(2) in the table—

(A) by striking the item relating to the ninth circuit and inserting the following:

''Ninth ..... California, Guam, Hawaii, Northern Mariana Islands.''

and

(B) by inserting after the item relating to the eleventh circuit the following:

''Twelfth ..... Alaska, Arizona, Idaho, Montana, Nevada, Oregon, Washington.''.

SEC. 604. JUDGESHIPS.

(a) NEW JUDGESHIPS.—The President shall appoint, by and with the advice and consent of the Senate, 5 additional circuit judges for the new ninth circuit court of appeals, whose official duty station shall be in California.

(b) TEMPORARY JUDGESHIPS.—

(1) APPOINTMENT OF JUDGES.—The President shall appoint, by and with the advice and consent of the Senate, 2 additional circuit judges for the former ninth circuit court of appeals, whose official duty stations shall be in California.

(2) EFFECT OF VACANCIES.—The first 2 vacancies occurring on the new ninth circuit court of appeals 10 years or more after judges are first confirmed to fill both temporary circuit judgeships created by this subsection shall not be filled.

(c) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this Act.

SEC. 605. NUMBER OF CIRCUIT JUDGES.

The table contained in section 44(a) of title 28, United States Code, is amended—

(1) by striking the item relating to the ninth circuit and inserting the following:

''Ninth ..... 20''

and

(2) by inserting after the item relating to the eleventh circuit the following:

''Twelfth ..... 14''.

SEC. 606. PLACES OF CIRCUIT COURT.

The table contained in section 48(a) of title 28, United States Code, is amended—

(1) by striking the item relating to the ninth circuit and inserting the following:

''Ninth ..... Honolulu, Pasadena, San Francisco.''

and

(2) by inserting after the item relating to the eleventh circuit the following:

''Twelfth ..... Las Vegas, Phoenix, Portland, Seattle.''.

SEC. 607. LOCATION OF TWELFTH CIRCUIT HEADQUARTERS.

The offices of the Circuit Executive of the Twelfth Circuit and the Clerk of the Court of the Twelfth Circuit shall be located in Phoenix, Arizona.

SEC. 608. ASSIGNMENT OF CIRCUIT JUDGES.

Each circuit judge of the former ninth circuit who is in regular active service and whose official duty station on the day before the effective date of this title—

(1) is in California, Guam, Hawaii, or the Northern Mariana Islands shall be a circuit judge of the new ninth circuit as of such effective date; and

(2) is in Alaska, Arizona, Idaho, Montana, Nevada, Oregon, or Washington shall be a circuit judge of the twelfth circuit as of such effective date.

SEC. 609. ELECTION OF ASSIGNMENT BY SENIOR JUDGES.

Each judge who is a senior circuit judge of the former ninth circuit on the day before the effective date of this title may elect to be assigned to the new ninth circuit or the twelfth circuit as of such effective date and shall notify the Director of the Administrative Office of the United States Courts of such election.

SEC. 610. SENIORITY OF JUDGES.

The seniority of each judge—

(1) who is assigned under section 608, or

(2) who elects to be assigned under section 609,

shall run from the date of commission of such judge as a judge of the former ninth circuit.

SEC. 611. APPLICATION TO CASES.

The following apply to any case in which, on the day before the effective date of this title, an appeal or other proceeding has been filed with the former ninth circuit:

(1) Except as provided in paragraph (3), if the matter has been submitted for decision, further proceedings with respect to the matter shall be had in the same manner and with the same effect as if this title had not been enacted.

(2) If the matter has not been submitted for decision, the appeal or proceeding, together with the original papers, printed records, and record entries duly certified, shall, by appropriate orders, be transferred to the court to which the matter would have been submitted had this title been in full force and effect at the time such appeal was taken or other proceeding commenced, and further proceedings with respect to the case shall be had in the same manner and with the same effect as if the appeal or other proceeding had been filed in such court.

(3) If a petition for rehearing en banc is pending on or after the effective date of this title, the petition shall be considered by the court of appeals to which it would have been submitted had this title been in full force and effect at the time that the appeal or other proceeding was filed with the court of appeals.

SEC. 612. TEMPORARY ASSIGNMENT OF CIRCUIT JUDGES AMONG CIRCUITS.

Section 291 of title 28, United States Code, is amended by adding at the end the following:

''(c) The chief judge of the Ninth Circuit may, in the public interest and upon request by the chief judge of the Twelfth Circuit, designate and assign temporarily any circuit judge of the Ninth Circuit to act as circuit judge in the Twelfth Circuit.

''(d) The chief judge of the Twelfth Circuit may, in the public interest and upon request by the chief judge of the Ninth Circuit, designate and assign temporarily any circuit judge of the Twelfth Circuit to act as circuit judge in the Ninth Circuit.''.

SEC. 613. TEMPORARY ASSIGNMENT OF DISTRICT JUDGES AMONG CIRCUITS.

Section 292 of title 28, United States Code, is amended by adding at the end the following:

''(f) The chief judge of the United States Court of Appeals for the Ninth Circuit may in the public interest—

''(1) upon request by the chief judge of the Twelfth Circuit, designate and assign 1 or more district judges within the Ninth Circuit to sit upon the Court of Appeals of the Twelfth Circuit, or a division thereof, whenever the business of that court so requires; and

''(2) designate and assign temporarily any district judge within the Ninth Circuit to hold a district court in any district within the Twelfth Circuit.

''(g) The chief judge of the United States Court of Appeals for the Twelfth Circuit may in the public interest—

''(1) upon request by the chief judge of the Ninth Circuit, designate and assign 1 or more district judges within the Twelfth Circuit to sit upon the Court of Appeals of the Ninth Circuit, or a division thereof, whenever the business of that court so requires; and

''(2) designate and assign temporarily any district judge within the Twelfth Circuit to hold a district court in any district within the Ninth Circuit.

''(h) Any designations or assignments under subsection (f) or (g) shall be in conformity with the rules or orders of the court of appeals of, or the district within, as applicable, the circuit to which the judge is designated or assigned.''.

SEC. 614. ADMINISTRATION.

The court of appeals for the ninth circuit as constituted on the day before the effective date of this title may take such administrative action as may be required to carry out this title and the amendments made by this title. Such court shall cease to exist for administrative purposes 2 years after the date of enactment of this Act.

SEC. 615. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out

this title, including funds for additional court facilities.

SEC. 616. EFFECTIVE DATE.

Except as provided in section 604(c), this title and the amendments made by this title shall take effect 12 months after the date of enactment of this Act.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, April 26, 2007, at 10 a.m. in Room 485 of the Russell Senate Office Building to conduct a hearing on S. 462, Shoshone-Paiute Tribes of Duck Valley Water Rights Settlement Act.

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

SUBCOMMITTEE ON WATER AND POWER

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that S. 1112, a bill to allow for the renegotiation of the payment schedule of contracts between the Secretary of the Interior and the Redwood Valley County Water District, and for other purposes, has been added to the agenda of the hearing scheduled before the Subcommittee on Water and Power of the Senate Committee on Energy and Natural Resources scheduled for Wednesday, April 25, 2007, at 2:30 p.m. in room 366 of the Dirksen Senate Office Building.

For further information, please contact Michael Connor at (202) 224–5479 or Gina Weinstock at (202) 224–5684.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition and Forestry be authorized to conduct a hearing during the session of the Senate on Wednesday April 18, 2007, at 9:30 a.m. in SD–106, Senate Dirksen Office Building. The title of this committee hearing is ''Economic Challenges and Opportunities Facing American Agricultural Producers Today.''

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Wednesday, April 18, 2007, at 10 a.m., in room 253 of the Russell Senate Office building. The purpose of this hearing is to examine how America's trade policy has impacted the U.S. economy, consumers, and workers.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Wednesday, April 18, 2007, at 2:30 p.m., in room 253 of the Russell Senate Office Building. The purpose of this hearing is to review the Coast Guard's proposed FY 2008 budget, and related oversight matters.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet for a hearing on Wednesday, April 18, 2007, at 2:30 p.m., in 406 Dirksen Senate Office Building. The agenda for the hearing is the nomination of Lieutenant General Robert L. Van Antwerp, Jr., to be Chief of Engineers and Commanding General of the United States Army Corps of Engineers.

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

COMMITTEE ON FINANCE

Mr. MENENDEZ. Mr. President I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Wednesday, April 18, 2007, at 10 a.m., in 215 Dirksen Senate Office Building, to hear testimony on ''Examining the Administration's Plan for Reducing the Tax Gap: What are the Goals, Benchmarks and Timetables?''

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

COMMITTEE ON FOREIGN RELATIONS

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, April 18, 2007, at 9:30 a.m. to hold a nomination hearing.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions meet in executive session during the session of the Senate on Wednesday, April 18, 2007 at 10 a.m. in SH–216. We will be considering the following:

Agenda

1. S. 1082, The Prescription Drug User Fee Amendments of 2007, as amended by the Food and Drug Administration Revitilization Act.

2. The following nominations: Douglas G. Myers, of California, to be a Member of the National Museum and Library Services Board; Jeffrey Patchen, of Indiana, to be a Member of the National Museum and Library Services Board; Lotsee Patterson, of Oklahoma, to be a Member of the National Museum and Library Services Board; Stephen Porter, of the District of Columbia, to be a Member of the National Council on the Arts; Cynthia Wainscott, of Georgia, to be a Member of the National Council on Disability.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to hold an off-the-floor markup during the session on Wednesday, April 18, 2007, at a time to coincide with the first vote and a place to be determined to consider pending committee business.

Agenda

Nonmination of Gregory B. Cade, of VA. to be Administrator of U.S. Fire Administration.

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

COMMITTEE ON RULES AND ADMINISTRATION

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, April 18, 2007, at 10 a.m., to conduct a hearing on Repealing Limitation on Party Expenditures on Behalf of Candidates in General Elections.

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

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate for a hearing entitled ''Sarbanes-Oxley and Small Business: Addressing Proposed Regulatory Changes and their Impact on Capital Markets,'' on Wednesday, April 18, 2007, beginning at 10 a.m. in room 428A of the Russell Senate Office Building.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of Senate on Wednesday, April 18, 2007 to hold a Business Meeting to markup the nomination of Thomas E. Harvey, of New York, to be an Assistant Secretary of Veterans' Affairs, Congressional Affairs.

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

JOINT COMMITTEE ON THE LIBRARY

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Joint Committee on the Library be authorized to meet during the session of the Senate on Wednesday, April 18, 2007, at 2:15 p.m., to conduct its organization meeting for the 110th Congress.

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

JOINT COMMITTEE ON THE LIBRARY

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Joint Committee on Printing be authorized to meet during the session of the Senate on Wednesday, April 18, 2007, at 2:30

p.m., to conduct its organization meeting for the 110th Congress.

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

SUBCOMMITTEE ON PERSONNEL AND THE SUBCOMMITTEE ON READINESS AND MANAGEMENT SUPPORT

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Subcommittee on Personnel and the Subcommittee on Readiness and Management Support be authorized to meet in open session during the session of the Senate on Wednesday, April 18, 2007, at 3 p.m., to receive testimony on the readiness impact of quality of life and family support programs to assist families of active duty, National Guard, and Reserve military personnel.

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

PRIVILEGES OF THE FLOOR

Mr. BAUCUS. Mr. President, I ask unanimous consent that Mary Baker and Brett Youngerman, detailees with the Finance Committee, be granted floor privileges for the consideration of the prescription drug bill.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

THANKING THE PARLIAMENTARIANS

Mr. SALAZAR. Mr. President, I thank our Parliamentarians, who always keep us in order in this Chamber, for their great work. They do a wonderful job.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the Republican leader, pursuant to Public Law 96–114, as amended, appoints the following individual to the Congressional Award Board: the Honorable JOHNNY ISAKSON of Georgia.

COMMENDING THE ACHIEVEMENTS OF THE RUTGERS UNIVERSITY WOMEN'S BASKETBALL TEAM

Mr. SALAZAR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 156, 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. 156) commending the achievements of the Rutgers University women's basketball team and applauding the character and integrity of the players as student-athletes.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SALAZAR. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table; and that any statements relating thereto be printed in the RECORD.

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

The resolution (S. Res. 156) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 156

Whereas under head coach C. Vivian Stringer the Rutgers University women's basketball team (referred to in this preamble as the ''Lady Knights'') finished an extraordinary 2006–2007 season with a 27–9 record;

Whereas, after losing 4 of their first 6 games, the Lady Knights refused to give up and spent their winter break in the gym honing their skills and working to become a better team for the rest the season;

Whereas, on March 6, 2007, the Lady Knights upset the top-seeded University of Connecticut team for their first-ever Big East Championship title;

Whereas the young women of the Lady Knights displayed great talent in their run to the Final Four of the women's National Collegiate Athletic Association (NCAA) tournament;

Whereas 5 freshmen played an integral role in the team's march to the championship game;

Whereas the Lady Knights showed enormous composure with tournament wins against teams playing in their home States;

Whereas, through hard work and determination, the young team fought through improbable odds to reach the NCAA title game;

Whereas the team was just the third number 4 seed in history to reach the championship;

Whereas the Lady Knights made school history as the first athletic team from Rutgers University to play for any national championship;

Whereas, during the 3 weeks of the tournament, the Lady Knights brought excitement to the NCAA tournament and captured the hearts of basketball fans throughout New Jersey and across the Nation;

Whereas Rutgers students, alumni, faculty, and staff, along with countless New Jerseyans are immensely proud of what the Lady Knights accomplished during the season;

Whereas the members of the team are excellent representatives of Rutgers University and of the State of New Jersey;

Whereas the young women of the Lady Knights are outstanding individuals who are striving to reach lifetime goals both on and off the basketball court;

Whereas the Lady Knights epitomize the term ''student-athlete'' with a combined B+ grade point average;

Whereas by excelling in academics, music, and community service, Katie Adams, Matee Ajavon, Essence Carson, Dee Dee Jernigan, Rashidat Junaid, Myia McCurdy, Epiphanny Prince, Judith Brittany Ray, Kia Vaughn, and Heather Zurich are great role models for young women across the Nation; and

Whereas the Lady Knights embody integrity, leadership, and class: Now, therefore, be it

Resolved, That the Senate—

(1) commends the amazing performance of Rutgers University women's basketball team in the National Collegiate Athletic Association tournament; and

(2) expresses its admiration for the achievements and character of this team of remarkable young women.

EXTENDING THE BEST WISHES OF THE SENATE TO NEW JERSEY GOVERNOR JON S. CORZINE

Mr. SALAZAR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 157, 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. 157) extending the best wishes of the Senate to New Jersey Governor Jon S. Corzine and expressing the Senate's hope for his speedy and complete recovery.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SALAZAR. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD, without intervening action or debate.

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

The resolution (S. Res. 157) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 157

Whereas The Honorable Jon S. Corzine, the Governor of the State of New Jersey, served with distinction in the United States Senate from January 3, 2001, to January 17, 2006;

Whereas, during his time in the Senate, Governor Corzine made many friends in both political parties;

Whereas, on April 12, 2007, Governor Corzine was seriously injured in a major traffic accident;

Whereas Governor Corzine is in critical but stable condition in the Trauma Intensive Care Unit at Cooper University Hospital in Camden, New Jersey; and

Whereas Governor Corzine's many friends in the Senate are deeply concerned about the Governor and have had him in their thoughts since the tragic accident occurred: Now, therefore, be it

Resolved, That the Senate extends its best wishes to New Jersey Governor Jon S. Corzine and hopes for his speedy and complete recovery.

NATIONAL AND GLOBAL YOUTH SERVICE DAY

Mr. SALAZAR. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 158, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 158) designating April 20, 2007, as ''National and Global Youth Service Day.''

There being no objection, the Senate proceeded to consider the resolution.

Ms. MURKOWSKI. Mr. President I commend to my colleagues this resolution designating April 20, 2007, as National and Global Youth Service Day. This resolution recognizes and commends the significant community service efforts that youth are making in communities across the country and around the world on April 20 and every day. This resolution also encourages the citizens of the United States to acknowledge and support these volunteer efforts.

Over the weekend, beginning this Friday, April 20, youth from across the United States and the world will carry out community service projects in areas ranging from hunger to literacy to the environment. Through this service, many will embark on a lifelong path of service and civic engagement in more than 100 countries around the world.

This event is not isolated to one weekend a year. National and Global Youth Service Day is an annual public awareness and education campaign that highlights the valuable contributions that young people make to their communities throughout the year.

The participation of youth in community service is not just a nice idea for a way to spend a Saturday afternoon. Youth who are engaged in volunteer service, according to recent studies, do better in school than their classmates who do not volunteer. Youth who engage in volunteering and other positive activities are also more likely to avoid risky behaviors, such as drug and alcohol use, crime, and promiscuity.

A recently released study conducted by the Corporation for National and Community Service points out some interesting findings about the attitudes and behaviors of youth toward volunteering and other forms of civic engagement.

The study found that: 74 percent of youth who volunteer do so at least in part through a religious organization, a schoolbased group, or a youth leadership organization such as Scouts or 4H. A youth from a family where at least one parent volunteers is almost twice as likely to volunteer as a youth with no family members who volunteer, and nearly three times as likely to volunteer on a regular basis. Youth from disadvantaged circumstances who volunteer demonstrate more positive civic attitudes and behaviors than similar youth who do not volunteer.

In an effort to recognize and support youth volunteers in my State, I would like to recognize some of the activities that will occur this year in Alaska in observance of National and Global Youth Service Day:

No. 1, Anchorage's Promise, which works to mobilize all sectors of the community to build the character and competence of Anchorage's children and youth is again sponsoring the annual Kids' Day event in Anchorage this year. Seventy different nonprofits and businesses will provide free kid-friendly activities to help families build an understanding of the importance of safe places for kids, providing a healthy start and future, the value of having a caring adult in the life of each youth, and why effective education can ensure that all youth have the skills needed to pursue college, vocational training and the field of work that they are interested in.

No. 2, Eielson Youth Programs will sponsor a Knit-a-Thon to benefit the women's shelter and the senior center. Volunteers will help instruct preteen and teenage knitters and will also knit projects. All participants are also asked to bring personal hygiene items to be donated to the shelter/center as part of the project.

No. 3, Aurora Elementary School on Elmendorf Air Force Base will be sponsoring a canned food drive in conjunction with a school dance. The price of admission to the dance is one can of food.

No. 4, Alaska Winter Stars, members of the cross-country ski teams from both Alaska Pacific University and University of Anchorage Alaska, will be hosting a fitness challenge and pledge booth at Kids Day this year. The goal is to bring awareness to the importance of good health and physical activity. Participants will be given the opportunity to test their fitness level and sign a pledge promising to be more active. More than 5,000 youth are expected to participate.

No. 5, on April 8, annual Prudential Alaska Spirit of Community Student Volunteer Service Recognition Ceremony will honor more than 150 Alaskan students for making a difference through outstanding volunteer service on National Youth Service Day. This ceremony highlights the outstanding partnerships between Alaskan nonprofit organizations and the business community. The ceremony is conducted in partnership with the Points of Light Foundation, President's Council on Service and Civic Participation, USA Freedom Corps, Prudential Financial, Corporation for National Service, the National Association of Secondary School Principals, Prudential Jack White Vista Real Estate, Key Bank of Alaska, Anchorage Daily News, Wells Fargo Bank, Anchorage Municipal Light and Power, Home State Mortgage, Alyeska Title Guaranty Agency, Jewel Lake Tastee Freez, Friends of Alaska Prudential Youth Leadership Institute, and other caring community organizations and individuals.

No. 6, teens in the Alaska Youth for Environmental Action program of the National Wildlife Federation will be urging individuals to take the ''3-2-1 Pledge—change three incandescent lightbulbs to compact fluorescents, turn the thermostat down 2 degrees in cold weather, and unplug one appliance when not in use. The ''3-2-1 Pledge'' project has a goal to collect 5,000 signatures by April 2007. The goal will reduce carbon emissions in Alaska by an estimated 19.8 million pounds annually. Alaska Youth for Environmental Action is working in six communities: Sitka, Yakutat, Homer, Juneau, Anchorage and Fairbanks.

No. 7, Nerf Balls for Soldiers of Foreign Turf—students across Anchorage are invited to help build positive relations between our soldiers and the children they come in contact with in Iraq. Youth are encouraged to bring or purchase a new Nerf toy to the Egan Center during Kids Day. Funds will be used to raise money for more shipping, and the Nerf Balls will be shipped to Iraq for soldiers to use for relationship building.

No. 8, Pen Pal Cards For Kids—Clark Middle School students will help Anchorage's Promise Kids Day participants make cards and letters for children that can be used to encourage those who are over seas or in local hospitals.

No. 9, Boy Scouts—Scouting for Food Project—Boy Scouts of Troop 205 in Anchorage will be collecting canned food at Kids Day events for donation to the Alaska Food Bank.

No, 10, students from the West High School Junior ROTC and King Career Center Public Safety and Security Assistants programs will be on hand for Kids Day to help monitor exit doors, assist with handing out door prize tickets, and monitor elevators for safety. Students will also have the opportunity to mentor with adults in a variety of settings such as first aid, search and rescue, fire fighters, and Egan Center security.

No. 11, Cook Inlet Tribal Youth Council will share Alaska Native heritage by demonstrating Native games and by encouraging healthy active lifestyles at three locations in Anchorage on April 20.

No. 12, Summer Reading Program Work Party involves teen volunteers from the Anchorage Municipal Libraries in stuffing 4,000 bags with materials for the summer reading program. This program will help maintain student progress in reading by keeping kids reading all summer long.

No. 13, the Girl Scouts Susitna Council will be planting 95 tree seedlings in honor of Girl Scouts of the USA's 95th anniversary. The seedlings will be planted at the Bureau of Land Management's Campbell Creek Science Center in June. Every tree planted produces oxygen, removes air pollution, and fights soil erosion. In addition, the act of planting tree seedlings will instill a sense of stewardship among Girl Scouts that will be passed on to future generations. Future of Life, an organization whose mission is to ensure the future

of life on Earth for all species, is providing 95 tree seedlings to each Girl Scout council across the United States, beginning in April and scheduled to coincide with the planting season for each area.

Many similar and wonderful activities will be taking place all across the Nation. I encourage all of my colleagues to visit the Youth Service America website—www.vsa.org—to find out about the selfless and creative youth who are contributing in their own States this year.

I thank my colleagues—Senators AKAKA, ALEXANDER, BAUCUS, BAYH, BOXER, BROWN, BURR, CANTWELL, CASEY, CLINTON, COCHRAN, COLEMAN, COLLINS, CORKER, CRAIG, DODD, DOLE, DOMENICI, DURBIN, FEINGOLD, FEINSTEIN, GREGG, HAGEL, KENNEDY, KERRY, LANDRIEU, LAUTENBERG, LEVIN, LIEBERMAN, LINCOLN, LOTT, MARTINEZ, MENENDEZ, MIKULSKI, MURRAY, BEN NELSON, BILL NELSON, OBAMA, SALAZAR, SANDERS, SPECTER, STABENOW, and STEVENS—for standing with me as original cosponsors of this worthwhile legislation, which will ensure that youth across the country and the world know that all of their hard work is greatly appreciated.

Mr. SALAZAR. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 158) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 158

Whereas National and Global Youth Service Day is an annual public awareness and education campaign that highlights the valuable contributions that young people make to their communities;

Whereas the goals of National and Global Youth Service Day are to—

(1) mobilize the youth of the United States to identify and address the needs of their communities through service and service-learning;

(2) support young people in embarking on a lifelong path of service and civic engagement; and

(3) educate the public, the media, and policymakers about contributions made by young people as community leaders throughout the year;

Whereas National and Global Youth Service Day, a program of Youth Service America, is the largest service event in the world and is being observed for the 19th consecutive year in 2007;

Whereas young people in the United States and in many other countries are volunteering more than in any other generation in history;

Whereas children and youth not only represent the future of the world, but also are leaders and assets today;

Whereas children and youth should be valued for the idealism, energy, creativity, and unique perspectives that they use when addressing real-world issues such as poverty, hunger, illiteracy, education, gang activity, natural disasters, climate change, and myriad other issues;

Whereas a fundamental and conclusive correlation exists between youth service and lifelong adult volunteering and philanthropy;

Whereas, through community service, young people of all ages and backgrounds build character and learn valuable skills sought by employers, including time management, decisionmaking, teamwork, needs-assessment, and leadership;

Whereas service-learning is a teaching and learning strategy that integrates meaningful community service with academic curriculum;

Whereas service-learning supports young people in mastering important curriculum content by helping them make meaningful connections between what they are studying and the challenges that they see in their own communities;

Whereas high quality service-learning has been found to increase student academic engagement, academic achievement scores, civic engagement, character development, and career aspirations;

Whereas a report by Civic Enterprises found that 47 percent of high school dropouts reported boredom as a primary reason for dropping out;

Whereas service-learning has been found to increase students' cognitive engagement, motivation to learn, and school attendance;

Whereas several private foundations and corporations in the United States support service-learning as a means to develop the leadership and workforce skills necessary for the competitiveness of the United States in the 21st century;

Whereas a report by America's Promise found that 94 percent of young people want to be involved in making the world a better place, but 50 percent say there should be more volunteer programs for people their age;

Whereas the same report found that one-third of young people say they lack adult role models who volunteer and help others;

Whereas a sustained investment by the Federal Government, business partners, schools, and communities could fuel the positive, long-term cultural change that will make service and service-learning a common expectation and a common experience for all young people;

Whereas National and Global Youth Service Day engages millions of young people worldwide with the support of 51 lead agencies, 40 international organizations, and 110 national partners;

Whereas National Youth Service Day inspired Global Youth Service Day, which occurs concurrently in more than 100 countries and is now in its 8th year;

Whereas a growing number of Global Youth Service Day projects involve youth working collaboratively across national and geographic boundaries, increasing intercultural understanding and promoting the sense that they are global citizens; and

Whereas both young people and their communities will benefit greatly from expanded opportunities to engage youth in meaningful volunteer service and service-learning: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes and commends the significant contributions of the youth of the United States and encourages the cultivation of a common civic bond between young people dedicated to serving their neighbors, their communities, and the Nation;

(2) designates April 20, 2007, as ''National and Global Youth Service Day''; and

(3) calls on the people of the United States to—

(A) observe the day by encouraging youth to participate in civic and community service projects and by joining them in such projects;

(B) recognize the volunteer efforts of the young people of the United States throughout the year; and

(C) support the volunteer efforts of young people and engage them in meaningful learning and decisionmaking opportunities today as an investment in the future of the United States.

COMMENDING THE ASSOCIATION FOR ADVANCED LIFE UNDERWRITING ON ITS 50TH ANNIVERSARY

Mr. SALAZAR. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 159 which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 159) commending the Association for Advanced Life Underwriting on its 50th anniversary.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SALAZAR. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 159) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 159

Whereas, for 50 years, Association for Advanced Life Underwriting members have been increasingly strong advocates for advanced life insurance planning and its benefits to millions of Americans;

Whereas, the Association for Advanced Life Underwriting has helped educate Congress and the country about the trillions of dollars of protection, savings, and capital and millions of jobs provided by life insurance products;

Whereas, Association for Advanced Life Underwriting members have helped Americans with long-term estate, business, pension, and deferred compensation planning;

Whereas, Association for Advanced Life Underwriting members have been very active participants in our democracy, particularly at the Federal or congressional level, providing their real life, market-based expertise on issues involving life insurance;

Whereas, the Association for Advanced Life Underwriting has provided technical assistance on a variety of life insurance-related matters to the Department of the Treasury, the Internal Revenue Service, the Office of the Comptroller of the Currency, the Department of Labor, and the Financial Accounting Standards Board;

Whereas, the Association for Advanced Life Underwriting has advocated in both the Federal and State legislatures for reforms needed to assure that life insurance is used appropriately for the benefit of clients and the general public;

Whereas, the Association for Advanced Life Underwriting has worked to unify the life insurance industry to better advocate in the interests of the American public; and

Whereas, the Association for Advanced Life Underwriting has worked to reflect the

high level of commitment, principles, and expertise of its members and leaders: Now, therefore, be it

Resolved, That—

(1) the Association for Advanced Life Underwriting is congratulated on its 50th anniversary; and

(2) the Association for Advanced Life Underwriting is wished continued success during its next 50 years.

RECOGNIZING THE IMPORTANCE OF HOT SPRINGS NATIONAL PARK

Mr. SALAZAR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 160 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. 160) recognizing the importance of Hot Springs National Park on the 175th anniversary of the enactment of the Act that authorized the establishment of Hot Springs Reservation.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SALAZAR. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

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

The resolution (S. Res. 160) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 160

Whereas, in 1803, the 47 hot springs that eventually received protection under the first section of the Act of April 20, 1832 (4 Stat. 505, chapter 70) formally became the property of the United States as part of the Louisiana Purchase;

Whereas, with the establishment of the Hot Springs Reservation, the concept in the United States of setting aside a nationally significant place for the future enjoyment of the citizens of the United States was first carried out 175 years ago in Hot Springs, Arkansas;

Whereas the Hot Springs Reservation protected 47 hot springs in the area of Hot Springs, Arkansas;

Whereas, in the first section of the Act of April 20, 1832 (4 Stat. 505, chapter 70), Congress required that ''the hot springs in said territory, together with four sections of land, including said springs, as near the centre thereof as may be, shall be reserved for the future disposal of the United States, and shall not be entered, located, or appropriated, for any other purpose whatever'';

Whereas the Hot Springs Reservation was the first protected area in the United States;

Whereas the Act that authorized the establishment of the Hot Springs Reservation was enacted before the establishment of the Department of the Interior in 1849, and before the establishment of Yellowstone National Park as the first national park of the United States in 1872;

Whereas, in 1921, the Hot Springs Reservation was renamed ''Hot Springs National Park'' and became the 18th national park of the United States; and

Whereas the tradition of preservation and conservation that inspired the development of the National Park System, which now includes 390 units, began with the Act that authorized the establishment of the Hot Springs Reservation: Now, therefore, be it

Resolved, That on 175th anniversary of the Act of Congress that authorized the establishment of the Hot Springs Reservation, the Senate recognizes the important contributions of the Hot Springs Reservation and the Hot Springs National Park to the history of conservation in the United States.

HONORING THE LIFE OF OLIVER WHITE HILL

Mr. SALAZAR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 161 which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 161) honoring the life of Oliver White Hill, a pioneer in the field of American civil rights law, on the occasion of his 100th birthday.

There being no objection, the Senate proceeded to consider the resolution.

Mr. WARNER. Mr. President, I join my colleague from Virginia, Senator WEBB, in recognition of the 100th birthday of an exceptional American, Oliver White Hill. I am proud to say that this champion of civil rights is a fellow Virginian whom I have come to know personally over these many years. It is my privilege today to join Senator WEBB in honor of this great man.

After earning his law degree from Howard University School of Law where, I might add, he finished as the salutatorian to none other than future Supreme Court Justice Thurgood Marshall—Oliver White Hill began his law practice in Roanoke, VA, moving soon thereafter to Richmond to serve the National Association for the Advancement of Colored People, or NAACP, as the leader of its legal team in our Commonwealth. In his work with the NAACP from 1940 to 1961, Mr. Hill contributed tremendously to the progression of civil rights in our country, particularly in his role as a principal attorney on the landmark case of Brown v. Board of Education in 1954.

Working diligently for the NAACP, Mr. Hill was legal counsel for many historic cases regarding equal opportunity in education, employment, housing, transportation, and justice.

As a person who has spent many years in public service, I have a special appreciation for the dignity with which Mr. Hill answered the call to duty throughout his career, first as a veteran of World War II, as the first African American elected to the Richmond City Council since the Reconstruction era, and later as a Federal appointee to the Federal Housing Administration and the Department of Housing and Urban Development.

It is my honor today to stand before the Senate in appreciation for the efforts of Mr. Hill on behalf of his country and his Commonwealth. Certainly, the legacy of his strong career in support of equal rights will continue to be felt through the determination of the many Americans mentored or inspired by Oliver White Hill, and I join with Senator WEBB in gratitude for his dedication and longevity.

Mr. WEBB. Mr. President, I commend to my colleagues a Senate resolution that I have cosponsored with my esteemed colleague, the senior senator from Virginia.

As my home State celebrates its 400th anniversary, this resolution recognizes one of Virginia's most esteemed citizens, as he is preparing to celebrate an important milestone of his own. Oliver White Hill, a pioneer in the field of American Civil Rights law, will soon celebrate his 100th birthday at a gathering of hundreds of his friends, family and other admirers in Richmond, VA. I am honored to be counted among the list of guests, and it is with immense pride and an even greater sense of humility that I filed this resolution honoring the life and work of Mr. Hill.

Oliver Hill was born on May 1, 1907 in Richmond, and his family later moved to Roanoke, VA, and then Washington, DC, where he graduated from Dunbar High School. After leaving Dunbar, Mr. Hill enrolled at Howard University, earning both an undergraduate and law degree from that fine institution. As a testament to his brilliance, he graduated second in his class, a group whose valedictorian was none other than legal giant and future Supreme Court Justice Thurgood Marshall.

Although much of America was racially segregated, Mr. Hill nonetheless became a member of the Virginia Bar in 1934, and began his law practice in Roanoke. He later moved to Richmond and began a remarkable tenure leading the Virginia legal team of the National Association for the Advancement of Colored People from 1940 to 1961. Often forgoing lucrative legal work in pursuit of equal rights under the law for African Americans, Mr. Hill worked as one the principal attorneys on the historic Brown vs. Board of Education case in 1954. His dedication to this nation was further demonstrated when, in the midst of World War II, Mr. Hill interrupted his private law practice to serve in the Armed Forces from 1943 to 1945.

Mr. Hill was appointed by President Harry S. Truman to a committee to study racism in the United States. In 1948, Mr. Hill made history as the first African-American elected to Richmond's City Council since the days of Reconstruction. His public service career also included stints at the Federal Housing Administration and at the Department of Housing and Urban Development during that agency's early days.

Over the years, Mr. Hill acted as legal counsel in numerous landmark civil rights cases. His work encompasses equal opportunity in education,

employment, housing, transportation, and the justice system. Mr. Hill's age has not deterred him from continuing to actively engage in civic activities throughout the United States and the world. He has been received countless awards, including the Presidential Medal of Freedom from President William Jefferson Clinton in 1999, the prestigious Spingarn Medal from the NAACP in 2005, the dedication of a building in his honor on the grounds of the Virginia State Capitol in 2005 and professional accolades too numerous to count. Oliver Hill is living history, and an American of the finest order.

Generations of attorneys, activists and public servants, including myself, have been inspired and mentored by Oliver Hill. In recognition of his outstanding service to our country advancing the cause of freedom for all Americans, I am proud to have submitted this resolution in his honor on the occasion of his 100th birthday.

Mr. SALAZAR. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD, without intervening action or debate.

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

The resolution (S. Res. 161) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 161

Whereas Oliver White Hill was born on May 1, 1907, in Richmond, Virginia, moved with his family to Roanoke, Virginia, and graduated from Dunbar High School in Washington, DC;

Whereas Mr. Hill earned his undergraduate degree from Howard University and received a law degree from Howard University School of Law in 1933, graduating second in his class behind valedictorian and future Supreme Court Justice Thurgood Marshall;

Whereas, in 1934, Mr. Hill became a member of the Virginia Bar and began his law practice in Roanoke, Virginia, and continued in Richmond, Virginia, in 1939, leading the Virginia legal team of the National Association for the Advancement of Colored People (NAACP) from 1940 to 1961 and serving as one of the principal attorneys on the historic Brown v. Board of Education case in 1954;

Whereas Mr. Hill interrupted his law practice to serve in the United States Armed Forces from 1943 to 1945, and was later appointed by President Harry S. Truman to a committee to study racism in the United States;

Whereas, in 1948, Mr. Hill became the first African-American elected to the Richmond, Virginia, City Council since Reconstruction, and later served in appointed capacities with the Federal Housing Administration and the then-newly-created Department of Housing and Urban Development;

Whereas Mr. Hill served as legal counsel in many of the Nation's most important civil rights cases concerning equal opportunity in education, employment, housing, transportation, and the justice system;

Whereas Mr. Hill has remained actively engaged with civic enterprises at the community, State, national, and international levels, and earned numerous accolades and awards, including the Presidential Medal of Freedom from President William Jefferson Clinton in 1999; the NAACP Spingarn Medal in 2005; and the dedication of a building on the grounds of the Virginia State Capitol in his honor by the Commonwealth of Virginia in 2005; and

Whereas Mr. Hill served as a mentor to generations of attorneys, activists, and public servants: Now, therefore, be it

Resolved, That the Senate honors the life and legacy of Oliver White Hill, a pioneer in the field of American civil rights law, on the occasion of his 100th birthday.

CONGRATULATING THE CITY OF CHICAGO

Mr. SALAZAR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 28, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 28) congratulating the City of Chicago for being chosen to represent the United States in the international competition to host the 2016 Olympic and Paralympic Games, and encouraging the International Olympic Committee to select Chicago as the site of the 2016 Olympic and Paralympic Games.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. SALAZAR. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

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

The concurrent resolution (S. Con. Res. 28) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 28

Whereas the City of Chicago has been selected by the United States Olympic Committee to represent the United States in its bid to host the 2016 Summer Olympic and Paralympic Games;

Whereas, by 2016, 20 years will have passed since the Summer Olympics were held in a city in the United States;

Whereas Chicago is a world-class city with remarkable diversity, culture, history, and people;

Whereas the citizens of Chicago take great pride in all aspects of their city and have a deep love for sports;

Whereas Chicago already holds a place in the international community as a city of immigrants from around the world, who are eager to be ambassadors to visiting Olympic athletes;

Whereas the Olympic and Paralympic Games will be played in the heart of Chicago so that athletes and visitors can appreciate the beauty of the downtown parks and lakefront;

Whereas Chicago is one of the transportation hubs of the world and can provide accessible transportation to international visitors through extensive rail, transit, and motorways infrastructure, combined with the world-class O'Hare and Midway International Airports;

Whereas the motto of the 2016 Olympic and Paralympic Games in Chicago would be ''Stir the Soul,'' and the games would inspire citizens around the world, both young and old;

Whereas a Midwestern city has not hosted the Olympic Games since the 1904 games in St. Louis, Missouri, and the opportunity to host the Olympics would be an achievement not only for Chicago and for the State of Illinois, but also for the entire Midwest;

Whereas hosting the 2016 Olympic and Paralympic Games would provide substantial local, regional, and national economic benefits;

Whereas Mayor Richard M. Daley, Patrick Ryan, and members of the Chicago 2016 Committee have campaigned tirelessly to secure Chicago's bid to host the Olympic and Paralympic Games;

Whereas, through the campaign to be selected by the United States Olympic Committee, Chicago's citizens, officials, workers, community groups, and businesses have demonstrated their ability to come together to exemplify the true spirit of the Olympic Games and the City of Chicago; and

Whereas the Olympic and Paralympic Games represent the best of the human spirit and there is no better fit for hosting this event than one of the world's truly great cities: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) congratulates the City of Chicago on securing the bid to represent the United States in the international competition to host the 2016 Olympic and Paralympic Games; and

(2) encourages the International Olympic Committee to select Chicago as the site of the 2016 Olympic and Paralympic Games.

COMMENDING GENERAL PETER J. SCHOOMAKER

Mr. SALAZAR. Mr. President, I ask unanimous consent that the Armed Services Committee be discharged from further consideration of and the Senate now proceed to consider S. Res. 139.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 139) commending General Peter J. Schoomaker for his extraordinary dedication to duty and service to the United States.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SALAZAR. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 139) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 139

Whereas General Peter J. Schoomaker, the 35th Chief of Staff of the United States Army, will be released from active duty in April 2007, after over 35 distinguished years of active Federal service;

Whereas General Schoomaker, a native of Wyoming, graduated from the University of

Wyoming in 1969, served in a variety of command and staff assignments with both conventional and special operations forces, including participation in numerous combat operations, such as Desert One in Iran, Urgent Fury in Grenada, Just Cause in Panama, Desert Shield/Desert Storm in Southwest Asia, and Uphold Democracy in Haiti, and supported various worldwide joint contingency operations, including those in the Balkans;

Whereas General Schoomaker has been awarded the Defense Distinguished Service Medal, 2 Army Distinguished Service Medals, 4 Defense Superior Service Medals, 3 Legions of Merit, 2 Bronze Star Medals, 2 Defense Meritorious Service Medals, 3 Meritorious Service Medals, the Joint Service Commendation Medal, the Joint Service Achievement Medal, the Combat Infantryman Badge, the Master Parachutist Badge and HALO Wings, the Special Forces Tab, and the Ranger Tab;

Whereas General Schoomaker was recalled from retirement, spent the last 4 years of his career in the highest position attainable in the Army, and has proven himself a tremendous wartime leader who has demonstrated unselfish devotion to the Nation and the soldiers he leads;

Whereas General Schoomaker's efforts to prepare the Army to fight a long war today while transforming it for an uncertain and complex future have been unprecedented;

Whereas General Schoomaker has demonstrated strategic leadership and vision and has had a remarkably positive and lasting impact on the Army by leveraging the momentum of the Global War on Terror to accelerate the transformation of the Army;

Whereas General Schoomaker, through modularization, rebalancing the total Army, development of a force generation model, restationing, and restructuring the Future Combat Systems, kept the Army focused on developing capabilities to meet traditional, irregular, catastrophic, and disruptive challenges threatening the interests of the United States;

Whereas General Schoomaker recognized that technological and organizational change requires intellectual and emotional transformation and tirelessly cultivated a learning and adaptive Army culture, while reaffirming the predominance of the human dimension of war;

Whereas General Schoomaker reflected the spirit of the warrior ethos he sought to instill in the United States Army—always placing the mission first, never accepting defeat, never quitting, and never leaving a fallen comrade;

Whereas General Schoomaker exemplifies the nonnegotiable characteristics exhibited by all great leaders—a strong sense of duty, honor, courage, and a love of country;

Whereas General Schoomaker has been selfless in his service to the Nation through peace and war;

Whereas one of General Schoomaker's predecessors, George C. Marshall, once remarked that ''it is not enough to fight, it is the spirit we bring to the fight that decides the issue''; and

Whereas when history looks back at the Army's 35th Chief of Staff, it will be clear that he had the spirit at a critical time in the Nation's history: Now, therefore, be it

Resolved, That the Senate—

(1) commends General Peter J. Schoomaker for his extraordinary dedication to duty and service to the United States throughout his distinguished career in the U.S. Army; and

(2) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to General Peter J. Schoomaker.

HONORING THE LIFE OF ERNEST GALLO

Mr. SALAZAR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 88, just received from the House and at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 88) honoring the life of Ernest Gallo.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. SALAZAR. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table, without intervening action or debate.

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

The concurrent resolution (H. Con. Res. 88) was agreed to.

The preamble was agreed to.

REAUTHORIZATION OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY

Mr. SALAZAR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 117, H.R. 1003.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 1003) to amend the Foreign Affairs Reform and Restructuring Act of 1998 to reauthorize the United States Advisory Commission on Public Diplomacy.

There being no objection, the Senate proceeded to consider the bill.

Mr. SALAZAR. Mr. President, I ask unanimous consent that the bill be read a third time, passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 1003) was ordered to a third reading, was read the third time, and passed.

ORDERS FOR THURSDAY, APRIL 19, 2007

Mr. SALAZAR. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m., Thursday, April 19; that on Thursday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that there then be a period for the transaction of morning business for 60 minutes, with Senators permitted to speak therein for up to 10 minutes each, with the first 30 minutes controlled by the Republican leader or his designee and the final 30 minutes under the control of the majority leader or his designee; that at the close of morning business, the Senate resume consideration of S. 378, the court security bill; and that the mandatory quorum under rule XXII be waived with respect to the cloture motion filed on S. 378.

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

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. SALAZAR. Mr. President, if there is no further business today, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:24 p.m., adjourned until Thursday, April 19, 2007, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate April 18, 2007:

DEPARTMENT OF STATE

FREDERICK B. COOK, OF FLORIDA, 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 CENTRAL AFRICAN REPUBLIC.

JOSEPH ADAM ERELI, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF BAHRAIN.

RICHARD BOYCE NORLAND, OF IOWA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF UZBEKISTAN.

REUBEN JEFFERY III, OF THE DISTRICT OF COLUMBIA, TO BE AN UNDER SECRETARY OF STATE (ECONOMIC, ENERGY, AND AGRICULTURAL AFFAIRS), VICE JOSETTE SHEERAN SHINER.

REUBEN JEFFERY III, OF THE DISTRICT OF COLUMBIA, TO BE UNITED STATES ALTERNATE GOVERNOR OF THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT FOR A TERM OF FIVE YEARS; UNITED STATES ALTERNATE GOVERNOR OF THE INTER-AMERICAN DEVELOPMENT BANK FOR A TERM OF FIVE YEARS; UNITED STATES ALTERNATE GOVERNOR OF THE AFRICAN DEVELOPMENT BANK FOR A TERM OF FIVE YEARS; UNITED STATES ALTERNATE GOVERNOR OF THE AFRICAN DEVELOPMENT FUND; UNITED STATES ALTERNATE GOVERNOR OF THE ASIAN DEVELOPMENT BANK; AND UNITED STATES ALTERNATE GOVERNOR OF THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT, VICE JOSETTE SHEERAN SHINER.

WITHDRAWAL

Executive message transmitted by the President to the Senate on April 18, 2007, withdrawing from further Senate consideration the following nomination:

ENRIQUE J. SOSA, OF FLORIDA, TO BE A MEMBER OF THE REFORM BOARD (AMTRAK) FOR A TERM OF FIVE YEARS, VICE LINWOOD HOLTON, TERM EXPIRED, WHICH WAS SENT TO THE SENATE ON JANUARY 9, 2007.

EXTENSIONS OF REMARKS

IN MEMORY OF COLONEL AUSTIN CAPPS SR.

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2007

Mr. ROSS. Madam Speaker, I rise today to honor the memory of my dear friend Colonel Austin Capps Sr. of Gurdon, Arkansas, who passed away April 14, 2007.

Colonel Capps was a leader and an inspiration to many throughout his years of service to his community and to the state of Arkansas. His dedicated commitment to making his beloved town of Gurdon and his state a better place to live was evident in everything he did.

Colonel Capps was a lifelong resident of Clark County and graduate of Ouachita Baptist University. Upon graduation, he was commissioned as a 2nd Lieutenant in the U.S. Army where he served during World War II in North Africa, Italy, and France. After the war, he returned to Gurdon where he continued serving his country by enlisting with the U.S. Army Reserves.

Colonel Capps' diligence to duty and service to those around him carried over into his business, Austin's Appliance and Furniture, which he operated in Gurdon for over 70 years. Due to his decades of hard work and commitment to improving the lives of Gurdon residents, I often thought of him as "Mr. Gurdon."

Colonel Capps was a devoted, lifelong member of the First Presbyterian Church of Gurdon where he served as an elder, Sunday School teacher, and member of the choir. He was a man of strong faith that was evident in all he did. He also served as member of the Board of Trustees of Baptist Hospital in Arkadelphia and as a faithful Gideon.

I send my deepest condolences to his two sons Colonel James Capps, Jr. of Hot Springs, AR, and William Roy Capps, of Gurdon, AR, to his two sisters Louise Mann of Houston, TX, and Alyene Fowler of Ft. Scott, KS; and to his seven grandchildren and 19 great grandchildren who affectionately called him "Big Daddy."

Colonel Capps will be missed by his family, his church, his community, and all those who knew him and called him a friend. I will continue to keep his family in my thoughts and prayers.

PAYING TRIBUTE TO MILTON I. SCHWARTZ

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2007

Mr. PORTER. Madam Speaker, I rise today to honor my friend Milton I. Schwartz for his generosity and humanitarian efforts on behalf of the entire Las Vegas community.

Milton Schwartz was born and raised in Brooklyn, NY. After attending New York University and the Wharton School of Finance, Milton enlisted in the U.S. Army, serving with the Army Signal Corp during World War II. Following his military career, Milton moved to Nevada and became a successful businessman. He was the owner of Checker Cab Company, Vice President of Yellow Cab and Star Cab companies, and owner and operator of Valley Hospital where he served as the chairman of Formula 409. Aside from his contributions to the growth in southern Nevada, Milton has played a large part in the local Jewish community. In 1988, he established the Milton I. Schwartz Hebrew Academy, a Judaic elementary school serving preschool to eighth grade.

As a result of his pursuits, Milton has received a number of accolades, most notably being honored as Republican of the Year by the State of Nevada Republican Men's Club and as Humanitarian of the Year by Goodwill Industries. On May 6, 2007, Milton will be honored with the Dr. Miriam and Sheldon G. Adelson in Pursuit of Excellence Award at a gala in his honor.

Madam Speaker, I am proud to honor my friend Milton I. Schwartz. His commitment to the Las Vegas community is truly commendable for he has enriched countless lives. I applaud him for his success and wish him the best in future endeavors.

HONORING THE 2007 ST. PAUL CENTRAL HIGH SCHOOL MINUTEMEN GIRLS BASKETBALL CHAMPIONS

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2007

Ms. McCOLLUM of Minnesota. Madam Speaker, today I rise to honor the 2007 St. Paul Central High School Minutemen Girls Basketball Class AAAA State champions. The Minutemen won a convincing 81–63 victory over the Minneapolis South Tigers to capture the championship title on March 17, 2007. I extend heartfelt congratulations to the Minutemen champions and the entire Central High School.

As the result of their hard work, outstanding athletic ability, power and speed, the team achieved success throughout their season as well as their championship game. With 32 wins and 0 losses, the 2007 St. Paul Central Minutemen Girls Basketball champions have the best winning record of any girls basketball team in Minnesota history. In achieving its victory in the Class AAAA championship game, the team's 81 points set a new score record, surpassing the previous high score of 80 points. The Minutemen Girls team victory earns them a place in St. Paul Central Girls Basketball history alongside the 1976 and 1979 St. Paul Central Girls State Championship teams. I am proud of the positive example set by these fine young student athletes.

Madam Speaker, on behalf of the students, faculty and staff of St. Paul Central High School, please join me in honoring the St. Paul Central Minutemen Girls Basketball State champions.

A TRIBUTE TO LA SALLE HIGH SCHOOL

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2007

Mr. SCHIFF. Madam Speaker, I rise today to pay special recognition to La Salle High School as it celebrates its 50th anniversary.

La Salle High School was created in 1956 at the request of the archbishop of Los Angeles, who wanted a Catholic boys high school to serve the northern and eastern sections of the San Gabriel Valley. The school was created to fulfill the mission of its founder, Saint John Baptist de La Salle, "to give a human and Christian education to the young, especially the poor, according to the ministry which the Church has entrusted to the Christian Brothers." La Salle High School opened its doors in September of 1956 to 117 ninth grade students from 14 nearby communities.

Throughout its 50-year service, the growing La Salle High School has been committed to an ethnically diverse student body. Minorities now account for 45 percent of the student body, providing students with a culturally rich learning environment, and in 1989 the decision was made to begin enrolling women. In 1991, the first coeducational classes were offered at La Salle High School to freshman, sophomore, and junior classes.

La Salle High School challenges its students with a rigorous balance of college preparatory courses, religious education, and extracurricular enrichment activities. The school's diverse and inclusive student body has continually upheld the school's strong commitment to academic excellence. Since 1960, over 5,000 students have graduated from La Salle High School, and nearly 100 percent of the graduating class have gone on to attend public and private institutions of higher education across the Nation. In 2004, La Salle received a full 6-year accreditation from both the Western Association of Schools and Colleges and the Western Catholic Education Association.

For 50 years La Salle High School has fulfilled its commitment of service and education under the strong guidance of its faculty. With a philosophy focused on the uniqueness of the individual as a person with religious, intellectual, emotional, social, and physical potential, the faculty at La Salle High School has long provided its students with a solid educational, social, and spiritual foundation.

I ask all Members to join me today in honoring La Salle High School upon the celebration of its 50th anniversary. The entire community joins me in thanking La Salle High School for the outstanding educational opportunities that it has provided for the youth of California's 29th Congressional District.

TEMPLE BETH SHOLOM'S DESIGNATION AS A NATIONAL HISTORIC LANDMARK

HON. ALLYSON Y. SCHWARTZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2007

Ms. SCHWARTZ. Madam Speaker, I rise today to recognize Pennsylvania's newest National Historic Landmark—Temple Beth Sholom of Elkins Park.

On April 4, 2007, Department of Interior Secretary Dirk Kempthorne designated Beth Sholom as a National Historic Landmark, ensuring that it would be remembered for its importance in interpreting the heritage and history of our Nation.

As the only synagogue in my State honored with this distinction, Beth Sholom is a source of pride for the people of Montgomery County, greater Philadelphia, and Pennsylvania. Founded in 1919, Beth Sholom was the first Philadelphia congregation to move to the region's suburbs in the 1950s. Today, the congregation has a membership of more than 1,000 families.

Beth Sholom is also the only synagogue ever designed by America's renowned architect, Frank Lloyd Wright. Built between 1954 and 1959, Beth Sholom was constructed to represent two metaphors suggested by the congregation's then rabbi, Mortimer J. Cohen—a tent and Mt. Sinai—to convey the sense of a collective sacred space,

To fulfill this vision, Mr. Wright designed the temple as a hexagon. When asked why he chose this shape for the temple, Mr. Wright is reported as saying, ''when one enters a place of worship he should feel as if he were resting in the very hands of God,'' Indeed, Beth Sholom is truly an awe-inspiring structure and worthy of its recognition as a National Historic Landmark.

So, Madam Speaker, I ask that my colleagues join me in saying ''Mazel Tov,'' to Beth Sholom's congregation, to express our collective congratulations, and wish them many more years of prosperity and success.

TRIBUTE TO THE BREAD OF LIFE DRIVE OF STATEN ISLAND, NY

HON. VITO FOSSELLA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2007

Mr. FOSSELLA. Madam Speaker, I rise today to recognize the Bread of Life Drive of Staten Island, NY For the past 16 years, the University of Notre Dame Alumni Club of Staten Island has sponsored this enormous food drive, which provides necessary provisions to soup kitchens, shelters, and other charitable organizations on Staten Island. This year, with the help of students from 92 elementary, junior and high schools and colleges, this year's Bread of Life Drive was able to raise enough supplies to fully stock 25 essential organizations that serve the homeless, low-income families, single mothers, and victims of abuse.

Since its inception, the Bread of Life Drive has contributed 800,000 cans and boxes of food items to a wide range of charitable entities. This year's drive was very appropriately dedicated to Father Ted Hesburgh, president emeritus of Notre Dame, in celebration of his 90th birthday.

I would also like to personally highlight the efforts of Joe Delaney who has tirelessly headed up the Bread of Life Drive for many years.

Madam Speaker, in closing, I would personally like to thank the University's Alumni Club as well as all of the students, teachers, family members, and volunteers for their tireless efforts to help the needy of Staten Island. These good Samaritans have made the Bread of Life Drive an exemplary model of generosity and selflessness. Finally, I would like to wish Father Hesburgh a very happy 90th birthday and many more.

CONGRATULATING THE MARCUS HIGH SCHOOL MEN'S SOCCER TEAM

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2007

Mr. BURGESS. Madam Speaker, I rise today to congratulate the Marcus High School men's soccer team for winning the University Interscholastic League (UIL) 5A Soccer State Championship.

The Marcus Marauders defeated Plano West Senior High School to win the school's first men's soccer state championship. Glen Marshall scored a goal to send the game into overtime, as time was about to expire. After two scoreless overtime periods, a winner would be decided by a shootout. Eric Frazier, Jon McMullen, and Sam Garza scored in the shootout for the Marauders, and goalkeeper, Matt Chidsey, blocked three of Plano West's shots to win the championship. Andres Angulo was named the game's most valuable player. Angulo assisted on both of the Marauders' goals.

The Marauders finished their season with a perfect record of 30–0, outscoring their opponents 114–17. In the process, they recorded a school record 16 shutouts. The team is coached by John Gall.

I would like to offer my sincerest congratulations to the Marcus soccer team, Coach Gall, the parents, and all of Marcus High School for this great achievement. I wish them continued success in the future, and I am very proud to represent them in the 26th District of Texas.

TRIBUTE TO MR. JOHN CAMPBELL

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2007

Mr. STUPAK. Madam Speaker, I rise today to pay tribute to one of my constituents who has been of tremendous service to the economic growth in Michigan's Upper Peninsula. Mr. John Campbell has spent over thirty years helping to foster economic growth and development in the Eastern Upper Peninsula.

A lifelong Michigan resident, Mr. Campbell was born and raised in Brown City, Michigan. In 1956, he graduated from Central Michigan University with a major in biology and minors in Chemistry and Physical Education. His graduate studies were taken at Michigan State University and Wayne State University from 1958 to 1963.

In early 1969, Mr. Campbell began his career at the Eastern Upper Peninsula Regional Planning & Development Commission as an economic planner. As early as his very first grant request, Mr. Campbell demonstrated his resolve and commitment to bringing funding for projects to the Upper Peninsula. His first grant request came from Kinross Township, which was seeking funding for a recreational proposal. The plans for the proposal, which were sketched upon a tattered, torn and coffee stained brown paper bag, included the construction of a lighted racetrack, a grandstand and an underground walkway. At the time, the Department of Natural Resource's Recreation Grant Program did not cover any of these projects. Despite this challenge, Mr. Campbell toiled tirelessly and within the next five years, each of these projects was brought to completion.

As the Assistant Director of the Regional Commission from October 1970 through August 1973, Mr. Campbell directed and coordinated the planning, research, and grant efforts of the staff. During his early career at Regional Planning, Mr. Campbell was principally in charge of the Overall Economic Development Plan, which was produced with grant funding from the Economic Development Administration.

Mr. Campbell was also an integral figure in finding ways to reuse the Kincheloe Air Force Base. When Kincheloe Air Force Base was closed in the 1970s and it was announced that 10,000 service people would leave the region, it was expected that the local area would undergo a massive economic hit. However, thanks in large part to Mr. Campbell's hard work and creativity, Kincheloe Air Force Base and surrounding base sites were modified to be used for other purposes, creating additional economic activity. Within 12 years after the closing, four prisons and one work camp were installed at the base, along with 12 industrial companies and 15 retail businesses. In all, the local tax base had doubled, and the civilian payroll created by the new ventures had reached $110 million.

While perhaps best known, redevelopment of Kincheloe Air Force Base was by no means Mr. Campbell's only project. Over his more than thirty years of work on economic development in the Upper Peninsula, Mr. Campbell was involved in nearly every major project in the immediate region. Among the projects he worked upon, Mr. Campbell helped oversee: the Newberry Streetscape/Infrastructure Project; road improvements near Hessel Block Company and Maples Sawmill CDBG; Tahquamenon Scenic Heritage Route Management Plan; a study of I–75; Easterday Avenue Interstate Bridge Crossing Study; De-Tour Village Water System Improvements; Eastern Upper Peninsula Regional Solid Waste Management Plan; Portage Township Land Use Plan; the establishment of the Chippewa County Industrial Park and Whitefish Township Plan.

Madam Speaker, throughout his distinguished career of service, Mr. Campbell has established a reputation as a consensus builder who can bring together different parties in the community to achieve shared results.

Residents throughout the Eastern Upper Peninsula describe Mr. Campbell as a quiet, but determined planner who knows the specifics of every project down to the last detail. Never one to seek credit for a particular project, he is known for his quiet demeanor, moving projects along to completion, but always humbly sharing the acclaim with those around him.

After over thirty years of service, Mr. Campbell is retiring. This weekend, residents of Chippewa County, Sault Ste. Marie and the Eastern Upper Peninsula will come together to honor Mr. Campbell for his many years of labor on behalf of economic growth in the Upper Peninsula. As this humble, hardworking man enters well-deserved retirement, I ask that you, Madam Speaker, and the entire U.S. House of Representatives join me in congratulating Mr. John Campbell and in wishing him and his wife, Geri, all the best for many years to come.

THE INTRODUCTION OF THE COLON CANCER SCREENING FOR LIFE ACT

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2007

Mr. NEAL of Massachusetts. Madam Speaker, I rise today in support of the Colon Cancer Screen for Life Act, which I am introducing along with Congressman PHIL ENGLISH (R–PA) and Congressman ED TOWNS (D–NY). According to the American Cancer Society, this year alone, 52,180 Americans will die from colon cancer. In my own state of Massachusetts, 1,180 people will lose their life to this deadly disease. What makes statistics such as these all the more tragic is that unlike other forms of cancer, colorectal cancer is highly detectable and even treatable if it is caught early through a colonoscopy screening examination.

Recognizing the importance of early intervention, Congress acted to provide Medicare coverage for colorectal cancer screening (CRC) through colonoscopy in the Balanced Budget Act of 1997 and further expanded in 2000 when the colonoscopy benefit was added for high risk beneficiaries. Under this benefit, a low risk beneficiary is entitled to receive a colonoscopy once every ten years and a high risk beneficiary is entitled to a colonoscopy every two years. Despite this, recent studies have shown that patients are not utilizing coverage of CRC preventive screenings. According to the Government Accountability Office (GAO), since the implementation of the benefit in 1998, the percentage of Medicare beneficiaries receiving either a screening or a diagnostic colonoscopy has increased by only one percent.

A key reason for the low rate of colonoscopy screening in the Medicare population is rapidly declining rates of reimbursement for the procedure. Medicare reimbursement for colonoscopies performed in the outpatient setting has dropped by 33 percent from the initial 1998 levels. In many states today, Medicaid payment rates actually exceed Medicare reimbursement for colonoscopy. Unless we reverse this trend toward declining reimbursement, physicians will no longer be able to offer colonoscopies to Medicare beneficiaries. This bill increases Medicare reimbursement rates by 30 percent for colonoscopies performed in an outpatient setting, and by 10 percent for procedures performed in the physician's office, to ensure that Medicare beneficiaries have access to these lifesaving procedures. Moreover, increasing colonoscopy screening rates will generate significant long-term savings for the Medicare program, in the form of foregone costs for costly colorectal cancer treatment.

Medicare also does not currently pay for a physician office visit prior to a screening colonoscopy. Colonoscopy procedures involve sedation, so physicians generally do not perform them without an office visit prior to the procedure to obtain the patient's medical history and to educate the patient about the steps he or she needs to take in order to prepare for the colonoscopy. A number of states actually require this pre-operative consultation. Medicare pays for this pre-operative visit when a colonoscopy is being performed in order to diagnose a patient—but it does not pay for such a visit prior to screening colonoscopies, even though the procedure is the same and presents the same risks to the patient. This bill fixes this discrepancy by providing Medicare reimbursement for the office visit that takes place prior to the screening colonoscopy.

Finally, reducing financial requirements on beneficiaries will encourage more people to take advantage of this preventive benefit. It was with this intent that Congress agreed to waive the Part B deductible as part of the Deficit Reduction Act of 2005. Unfortunately, since that time, CMS has misinterpreted this provision of law, claiming that the deductible is only waived if the beneficiary has a "clean" screening, but maintaining that the deductible still applies if the screening results in taking a biopsy or if a cancerous or pre-cancerous polyp. Under this nonsensical policy, a beneficiary is left not knowing whether or not the deductible is waived until after the screening. Those whose ability to pay is limited are therefore simply choosing not to take the risk. This bill would require that the deductible be waived for all screenings, regardless of the outcome.

Madam Speaker, as the old saying goes, "an ounce of prevention is worth a pound of cure." This bill embodies this wisdom. In passing the Colon Cancer Screen for Life Act, we will not only be able to save lives but we will also be able to save money. According to the American Cancer Society, 153,760 new cases were diagnosed this year. Each of these cases will cost Medicare between $35,000 and $80,000 per patient to treat. For the bargain price of a little over $200 dollars, we can stop this cancer before it starts. Seems to me that is not only the right thing to do, it is the smart thing to do.

I hope my Colleagues agree and will join me and Representatives ENGLISH and TOWNS in support of this important piece of legislation.

IN TRIBUTE TO MR. HAZELLE ''VON'' HICKMAN

HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2007

Ms. MOORE of Wisconsin. Madam Speaker, I rise today to recognize one of our nation's true pioneers, a man who has graced the United States with his bravery and service, both as a Tuskegee Airman and an outstanding citizen of Milwaukee where he resided for over 50 years. The man I am talking about, Mr. Hazelle ''Von'' Hickman died March 14, 2007. Mr. Hickman's death came just two weeks before the Tuskegee Airmen were belatedly honored in Washington, D.C. with the Congressional Medal of Honor, the highest honor that can be conferred by Congress on March 29, 2007.

Mr. Hickman enlisted in the Army Air Force in 1940. He became one of the Tuskegee Airmen specializing in weapons maintenance and enemy aircraft plotting. The Tuskegee Airmen were a dedicated, determined group of young men who fought many obstacles and extreme prejudice to become America's first Black military airmen. Mr. Hickman was stationed in New Guinea and the Philippines. He received a Philippines Liberation Ribbon, American Theater Campaign Medal, Asiatic-Pacific Campaign Medal with 2 Bronze Stars, Good Conduct Medal and a Citation from President Truman before his Honorable Discharge.

Mr. Hickman received the JC Penney Golden Rule Award in recognition of outstanding volunteer service, was a leader in his neighborhood block watch, and was active in local politics. He was blessed with an outstanding singing voice and was a member of the Senior Choir at Shiloah Evangelical Lutheran Church and was the first African American member of the Pabst Choir.

Mr. Hickman was born in Inverness, Mississippi, on February 14, 1920. After completing military service, Mr. Hickman moved to Milwaukee in 1946. He worked for Pabst Brewery and retired after a 30 year tenure. Mr. Hickman met and married his wife of 60 years, Minnie (nee Prince) in Milwaukee. He is survived by his daughter, Gina Hickman, and sons Craig Hickman and Jop Blom and many relatives and friends. I am honored to have this opportunity to pay tribute to Mr. Hickman for his singular courage and unwavering commitment to our country and to Milwaukee.

DENY VISA TO HUN SEN'S HENCHMAN

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2007

Mr. ROHRABACHER. Madam Speaker, I rise today to express my grave concerns about a visit tomorrow by Cambodia's national Chief of Police, Hok Lundy, to the FBI's headquarters here in Washington. It is not an overstatement to say that Hok Lundy's involvement in human rights abuses, human and narcotics trafficking, and political violence should place him at the top of our list of people to keep out of the U.S., not at the top of our list of people with whom to try to cooperate.

Indeed, it was the FBI itself that labelled the March 1997 grenade attack on an opposition rally in Phnom Penh, which killed more than a dozen and wounded many others, including an American, as a terrorist attack. In the days after the July 1997 coup d'etat, Hok Lundy led forces loyal to Prime Minister Hun Sen—forces who were implicated in the extrajudicial killings. Credible evidence suggests that Hok

Lundy himself ordered the killing of a senior Ministry of Interior official shortly after the coup. Lundy was never investigated for the killing.

Hok Lundy has been deeply implicated in those events and many other abuses, including drug trafficking allegations confirmed by our own DEA. But last year the FBI gave him an award for cooperating in counterterrorism efforts, the U.S. Ambassador praised him, and the FBI has now invited him here for discussions on bilateral cooperation.

In a 2004 Proclamation, the President unambiguously stated that foreign officials suspected of involvement in corrupt activities should be barred from entry. This clearly should apply to Hok Lundy. In addition, in 2006, the Trafficking in Persons office of the State Department overruled other offices and agencies and denied Hok Lundy a visa based on credible allegations that he had helped free human traffickers.

Madam Speaker, we are well aware that the war on terrorism entails dealing with some questionable characters. But it is my hope that should those characters prove to be guilty of abuses and crimes they at a minimum be barred from coming to the United States, and at a maximum be investigated by the FBI and other relevant agencies. But we should not be giving recognition to a man who has arguably done more to undermine American aspirations for Cambodia—to bring that battered country peace, justice, and a rights respecting government—than almost anyone else. It is counterproductive, hypocritical, and downright dumb to pursue such cooperation with someone with a demonstrated track record of terrorism, not someone who fights it.

Neither the State Department nor the FBI has articulated why they think Hok Lundy is a credible, reliable partner. To fall back, as the State Department's spokesperson did yesterday, on lame procedural rhetoric—that there is "no legal bar to denying him a visa"—or on some spurious administrative need—an unexplained "policy need" to attend "some meetings"—is a gross insult not only to the people of Cambodia but also the people of America. I believe the State Department and FBI must explain themselves—and that the visa should be revoked immediately.

EULOGY OF CORPORAL MARK KIDD

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2007

Mr. McCOTTER. Madam Speaker, I am here today with my colleague Mike Rogers to extend our sincerest gratitude to Cpl Mark Kidd—a son, grandson, brother, Marine and American—for his service to our nation, and to extend our deepest condolences to his family and friends. As a friend of the family it is very difficult for us to try to serve the dual roles that, in many ways, you helped give us on this sorrowful day.

Mark, as we all know, grew up cradled in the arms of his loved ones and strengthened here in the cradle of liberty. When he was called to serve he served in the defense of his nation, not by oppressing his fellow human beings in foreign lands, but by bringing emancipation to them so that they, too, could yearn to breathe free. It is in such a way of service to our fellow human beings that we honor not only our nation, but more importantly, we honor the universal spirit of a loving God who created us all. Thus, it is important that we remember, even as we grieve today, how we are all frail ephemeral human beings, groping through this veil of tears toward the infinite eternal perfection of the loving God, who created and awaits us all. It is a daunting calling, then, that we must answer; to strive, suffer and serve on behalf of our fellow human beings,

But Mark was not daunted, Mark accepted this challenge and he devotedly, courageously, and honorably strove to help free an entire people. Now he is cradled in the arms of our loving God and, no doubt, having not slumbered through this earthly life he may truly say with joyous rapture; now God be thanked, who has matched us with his hour and caught our youth and wakened us from sleeping.

Thank you and may God continue to bless you, Cpl Mark Kidd—beloved son, grandson, brother, Marine, American.

IN MEMORY OF JOHNNY RAPERT

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2007

Mr. ROSS. Madam Speaker, I rise today to honor the memory of Johnny Rapert of Hope, Arkansas, who passed away March 31, 2007.

Throughout his years of service to his community, to his students at the University of Arkansas Community College at Hope, and to the state of Arkansas, Johnny was a leader and an inspiration to many. His dedicated commitment to making his beloved state of Arkansas a better place to live was evident in everything he did.

Johnny was a former Chancellor of the University of Arkansas Community College at Hope and a former Arkansas State Representative. He was a devoted family man and a model civic leader. He was recognized as the 1996 Hope-Hempstead County Citizen of the Year and was a member of the Unity Baptist Church of Hope, the Lions Club and was a Gideon—all of which embodied his steadfast service and his dedication to giving back.

I send my deepest condolences to his wife, Pat; his sons Daniel Rapert of San Antonio, TX, Rick Dollins of Pocahontas, AR, Robert "Bobby" Dollins of Pocahontas, AR, and Michael Dollins of Granite City, IL; his daughters Debbie Yen of Memphis, TN, Patty Harrod of Strong, AR, Connie Zimmer of Hope, AR, and Donna Ragan of Pocahontas, AR; his sister Rita Jackson of St. Louis, MO, and his 16 grandchildren.

Johnny will be missed by his family, his church, his community and all those who knew him and called him a friend. I will continue to keep his family in my thoughts and prayers.

PAYING TRIBUTE TO GLENN CHRISTENSON

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2007

Mr. PORTER. Madam Speaker, I rise today to honor my friend Glenn Christenson, who, retired on March 30, 2007, after serving as chief financial officer of Station Casinos for 17 years.

During his time as CFO of Station Casinos, Glenn was instrumental in helping the company dramatically increase its holdings and develop into an important gaming company. When Glenn joined Station Casinos the company held one casino. After 17 years of Glenn's guidance and leadership, the company now holds 16 casinos in southern Nevada and an American Indian casino in northern California.

For his efforts with Station Casinos, Glenn has been recognized as the Top Chief Financial Officer in gaming and lodging the past 2 years by Institutional Investor Magazine. He was also named to the Nevada Society of CPAs Hall of Fame for Business and Industry in 2001 and was recognized as one of the Most Influential Businessmen in southern Nevada by In Business magazine in 2002.

Glenn is very much involved with a number of important civic organizations. He is a member of the Board of Directors of the Las Vegas Convention and Visitors Authority, the Board of Directors of the National Center for Responsible Gaming, the Board of Directors of Problem Gaming Consultants, the Board of Trustees of the Nevada Development Authority, the Board of Directors of the Nevada State College, the Board of Directors of Nevada Community Bancorp, and is an advisor to the UNLV Business School.

Madam Speaker, I am proud to honor my friend Glenn Christenson. His contributions to the Las Vegas business and civic communities are commendable and I wish him the best of luck in his retirement.

TRIBUTE TO DR. JAMES KOSSLER

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2007

Mr. SCHIFF. Madam Speaker, I rise today to honor Dr. James Kossler. Dr. Kossler has served the community for more than 40 years in education. During this time, he devoted 19 years to Pasadena City College (PCC), 12 of which he served as President. Dr. Kossler has dedicated himself to the promotion of student success and educational achievement.

Raised in Lynwood, California, Dr. Kossler received his bachelor's degree in philosophy and english from Saint John's College, California, and later earned a baccalaureate in theology and cannon law from Gregorian University, Rome, Italy. He then obtained his Master of Science degree in school management, and his Doctor of Education degree in institutional management from Pepperdine University.

Dr. Kossler taught at numerous high schools in the Los Angeles area and also held positions at East Los Angeles College, the University of Southern California, Pepperdine University, and Long Beach City College before serving as Vice President of PCC in 1988. Since then, he has served as a member of the Chancellor's Task Force on the Community College Budget, the State Commission on Athletics, and the Community College League's Commission on Legislation and Finance. Along with his involvement in education, Dr. Kossler is also an active member in the Rotary Club of Pasadena, the Pasadena Senior Center, and the YWCA.

In October 1995, the Pasadena Area Community College District Board of Trustees appointed Dr. Kossler as the 10th President of PCC. Throughout his 12-year tenure as President, he advocated a vision that PCC would be a learning-centered institution that focused on improving the performance standards for students. Dr. Kossler aspired to increase the success of students in the completion of courses, number of degrees and certificates awarded, and the number of students transferring to 4-year institutions.

I ask all Members to join with me in congratulating Dr. James Kossler for his dedicated service and commitment to the promotion of education. I am sure that each person positively affected by Dr. Kossler's service will also join me in wishing him much joy in the years to come and thank him for his time, his energy, and his efforts.

PERSONAL EXPLANATION

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2007

Ms. McCOLLUM of Minnesota. Madam Speaker, I rise to state for the record that had I been present for the votes on H.R. 1677, the Taxpayer Protection Act, and H. Res. 196, supporting the goals and ideals of World Water Day, I would have voted in the affirmative for both bills. I was unable to vote for H.R. 1677 and H. Res. 196 because I was in an important meeting with constituents from Minnesota.

CELEBRATING WYNDMOOR HOSE CO. NO. 1'S CENTENNIAL ANNIVERSARY

HON. ALLYSON Y. SCHWARTZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2007

Ms. SCHWARTZ. Madam Speaker, I rise today to honor and congratulate the Wyndmoor Hose Company No.1 in Springfield Township, PA on celebrating its 100th Anniversary. Since 1907, volunteer firefighters have contributed their time, expertise, and in some cases, lives, to aid members of the Springfield community and surrounding areas. I am honored to represent them in Congress.

In Philadelphia 271 years ago, Benjamin Franklin started the first fire department in America. Franklin's brigade, comprised entirely of volunteers, was dedicated to looking out for their neighbors. Today volunteers constitute 73 percent of all firefighters nationwide, and Franklin's proud tradition of volunteerism is being continued by the brave men and women of Wyndmoor Hose Company just a few miles from where it began.

This fire company began as an in-house fire brigade for the Nelson Valve Company. Over the years it evolved from tin hats and push carts to a Company of highly trained and motivated individuals who have used their training in basic life support, firefighting, rescue, and hazardous materials containment to serve the public good everywhere from their own streets to Ground Zero in New York City after the attacks of September 11, 2001.

In the densely populated region of Southeastern, P A, the Wyndmoor Hose Company protects residential areas, commercial businesses, professional offices, and industrial plants, including the United States Department of Agricultural research facility, and most importantly the lives of the residents of Pennsylvania's 13th District. As part of these efforts, Wyndmoor has also established an excellent reputation for conducting educational programming to teach children and families the importance of fire safety.

Madam Speaker, once again I congratulate all of the volunteers of the Wyndmoor Hose Company for their service, dedication, and sacrifice. I look forward to continuing our work together and ensuring another 100 years of success, safety and security.

COMMEMORATING THE 85TH ANNIVERSARY OF THE FOUNDING OF THE AMERICAN HELLENIC EDUCATIONAL PROGRESSIVE ASSOCIATION

SPEECH OF

HON. VITO FOSSELLA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 16, 2007

Mr. FOSSELLA. Mr. Speaker, I rise today to recognize the American Hellenic Educational Progressive Association on the auspicious occasion of the 85th Anniversary of its founding. For nearly a century, AHEPA has been a leading organization of Greek-Americans, today representing 1.3 million individuals.

On July 26, 1922 AHEPA was formed by eight visionary Greek immigrants to unite their community against discrimination, denigration, and violence perpetrated by hate groups such as the Ku Klux Klan.

From its modest origins, AHEPA has grown into a bastion of philanthropy, education, humanitarianism, and family life. Its members are patriotic, civic-minded Americans enriched with a deep respect and admiration for the heritage and culture of their homeland, Greece, the cradle of democracy. Their members have served bravely in the armed forces, worked diligently in civilian life, and been elected to every level of American government.

Each year, AHEPA contributes more than two million dollars for scholarships, medical research grants, and other charitable causes. Since the 1940s, when its health centers first opened their doors, AHEPA has become a world-class benefactor of improved health care. From the Cooley's Anemia Foundation, which issues grants to medical researchers to find a cure for the disease to the Bone Marrow Registry, established to help match those in need of marrow with compatible donors, Americans enjoy superior medical facilities and treatment thanks in part to AHEPA's assiduous efforts.

Mr. Speaker, in closing I would like to extend my congratulations and thanks to the entire AHEPA family, including the Daughters of Penelope, the Sons of Pericles, the Maids of Athena, and AHEPA's chapters in Canada and Australia. May their next 85 years be as productive and inspiring as the last.

CONGRATULATING THE GIRLS SOCCER TEAM AT THE COLONY HIGH SCHOOL

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2007

Mr. BURGESS. Madam Speaker, I rise today to congratulate the girls soccer team at The Colony High School on winning the class 4A Girls Soccer State Championship.

The Cougars of The Colony High School defeated Friendship High School by a score of 1–0 to win the class 4A Girls Soccer State Championship on Saturday, April 14, 2007. Junior midfielder Amanda Fancher scored the winning goal on a 22-yard free kick near the end of the first half. Amanda was also named the championship game's most valuable player.

The Colony finished the season with a record of 23–3–4, including shutouts in 11 of their final 12 games. The team has also beaten every soccer record ever set by the school.

I would like to offer my sincerest congratulations to coach Nicole Jund, the team, the parents and all students of The Colony High School for their great achievement. I wish them success in the future, and I am very proud to have them in the 26th District of Texas.

THE PATENT REFORM ACT OF 2007

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2007

Mr. BERMAN. Madam Speaker, today, I introduce "The Patent Reform Act of 2007", a product of both bicameral and bipartisan effort to reform the patent system to meet the challenges of the 21st century. I would especially like to thank Senator LEAHY for his dedication to addressing many of the inadequacies in our current patent system. Furthermore, I appreciate my past and present partners in this area—especially Congressman RICK BOUCHER, with whom I've worked closely to increase patent quality for the past several years, and Congressman LAMAR SMITH, who championed this issue last Congress.

Introduction of this legislation follows a number of recent judicial opinions and many hearings conducted over the past several years by the Subcommittee on Intellectual Property which ascertained that the current patent system is flawed. Over the last 5 years, there have been numerous attempts to define the

challenges facing the patent system today. Among the most notable contributions to this discourse are the Patent and Trademark Office's Twenty-First Century Strategic Plan, the Federal Trade Commission's report entitled ''To Promote Innovation: The Proper Balance of Competition and Patent Law and Policy,'' The National Research Council's compilation of articles ''A Patent System for the 21st Century'' and the book titled ''Innovation and Its Discontents,'' authored by two respected economists. These studies offer a number of recommendations for increasing patent quality and ensuring that patent protection promotes—rather than inhibits—economic growth and scientific progress. Consistent with the goals and recommendations of those reports, and based on past patent bills, the Patent Reform Act contains a number of provisions designed to improve patent quality, deter abusive practices by patent holders, provide meaningful, low-cost alternatives to litigation for challenging the patent validity and harmonize U.S. patent law with the patent law of most other countries.

Past attempts at achieving comprehensive patent reform have met with stiff resistance. However, the time to reform the system is way past due. The New York Times has noted, ''Something has gone very wrong with the United States patent system.'' The Financial Times has stated, ''It is time to restore the balance of power in U.S. patent law.'' Therefore, we are introducing this bill as a first step to restoring the necessary balance in our patent system.

I firmly believe that robust patent protection promotes innovation. However, I also believe that the patent system is strongest, and that incentives for innovation are greatest, when patents protect only those inventions that are truly innovative. When functioning properly, the patent system should encourage and enable inventors to push the boundaries of knowledge and possibility. If the patent system allows questionable patents to issue and does not provide adequate safeguards against patent abuses, the system may stifle innovation and interfere with competitive market forces.

This bill represents our latest perspectives in an ongoing discussion about legislative solutions to patent quality concerns, patent litigation abuses, and the need for harmonization. We have considered the multitude of comments received concerning prior patent bills and over the course of numerous negotiations between the parties. We acknowledge that the problems are difficult and, as yet, without agreed-upon solutions. It is clear, however, that introduction and movement of legislation will focus and advance the discussion. It is also clear that the problems with the patent system have been exacerbated by a decrease in patent quality and an increase in litigation abuses. With or without consensus, Congress must act to address these problems. Thus, we introduce this bill with the intent of passage in the 110th Congress.

There are a number of issues which we have chosen not to include in the bill, primarily because we hope they will be addressed without the need for legislation. For instance, the Supreme Court recently resolved questions regarding injunctive relief. In that category, we include amendments to Section 271(f) and the obviousness standard as both issues are currently before the Supreme Court. If either of those issues are left unresolved, Congress may need to reevaluate whether to include them in a patent bill.

The bill does contain a number of initiatives designed to harmonize U.S. law with the law of other countries, improve patent quality and limit litigation abuses, thereby ensuring that patents remain positive forces in the marketplace. I will highlight a number of them below.

Section 3 converts the U.S. patent system from a first-to-invent system to a first-inventor-to file system. The U.S. is alone in granting priority to the first inventor as opposed to the first inventor to file a patent. There is consensus from many global companies and academics that the switch in priority mechanisms provide the U.S. with greater international consistency, and eliminate the costly and complex interference proceedings that are currently necessary to establish the right to obtain a patent. While cognizant of the enormity of the change that a ''first inventor to file'' system may have on many small inventors and universities, we have maintained a grace period to substantially reduce the negative impact to these inventors. However, we need to maintain an open dialogue to ensure that the patent system will continue to foster innovation from individual inventors.

Section 5 addresses both the topic of apportionment and wilfullness. Patents are provided to promote innovation by allowing owners to realize the value of their inventions. However, many have argued that recent case law has tilted towards overcompensation, which works against the primary goal of promoting innovation. ''Excessive damages awards effectively allow inventors to obtain proprietary interests in products they have not invented, promote patent speculation and litigation and place unreasonable royalty burdens upon producers of high technology products. Such consequences may ultimately slow the process of technological innovation and dissemination the patent system is intended to foster.'' While preserving the right of patent owners to receive appropriate damages, the bill seeks to provide a formula to ensure that the patent owner be rewarded for the actual value of the patented invention.

Furthermore, this Section seeks to curb the unfair incentives that currently exist for patent holders who indiscriminately issue licensing letters. Patent proprietors frequently assert that another party is using a patented invention and for a fee, offer to grant a license for such use. Current law does little to dissuade patent holders from mailing such licensing letters. Frequently these letters are vague and fail to identify the particular claims of the patent being infringed and the manner of infringement. In fact, the law tacitly promotes this strategy since a recipient, upon notice of the letter, may be liable for treble damages as a willful infringer. Section 5 addresses this situation by ensuring that recipients of licensing letters will not be exposed to liability for willful infringement unless the letter clearly states the acts that allegedly constitute infringement and identifies each particular patent claim to the product or process that the patent owner believes is being infringed.

Section 6 provides a needed change to the inter-partes reexamination procedure. Unfortunately, the inter-partes reexamination procedure is rarely used, but the changes we introduce should encourage third parties to make better use of the opportunity to request that the PTO Director reexamine an issued patent of questionable validity. Primarily though, Section 6 creates a post-grant opposition procedure. In an effort to address the questionable quality of patents issued by the USPTO, the bill establishes a check on the quality of a patent immediately after it is granted, or in circumstances where a party can establish significant economic harm resulting from assertion of the patent. The post-grant procedure is designed to allow parties to challenge a granted patent through a expeditious and less costly alternative to litigation. Many have expressed concerns about the possibility of harassment of patent owners who want to assume quiet title over their invention. In an effort to address those concerns, the bill prohibits multiple bites at the apple by restricting the cancellation petitioner to opt for only one window one time. The bill also requires that the Director prescribe regulations for sanctions for abuse of process or harassment. During the legislative process we will likely provide more statutory guidance for the Director in establishing regulations guiding the post-grant opposition. We appreciate that this is an extremely complicated and new procedure and therefore we look forward to working with various industries to ensure the proceeding is balanced, fair and efficient. Part of the goal of this Section is to also address the quality problem in patents which have already been issued and are at the heart of the patent reform discussion.

Section 9 permits third parties a limited amount of time to submit to the USPTO prior art references relevant to a pending patent application. Allowing such third party submissions will increase the likelihood that examiners have available to them the most relevant ''prior art,'' thereby constituting a front-end solution for strengthening patent quality.

The bill also addresses changes to venue to address extensive forum shopping, provides for interlocutory appeals to help clarify the claims of the inventions early in the litigation process, establishes regulatory authority for the USPTO to parallel the authority of other agencies, and expands prior user rights to accommodate in part for the switch to first-inventor-to-file.

When considering these provisions together, we believe that this bill provides a balanced package of reforms that successfully accounts for the interests of numerous stakeholders in the patent system, including individual inventors, small enterprises, universities, and the varied industry groups, and that are necessary for the patent system to achieve its primary goal of advancing innovation.

This bill is the latest iteration of a process started many years ago. Deserving of thanks are the many constitutional scholars, policy advocates, private parties, and government agencies that have and continue to contribute their time, thoughts, and drafting talents to this effort, including, of course, the legislative counsel. I am pleased that finally, we have a critical mass of interested parties who understand the need for reform.

Though we developed this bill in a highly deliberative manner, using many past bills as the foundation for the provisions, I do not want to suggest that it is a ''perfect'' solution. This bill is merely the first step in a process. Thus, I remain open to suggestions for amending the language to improve its efficacy or rectify any unintended consequences. Furthermore, there are a host of issues or varied approaches to

patent reform which are likely not even covered by the bill but may be considered at a later time. I hope to work with the many cosponsors and the diverse industry, university and inventor groups to reach further consensus as we move this bill towards final passage.

As I have said previously, "The bottom line in this is there should be no question that the U.S. patent system produces high quality patents. Since questions have been raised about whether this is the case, the responsibility of Congress is to take a close look at the functioning of the patent system." High patent quality is essential to continued innovation. Litigation abuses, especially ones committed by those which thrive on low quality patents, impede the promotion of the progress of science and the useful arts. Thus, we must act quickly during the 110th Congress to maintain the integrity of the patent system.

GLORIA MARSHALL—EDUCATOR

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2007

Mr. POE. Madam Speaker, Gloria Marshall is the well-respected principal of Spring High School in my district. I am proud to know her because she has devoted her entire life to education and to the well-being of our Nation's most important asset, our children.

Not only do the students admire her, but the parents and faculty of Spring High School cannot say enough about what she has done for the community.

Approximately 33 years ago, after receiving her bachelor's degree, Gloria took a teaching job for the nationally-recognized Spring Independent School District. While teaching at the high school, she earned a master's degree and later became principal.

Gloria's career has been highlighted by numerous awards both locally and at the state level. She was named Teacher of the Year at Spring Elementary School in 1979. In 2003, Spring ISD named her Secondary Principal of the Year. On a state-wide basis, she was named 2002–2003 Principal of the Year by Texas Region IV Education Service Center.

Under her guidance, The U.S. Department of Education has named Spring High School a "Blue Ribbon School" and also honored them with "Drug Free School Recognition Awards."

Not only is she a top-notch administrator in the education field, she is a faithful community servant who believes in helping local charities. For example, her school holds an annual food drive for Spring Assistance Ministries during the Christmas holiday. She encourages her students to collect thousands of pounds of food for the organization and to take responsibility in caring for their neighbors.

Gloria has an unwavering commitment to teach young people how to be responsible citizens and people of character.

The students of Spring High School are very fortunate to have such a dedicated principal who always has a positive attitude and commitment to excellence. She is a remarkable educator and an inspiration to all of us. That's Just the way it is!

INTRODUCING THE CATHERINE SKIVERS CURRENCY FOR ALL ACT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2007

Mr. STARK. Madam Speaker, I rise today to introduce the Catherine Skivers Currency for All Act.

This bill would finally make the United States' paper currency accessible to blind and visually impaired Americans. Of the more than 180 countries in the world that issue their own banknotes, only the U.S. prints identical bills for every denomination. As a result, millions of Americans with visual impairments cannot recognize various denominations and may have difficulty using paper money. This legislation would, at long last, make our currency accessible to all.

Thanks to a recent court case, the inaccessibility of American currency has received significant national attention. In November, a federal court agreed with the American Council of the Blind that the current size and shape of bills violates the Rehabilitation Act, which prohibits the government from discriminating against people with disabilities.

The Treasury Department is appealing the decision. But Congress has the ability to do the right thing before the appeal is heard. I first introduced this bill in 1979 and think it is embarrassing that, more than 25 years later, blind Americans had to sue their government requesting access to their own currency. We should not delay or deny justice any longer.

I propose this particular solution because it is simple, effective, and easy to implement quickly. My legislation requires the U.S. Treasury to trim the corners of all bills in a manner that prevents fraud, with lower value bills having more trimmed corners.

My bill calls for the trimming of four corners on the one dollar bill, three corners on the two dollar bill, two diagonal corners on the five dollar bill, two corners on a long side of the ten dollar bill, two corners on a short side of the 20 dollar bill, one corner on the 50 dollar bill, and no corners on the 100 dollar bill.

I named this bill in honor of Catherine Skivers, a remarkable woman of strength and conviction. Catherine is a constituent of mine, mother of five, longtime advocate for the rights of blind people, and the immediate past president of the California Council of the Blind. It is for Catherine and millions of other blind and vision-impaired Americans that I will work to enact this legislation.

Next to the flag of the United States, our money is perhaps the most widely recognized symbol of our nation. We deserve no less than a currency that serves the needs of all Americans. Let us not let another year pass with our currency in violation of our own laws and commitment to equality.

RECOGNIZING JACKIE ROBINSON DAY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2007

Mr. RANGEL. Madam Speaker, I rise today to recognize and celebrate Jackie Robinson, a sports trailblazer, civil rights activist, veteran, and great American and to enter into the record an article from the New York Daily News by Lisa Olson entitled "Barriers Still Need Breaking—Up to us to complete Robinson's great work."

Long before Jackie Robinson stood up to racism and smashed through the barriers of segregation in Major League Baseball on April 15, 1947, he was fighting for equality. He enlisted in the Army in 1942 and rose to the rank of Second Lieutenant. In July of 1944, he refused to sit in the back of a segregated military bus and although a court martial was issued for insubordination, he was found not guilty and honorably discharged in November of that same year. The courage displayed during this incident, as well as his commitment to the Army, helped prepare him for the battlefield of discrimination he would encounter on the baseball diamond.

Despite the hostility of opponents and even teammates, on April 15, 1947, Jackie Robinson had the courage to join the Brooklyn Dodgers and became the first Black man to play in baseball's major leagues. He knew that excellence was the calling and he proved his skill and talent on the baseball field. With tremendous pressure and opposition from fans and even some teammates, he handled himself with grace on and off the field. Because of his commitment and determination to be the best in the face of prejudice, African American and other minority athletes have been afforded the opportunity to compete in professional sports today.

Jackie Robinson received numerous awards and honors during his extraordinary career, and was inducted into the Baseball Hall of Fame. His legacy and outstanding contribution to Major League Baseball and America is representative of what America is all about. This country is about opportunity, diversity, and humility. I applaud Jackie Robinson for leaving a legacy of excellence, breaking down segregation, and inspiring people to strive for the best.

[From the Daily News]

BARRIERS STILL NEED BREAKING—UP TO US TO COMPLETE ROBINSON'S GREAT WORK

(By Lisa Olson)

They don't have to dress in the broom closet. They can drink from the same water fountains, eat at the same buffet, stay in the same ritzy hotels, swim in the same pools.

It's almost incomprehensible to imagine the America that greeted and jeered Jackie Robinson 60 years ago yesterday, when he bounded out of the dugout at Ebbets Field and became the first African-American Major League Baseball player of the modem era.

There were racial slurs and despicable letters, flying cleats and death threats, opponents who turned their back on him and Brooklyn Dodger teammates who wouldn't sit near him. We blithely toss around the words "courage" and "hero" far too often these days, but they can't be used enough to describe Jackie Robinson. MLB retired his No. 42 on April 15, 1997, the 50th anniversary of Robinson's major league debut, and temporarily suspended it yesterday, a serendipitous gesture that coincided with yet another hit to the American conscience.

Ken Griffey Jr. was the first contemporary player to push for the movement, to ask commissioner Bud Selig for permission to honor Robinson by wearing No. 42. Griffey, who donned six different jerseys in the Reds' game against the Cubs, told reporters, ''I think a lot of people wouldn't be in this locker room if it wasn't for what he did.''

More than 200 players and managers joined the tribute, and there was No. 42 on the back of every Dodger last night, and on the Cardinals' Albert Pujols as he tipped his cap, Robinson-style, while crossing the plate after belting a home run, and on Arizona's Tony Clark as he swatted two of his own, and on Cleveland's C.C. Sabathia as he struck out 10 White Sox and then talked about how he wanted to make sure he represented Robinson's legacy with grace and class.

There was Dontrelle Willis, an All-Star, a 20-game winner, saying wearing No. 42 was ''the highest honor I've ever received in my life.'' There was Chris Young, Padre starter and Princeton graduate, recalling how he wrote his senior thesis on Robinson while sitting in the back of the bus as his Class A team, the Hickory Crawdads, traveled the South Atlantic League roads.

Young took America's pulse by analyzing newspaper reports, both before Robinson broke the color barrier and after. ''I observed there was significant improvement in the attitude of the media toward African-Americans. Not from negative to positive so much as negative to neutral,'' Young told ESPN The Magazine. ''I excluded sports, but prior to Robinson breaking the color line, you'd see reporters frequently using expressions like 'a Negro hoodlum' in their stories. I noticed coverage that was much more neutral after the integration of baseball.''

And there was the Twins' Torii Hunter, pulling his black socks high and dropping into a curling slide as he safely nailed home on the same day his op-ed piece appeared in the Pioneer Press. ''You don't have to be African-American to know what (Robinson) went through. You've just got to be a smart person or a person who knows what pain is like,'' Hunter wrote. ''For the past 10 years, I've been called the N-word, like, 20 times. Not in Minnesota. In Kansas City. In Boston.''

Clearly we haven't yet demolished the racial barrier, or wiped out negative language. Sixty years after Robinson authored the most seminal moment in American sports history, Hunter is still called the N-word, and the Rutgers women's basketball team gets bombarded with hateful E-mails simply because it had the misfortune of being caught in the maelstrom created by Don Imus' nasty mouth.

In August 1945, in a conversation now cemented in American lore, Dodger president Branch Rickey told Robinson, ''I know you're a good ballplayer. What I don't know is whether you have the guts.''

''Mr. Rickey,'' Robinson asked, ''are you looking for a Negro who is afraid to fight back?''

''Robinson, I'm looking for a ballplayer with enough guts not to fight back,'' Rickey said, and thus an unspoken pact was sealed.

Robinson altered the complexion of our pastime and forced Americans to understand blacks could be equal with whites. How shocking, how depressing, that 60 years later, not everyone seems to get it.

''The course of history probably would have changed had he quit because he was the smartest of the Negro League players,'' Hunter wrote. ''This was a guy who went to UCLA and played four sports in college. He had an education. If he had quit—the guy who was supposed to be the strongest of the Negro League and the smartest of the Negro League—why go get the others? They wouldn't be able to handle it if he couldn't handle it.''

They took No. 42 out of retirement and put it on their backs yesterday, black and white and Latino and Asian players proudly wearing the digits. In clubhouses and stadium seats all across the land, stories were repeated about how Pee Wee Reese, a white shortstop from Louisville, once draped an arm over Robinson's shoulder in a silent show of support. It ought to be Jackie Robinson Day every day.

HONORING CHERIF BASSIOUNI

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2007

Mr. EMANUEL. Madam Speaker, I rise today to recognize the long and distinguished career of Cherif Bassiouni. Professor Bassiouni is retiring from his position as President of the International Human Rights Law Institute and Distinguished Research Professor of Law at DePaul University after 43 years of dedicated service.

Throughout his legendary career, Professor Bassiouni has been a champion of the poor and voiceless worldwide. His creation of the International Human Rights Law Institute at DePaul University is just one of his many lasting contributions to human rights and international law.

For 30 years, Professor Bassiouni has been an important leader within the United Nations, holding such positions as Chairman of the Security Council's Commission to Investigate War Crimes in the Former Yugoslavia and the Independent Expert on Human Rights in Afghanistan for the High Commissioner for Human Rights.

Often considered the father of the International Criminal Court, Professor Bassiouni was the Chairman of the Drafting Committee during the 1998 United Nations Diplomatic Conference on the Establishment of an International Criminal Court. As a testament to his lifelong dedication to international criminal justice, he was nominated for a Noble Peace Prize in 1999.

For his global efforts, Professor Bassiouni has received medals from his native Egypt, France, Germany, Italy, and the United States. He has also received numerous academic and civic awards, including the Special Award of the Council of Europe; the Defender of Democracy Award, Parliamentarians for Global Action; and the Adlai Stevenson Award of the United Nations Association.

Madam Speaker, I congratulate Cherif Bassiouni on his long and noteworthy career, and thank him for his contributions to the international community and to the people of Chicago. DePaul University is certainly going to miss him, and I wish him the best of luck in all his future endeavors.

IN MEMORY OF LORAN JOHNSON

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2007

Mr. ROSS. Madame Speaker, I rise today to honor the memory of my friend Loran Johnson of Warren, Arkansas, who passed away April 6, 2007.

Mr. Johnson was committed to making the state of Arkansas a better place to live through his hard work and dedication to his community. He is noted as the founder of the Bradley County Pink Tomato Festival because of its start in 1956 while he was manager of the Warren Chamber of Commerce. He also spent his time promoting Southeast Arkansas with the Southeast Arkansas Economic Development District and the Bradley County Industrial Development Commission.

Mr. Johnson served in the Navy during World War II and received his Bachelor of Science degree from the University of Arkansas at Monticello (UAM) upon returning. He then taught in Swifton and Warren where he also sponsored the Future Farmers of America (FFA). Because of his work with the FFA students there is now a Loran Johnson Endowed Scholarship Fund at UAM for early childhood education majors.

Mr. Johnson was a devoted family man and a model civic leader. He was a member of the Arkansas Cattleman's Association, the Bradley County Retired Teacher's Association, the American Legion and he served as a delegate to the Arkansas Silver-Haired Legislature. He was a member of the First Baptist Church of Warren where he served as the program chairman for the Brotherhood Men's Group.

I send my deepest condolences to his wife, Madge Bryant Johnson; his children Wayne Johnson of Warren, LoraNelle Humphrey of Stuttgart and Camille Johnson Lide of Little Rock; and his grandsons, nieces and nephews. Mr. Johnson will be missed by his family, his church, his community and all those who knew him and called him a friend. I will continue to keep his family in my thoughts and prayers.

PAYING TRIBUTE TO TYLER FULLER

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2007

Mr. PORTER. Madam Speaker, I rise today to honor Tyler Fuller, a 7-year-old international BMX champion.

Tyler, a two-time Union Cycliste Internationale BMX champion, learned to ride a bike at the age of 2 and began BMX racing at the age of 3. When he was 5 years old, Tyler joined the Redman Yamaha Factory Team and has been racing for them since that time. Tyler has competed in events around the world and his natural ability and dedication to the sport have earned him recognition as one of the top four BMX racers in his age group.

Madam Speaker, I am proud to honor Tyler Fuller. His talent, drive, and passion are commendable and will serve him well. I wish him continued success in his future endeavors.

HONORING MATTHEW LA PORTE

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2007

Mr. GARRETT of New Jersey. Madam Speaker, I rise today to honor Matthew La Porte of Dumont, New Jersey who was tragically lost during the events at Virginia Tech on Monday, April 16, 2007.

Matt was a sophomore at Virginia Tech and had already made quite a mark on campus. He was awarded an ROTC scholarship, was a member of the Corps of Cadets, played tenor drum in the Corps' Highty Tighties regimental band, and was part of the Air Force Special Operations Preparation Team.

Before he began his education in Blacksburg, Matt graduated third in his class from Carson Long Military Institute in Pennsylvania. Aside from being an avid scholar, Matt was involved in numerous extracurriculars that ranged from drum and bugle corps to the baseball and soccer teams.

At home in New Jersey, Matt worked as a lifeguard at the Cresskill Municipal Pool during the summer and is remembered by neighbors as a polite and humorous young man.

I offer my deepest condolences to his parents, Barbara and Joseph La Porte, and his sister, Priscilla, and assure them that they are being remembered in our thoughts and prayers as we celebrate the impressive life of their son and brother, Matthew La Porte.

THE INTRODUCTION OF THE GREAT CATS CONSERVATION ACT

HON. HENRY E. BROWN, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2007

Mr. BROWN of South Carolina. Madam Speaker, today, I am pleased to introduce, along with the distinguished gentleman from Alaska, the former Chairman of the Resources Committee, the Honorable DON YOUNG, the Great Cats Conservation Act of 2007.

This legislation is modeled after the very successful conservation statutes that Congress has enacted to assist highly endangered elephants, rhinoceros, tigers, great apes and marine turtles. It is based on the sound principle that a small amount of U.S. taxpayer assistance to range states can make a huge difference in preventing the extinction of certain landmark species.

Under my bill, a Great Cats Conservation Fund would be established and up to $5 million per year would be authorized to be appropriated for conservation projects to assist species of cheetahs, jaguars, lions, leopards and Spanish lynx. These species were selected because they are listed as endangered under our federal Endangered Species Act, on Appendix I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora and on the IUCN red list.

There is no question that populations of these wild species of big cats are in serious decline and that their long-term survival is in real jeopardy. For instance, an excellent example of the type of decline these species have suffered can be illustrated in the plight of the majestic cheetah. At the turn of the 20th century, it was estimated that there were more than 100,000 cheetahs living in 44 African and Asian countries. Today, there are no more than 15,000 cheetahs living in small-pocketed populations in some 20 nations in Africa.

While the reasons for this precipitous decline include loss of habitat, hunting and illegal poaching of cheetahs, this unique species, which is the world's fastest land mammal, has become extinct in more than half of its traditional historic range. Due to the efforts of outstanding international organizations, like the Cheetah Conservation Fund, its slide towards total extinction has been slowed but its future remains very much clouded. The sad reality is that many landowners in countries, like Namibia, consider cheetahs a pest and they kill them to protect their livestock. This philosophy must be changed if the cheetah has any hope of survival. The Great Cats Conservation Fund would make a positive difference in financing projects to work with impacted farmers and ranchers.

Nearly 20 years ago, the Congress demonstrated farsighted international leadership and wisdom when it approved the first ever conservation fund to assist an endangered foreign flagship species. This law, known as the African Elephant Conservation Act of 1988, has been remarkably successful and all of the improvements in making these conservation grants really work have been incorporated within this legislation.

For instance, under the terms of this bill, a prospective grantee would be required to submit a detailed overview of the project, how it would be implemented, how long it would take to complete the project, a demonstration of local support and an indication of whether and how much private matching funds would be forthcoming. The Secretary of the Interior would then carefully review each project and would select those that would have the most impact on conserving endangered big cats. Furthermore, this project would be monitored by the U.S. Fish and Wildlife Service, all expenditures would be audited and an advisory group to assist the Secretary may be convened.

As a member of the International Conservation Caucus, it is my view that we have a responsibility to help save keystone species like cheetahs, leopards, lions and jaguars for future generations. In good conscience, how can we watch these species disappear forever without doing anything to assist them.

This legislation will not by itself ensure the long-term survival of these endangered big cat species. Nevertheless, it is a positive step in the right direction, it builds upon the success of a proven program and it again demonstrates to the world that the United States is serious about international wildlife conservation.

It is my hope that many of my colleagues will join with me in this effort by co-sponsoring this legislation and that the Subcommittee on Fisheries, Wildlife and Oceans, of which I proudly serve as the ranking Republican member, will hold a public hearing on the Great Cats Conservation Act.

Madam Speaker, I urge support for this important wildlife conservation legislation.

COMMEMORATING THE 85TH ANNIVERSARY OF THE FOUNDING OF THE AMERICAN HELLENIC EDUCATIONAL PROGRESSIVE ASSOCIATION

SPEECH OF

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 16, 2007

Mr. SPACE. Mr. Speaker, I rise today in support of H. Con. Res. 71, a measure commemorating the 85th Anniversary of the founding of the American Hellenic Educational Progressive Association (AHEPA), a leading voice for the nation's 1.3 million American citizens of Greek ancestry and Philhellenes.

First founded in July of 1922, AHEPA focused on responding to the bigotry and racism that was targeted at Greeks in early 20th century American society. The organization also concentrated on helping Greek immigrants assimilate into society.

Today, the mission of AHEPA has evolved to reflect better times. Now, members of AHEPA concentrate on working to promote Hellenism, education, philanthropy, civic responsibility, and family and individual excellence—all of which are pillars of both the organization and Greek society.

The principles of Hellenism—humanity, freedom, and democracy—have been broadcast around the world. In fact, not surprisingly, they were the principles that America's Founding Fathers looked to for inspiration in forming a new government. In fact, American representative democracy, as we know it, is rooted in the philosophy and ethos of the Greeks.

Greek-Americans, such as myself and 1.3 million others, are fortunate to have the outreach and leadership that AHEPA provides to our community. Thousands of students have had the opportunity to take advantage of AHEPA's scholarship programs. Over the years, countless volunteer hours have been donated to worthwhile projects such as the restoration of the Statue of Liberty and Ellis Island. With chapters across the nation, AHEPA communicates its members' positions to local and Federal legislators to ensure that Greek-American views play a role in not just the history, but also the future, of our Nation.

As a member of the Hellenic Caucus and as a Greek-American, I am proud to support H. Con. Res. 71. AHEPA deserves this recognition on the occasion of its 85th Anniversary for all that the organization has done and all that it will continue to do.

TRIBUTE TO BILL KANE

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2007

Mr. PASCRELL. Madam Speaker, I would like to call to your attention the deeds of an outstanding American, Mr. Bill Kane, who will be recognized on April 19, 2007 for his many years of service to organized labor throughout the region.

Bill first became involved in the labor movement in 1967, as a member of the United Auto Workers Local 1612, in Philadelphia, PA while

he was working at ITE Gould. Bill worked his way up through the ranks, serving as a Shop Steward, Executive Member at large, and Bargaining Committee Member for the local.

In 1982, Bill was appointed to serve as a United Auto Workers International Representative. In this capacity, he serviced UAW Local Unions in New York and Pennsylvania as well as New Jersey. In 1989, he was chosen to serve as the New Jersey Area Director of UAW Region 9. He held this position until his retirement from the UAW in 1997.

His dedication to his union brothers and sisters did not go unnoticed, and he served as the elected Secretary Treasurer of the New Jersey State Industrial Union Council from 1989 until 1994. In 1994, he was elected to lead this group as its President.

In addition to his professional accomplishments, Bill has always found time for public service. He has served as a member of the Board of Trustees for the College of New Jersey, a member of the New Jersey Commission for National Service, a member of the State Advisory Committee of Rutgers University School of Labor Management and Relations, and a member of the New Jersey State Employment and Training Commission.

As Bill retires as President of the Industrial Union Council, I know that he will continue to volunteer and help others. He will also be able to enjoy spending more time at his home in Westwood, NJ with his wife Darlene and daughter Marissa.

The job of a United States Congressman involves much that is rewarding, yet nothing compares to working with and recognizing the efforts of dedicated community servants like Bill Kane.

Madam Speaker, I ask that you join our colleagues, everyone involved in the New Jersey State Industrial Union Council, Bill's family and friends, and me in recognizing Bill Kane's outstanding service to his community.

IN HONOR OF CHARLIE ESKRIDGE

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2007

Mr. FARR. Madam Speaker, I rise today to honor a man who has dedicated many years of his life in respectful service to our nation and its military veterans. Charlie Eskridge has spent the past 54 years serving this country as a member of the U.S. Army and as a distinguished representative within the American Legion.

Charlie enlisted into the Army in 1953 and during his 30 years of military service, he was 1st Sergeant of a medical company and also served as a Non-commissioned Officer in Charge for several medical clinics. He joined the American Legion in 1975 and has since held a wide array of positions, always advocating for the needs of his fellow veterans.

Charlie has served the American Legion at all levels and has been a delegate to six National Conventions. As the American Legion Department Commander for California, Charlie actively represented 104,000 members. He traveled throughout the state to personally listen to the concerns and suggestions of other veterans and Legionnaires, and worked diligently to ensure that their voices were represented. Charlie has always made the interests of veterans his personal responsibility, and has ensured that support was provided to everyone with whom he spoke.

Outside of his contributions to the American Legion, Charlie is also deeply involved in his community. He is currently the President of the Protestant Men of Chapel at Fort Ord, California and a member of the Monterey County Military and Veterans Affairs Advisory Commission. Charlie has served as both President and Vice President of the United Veterans Council and even served as the President of his local Parent-Teacher Association. As a result of his immense contributions, Charlie has received the admiration of his community and has been awarded the Military Chapel's Unsung Hero Award, the Scroll of Honor, and has twice been named ''Veteran of the Year'' by the United Veterans Council and the Sons of the American Legion.

Most importantly Charlie has had the love and support of his wife, and partner, Rosie, who has accompanied him on his many visits with veterans throughout the state of California. After almost 50 years of marriage Charlie and Rosie have two sons, Alvin and Charlie II, one daughter, Rosemary, and five grandchildren.

Madam Speaker, on behalf of the House of Representatives, I would like to extend our Nation's deepest gratitude for Charlie Eskridge's service to the United States of America and for his many accomplishments for our military veterans.

THE CENTENNIAL CELEBRATION OF UNITED METHODIST HOMES

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2007

Mr. GARRETT of New Jersey. Madam Speaker, I rise today to join the celebration of United Methodist Homes of New Jersey's 100 years of service to Garden State seniors. Starting in 1907 with a single home for the aged in Ocean Grove, New Jersey, today, United Methodist Homes is a network of ten homes serving more than 1400 seniors.

The flagship of this network, Bristol Glen, is nestled in Newton, in my District. It is a continuing care retirement community offering quality health care services, a wide variety of residential living conveniences, and a loving and friendly environment.

I recently visited Bristol Glen as part of my Mobile Constituent Service Hours program and had the opportunity to meet with residents and staff alike. I was struck by the extraordinary sense of community there. The emphasis is truly on well-being of the residents as a whole—catering equally to the spiritual, emotional, and physical needs of all who live there.

As it enters its second century of public service throughout New Jersey, I commend United Methodist Homes of New Jersey for all it does to make the golden years truly golden for so many seniors.

PAYING TRIBUTE TO JOSHUA THOMAS GALLO

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2007

Mr. PORTER. Madam Speaker, I rise today to honor Joshua Thomas Gallo who has received the rank of Eagle Scout.

Joshua is a very studious and civically minded young man who has accomplished many goals. He has volunteered at food banks and donated blood as part of his civic commitment. Joshua has also recently been accepted to several different colleges to study medicine, thereby demonstrating his academic prowess.

Most recently, Joshua has earned the rank of Eagle Scout from troop 213. For the last 6 months Joshua has prepared himself for this momentous achievement by serving as a Life Scout and he has also earned 21 merit badges in fields such as: emergency preparedness, first aid, citizenship in community, citizenship in nation, citizenship in world, communications and environmental science.

Madam Speaker, I am proud to honor Joshua Thomas Gallo for earning the distinguished rank of Eagle Scout. I honor his hard work and commitment in fulfilling the demanding requirements of this award. I wish him the best in his future endeavors.

RECOGNIZING THE 85TH ANNIVERSARY OF THE WOMAN'S CLUB OF DUNNELLON

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2007

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, May 10, 2007 marks the 85th anniversary celebration of the Woman's Club of Dunnellon. This outstanding charitable organization, located in Marion County in Florida's 5th congressional district, has spent the better part of the last century working on behalf of the good people of Dunnellon.

Volunteerism is an important part of many peoples lives, especially so throughout the 5th District of Florida. Many local organizations have worked very hard to make sure that the neediest amongst us have access to basic necessities like transportation to the doctor, hot meals, hospice care, day care, and providing support for our troops and their families.

The Woman's Club of Dunnellon has been at the forefront of these efforts for the past 85 years, continually finding ways to help give back to their friends and neighbors. From city beautification efforts, to educational seminars, to helping meet the needs of area residents during times of war, the woman's club has many achievements of which to be proud.

On the occasion of their 85th anniversary celebration, I would like to congratulate the women's club on their continued support and commitment to the residents of Dunnellon. Keep up the good work and know that you have my thanks for improving the lives of Marion County residents.

SUPPORTING THE GOALS AND IDEALS HIGHLIGHTED THROUGH NATIONAL VOLUNTEER WEEK

SPEECH OF

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2007

Mr. TIAHRT. Madam Speaker, I rise today in honor of National Volunteer Week. Our communities across the country are a better place because of the commitment of America's volunteers. Being a volunteer means giving your time unconditionally and having a heart full of compassion. Many times this giving person doesn't receive any sort of thanks or gratitude, but still continues to give what they can to their community without receiving recognition.

Today, I would like to recognize and thank Treatha Brown-Foster from the 4th District of Kansas for all her diligent work. Treatha has a diverse portfolio of programs and activities for which she volunteers. A few programs she participates in include: procuring funding for the Christmas Treasures Fund for the Boys and Girls Club, motivating the public to cooperate with law enforcement agencies as a member of the Crime Stoppers Board, and serving on the Board of Governors for the Dwight D. Eisenhower Excellence in Public Service Series.

Treatha's commitment to her community is remarkable. At a time when it seems many people are focused on themselves, it is refreshing to see people like Treatha, who want to do more for others and do so with joy in their hearts and smiles on their faces. Much of this service goes unrecognized, so today I thank Treatha and others like her for their hard work and compassion.

I encourage my colleagues to promote National Volunteer Week and thank the many millions of Americans who dedicate themselves to bettering our communities. As the saying goes, ''Volunteers don't get paid; not because they're worthless but because they're priceless.'' God bless Treatha Brown-Foster and America's priceless volunteers.

RECOGNIZING APRIL AS OCCUPATIONAL THERAPY MONTH AND THE CONTRIBUTIONS OF OCCUPATIONAL THERAPY TO OUR NATION'S VETERANS

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2007

Mr. MICHAUD. Madam Speaker, I rise in recognition of April as Occupational Therapy Month and in my capacity as Chairman of the Veteran's Affairs Health Subcommittee, to acknowledge the contributions of occupational therapists and occupational therapy assistants to not only our veterans across the country, but also our brave service men and women serving in Iraq and Afghanistan. I would also like to recognize the importance of occupational therapists to the families of our service personnel. We often forget that behind every soldier are loved ones who endure the hardship of the soldier while they are in harm's way and when they come home and take off the uniform.

Occupational therapy is a profession dedicated to the improvement of function, performance and independence. Occupational therapists work with individuals across their lifespan to prevent injury, restore function and reduce disability so that patients may live satisfying, productive and independent lives.

In my home state of Maine, occupational therapists provide essential health and rehabilitation services to veterans at the Togus Veterans Hospital and at six veterans' homes throughout the state including four in my district located in Augusta, Bangor, Caribou and Machias. Services provided in these locations stem from a range of conditions resulting from traumatic injuries experienced in combat such as amputations and poly-traumas, post-traumatic stress disorder, illness and disease and the disabling effects of aging.

In order to meet the need of veterans, Schools of Occupational Therapy in Maine, such as the Kennebec Valley Community College, work collaboratively with the veterans' facilities in the state to ensure that there are enough trained health care professionals, like occupational therapists and occupational therapy assistants, to meet the needs of our veterans.

During the month of April, the American Occupational Therapy Association (AOTA) will be hosting the Association's 87th Annual Conference and Expo in St. Louis, Missouri. Occupational therapists, occupational therapists assistants and students of occupational therapy from around the country will gather to support the profession and further their educational preparation to meet the needs of their patients. State affiliates like the Maine Occupational Therapy Association (MEOTA) will also be represented to ensure that the concerns of local occupational therapy professionals and patients are addressed at the conference. Of specific note, there will be over 500 education sessions including a panel to discuss active duty and veterans health care and the important role of occupational therapy for returning our service men and women to maximum function and independence.

Madam Speaker, please join me in supporting April as occupational therapy month and applauding the work of occupational therapists and occupational therapy assistants with our veterans, military personnel, and their families who deserve to receive the best care possible.

TRIBUTE TO RAHEEM CARTER

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2007

Mr. COURTNEY. Madam Speaker, I rise today to honor the life of a remarkable individual and policeman, Raheem Carter. After a bout with cancer, died this past Friday while serving in the New London Police Department within my constituency in Connecticut.

Mr. Carter was a leader in the Groton/New London community. Carter was the starting quarterback for three years at Fitch High School, and he also captained the track team. An extraordinary athlete, Carter set the career touchdown passing record in the Eastern Connecticut Conference. He shined as a field general, and in 1999, alongside his twin brother Rashaad, he led Fitch to its first championship in over 23 years.

Carter not only prospered on the field, but he surmounted obstacles off the field too, Despite growing up in a challenging neighborhood, Carter excelled in school, following the guidance of his mother who raised three children on her own. Carter attended Central Connecticut University until he received a full scholarship to attend the University of Rhode Island, where he graduated in 2005 with a bachelor's degree in sociology.

From there, Carter went on to attend Connecticut State Police Academy. It was there in December 2005 when a tumor was found in his abdomen. Due to his illness, Carter spent the majority of his first year as a police officer treating his cancer with chemotherapy. Known for his incredible strength, Carter was able to temporarily beat the disease securing enough time to train under New London Police Lt. Margaret Ackley.

Carter was known as a ''gentle soul and courageous spirit'' with ''more heart for the job than anyone Lt. Ackley had ever seen.'' He was a leader throughout his community seen as ''someone who cared more about others than about himself.'' Johnny L. Burns, pastor of his church, described him as ''an exceptional man in every aspect of the word who in the 25 years he lived touched so many lives.

Today I would like to pay tribute to the life and legacy of Mr. Raheem Carter. He will be greatly missed by everyone whose lives he touched.

SUPPORTING THE GOALS AND IDEALS OF FINANCIAL LITERACY MONTH

SPEECH OF

HON. RUBÉN HINOJOSA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 16, 2007

Mr. HINOJOSA. Mr. Speaker, I submit the following letters regarding H. Res. 273, ''Supporting the Goals and Ideals of Financial Literacy Month.''

GIRLS INCORPORATED,
New York, NY, April 12, 2007.

Hon. RUBÉN HINOJOSA,
House of Representatives,
Washington, DC.

Hon. JUDY BIGGERT,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE HINOJOSA AND REPRESENTATIVE BIGGERT: Girls Inc. is proud to join you in supporting H. Res. 273, and the ideals and goals of Financial Literacy Month. Financial education is critical to ensuring that individuals gain the skills necessary to assess financial opportunities and successfully manage their money. We applaud you for your leadership on this important bill.

Through our affiliates across the country, Girls Inc. teaches girls and their families important finance skills that help them to understand topics such as banking, saving, and investments, thus helping their future economic security, success, and well-being. We believe girls in particular benefit from opportunities to learn these essential skills. A survey we conducted in 1998 of teenage daughters and their mothers, found that the

number one concern of mothers was they would not have enough money at one point in their lives. Other surveys have shown that girls are less likely than boys to consider themselves ''very knowledgeable or confident'' about financial issues and money management. Economic and financial literacy is critical to helping girls plan for and achieve economic independence.

We thank you for your commitment to this issue and your understanding of the necessity of such a bill as H. Res. 273.

Sincerely,

JOYCE M. ROCHÉ,
President and CEO.

FIRST NATIONS OWEESTA CORPORATION,
Rapid City, SD, April 11, 2007.

Hon. RUBÉN HINOJOSA,
House of Representatives,
Washington, DC.
Hon. JUDY BIGGERT,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVES HINOJOSA AND BIGGERT: The Native Financial Education Coalition (NFEC) and First Nations Oweesta Corporation (Oweesta) strongly support your efforts to officially designate April as ''Financial Literacy Month''. As the national voice advocating for stronger personal financial management skills among Native peoples, the NFEC urges Congress to pass the bipartisan H. Res. 273 as a step toward raising awareness and spurring action toward better financial education in Native communities across the country.

Native communities across the board are lacking in financial education skills, which directly relates to the poverty and other social ills that often define Native peoples in the eyes of others. For example, Native communities are a hotbed for predatory lenders because Native people do not have the skills or awareness to understand the financing and credit process sufficiently, and a large percentage of our families are among the unbanked. We do not, however, have to let this situation define us and our involvement in Financial Literacy Month over the years is one way of taking control of our own lives and moving towards economic sovereignty.

The NFEC and Oweesta believe so strongly in this issue that this month, on April 26th, we will host the 3rd Annual Native Financial Education Policy Briefing in Washington, DC for lawmakers, staffers, Native leaders and others interested in Native financial education. In the past we have intentionally held the Briefing in April to commemorate Financial Literacy Month and see a real benefit to making it officially recognized as such. We commend you for your leadership on this issue and look forward to continuing our work together to make financial education a reality for all Native communities.

Sincerely,

ELSIE MEEKS,
Executive Director, First Nations Oweesta Corporation, Chairperson, Native Financial Education Coalition.

NORTH AMERICAN SECURITIES ADMINISTRATORS ASSOCIATION, INC.,
Washington, DC, April 6, 2007.

Hon. RUBÉN HINOJOSA,
Washington, DC.
Hon. JUDY BIGGERT,
Washington, DC.

DEAR CONGRESSMAN HINOJOSA AND CONGRESSWOMAN BIGGERT: On behalf of NASAA thank you for introducing H. Res. 273, which supports the goals and ideals of Financial Literacy Month. State securities regulators have a long tradition of protecting investors through education, and most have established an investor education department within their regulatory agency. Several of NASAA's Investor Education Section's current activities include: personal finance, investor and fraud prevention education on military installations; empowering senior citizens to spot, stop and avoid financial scams and several initiatives designed to teach youth the value of sound investing principles. Whether offering students the opportunity to understand the workings of Wall Street through the InvestEd stock market game, sponsoring an essay contest on how investing can create financial independence in South Dakota, or reaching out to teens in New Jersey through a Consumer University that teaches investing, regulators are connecting with youth across the country.

As part of the effort to educate our nation's youth, in April, state securities division staffs will join in celebrating ''Financial Literacy Month'' by visiting schools throughout their state to teach students about personal finance, the capital markets, investment choices and fraud.

Reaching out to our young citizens is just one component of the ongoing financial education effort undertaken by state securities regulators. We are dedicated to improving financial literacy for our constituents of all ages, recognizing that financial education has a direct impact on the economic health of our families, communities, states and this country overall. This year NASAA will be launching a new investor education podcast series as part of Financial Literacy Month. The series, ''The Alert Investor,'' is a resource for the public to learn about investing wisely, avoiding fraud and how to exercise their rights as investors.

We commend you for your continued efforts to draw attention to the importance of financial literacy programs, and NASAA looks forward to participating in Financial Literacy Day on Capitol Hill. Please contact Daphne Smith, Tennessee Securities Commissioner and Chair of NASAA's Investor Education Section, or Deborah House in NASAA's corporate office if we may be of further assistance to you. We look forward to continuing our work with you and your offices on this particular issue.

Sincerely,

JOSEPH P. BORG,
NASAA President,
Director, Alabama Securities Commission.

APRIL 13, 2007.

Hon. RUBÉN HINOJOSA,
House of Representatives,
Washington, DC.
Hon. JUDY BIGGERT,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVES HINOJOSA AND BIGGERT: On behalf of Wells Fargo & Co., I am writing to express our strong support for H. Res. 273, a Resolution that raises awareness and support for financial literacy. Wells Fargo commends the leadership and determination that both of you have demonstrated as leaders of the financial literacy caucus.

Wells Fargo is committed to working with you in addressing the need for financial literacy for all Americans. Wells Fargo's financial literacy program, Hands on Banking® and El futuro en tus manos®, targets all age groups from elementary schools to adults. The program has been developed in collaboration with teachers and administrators across the country. The Department of Education in Texas, Utah and South Carolina has approved this program for school districts in their state. Wells Fargo has also partnered with various non-profit groups to put Hands on Banking and El futuro en tus manos into the hands of those who can benefit the most including: National Council of Economic Education, Jump$tart Coalition, Navajo Nation in Arizona and the Mexican Consulates in Texas and California.

Wells Fargo believes the key to economic self-sufficiency is financial education. With this in mind, we are proud to express our support for H. Res 273 and look forward to continuing to team up with you and the House Financial and Economic Literacy Caucus to increase financial education throughout the United States.

Sincerely,

PAMELA ERWIN,
Senior Vice President,
Wells Fargo Foundation.

NATIONAL YOUTH INVOLVEMENT BOARD,
Aurora, CO, April 16, 2007.

Hon. RUBÉN HINOJOSA,
House of Representatives,
Washington, DC.
Hon. JUDY BIGGERT,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE HINOJOSA AND REPRESENTATIVE BIGGERT: The National Youth Involvement Board is grateful for your cosponsorship of H. Res. 273, and we share with you the values upheld during Financial Literacy Month. You have been steadfast in leading a surge in attention to Americans' personal financial strength and the financial education each citizen deserves. As an organization that represents and consists of citizens from all walks of life, we proudly share your devotion.

The National Youth Involvement Board (NYIB) is a volunteer network of not-for-profit credit unions, affiliated organizations, and other enthusiasts committed to providing young people the financial fundamentals they need for a lifetime of success. Whether through youth-specific services, classroom presentations, or collaborative efforts with organizations like Junior Achievement Worldwide and the National Endowment for Financial Education, NYIB members have long demonstrated creativity and cooperation toward our common purpose.

We at the National Youth Involvement Board understand that visible national recognition of the need for personal financial literacy is essential to a promising future for America. Your efforts—specifically H. Res. 273—have created exactly that. Thank you!

Sincerely,

JOHN FARIES,
Chairman,
National Youth Involvement Board.

NATIONAL COUNCIL OF HIGHER EDUCATION LOAN PROGRAMS,
Washington, DC, April 12. 2007.

Hon. RUBÉN HINOJOSA,
House of Representatives,
Washington, DC.

Hon. JUDY BIGGERT,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVES HINOJOSA AND BIGGERT: On behalf of the members of the National Council of Higher Education Loan Programs (NCHELP). I am writing to enthusiastically support House Resolution 273. Our members help millions of students fund higher education each year. We agree with you that it is more important than ever that students and their families have the information and tools necessary to make good financial decisions.

NCHELP members support and share the goal of House Resolution 273 to increase financial literacy among all Americans and to raise public awareness about the importance of a sound financial education. Our members provide information and training to college-bound students all around the country on topics like managing credit and checking accounts, basic credit and budgeting concepts, and personal financial management, better preparing these students to make good financial decisions and borrow responsibly. Materials are made available in Spanish and other languages where needed to ensure all Americans receive this important information on college access and financial literacy. Our members also partner with organizations like the Jump$tart Coalition, Junior Achievement and 360 Degrees of Financial Literacy to promote financial education to middle and high school students.

I thank you both for your continued leadership of the Financial and Economic Literacy Caucus and pledge that the members of NCHELP stand ready to assist you and your colleagues in this important endeavor.

Sincerely,

BRETT E. LIEF,
President.

PERSONAL EXPLANATION

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2007

Mrs. McCARTHY of New York. Madam Speaker, I was not present for several votes on April 17. I would have voted:

Rollcall No. 216 on H. Con. Res. 100, condemning actions of the Government of Zimbabwe, I would have voted "yea."

Rollcall No. 217 on H. Res. 273, Financial Literacy Month, I would have voted "yea."

Rollcall No. 218 on H. Con. Res. 76, International Geophysical Year, I would have voted "yea."

HAILING THE PATRIOTIC SERVICE OF THE CONGRESSIONAL YOUTH ADVISORY COUNCIL

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2007

Mr. SAM JOHNSON of Texas. Madam Speaker, last fall roughly 100 high school students applied to serve on the Third Congressional District's Congressional Youth Advisory Council. A panel of community leaders nominated 43 high school students attending public, private and home schools based on academic achievement, community service, student leadership, outside interests, and the application essay. These 43 have done an outstanding job serving as the voice of their generation. I fondly call this distinguished group "young ambassadors to Congress."

Civil service among young adults remains the cornerstone of our future. These dynamic students are leaders of their peers and achievers in and out of the classroom. They are the future of America and hold tremendous promise. They sacrificed their time to boldly share their hopes and their dreams for our Nation. They should be proud of their commitment and commended for their work.

This year, the members of the CYAC wrote a patriotic essay detailing, "My dream for America" or "The cost of freedom." The country and the Congress must know that high school students in North Texas firmly believe in this mighty Nation and express great optimism for the future. I gladly entrust it to them—the leaders of tomorrow. Their names are listed forever in the CONGRESSIONAL RECORD. Their country needs them to stand up, speak out, and continue to make a difference in their communities. They are the young leaders who help make America great. God bless you, God bless Texas and God bless America.

Freshmen: James "Wil" Callison and Ian Webber.

Sophomores: John Lipscomb, Evan Rosenfield, Sharan Shetty, and Mellissa Stepczyk.

Juniors: Caroline Alvarez, Morgan Bailey, Anna Bashmakov, Susie Choi, Abigail Dekle, Patrick Dyer, John Hollingsworth, Emily Kaufman, Kristy Luk, James MacGibbon, Charlie Manion, Meredith Morgan, Jason Palmatary, David Paxman, Andrew Pedigo, Nirjhor Rahman, and Spencer Wood.

Seniors: Lynzee Benoit, Yoojin Cho, Alyssa DeLorenz, Erik De Sousa, Andrew Graham, Luke Gunderson, Kelli Lafferty, Amanda Lipscomb, David Michael McCleary, Brendan O'Kelly, Benjamin Oppenheim, Rachel Reichenbach, Catherine Russell, Elizabeth Sanford, Jordan Schmittou, Hannah Sedlet, Hansini Sharma, Jennifer Smart, Britney Thomas, and Evan Wise.

PAYING TRIBUTE TO SANDRA LEE THOMPSON

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2007

Mr. PORTER. Madam Speaker, I rise today to honor the late Sandra Lee Thompson for her commitment and dedication to the Las Vegas community and being selected by the Clark County School Board to have an elementary school named in her honor.

Sandra Lee Thompson was born in Hanover, Pennsylvania in 1948 and was one of six children. She attended DeLone Catholic High School and then graduated from Pennsylvania State University with a degree in Social Work. She began her career as a reporter in Connecticut, where she met her husband Gary Thompson in 1973. The couple had one daughter, Kelly, who was the pride and joy of her parents. In 1978, Sandra and her husband moved to Las Vegas and began a long career with the Las Vegas Sun Newspaper. Sandra started out working as a copy and features editor and eventually became managing editor. In 1997, she was promoted to Vice President/Associate Editor for the Las Vegas Sun.

While working for the Las Vegas Sun, Sandra was able to incorporate her love for children into her job. She held hands-on workshops for local high school students at the Sun Youth Forum and she routinely lectured in schools around the valley to educate youth on the field of journalism. Sandra spent the last five years of her career focusing on issues relating to children and families. She was the only journalist in the state to write regularly about children and family issues. Her unwavering commitment to families earned her a reputation for being "the voice of the children" in Nevada. Sandra's efforts to draw attention to important family issues led to legislative changes in child welfare programs and an increase in the cap on child support payments.

Sandra's commitment to children and the family permeated her life. She was truly dedicated to improving the lives of children and youth. In addition to her professional commitment to these issues, she was actively involved in a variety of community organizations and service projects. She focused much of her time in Clark County mentoring students and encouraging them to succeed. She actively participated in projects such as the Las Vegas Sun Camp Fund, Christmas in April, Children's Advocacy Alliance, Clark County Family Court, Raising Nevada and Class! Publications. Additionally, her leadership on the subject of children and family inspired the creation of a scholarship program for Class! Publications and the Mother of the Year Contest.

On August 9th, 2002, Sandra tragically died in an automobile accident. She left a lasting legacy of compassion, service and devotion to children. Her leadership and her steadfast commitment to enriching the lives of others have truly made a difference in Southern Nevada.

Madam Speaker, it is a privilege to honor Sandra Lee Thompson for her profound commitment to children and the family. I am proud that the Clark County School District has chosen to recognize her outstanding contribution to Clark County by naming the Sandra Thompson Elementary School in her honor. I wish the Thompson family and the students, teachers, and administrators at Thompson Elementary the very best as they celebrate the dedication of this special school. I am certain that this educational establishment will live up to the legacy Sandra Thompson has left behind.

HONORING THE MIDDLE COUNTRY PUBLIC LIBRARY

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2007

Mr. BISHOP of New York. Madam Speaker, I rise today to honor a respected and important landmark in the First Congressional District, the Middle Country Public Library.

Since 1957, the Middle Country Public Library has been a dynamic center for continuous learning that provides information, resources and programs to meet the needs of our diverse Long Island population. Visionary leadership, outstanding facilities, a skilled staff and collaborative partnerships enable the Library to deliver model services including free and spacious meeting rooms for use by community groups.

The Middle Country Public Library has received numerous awards including the ''Pioneer Vision Award'', ''The Godfrey Award for Excellence in Public Library Services for Children and Families'', and the ''Groundbreaker Award'' for promoting diversity and cultural awareness. On Saturday, April 21, the Library will be celebrating its 50th anniversary. The celebration will include performances, puppet shows, and stories to commemorate five full decades of stellar service and commitment to the community.

Madam Speaker, I strongly agree with John Quincy Adams, this great country's 6th President, when he said, ''To furnish the means of acquiring knowledge is the greatest benefit that can be conferred upon mankind.'' Indeed, the Middle Country Public Library is a welcoming place for knowledge, dedicated to excellence and to enhancing the quality of life in Suffolk County, New York. I am proud to honor its 50th anniversary.

TRIBUTE TO MRS. NAOMI A. ADAMS

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2007

Mr. MEEK of Florida. Madam Speaker, I rise to honor one of Miami's great ladies, Mrs. Naomi A. Adams, who on April 19, 2007, will celebrate her 90th birthday. I know I speak for all of my colleagues in extending to her our congratulations and best wishes on this important occasion.

In so many ways, Mrs. Adams exemplifies determination, strength and service. She grew up in a segregated Southern city and was educated in a segregated school system. However, she overcame adversity, and thrived in every facet of her life.

Determined to develop her talents and make the most of her abilities, Mrs. Adams was admitted into the prestigious Tuskegee Institute, which was and still is one of the premier institutions of higher learning in the nation. She worked in campus jobs in the dining hall and in the registrar's office to help make ends meet.

It was at Tuskegee that two very important events occurred: Mrs. Adams studied under the instruction of Dr. George Washington Carver, a distinguished American of genius, and she met Mr. Nelson L. Adams, Jr., the man who would later become her husband.

Mrs. Adams graduated in 1940 with a degree in Home Economics, and when the couple moved to Miami, she put her knowledge to good use by teaching others. She taught home economics and science for more than twenty years at Miami's George Washington Carver High School. When the Dade County Public Schools were desegregated in 1966, she was transferred to Robert E. Lee. Jr. High School, where she worked until her retirement in 1977. Mr. Adams, also an educator, was principal of Dunbar Elementary School for nearly 25 years.

Mrs. Adams and her late husband had an overwhelming commitment of faith to St. John Baptist Church in Overtown. She has served as a Girl Scout troop leader; as a volunteer with the American Red Cross; as a member of the board of directors of the Dade County Teachers Credit Union and on the board of directors of the Dade County Retired Teachers Association. Even today, she is an active member of the Optimist Club, AARP, the Tuskegee Alumni Association and the Tuskegee University's Presidential Associates Club.

Mrs. Adams is the mother of two children, Sceiva and Nelson, III, the grandmother of five and the great-grandmother of two. Mrs. Adams is the embodiment of the ultimate matriarchal figure, and I wish her continued happiness as she celebrates her 90th birthday.

IN RECOGNITION OF PEACE ACTION'S 50TH ANNIVERSARY

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2007

Mr. STARK. Madam Speaker, I rise today to pay tribute to Peace Action's 50th anniversary. Peace Action has been a seminal part of the peace movement. On the evening of April 12, 2007 at Madison's Lake Merritt Hotel in Oakland, California, Peace Action West, a regional organization of Peace Action, will celebrate their work during the last 50 years as well as their recent victories.

The evening celebration will include reminiscences by Peace Activist Norman Cousins' daughters, Candis Cousins and Shigeko Sasmori. Norman Cousins was an eminent activist and founder of SANE. As a child, Shigeko survived the Hiroshima atomic blast, and soon after was unofficially adopted by the Cousins family. From her experience at the very center and origin of the nonproliferation movement, her lifetime of peace activism is an inspiration to us all. Together they will speak to the memory of their father's work and ideals, which I find new expression in this generation of peace organizers.

In 1957, motivated by the realization that nuclear weapons could put an end to human life on the planet, the National Committee for a Sane Nuclear Policy was born. SANE, as the organization came to be known, later merged with the Nuclear Freeze movement and became Peace Action. For 50 years Peace Action has galvanized a voice for a world where the threat of nuclear weapons is eliminated and where foreign policy is based on international cooperation and respect for human rights. Peace Action has grown into a regional organization nearly 50,000 members strong.

I join the community in celebrating Peace Action's 50-year milestone of waging peace. I thank the members of Peace Action West for their exemplary efforts and deep commitment to peace and human rights and I applaud their five decades of accomplishments.

HONORING ROD GRUSY

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2007

Mr. LEWIS of Kentucky. Madam Speaker, I rise today to pay tribute to Dr. Rod Grusy, a remarkable public servant and friend from my home state of Kentucky. Dr. Grusy recently announced his intention to retire from his position as Extension Service Agent at the Hardin County Agricultural Extension Office at the end of this month.

Dr. Grusy has distinguished himself as an ardent educator and trusted advisor to the communities of Hardin County, Kentucky throughout his 16 year tenure. He has been consistently praised for his unique hands on approach, routinely visiting local farms in person to offer his advice.

Dr. Grusy is the only Extension agent in Kentucky at the county level specializing in crop production and farm management. His extensive education and keen intuition developed over many years spent in the fields have made him a valuable resource to countless farmers and students throughout the Commonwealth.

One of Dr. Grusy's most important contributions to Kentucky agriculture is his work to organize the annual Central Kentucky Farm Expo. Each year, the popular event teaches farmers about new technology and innovations in their rapidly changing industry. The Expo also teaches schoolchildren about farming, inspiring future careers and building a deeper understanding between rural and non-rural residents.

On behalf of the countless men and women who have benefited from his skill and generosity, I would like to express my profound appreciation to Dr. Grusy for his years of service and wish him a very happy and healthy retirement.

It is my great privilege to recognize Dr. Rod Grusy today, before the entire U.S. House of Representatives, for his exemplary citizenship and community leadership. His unique contributions to farming and education make him an outstanding American, worthy of our collective honor and appreciation.

IN RECOGNITION OF THE TIME TRAVELERS HISTORY CLUB AT CHARLES R. DREW MIDDLE SCHOOL IN LINCOLN, ALABAMA

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2007

Mr. ROGERS of Alabama. Madam Speaker, I would like to recognize today the students and adult leaders of the Time Travelers History Club at Charles R. Drew Middle School in Lincoln, Alabama.

Since 2005, the Time Travelers club has taken a significant role in enhancing learning opportunities for students, preserving local history, and serving the community. Their events, such as a Constitution Day celebration, have joined students with community figures and in turn allowed students to learn more about history through interacting with people who lived

through some of the most influential events of the twentieth century.

I applaud the students of Charles R. Drew Middle School who have participated in this program, as well as their advisor Mr. Keith George, for their commitment to learning and service. Thank you, Madam Speaker, for the House's attention to these accomplished individuals today.

TRIBUTE TO COACH FISHER DEBERRY

HON. DOUG LAMBORN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2007

Mr. LAMBORN. Madam Speaker, I rise today to pay tribute to Fisher DeBerry, former head coach of the United States Air Force Academy football team. During his twenty three years as head coach at the Academy, Mr. DeBerry led seventeen teams to winning seasons and twelve to bowl games; his career record of 169–107–1 is the best in Academy history. Off the field, Mr. DeBerry has made tremendous contributions to his community through the Fisher DeBerry Foundation, an organization dedicated supporting single mothers and their children by providing mentoring and after school programs and funding academic scholarships.

A high school and college athlete, Mr. DeBerry began his coaching career in 1969 as an assistant coach at his alma mater, Wofford College in Spartanburg, South Carolina. In 1971 he joined the coaching staff at Appalachian State. As a result of his success at these two institutions, Mr. DeBerry was hired as offensive coordinator and quarterback coach by the Air Force Academy in 1980 and moved on to the head coach position four years later. Dominating the Commander in Chiefs Trophy Series since its inception in 1972, Mr. DeBerry holds, against the Naval and Military Academies, a combined record of 34–8 and is the winningest coach in the history of the service academies.

Mr. DeBerry, a member of the South Carolina and Colorado Springs Sports Halls of Fame, holds numerous other awards and distinctions including three-time WAC Coach of the Year, the 1985 Paul ''Bear'' Bryant award as NCAA College Football Coach of the Year and the 2001 State Farm Coach of Distinction.

A man of deep Christian faith and profound humility, Mr. DeBerry has participated in fundraising efforts for worthy causes including March of Dimes, the Salvation Army, and the American Heart Association. I wish to recognize Mr. DeBerry today not only for his impressive coaching career which has brought tremendous pride to the Air Force Academy and Colorado Springs, but also for his strength of character and community service.

A TRIBUTE TO ODELLE WHITEHEAD BARNES

HON. G.K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2007

Mr. BUTTERFIELD. Madam Speaker, it is with great pride that I rise today to pay tribute to Mrs. Odelle Whitehead Barnes, a native and longtime resident of Wilson, North Carolina. This wonderful individual is a family friend and a former teacher at my alma mater, The Charles H. Darden High School. For many years, Mrs. Barnes dedicated her life to educating and serving the people of Wilson, North Carolina. She is being honored this week upon her designation as a Diamond Soror in Alpha Kappa Alpha Sorority, and for her years of service to the community.

Madam Speaker, Mrs. Barnes committed 39 years of her life as both a teacher and speech therapist, and many more as a beacon of positive light to the community. She should be lauded even greater for her success in overcoming the racial and gender prejudices of her time. Mrs. Odelle Barnes was born in Wilson, North Carolina, as one of 12 children to Henry and Victoria Whitehead. She faced numerous challenges growing up in the Jim Crow South during the Depression, but excelled nonetheless, graduating from high school at age 16. Mrs. Barnes attended North Carolina College at Durham, today North Carolina Central University, and graduated with high honors in both English and French. Although the college environment during the Depression was unfriendly, nevertheless she persevered with the help of her family, the determination of her own character and her faith in Almighty God.

Mrs. Barnes taught for many years at both Elm City Elementary and Darden High School, before earning her Masters in Speech Therapy with the University of Michigan. In a time when integration still ruled North Carolina, Mrs. Barnes provided an invaluable service to the African-American community of Wilson County with her work as a Speech Therapist in the school system. In 1977, Darden High School named her ''Alumna of the Year,'' and in 1981 she was honored by the Wilson Human Relations Commission with its ''Citizen Award.''

Madam Speaker, Odelle Whitehead Barnes is very proud of her distinction of being ''Charter Member'' of two chapters of Alpha Kappa Alpha Sorority, Inc., the Alpha Chi Chapter in 1932 and of the Gamma Beta Omega Chapter in 1940. She is now a Diamond Soror and has spent 75 years as an AKA member. Mrs. Barnes is a lifelong member of the Jackson Chapel First Missionary Baptist Church, where she has served as the president of the Missionary Circle and co-founder of the Fellowship Club, and has twice been named church ''Woman of the Year.'' Additionally, she served as board member for the Department of Social Services, the Wilson Historic Properties Commission, and Wilson County Mental Health Board. She volunteered at the Wilson Crisis Center, the Hospital Visitation Program and the Wilson County Board of Elections.

Mrs. Barnes, who was married to Edward Morrison Barnes for 65 years, presently resides in Detroit, Michigan, with her daughter, Carolyn, her two grandsons and five great-grandchildren. Madame Speaker, in honor and recognition of Mrs. Odelle Whitehead Barnes' diligent service as an educator, therapist, and leader, I ask my Colleagues to join me in paying tribute to this great woman.

IN HONOR OF JIM JONTZ

HON. BRAD ELLSWORTH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2007

Mr. ELLSWORTH. Madam Speaker, I rise today to honor the memory of former Congressman James Prather ''Jim'' Jontz, who passed away on April 14, 2007 after a long battle with colon cancer. Jim dedicated his life to public service and environmental protection.

In 1974, at the age of 22, he was one of the youngest people ever to be elected to the Indiana General Assembly. After 10 years in the General Assembly and 2 in the Indiana Senate, Jontz ran for the U.S. House of Representatives from Indiana's 5th District. He went on to serve three terms in the House where he fought for government accountability and preservation of the environment. After leaving Congress, Jontz moved to Oregon where he continued his advocacy for environmental causes.

Jim Jontz was the kind of man that got into politics for the right reason: he saw a problem in his community and decided he could make a difference. He will be remembered for his strong conviction, his populist spirit, and his unwavering commitment to protecting the environment. I want to send my condolences to his family. He was a great public servant to the State of Indiana and our Nation.

REVEREND DOCTOR WILLIE RAY DAVIS FOR HIS INSTALLATION AS PASTOR OF PROGRESSIVE BAPTIST CHURCH

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 18, 2007

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise to pay tribute to Rev. Dr. Willie Ray Davis on his installation as Pastor of Progressive Baptist Church. On behalf of the constituents of the Eighteenth Congressional District of Texas, I would like to extend to him my warmest congratulations on the commemoration of his Official Installation as Pastor of Progressive Baptist Church. As former pastor of Greater St. Paul's Missionary Baptist Church, his presence in Houston, the fourth largest city in the United States, and before the enthusiastic new members of the Progressive Baptist Church assembled today, serves as a testimony of his renowned commitment to excellence and eminence as one of Houston's foremost religious and community figures.

How do you describe a man who is known as a pastor, spiritual leader, and extraordinary community leader? You can do so by simply calling him Pastor Willie Ray Davis. Pastor Davis's commitment to serving his community is exemplified by the many committees that he is involved in and his ability to put the needs of others before his own. Consequently, I would like to join his family, friends and church members in congratulating him on your Installation as Pastor of the Progressive Baptist Church in Chicago, Illinois.

Houston and Greater St. Paul's Baptist Church has lost one of its beloved treasures, but I am confident that Pastor Willie Ray Davis

will exhibit the same profound preeminence that he exhibited in Houston in Illinois to the members of the Progressive Baptist Church. My wish is that on this momentous occasion, Pastor Davis will look at what a blessing his life has been to others and that he will continue on with his good work blessing his community, congregation, family and friends.

Madam Speaker, I would like to congratulate Pastor Willie Ray Davis as he celebrates this wonderful occasion with his family, church members and friends. He has been a pillar of faith in his community and I extend my heartfelt wishes and prayers for a wonderful tenure as Pastor of Progressive Baptist Church.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, April 17, 2007 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

APRIL 18

Time to be announced
Homeland Security and Governmental Affairs
Business meeting to consider the nomination of Gregory B. Cade, of Virginia, to be Administrator of the United States Fire Administration, Department of Homeland Security.
S–216, Capitol

9:30 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine economic challenges and opportunities facing American agricultural producers today, focusing on livestock, poultry and competition issues.
SD–106

Armed Services
Airland Subcommittee
To hold hearings to examine whether the Army is properly sized, organized, and equipped to respond to the most likely missions over the next two decades while retaining adequate capability to respond to all contingencies along the spectrum of combat in review of the Defense Authorization Request for fiscal year 2008 and the Future Years Defense Program.
SR–222

10 a.m.
Finance
To hold hearings to examine the Administration's plan for reducing the tax gap, focusing on goals, benchmarks, and timetables.
SD–215

Health, Education, Labor, and Pensions
Business meeting to markup S. 1082, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and the nominations of Douglas G. Myers, of California, Jeffrey Patchen, of Indiana, Lotsee Patterson, of Oklahoma, all to be Members of the National Museum and Library Services Board, Stephen W. Porter, of the District of Columbia, to be a Member of the National Council on the Arts, and Cynthia Allen Wainscott, of Georgia, to be a Member of the National Council on Disability.
SH–216

Commerce, Science, and Transportation
Interstate Commerce, Trade, and Tourism Subcommittee
To hold hearings to examine if ''Free Trade'' is working.
SR–253

Rules and Administration
To hold hearings to examine repealing the limitation on party expenditures on behalf of candidates in general elections.
SR–301

Small Business and Entrepreneurship
To hold hearings to examine Public Law 107-204 (Sarbanes Oxley Act) and small business addressing proposed regulatory changes and their impact on capital markets.
SR–428A

Appropriations
State, Foreign Operations, and Related Programs Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2008 for maternal and child health, and family planning and reproductive health.
SD–124

Veterans' Affairs
Business meeting to markup the nomination of Thomas E. Harvey, of New York, to be an Assistant Secretary of Veterans Affairs (Congressional Affairs).
Room to be announced

2:15 p.m.
Library
Organizational business meeting to consider an original resolution authorizing expenditures for committee operations and committee's rules of procedure for the 110th Congress.
S–115, Capitol

2:30 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2008 for the Department of Energy.
SD–138

Environment and Public Works
To hold hearings to examine the nomination of Lieutenant General Robert L. Van Antwerp, Jr. to be Chief of Engineers and Commanding General of the United States Army Corps of Engineers.
SD–406

Commerce, Science, and Transportation
Oceans, Atmosphere, Fisheries, and Coast Guard Subcommittee
To hold oversight hearings to examine the President's budget request for fiscal year 2008 for the United States Coast Guard.
SR–253

Printing
Organizational business meeting to consider an original resolution authorizing expenditures for committee operations and committee's rules of procedure for the 110th Congress.
S–115, Capitol

3 p.m.
Armed Services
Readiness and Management Support Subcommittee
Personnel Subcommittee
To hold joint hearings to examine the readiness impact of quality of life and family support programs to assist families of Active Duty, National Guard, and Reserve military personnel in review of the Defense Authorization Request for Fiscal Year 2008 and the Future Years Defense Program.
SR–232A

9:30 p.m.
Foreign Relations
To hold hearings to examine the nominations of R. Niels Marquardt, of California, to be Ambassador to the Republic of Madagascar, and to serve concurrently and without additional compensation as Ambassador to the Union of Comoros, Janet E. Garvey, of Massachusetts, to be Ambassador to the Republic of Cameroon, and Phillip Carter, III, of Virginia, to be Ambassador to the Republic of Guinea.
SD–419

APRIL 19

9 a.m.
Homeland Security and Governmental Affairs
To hold hearings to examine the impact of global warming on private and federal insurance.
SD–342

9:30 a.m.
Armed Services
To hold hearings to receive testimony on the Department of Defense's management of costs under the Logistics Civil Augmentation Program (LOGCAP) contract in Iraq.
SD–106

Judiciary
To hold oversight hearings to examine the Department of Justice.
SH–216

10 a.m.
Appropriations
Commerce, Justice, Science, and Related Agencies Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2008 for the Department of Justice.
SD–192

Finance
To hold hearings to examine grains, cane, and automobiles relating to tax incentives for alternative fuels and vehicles.
SD–215

Judiciary
To hold hearings to examine S. 1079, to establish the Star-Spangled Banner and War of 1812 Bicentennial Commission, S. 495, to prevent and mitigate identity theft, to ensure privacy, to provide notice of security breaches, and to enhance criminal penalties, law enforcement assistance, and other protections against security breaches, fraudulent access, and misuse of personally identifiable information, S. 221, to amend title 9, United States Code, to provide for greater fairness in the arbitration process relating to livestock and poultry contracts, S. 495, to prevent and mitigate identity theft, to ensure privacy, to provide notice of security breaches, and to enhance criminal penalties, law enforcement assistance, and other protections against security breaches, fraudulent access, and misuse of personally identifiable information, S. 376, to amend title 18, United States Code, to improve the provisions relating to the carrying of concealed weapons by law enforcement officers, S. 119, to prohibit profiteering and fraud relating to military action, relief, and reconstruction efforts, S. 735, to amend title 18, United States Code, to improve the terrorist hoax statute, H.R. 740, to amend title 18, United States Code, to prevent caller ID spoofing, and the nominations of Robert Gideon Howard, Jr., of Arkansas, to be United States Marshal for the Eastern District of Arkansas, Frederick J. Kapala, of Illinois, to be

United States District Judge for the Northern District of Illinois, and Benjamin Hale Settle, of Washington, to be United States District Judge for the Western District of Washington; and the possibility of the issuance of certain subpoenas in connection with the investigation into the replacement of United States Attorneys.

SD–226

Appropriations
Military Construction and Veterans' Affairs, and Related Agencies Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2008 for miltary construction for the Army, Navy, and Marine Corps.

SD–138

Commerce, Science, and Transportation
Science, Technology, and Innovation Subcommittee
To hold hearings to examine United States competitiveness through basic research.

SR–253

Appropriations
Transportation, Housing and Urban Development, and Related Agencies Subcommittee
To hold hearings to examine rising highway fatalities.

SD–124

2 p.m.
Homeland Security and Governmental Affairs
Federal Financial Management, Government Information, Federal Services, and International Security Subcommittee
To hold hearings to examine the current state of the Postal Service along with the efforts underway to implement the Postal Accountability and Enhancement Act (Public Law 109–435).

SD–342

2:30 p.m.
Armed Services
Strategic Forces Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2008 for the military space programs in review of the Defense Authorization Request and the Future Years Defense Program; with the possibility of a closed session in SR-222 following the open session.

SR–232A

Intelligence
To receive a closed briefing on certain intelligence matters.

S–407, Capitol

10 p.m.
Aging
To hold hearings to examine bioidentical hormones.

SD–562

APRIL 20

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2008 for the National Institutes of Health, focusing on the burden of chronic diseases.

SD–116

APRIL 23

3 p.m.
Energy and Natural Resources
To hold hearings to examine S. 1115, to promote the efficient use of oil, natural gas, and electricity, reduce oil consumption, and heighten energy efficiency standards for consumer products and industrial equipment.

SD–366

APRIL 24

9:30 a.m.
Homeland Security and Governmental Affairs
Disaster Recovery Subcommittee
To hold hearings to examine trailers, focusing on creating more flexible, efficient, and cost-effective Federal Disaster Housing Program.

SD–342

Armed Services
To hold hearings to receive testimony on United States Pacific Command, United States Forces Korea, and United States Special Operations Command in review of the Defense Authorization Request for fiscal year 2008 and the Futures Years Defense Program.

SH–216

10 a.m.
Commerce, Science, and Transportation
To hold hearings to examine communications, broadband and competitiveness relating to how the United States measures up.

SR–253

Health, Education, Labor, and Pensions
To hold hearings to examine No Child Left Behind Reauthorization, focusing on modernizing middle and high schools for the twenty-first century.

SD–628

Judiciary
Human Rights and the Law Subcommittee
To hold hearings to examine the casualties of war focusing on child soldiers and the law.

SD–226

2:30 p.m.
Judiciary
To hold hearings to examine the Insurrection Act rider and the state control of the National Guard.

SD–226

APRIL 25

2 p.m.
Armed Services
Emerging Threats and Capabilities Subcommittee
To hold hearings to examine language technology and training for the Department of Defense.

SR–325

Veterans' Affairs
To hold an oversight hearing to examine the Department of Veterans Affairs, focusing on mental health issues.

SR–418

2:30 p.m.
Commerce, Science, and Transportation
Business meeting to consider pending calendar business.

SR–253

APRIL 26

9:30 a.m.
Armed Services
To hold hearings to receive testimony on legal issues regarding individuals detained by the Department of Defense as unlawful enemy combatants.

SH–216

10 a.m.
Health, Education, Labor, and Pensions
Employment and Workplace Safety Subcommittee
To hold hearings to examine if the Occupational Safety & Health Administration (OSHA) is working for working people.

SD–628

Commerce, Science, and Transportation
Science, Technology, and Innovation Subcommittee
To hold hearings to examine clean coal technology.

SR–253

2:30 p.m.
Commerce, Science, and Transportation
Consumer Affairs, Insurance, and Automotive Safety Subcommittee
To hold hearings to examine All-Terrain Vehicle (ATV) safety.

SR–253

MAY 3

2:30 p.m.
Commerce, Science, and Transportation
To hold hearings to examine pending nominations.

SR–253

MAY 9

9:30 a.m.
Veterans' Affairs
To hold hearings to examine on benefits legislation.

SD–562

MAY 16

10 a.m.
Veterans' Affairs
To hold hearings to examine the nomination of Michael K. Kussman, of Massachusetts, to be Under Secretary for Health of the Department of Veterans Affairs.

SD–562

MAY 23

9:30 a.m.
Veterans' Affairs
To hold hearings to examine on health legislation.

SD–562

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S4623–S4722

Measures Introduced: Nineteen bills and nine resolutions were introduced, as follows: S. 1138–1156, S. Res. 154–161, and S. Con. Res. 28. **Pages S4675–76**

Measures Passed:

Commending Rutgers University Women's Basketball Team: Senate agreed to S. Res. 156, commending the achievements of the Rutgers University women's basketball team and applauding the character and integrity of the players as student-athletes. **Page S4717**

Best Wishes to Governor Jon S. Corzine: Senate agreed to S. Res. 157, extending the best wishes of the Senate to New Jersey Governor Jon S. Corzine and expressing the Senate's hope for his speedy and complete recovery. **Page S4717**

National and Global Youth Service Day: Senate agreed to S. Res. 158, designating April 20, 2007, as "National and Global Youth Service Day". **Pages S4717–19**

Commending the Association For Advanced Life Underwriting: Senate agreed to S. Res. 159, commending the Association for Advanced Life Underwriting on its 50th anniversary. **Pages S4719–20**

Recognizing Hot Springs National Park: Senate agreed to S. Res. 160, recognizing the importance of Hot Springs National Park on the 175th anniversary of the enactment of the Act that authorized the establishment of Hot Springs Reservation. **Page S4720**

Honoring Oliver White Hill: Senate agreed to S. Res. 161, honoring the life of Oliver White Hill, a pioneer in the field of American civil rights law, on the occasion of his 100th birthday. **Pages S4720–21**

2016 Olympic and Paralympic Games: Senate agreed to S. Con. Res. 28, congratulating the City of Chicago for being chosen to represent the United States in the international competition to host the 2016 Olympic and Paralympic Games, and encouraging the International Olympic Committee to select Chicago as the site of the 2016 Olympic and Paralympic Games. **Page S4721**

Commending General Peter J. Schoomaker: Committee on Armed Services was discharged from further consideration of S. Res. 139, commending General Peter J. Schoomaker for his extraordinary dedication to duty and service to the United States. **Pages S4721–22**

Honoring the life of Ernest Gallo: Senate agreed to H. Con. Res. 88, honoring the life of Ernest Gallo. **Page S4722**

United States Advisory Commission on Public Diplomacy Reauthorization: Senate passed H.R. 1003, to amend the Foreign Affairs Reform and Restructuring Act of 1998 to reauthorize the United States Advisory Commission on Public Diplomacy, clearing the measure for the President. **Page S4722**

Medicare Prescription Drug Price Negotiation Act: Senate resumed consideration of the motion to proceed to consideration of S. 3, to amend part D of title XVIII of the Social Security Act to provide for fair prescription drug prices for Medicare beneficiaries. **Pages S4634–36**

During consideration of this measure today, Senate also took the following action:

By 55 yeas to 42 nays (Vote No. 132), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to close further debate on the motion to proceed to consideration of the bill. **Page S4634**

Subsequently, Reid motion to reconsider, the vote by which cloture was not invoked on the motion to proceed to consideration of S. 3, was entered. **Page S4634**

Court Security Improvement Act: Senate began consideration of S. 378, to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, after agreeing to the motion to proceed, agreeing to the committee amendment, and taking action on the following amendments proposed thereto: **Pages S4653–66**

Adopted:

Leahy/Specter Amendment No. 896, to make technical changes. **Pages S4661–62, S4665**

Rejected:

Coburn Amendment No. 891, to express the sense of the Senate that Congress should offset the cost of new spending. (By 59 yeas and 38 nays (Vote No. 134), Senate tabled the amendment.)

Pages S4662–65, S4665–66

During consideration of this measure today, Senate also took the following action:

By 93 yeas to 3 nays (Vote No. 133), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to close further debate on the motion to proceed to consideration of the bill. **Page S4636**

A motion was entered to close further debate on the bill and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Friday, April 20, 2007.

Page S4666

A unanimous-consent agreement was reached providing for further consideration of the bill at 10:30 a.m., on Thursday, April 19, 2007. **Page S4722**

Appointments:

Congressional Award Board: The Chair, on behalf of the Republican Leader, pursuant to Public Law 96–114, as amended, appointed the following individual to the Congressional Award Board: Senator Isakson. **Page S4717**

Nominations Received: Senate received the following nominations:

Frederick B. Cook, of Florida, to be Ambassador to the Central African Republic.

Joseph Adam Ereli, of the District of Columbia, to be Ambassador to the Kingdom of Bahrain.

Richard Boyce Norland, of Iowa, to be Ambassador to the Republic of Uzbekistan.

Reuben Jeffery III, of the District of Columbia, to be an Under Secretary of State (Economic, Energy, and Agricultural Affairs).

Reuben Jeffery III, of the District of Columbia, to be United States Alternate Governor of the International Bank for Reconstruction and Development for a term of five years; United States Alternate Governor of the Inter American Development Bank for a term of five years; United States Alternate Governor of the African Development Bank for a term of five years; United States Alternate Governor of the African Development Fund; United States Alternate Governor of the Asian Development Bank; and United States Alternate Governor of the European Bank for Reconstruction and Development.

Page S4722

Nomination Withdrawn: Senate received notification of withdrawal of the following nomination:

Enrique J. Sosa, of Florida, to be a Member of the Reform Board (Amtrak) for a term of five years, which was sent to the Senate on January 9, 2007.

Page S4722

Messages from the House: **Page S4673**

Measures Referred: **Page S4674**

Measures Placed on the Calendar: **Page S4674**

Executive Communications: **Pages S4674–75**

Executive Reports of Committees: **Page S4675**

Additional Cosponsors: **Pages S4676–78**

Statements on Introduced Bills/Resolutions:

Pages S4678–S4702

Additional Statements: **Page S4673**

Amendments Submitted: **Pages S4702–16**

Notices of Hearings/Meetings: **Page S4716**

Authorities for Committees to Meet:

Pages S4716–17

Privileges of the Floor: **Page S4717**

Record Votes: Three record votes were taken today. (Total—134) **Pages S4634, S4636, S4666**

Adjournment: Senate convened at 8:30 a.m., and adjourned at 7:24 p.m., until 9:30 a.m. on Thursday, April 19, 2007. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S4722.)

Committee Meetings

(Committees not listed did not meet)

AGRICULTURAL ECONOMIC CHALLENGES AND OPPORTUNITIES

Committee on Agriculture, Nutrition, and Forestry: Committee concluded a hearing to examine economic challenges and opportunities facing American agricultural producers today, focusing on livestock, poultry and competition issues relating to the reenactment of the Farm Bill, after receiving testimony from Peter C. Carstensen, University of Wisconsin Law School, Madison; Lynn A. Hayes, Farmers' Legal Action Group, Inc., Saint Paul, Minnesota; Mary K. Muth, RTI International, Research Triangle Park, North Carolina; Eric Nelson, R–CALF USA, Moville, Iowa; John Queen, National Cattlemen's Beef Association, Waynesville, North Carolina; Joy Philippi, National Pork Producers Council, Bruning, Nebraska; Ron Truex, Creighton Brothers, LLC, Warsaw, Indiana, on behalf of the United Egg Producers; Burdell Johnson, American Sheep Industry Association, Tuttle, North Dakota; William P. Roenigk, National Chicken Council, Washington,

D.C. Tim Schmidt, Hawarden, Iowa; and Scott Hamilton, Phil Campbell, Alabama.

APPROPRIATIONS: HEALTH PROGRAMS

Committee on Appropriations: Subcommittee on State, Foreign Operations, and Related Programs concluded a hearing to examine proposed budget estimates for fiscal year 2008 for maternal and child health, and family planning and reproductive health after receiving testimony from Kent Hill, Assistant Administrator for Global Health, United States Agency International Development (USAID); Nils Daulaire, Global Health Council, and Laurie Garrett, Council on Foreign Relations, both of Washington, D.C.; and Helene Gayle, Cooperative for Assistance and Relief Everywhere (CARE), Atlanta, Georgia.

APPROPRIATIONS: DEPARTMENT OF ENERGY

Committee on Appropriations: Subcommittee on Energy and Water Development concluded a hearing to examine proposed budget estimates for fiscal year 2008 for the Department of Energy after receiving testimony from Thomas P. D'Agostino, Acting Under Secretary for Nuclear Security and Administrator, National Nuclear Security Administration, United States Department of Energy.

BUDGET: DEFENSE AUTHORIZATION

Committee on Armed Services: Subcommittee on Personnel with the Subcommittee on Readiness and Management Support concluded a joint hearing to examine the readiness impact of quality of life and family support programs to assist families of Active Duty, National Guard, and Reserve military personnel in review of the Defense Authorization Request for Fiscal Year 2008 and the Future Years Defense Program, after receiving testimony from Senator Chambliss; Michael L. Dominguez, Principal Deputy Under Secretary of Defense for Personnel and Readiness; Lynda C. Davis, Deputy Assistant Secretary of the Navy for Military Personnel Policy; John McLaurin, Deputy Assistant Secretary of the Army for Human Resources; Lieutenant General Roger A. Brady, USAF, Deputy Chief of Staff for Manpower and Personnel, Headquarters, United States Air Force; Joyce Wessel Raezer, National Military Family Association, Alexandria, Virginia; and certain other public witnesses.

FREE TRADE

Committee on Commerce, Science, and Transportation: Subcommittee on Interstate Commerce, Trade, and Tourism concluded a hearing to examine the impacts of current United States trade policy, after receiving testimony from Leo Hindery, Jr., InterMedia Partners, New York, New York; Lori Wallach, Public Citizen, Christopher Wenk, United States Chamber of Commerce, and Edward Gresser, all of Washington, D.C.; and John Johnston, Modern Metal Cutting, LLC, Akron, Ohio.

COAST GUARD: BUDGET

Committee on Commerce, Science, and Transportation: Subcommittee on Oceans, Atmosphere, Fisheries, and Coast Guard concluded a hearing to examine the President's proposed budget request for fiscal year 2008 for the United States Coast Guard, after receiving testimony from Admiral Thad W. Allen, Commandant, United States Coast Guard, Department of Homeland Security.

NOMINATION

Committee on Environment and Public Works: Committee concluded a hearing to examine the nomination of Lieutenant General Robert L. Van Antwerp, Jr. to be Chief of Engineers and Commanding General of the United States Army Corps of Engineers, after the nominee testified and answered questions in his own behalf.

TAX GAP

Committee on Finance: Committee held a hearing to examine the Administration's plan for addressing the issue of taxpayers' compliance with their federal tax obligations and the extent to which taxpayers do not file their tax returns and pay the correct tax on time, focusing on goals, benchmarks, and timetables for reducing noncompliance, receiving testimony from Henry M. Paulson, Jr., Secretary of the Treasury.

Hearing recessed subject to the call.

NOMINATIONS

Committee on Foreign Relations: Committee concluded a hearing to examine the nominations of R. Niels Marquardt, of California, to be Ambassador to the Republic of Madagascar, and to serve concurrently and without additional compensation as Ambassador to the Union of Comoros, Janet E. Garvey, of Massachusetts, to be Ambassador to the Republic of Cameroon, and Phillip Carter III, of Virginia, to be Ambassador to the Republic of Guinea, after the nominees testified and answered questions in their own behalf.

BUSINESS MEETING

Committee on Homeland Security and Governmental Affairs: Committee ordered favorably reported the nomination of Gregory B. Cade, of Virginia, to be Administrator of the United States Fire Administration, Department of Homeland Security.

BUSINESS MEETING

Committee on Health, Education, Labor, and Pensions: Committee ordered favorably reported the following:

S.1082, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, with an amendment in the nature of a substitute; and

The nominations of Douglas G. Myers, of California, Jeffrey Patchen, of Indiana, Lotsee Patterson, of Oklahoma, all to be Members of the National Museum and Library Services Board, Stephen W. Porter, of the District of Columbia, to be a Member of the National Council on the Arts, and Cynthia Allen Wainscott, of Georgia, to be a Member of the National Council on Disability, and promotion lists for the Public Health Service.

ELECTION EXPENDITURES

Committee on Rules and Administration: Committee concluded a hearing to examine S. 1091, to amend the Federal Election Campaign Act of 1971 to repeal the limitation on party expenditures on behalf of candidates in general elections, after receiving testimony from John Samples, Cato Institute, Marc E. Elias, Perkins Coie LLP, Fred Wertheimer, Democracy 21, Thomas E. Mann, Brookings Institution, Gary Kalman, United States Public Interest Research Group, and Michael J. Malbin, Campaign Finance Institute, all of Washington, D.C.

SARBANES-OXLEY ACT AND SMALL BUSINESS

Committee on Small Business and Entrepreneurship: Committee concluded a hearing to examine the Sarbanes-Oxley Act (Public Law 107–204) and its impact on small public companies, after receiving testimony from Christopher Cox, Chairman, U.S. Securities and Exchange Commission; Mark W. Olson, Public Company Accounting Oversight Board, Washington, D.C.; Thomas R. Venables, Benjamin Franklin Bank, on behalf of the American Bankers Association, and Joseph Piche, Eikos, Inc., both of Franklin, Massachusetts; and Richard Wasielewski, Nortech Systems, Inc., Wayzata, Minnesota.

BUSINESS MEETING

Committee on Veterans' Affairs: Committee ordered favorably reported the nomination of Thomas E. Harvey, of New York, to be an Assistant Secretary of Veterans Affairs (Congressional Affairs).

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 32 public bills, H.R. 1905–1936; and 4 resolutions, H. Con. Res. 116–119; and H. Res. 315–317, 320–321, were introduced. **Pages H3559–61**

Additional Cosponsors: **Pages H3561–62**

Reports Filed: Reports were filed today as follows:

H. Res. 317, providing for consideration of H.R. 1905, to provide for the treatment of the District of Columbia as a Congressional district for purposes of representation in the House of Representatives and providing for consideration of H.R. 1906, to amend the Internal Revenue Code of 1986 to adjust the estimated tax payment safe harbor based on income for the preceding year in the case of individuals with adjusted gross income greater than $5 million (H. Rept. 110–98);

H. Res. 318, providing for consideration of H.R. 363 to authorize appropriations for basic research and research infrastructure in science and engineering, and for support of graduate fellowships (H. Rept. 110–99);

H. Res. 319, providing for consideration of H.R. 1495, to provide for the conservation and development of water and related resources and to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States (H. Rept. 110–100); and

H.R. 1281, to amend title 18, United States Code, to prohibit certain deceptive practices in Federal elections, with an amendment (H. Rept. 110–101). **Page H3559**

Speaker: Read a letter from the Speaker wherein she appointed Representative Eshoo to act as Speaker Pro Tempore for today. **Page H3481**

Chaplain: The prayer was offered by the guest Chaplain, Rev. Ron Jackson, East Gaffney Baptist Church, Gaffney, South Carolina. **Page H3481**

Calendar Wednesday: On a call of committees pursuant to the Calendar Wednesday rule, no bills were called up for consideration. **Page H3481**

Suspensions: The House agreed to suspend the rules and agree to the following measures:

Offering heartfelt condolences to the victims and their families regarding the horrific violence at Virginia Tech in Blacksburg, Virginia, and to the students, faculty, administration and staff and their families who have been deeply affected by the

tragic events that occurred there: H. Res. 306, to offer heartfelt condolences to the victims and their families regarding the horrific violence at Virginia Tech in Blacksburg, Virginia, and to the students, faculty, administration and staff and their families who have been deeply affected by the tragic events that occurred there, by a ⅔ yea-and-nay vote of 421 yeas with none voting "nay", Roll No. 221; **Pages H3486–92, H3510–11**

Commending the achievements of the Rutgers University women's basketball team and applauding the character and integrity of their student-athletes: H. Res. 300, to commend the achievements of the Rutgers University women's basketball team and applauding the character and integrity of their student-athletes, by a ⅔ yea-and-nay vote of 416 yeas with none voting "nay" and 2 voting "present", Roll No. 226; and **Pages H3492–94, H3527–28**

Honoring the 53,000 soldiers, sailors, airmen, Marines, and civilians that comprise the Nation's special operations forces community: H. Res. 305, to honor the 53,000 soldiers, sailors, airmen, Marines, and civilians that comprise the Nation's special operations forces community. **Pages H3494–99**

Relief for Entrepreneurs: Coordination of Objectives and Values for Effective Recovery Act of 2007: The House passed H.R. 1361, to improve the disaster relief programs of the Small Business Administration, by a recorded vote of 267 ayes to 158 noes, Roll No. 225. **Pages H3511–27**

Rejected the McHenry motion to recommit the bill to the Committee on Small Business with instructions to report the same back to the House forthwith with an amendment, by a recorded vote of 204 ayes to 218 noes, Roll No. 224. **Pages H3525–26**

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on Small Business now printed in the bill and modified by the amendment printed in part A of H. Rept. 110–97 shall be considered as adopted and shall be considered as the original bill for the purpose of further amendment. **Page H3516**

Agreed to:

Jindal modified amendment (No. 3 printed in Part B of House Report 110–97) that adds a new section to the bill relating to a Gulf Coast disaster loan refinancing program. **Pages H3522–23**

Rejected:

Chabot amendment (No. 1 printed in Part B of House Report 110–97) that sought to strike section 211, thereby requiring anyone receiving both a grant and a disaster loan to use the grant to repay the disaster loan thereby preventing the government from compensating the same person twice for the same disaster (by a recorded vote of 178 ayes to 246 noes, Roll No. 222) and **Pages H3519–21, H3523–24**

Chabot amendment (No. 2 printed in Part B of House Report 110–97) that sought to strike section 210, thereby eliminating the authority of the Administrator of the Small Business Administration to offer grants to certain small businesses that were severely affected by Hurricanes Katrina, Rita, or Wilma but that were denied disaster loans (by a recorded vote of 174 ayes to 252 noes, Roll No. 223). **Pages H3521–22, H3524**

Agreed that the Clerk be authorized to make technical and conforming changes to reflect the actions of the House. **Pages H3528–29**

H. Res. 302, the rule providing for consideration of the bill, was agreed to by voice vote, after agreeing to order the previous question. **Pages H3506–08**

Moment of Silence: The House observed a moment of silence in honor of Jim Jontz, former Member of Congress. **Page H3527**

Suspension—Proceedings Resumed: The House agreed to suspend the rules and agree to the following measure which was debated on Tuesday, April 17th:

Supporting the goals and ideals highlighted through National Volunteer Week: H. Res. 293, to support the goals and ideals highlighted through National Volunteer Week, by a ⅔ yea-and-nay vote of 411 yeas with none voting "nay", Roll No. 227. **Page H3528**

Shareholder Vote on Executive Compensation Act: The House began consideration of H.R. 1257, to amend the Securities Exchange Act of 1934 to provide shareholders with an advisory vote on executive compensation. Further consideration is expected to continue Friday, April 20th. **Pages H3530–50**

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on Financial Services now printed in the bill shall be considered as the original bill for the purpose of amendment. **Page H3539**

Agreed to:

Bachus amendment (No. 1 printed in the Congressional Record of April 17, 2007) that makes technical changes to section 2 of the bill; **Pages H3539–40**

Roskam amendment (No. 12 printed in the Congressional Record of April 17, 2007) that adds clarifying language relating to special meetings of shareholders; and **Page H3540**

Frank modified amendment (No. 4 printed in the Congressional Record of April 17, 2007) that adds clarifying language to the bill. **Page H3540**

Withdrawn:

Jackson-Lee amendment (No. 6 printed in the Congressional Record of April 17, 2007) that was offered and subsequently withdrawn that sought to add a new paragraph relating to the website disclosure of votes. **Pages H3540–41**

H. Res. 301, the rule providing for consideration of the bill, was agreed to by a recorded vote of 227 ayes to 195 noes, Roll No. 220, after agreeing to order the previous question by a yea-and-nay vote of 226 yeas to 199 nays, Roll No. 219.

Pages H3499–H3506, H3508–10

Quorum Calls—Votes: Four yea-and-nay votes and five recorded votes developed during the proceedings of today and appear on pages H3509, H3509–10, H3510, H3523–24, H3524, H3526, H3526–27, H3527–28, and H3528. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 9:15 p.m.

Committee Meetings

ORGANIC AGRICULTURAL PRODUCTS

Committee on Agriculture: Subcommittee on Horticulture and Organic Agriculture held a hearing to review the economic impacts of production, processing and marketing of organic agricultural products. Testimony was heard from public witnesses.

DEFENSE APPROPRIATIONS

Committee on Appropriations: Subcommittee on Defense held a hearing on Army Reset. Testimony was heard from the following officials of the Department of Army: LTG Stephen Speakes, G8; LTG Ann Dunwoody G4; and LTG William Mortensen, Army Material Command.

The Subcommittee also held a hearing on Army/Marine Corps Personnel Issues. Testimony was heard from the following officials of the Department of Defense: LTG Michael D. Rochelle, USA, Deputy Chief of Staff, G1; and LTG Ronald S. Coleman, USMC, Deputy Commandant, Manpower and Reserve Power.

FINANCIAL SERVICE AND GENERAL GOVERNMENT APPROPRIATIONS

Committee n Appropriations: Subcommittee on Financial Services and General Government held a hearing on the GSA. Testimony was heard from Lurita A. Doan, Administrator, GSA.

INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Interior, Environment and Related Agencies continued appropriation hearing. Testimony was heard from public witnesses (Native Americans).

U.S. CENTRAL COMMAND BUDGET

Committee on Armed Services: Held a hearing on the Fiscal Year 2008 National Defense Authorization Budget Request U.S. Central Command. Testimony was heard from ADM William Fallon, USN, Commander, U.S. Central Command, Department of Defense.

ALTERNATIVE TRANSPORTATION FUELS

Committee on Energy and Commerce: Subcommittee on Energy and Air Quality held a hearing entitled ''Alternative Transportation Fuels: An Overview.'' Testimony was heard from public witnesses.

MEDICARE PROGRAM EFFICIENCY AND INTEGRITY

Committee on Energy and Commerce: Subcommittee on Health held a hearing entitled ''Medicare Program Efficiency and Integrity.'' Testimony was heard from the following officials of the Department of Health and Human Services: Leslie V. Norwalk, Acting Administrator, Centers for Medicare and Medicaid Services; and Stuart E. Wright, Deputy Inspector General, Evaluation and Inspections; Daniel S. Fridman, Senior Counsel to the Deputy Attorney General and Special Counsel for Health Care Fraud, Department of Justice; and Mark E. Miller, Executive Director, Medicare Payment Advisory Commission.

LEBANON'S POLITICAL SITUATION

Committee on Foreign Affairs: Subcommittee on Middle East and South Asia held a hearing on the Political Situation in Lebanon. Testimony was heard from the following officials of the Department of State: C. David Welch, Assistant Secretary, Bureau of Near Eastern Affairs; and Mark Ward, Senior Deputy Assistant Administrator, Bureau for Asia and the Near East, U.S. Agency for International Development.

ISOLATING PROLIFERATORS AND SPONSORS OF TERROR

Committee on Foreign Affairs: Subcommittee on Terrorism, Nonproliferation and Trade, and the Subcommittee on Domestic, and International Monetary Policy, Trade and Technology of the Committee on Financial Services held a joint hearing on Isolating Proliferators and Sponsors of Terror: The Use of Sanctions and the International Financial System to Change Regime Behavior. Testimony was heard from the following officials of the Department of the Treasury: Daniel Glaser, Deputy Assistant Secretary, Terrorist Financing and Financial Crimes, Office of Terrorism and Financial Intelligence; and Adam J. Szubin, Director, Office of Foreign Assets Control;

the following officials of the Department of State: Paul E. Simons, Deputy Assistant Secretary, Bureau of Economic, Energy, and Business Affairs; and Patricia McNerney, Principal Deputy Assistant Secretary, Bureau of International Security and Nonproliferation; Sarah Steelman, Treasurer, State of Missouri; and public witnesses.

NATIONAL SECURITY AND MEDICAL COUNTERMEASURES

Committee on Homeland Security: Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology, hearing entitled ''Can BioShield Effectively Procure Medical Countermeasures that Safeguard the Nation?'' Testimony was heard from Jeffrey Runge, M.D., Assistant Secretary, Health Affairs (Acting) and Chief Medical Officer, Office of Health Affairs, Department of Homeland Security; and the following officials of the Department of Health and Human Services: Gerry Parker, Principal Deputy Assistant Secretary, Office of the Assistant Secretary, Preparedness and Response; Anthony Fauci, M.D., Director, National Institutes of Allergy and Infectious Diseases, NIH; and Jesse Goodman, M.D., Director, Center for Biologics Evaluation and Research, FDA.

SUBPOENAS REGARDING RECENT TERMINATION OF U.S. ATTORNEYS

Committee on the Judiciary: Postponed consideration of the following: a resolution authorizing the Chairman to issue a subpoena to Monica Goodling for testimony and related documents at a hearing before the Committee regarding the circumstances surrounding recent terminations of U.S. Attorneys, representations to Congress regarding those circumstances, and related matters; and a resolution directing the House General Counsel to apply to a United States district court for an order immunizing from use in prosecutions the testimony of, and related information provided by, Monica Goodling under compulsion at proceedings before or ancillary to the Committee regarding the circumstances surrounding recent terminations of U.S. Attorneys, representations to Congress regarding those circumstances, and related matters.

The Committee also considered pending Committee business.

MISCELLANEOUS MEASURES

Committee on Natural Resources: Held a hearing on the following bills: H.R. 1294, Thomasina E. Jordan Indian Tribes of Virginia Federal Recognition Act of 2006; and H.R. 65, Lumbee Recognition Act. Testimony was heard from Senator Dole; Representatives McIntryre, Moran of Virginia, Scott of Virginia, Wolf; Hayes, Jones of North Carolina, and McHenry; Carl J. Artman, Assistant Secretary, Indian Affairs, Bureau of Indian Affairs, Department of the Interior; and public witnesses.

NATIONAL CAPITAL TRANSPORTATION AMENDMENTS ACT OF 2007

Committee on Oversight and Government Reform: Ordered reported, as amended, H.R. 401, National Capital Transportation Amendments Act of 2007.

ELECTRONIC VOTING SYSTEMS

Committee on Oversight and Government Reform: Subcommittee on Information Policy, Census and National Archives held a hearing on Ensuring Fairness and Accuracy in Elections Involving Electronic Voting Systems. Testimony was heard from Gracia Hillman, Commissioner, U.S. Election Assistance Commission; Randolph Hite, Director, Information Technology Architecture and Systems, GAO; Robin Carnahan, Secretary of State, State of Missouri; and public witnesses.

WATER RESOURCES DEVELOPMENT ACT OF 2007

Committee on Rules: Granted, by a voice vote, a structured rule. The rule provides for 1 hour of general debate on H.R. 1495, Water Resources Development Act of 2007, equally divided and controlled by the Chairman and Ranking Minority Member of the Committee on Transportation and Infrastructure.

The rule waives all points of order against consideration of the bill except those arising under clause 9 or 10 of rule XXI. The rule makes in order the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure as an original bill for the purpose of further amendment and shall be considered as read. The rule waives all points of order against the committee amendment except those arising under clauses 9 or 10 of rule XXI.

The rule makes in order those amendments printed in the report and waives all points of order against such amendments except those arising under clauses 9 or 10 of rule XXI. The rule provides one motion to recommit with or without instructions. Finally, during consideration of H.R. 1495 in the House, notwithstanding the operation of the previous question, the Chair may postpone further consideration until a time designated by the Speaker. Testimony was heard from Representatives Eddie Bernice Johnson, Welch of Vermont, Stupak, Blumenauer and Baker.

SOWING THE SEEDS THROUGH SCIENCE AND ENGINEERING RESEARCH ACT

Committee on Rules: Granted, by a voice vote, a structured rule. The rule provides for 1 hour of general

debate on H.R. 363, Sowing the Seeds Through Science and Engineering Research Act, equally divided and controlled by the Chairman and Ranking Minority Member of the Committee on Science and Technology.

The rule waives all points of order against consideration of the bill except those arising under clause 9 or 10 of rule XXI. The rule makes in order the amendment in the nature of a substitute recommended by the Committee on Science and Technology as the original bill for the purpose of further amendment. The committee amendment in the nature of a substitute shall be considered as an original bill and shall be considered as read. All points of order against the committee amendment are waived except those arising under clauses 9 or 10 of rule XXI.

The rule makes in order those amendments printed in the report and waives all points of order against such amendments except those arising under clauses 9 or 10 of rule XXI. The rule provides one motion to recommit with or without instructions. Finally, notwithstanding the operation of the previous question, during consideration of the bill the Chair may postpone further consideration to a time designated by the Speaker. Testimony was head from Chairman Gordon and Representative Hall of Texas.

DC HOUSE VOTING RIGHTS ACT; AMEND INTERNAL REVENUE CODE TO ADJUST ESTIMATED TAX PAYMENT SAFE HARBOR BASED ON INCOME FOR PRECEDING YEAR IN THE CASE OF INDIVIDUALS WITH ADJUSTED GROSS INCOME GREATER THAN $5 MILLION

Committee on Rules: Granted, by a vote of 9 to 4, a closed rule. With respect to H.R. 1905, the rule provides for 1 hour of debate on H.R. 1905, District of Columbia House Voting Rights Act, equally divided and controlled by the Chairman and Ranking Minority Member of the Committee on the Judiciary. The rule waives all points of order against the bill and its consideration of the bill except those arising under clause 9 of rule XXI. The rule provides one motion to recommit H.R. 1905 with or without instructions.

With respect to H.R. 1906, To amend the Internal Revenue Code of 1986 to adjust the estimated tax payment safe harbor based on income for the preceding year in the case of individuals with adjusted gross income greater than $5 million, the rule provides for 1 hour of debate equally divided and controlled by the Chairman and Ranking Minority Member of the Committee on Ways and Means. The rule waives all points of order against the bill and its consideration except those arising under clauses 9 or 10 of rule XXI. The rule provides one motion to recommit H.R. 1906 with or without instructions.

The rule further provides that, if either bill fails of passage or fails to reach the question of passage by an order of recommittal, then both bills shall be laid upon the table. Otherwise, in the engrossment of H.R. 1905, the Clerk shall add the text of H.R. 1906 at the end and conform the resulting bill. H.R. 1906 and H.R. 1433 shall be laid upon the table. Finally, notwithstanding the operation of the previous question, during consideration of either H.R. 1905 or H.R. 1906, the Chair may postpone further consideration until a time designated by the Speaker. Testimony was heard from Representative Issa.

OVERSIGHT—FEDERAL PROTECTIVE SERVICE DOWNSIZING

Committee on Transportation and Infrastructure: Held an oversight hearing on Proposals to Downsize the Federal Protective Service and Effects on the Protection of Federal Buildings. Testimony was heard from Representative Wu; Michael P. Jackson, Deputy Secretary, Department of Homeland Security; the following employees of the Federal Protective Service: Inspector Michael J. Brown; Inspector Sterling Proctor, Jr.; Corporal Stanley Nowak; and Officer Jim Ward; and public witnesses.

OVERSIGHT—COAST GUARD DEEPWATER REQUIREMENTS

Committee on Transportation and Infrastructure: Held an oversight hearing on Compliance with Requirements of the Coast Guard's Deepwater Contract. Testimony was heard from the following officials of the U.S. Coast Guard, Department of Homeland Security: Scott Sampson, Section Chief, Development Section, U.S. Coast Guard Maintenance and Logistics Command Atlantic in the Vessel Specifications Branch; Debu Ghosh, Naval Architect, Branch Chief, Boat Engineering Branch; Joe Michael, Assistant Deputy, Systems Implementation, Nationwide Automatic Identification System Project; LCDR Chad Jacoby, USCG, Program Manager, Scaleable Composite Vessel Prototype Program Science and Technology Directorate; Cathy Martindale, Contracting Office Chief, Engineering and Logistics Center; and RADM Gary T. Blore, USCG, Program Executive Officer, Integrated Deepwater System; VADM Paul E. Sullivan, USN, Commander, Naval Sea Systems Command, U.S. Navy; and public witnesses.

VA HEALTHCARE ACCESS

Committee on Veterans' Affairs: Ordered reported H.R. 1642, Homeless Veterans Housing at Sepulveda Ambulatory Care Center Promotion Act.

WWII MERCHANT MARINE BENEFITS

Committee on Veterans' Affairs: Held a hearing on H.R. 23, Belated Thank You to the Merchant Mariners of World War II Act of 2007. Testimony was heard from Bradley G. Mayes, Director, Compensation and Pension Service, Veterans Benefits Administration, Department of Veterans Affairs; former Merchant Marine Combat Veterans; and representatives of U.S. Merchant Marine veterans organizations.

VA HEALTH CARE

Committee on Veterans' Affairs: Subcommittee on Health held a hearing on access to VA Health Care: How Easy is it for Veterans? Addressing the Gaps. Testimony was heard from Marcia Brand, M.D., Associate Administrator, Rural Heath Policy, Health Resources Services Administration, Department of Health and Human Services; Gerald Cross, M.D., Acting Principal Deputy Under Secretary, Health, Veterans Health Administration, Department of Veterans Affairs; and public witnesses.

ALL-SOURCE ANALYSIS

Permanent Select Committee on Intelligence: Subcommittee on Terrorism, Human Intelligence, Analysis and Counterintelligence met in executive session to hold a hearing on All-Source Analysis. Testimony was heard from departmental witnesses.

GEOPOLITICAL IMPLICATIONS—RISING OIL DEPENDENCE AND GLOBAL WARMING

Select Committee on Energy Independence and Global Warming: Held a hearing entitled ''Geopolitical Implications of Rising Oil Dependence and Global Warming.'' Testimony was heard from public witnesses.

Joint Meetings

BUSINESS MEETING

Joint Committee on the Library: Committee adopted its rules of procedure for the 110th Congress.

BUSINESS MEETING

Joint Committee on Printing: Committee adopted its rules of procedure for the 110th Congress.

COMMITTEE MEETINGS FOR THURSDAY, APRIL 19, 2007

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on Transportation, Housing and Urban Development, and Related Agencies, to hold hearings to examine rising highway fatalities, 10 a.m., SD–124.

Subcommittee on Commerce, Justice, Science, and Related Agencies, to hold hearings to examine proposed budget estimates for fiscal year 2008 for the Department of Justice, 10 a.m., SD–192.

Subcommittee on Military Construction and Veterans' Affairs, and Related Agencies, to hold hearings to examine proposed budget estimates for fiscal year 2008 for military construction for the Army, Navy, and Marine Corps, 10 a.m., SD–138.

Committee on Armed Services: to hold hearings to receive testimony on the Department of Defense's management of costs under the Logistics Civil Augmentation Program (LOGCAP) contract in Iraq, 9:30 a.m., SD–106.

Subcommittee on Strategic Forces, to hold hearings to examine proposed budget estimates for fiscal year 2008 for the military space programs in review of the Defense Authorization Request and the Future Years Defense Program; with the possibility of a closed session in SR–222 following the open session, 2:30 p.m., SR–232A.

Committee on Commerce, Science, and Transportation: Subcommittee on Science, Technology, and Innovation, to hold hearings to examine United States competitiveness through basic research, 10 a.m., SR–253.

Committee on Finance: to hold hearings to examine grains, cane, and automobiles relating to tax incentives for alternative fuels and vehicles, 10 a.m., SD–215.

Committee on Homeland Security and Governmental Affairs: to hold hearings to examine the impact of global warming on private and federal insurance, 9 a.m., SD–342.

Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security, to hold hearings to examine the current state of the Postal Service along with the efforts underway to implement the Postal Accountability and Enhancement Act (Public Law 109–435), 2 p.m., SD–342.

Committee on the Judiciary: to hold oversight hearings to examine the Department of Justice, 9:30 a.m., SH–216.

Select Committee on Intelligence: to receive a closed briefing on certain intelligence matters, 2:30 p.m., S–407, Capitol.

Special Committee on Aging: to hold hearings to examine bioidentical hormones, 10 a.m., SD–562.

House

Committee on Agriculture, Subcommittee on Conservation, Credit, Energy and Research, hearing to review USDA Farm Bill conservation programs, 1 p.m., 1300 Longworth.

Committee on Appropriations, Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, on Food Safety and Inspection Service, 10 a.m., 2362A Rayburn.

Subcommittee on Defense, executive, on U.S. Special Operations—Command, 1:30 a.m., H–140 Capitol.

Subcommittee on Interior, Environment, and Related Agencies, on Members of Congress and Public Witnesses, 9:30 a.m., and on Public witnesses, 1:30 p.m., B–308 Rayburn.

Subcommittee on Legislative Branch, on GAO, 10 a.m., H–144 Capitol.

Subcommittee on State, Foreign Operations, and Related Programs, on Public Diplomacy and Broadcasting Programs, 10 a.m., 2359 Rayburn.

Committee on Armed Services, Subcommittee on Air and Land Forces, hearing on Fiscal Year 2008 National Defense Authorization Budget Request, Unmanned Aerial Vehicles and Intelligence, Surveillance, and Reconnaissance capabilities, 10 a.m., 2118 Rayburn.

Committee on Energy and Commerce, Subcommittee on Telecommunications and the Internet, to continue hearings entitled ''Digital Future of the United States: Part III: Spectrum Opportunities and the Future of Wireless,'' 10 a.m., 2123 Rayburn.

Committee on Financial Services, Subcommittee on Housing and Community Opportunity, hearing entitled ''The Expanding American Homeownership Act of 2007: H.R. 1852, to modernize and update the National Housing Act and enable the Federal Housing Administration to use risk-based pricing to more effectively reach underserved borrowers; and related FHA Modernization Issues, 10 a.m., 2128 Rayburn.

Committee on Foreign Affairs, to mark up the following resolutions: H.Res. 243, Calling on the Government of the Socialist Republic of Vietnam to immediately and unconditionally release Father Nguyen Van Ly, Nguyen Van Dai, Le Thi Cong Nhan, and other political prisoners and prisoners of conscience; H. Res. 272, Commemorating the 200th anniversary of the abolition of the transatlantic slave trade; and H. Con. Res. 7, Calling on the League of Arab States to acknowledge the genocide in the Darfur region of Sudan and to step up their efforts to stop the genocide in Darfur; followed by a hearing on Current Situation in Darfur, 9:30 a.m., 2172 Rayburn.

Committee on Homeland Security, Subcommittee on Emerging Threats, Cybersecurity, and Science Technology, hearing entitled ''Cyber Insecurity: Hackers are Penetrating Federal Systems and Critical Infrastructure,'' 1 p.m., 1539 Rayburn.

Subcommittee on Management, Investigations, and Oversight, hearing entitled ''Addressing the Department of Homeland Security's Morale Crisis,'' 10 a.m., 311 Cannon.

Subcommittee on Transportation and Infrastructure Protection, hearing entitled ''Airport Security: The Necessary Improvements to Secure America's Airports,'' 11:30 a.m., 340 Cannon.

Committee on the Judiciary, Subcommittee on Courts, the Internet and Intellectual Property, oversight hearing on Federal Judicial Compensation, 10 a.m., 2141 Rayburn.

Subcommittee on Immigration, Citizenship, Refugees, Border Security and International Law, hearing on Shortfalls of 1986 Immigration Reform Legislation, 3 p.m., 2141 Rayburn.

Committee on Natural Resources, Subcommittee on Energy and Mineral Resources, oversight hearing on Renewable Energy Opportunities and Issues on Federal Lands: Review of Title II, Subtitle B—Geothermal Energy of EPAct; and other renewable programs and proposals for public resources, 2 p.m., 1324 Longworth.

Subcommittee on Insular Affairs, oversight hearing on Current Economic, Social and Security Conditions of the Commonwealth of the Northern Mariana Islands, 10 a.m., 1324 Longworth.

Subcommittee on Natural Parks, Forests and Public Lands, to mark up the following bills: H.R. 359, Cesar Estrada Chavez Study Act; H.R. 713, Niagara Falls National Heritage Area Act; H.R. 986, Eightmile Wild and Scenic River Act, H.R. 1080, Grand Teton National Park Extension Act of 2007; H.R. 1100, Carl Sandburg Home National Historic Site Boundary Revision Act of 2007; and a measure expressing the sense of Congress that the National Museum of Wildlife Art, located at 2820 Rungius Road, Jackson, Wyoming, shall be designated as the National Museum of Wildlife Art of the United States, 2 p.m., 1334 Longworth.

Subcommittee on Water and Power, to mark up the following bills: H.R. 487, Cheyenne River Sioux Tribe Equitable Compensation Amendments Act of 2007; H.R. 1114, Alaska Water Resources Act of 2007; and H.R. 1140, South Orange County Recycled Water Enhancement Act, 10 a.m., 1334 Longworth.

Committee on Oversight and Government Reform, Subcommittee on Government Management, Organization and Procurement, hearing on the following bills: H.R. 1870, Contractor Tax Enforcement Act; and H.R. 1865, to amend title 31, United States Code, to allow certain local tax debt to be collected through the reduction of Federal tax funds, 1 p.m., 2154 Rayburn.

Committee on Science and Technology, Subcommittee on Research and Science, to mark up a measure to authorize appropriations for fiscal years 2008, 2009, and 2010 for the National Science Foundation, 2 p.m., 2318 Rayburn.

Subcommittee on Technology and Innovation, to mark up the Technology Innovation and Manufacturing Stimulation Act of 2007, 10 a.m., 2318 Rayburn.

Committee on Small Business, hearing entitled ''Expanding Small Businesses' Access to Federal Contracts,'' 10 a.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Railroads, Pipelines, and Hazardous Materials, hearing on High-Speed Rail Systems, 10 a.m., 2167 Rayburn.

Subcommittee on Water Resources and Environment, hearing on Nonpoint Source Pollution: The Impact of Agriculture on Water Quality, 2 p.m., 2167 Rayburn.

Committee on Veterans' Affairs, Subcommittee on Economic Opportunity, hearing on State Approving Agencies, 2 p.m., 334 Cannon.

Subcommittee on Oversight and Investigations, hearing on Surgical Services at the W.G. (Bill) Hefner VA Medical Center in Salisbury, North Carolina, 10 a.m., 334 Cannon.

Committee on Ways and Means, Subcommittee on Select Revenue Measures, hearing on Energy and Tax Policy, 2 p.m., B–318 Rayburn.

Permanent Select Committee on Intelligence, executive, hearing on National Clandestine Service/Human Intelligence, 2 p.m., H–405 Capitol.

Next Meeting of the SENATE

9:30 a.m., Thursday, April 19

Senate Chamber

Program for Thursday: After the transaction of any morning business (not to extend beyond 60 minutes), Senate will continue consideration of S. 378, Court Security Improvement Act.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Thursday, April 19

House Chamber

Program for Thursday: Consideration of the following bills: H.R. 1905—District of Columbia House Voting Rights Act; H.R. 1906—Amending the Internal Revenue Code of 1986 to adjust the Estimated Tax payment safe harbor based on income for the preceding year in the case of individuals with adjusted gross income greater than $5 million; and H.R. 1495—Water Resources Development Act of 2007.

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