House of Representatives

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

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
I hereby appoint the Honorable STEPHEN F. LYNCH to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

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

Lord God of sacred revelation, the poetic and pathetic story of Job raises for every generation the mysterious question of human suffering: Why do bad things happen to good people?

In our own day, Lord, we hear Job in the African cry of the poor, in the conflicted mind of the wounded Marine and in the silence of the abused child.

Make the Members of Congress true comforters of Job, who not only talk about suffering but are in anguish to relieve his fate. Lift them from the illusion that virtue is directly linked to public notoriety and comparative wealth. Rather, by the infusion of faith, Lord, plunge them into a deeper solidarity with the war-torn poor and the heroic innocents so that Job’s blessing may truly be their own:

“Naked I came from my mother’s womb and naked I shall return. The Lord has given and the Lord has taken away. Blessed be the name of the Lord forever.”

Amen

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. LAHOOD led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

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

H.R. 414. An act to designate the facility of the United States Postal Service located at 60 Calle McKinley, West in Mayaguez, Puerto Rico, as the “Miguel Angel Garcia Mendez Post Office Building”.

H.R. 437. An act to designate the facility of the United States Postal Service located at 500 West Eisenhower Street in Rio Grande City, Texas, as the “Lino Perez, Jr. Post Office”.

H.R. 625. An act to designate the facility of the United States Postal Service located at 4220 Maine Avenue in Baldwin Park, California, as the “Atanacio Haro-Marin Post Office Building”.

H.R. 968. An act to designate the facility of the United States Postal Service located at 5757 Tilton Avenue in Riverside, California, as the “Lieutenant Todd Jason Bryant Post Office”.

H.R. 1402. An act to designate the facility of the United States Postal Service located at 330 South Lecanto Highway in Lecanto, Florida, as the “Sergeant Dennis J. Flanagan Lecanto Post Office Building”.

H. Con. Res. 128. Concurrent resolution authorizing the printing of a commemorative document in memory of the late President of the United States, Gerald Rudolph Ford.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 1332. An act to designate the facility of the United States Postal Service located at 127 East Locust Street in Fairbury, Illinois, as the “Dr. Francis Townsend Post Office Building”.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to ten 1-minute per side.

WARI IN IRAQ

Mr. SESTAK asked and was given permission to address the House for 1 minute.

Mr. SESTAK. Mr. Speaker, I have served this Nation in combat in Afghanistan and Iraq. The first was a just war; the second was a tragic misadventure.

After 31 years of military service, I ran for this office. I have never deviated from believing that a date certain to redeploy from Iraq is the only strategy which can change the incentives for the Iraqis, the Iranians and Syria, to change their behavior and to work for a non-failed state in Iraq. But I have run the Navy $67-billion-a-year warfare program. And I understand that money is only so fungible, and we will run out.

There is a greater good than me, than my office, than my caucus, than this Congress, and that is those that still wear the cloth of this Nation in Iraq that we Americans sent to fight for us.

I cannot vote to place their security between us and someone we hope might blink, because I do believe, however, after this, that I have great faith that there are those Americans on both...
sides of the aisle that will work towards ending this open-ended commitment for their security and America's.

LANCE CPL. BEN DESILETS

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

Mr. LAHOOD. Mr. Speaker, I rise today to pay tribute to Lance Cpl. Ben Desilets.

Ben was killed in Iraq on Tuesday. He was from Elmwood, Illinois, which is just west of Peoria, Illinois. He was a 2004 graduate of Elmwood High School.

In a statement from his family, it was described that Ben was killed behind the wheel of a Humvee when he died in the early morning hours. His mother is quoted as saying in an article in a local paper today, 'He thought he was doing good. I was proud of him. It made him grow up a lot.'

Today, as we honor Ben and all those who have fallen, and we remember our veterans on Memorial Day, we thank them for their service. We thank their families for their service and the great sacrifice that people like Ben and others have made in the name of freedom.

God bless Lance Cpl. Ben Desilets and his family.

IT IS TIME TO END THE WAR IN IRAQ

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

Mr. KUCINICH. With the passing of the war supplemental, our creation, the Iraqi Government, must meet certain benchmarks of performance, including turning over most of their oil assets worth as much as $21 trillion to international oil companies.

The administration blows up Iraq, is responsible for the deaths of perhaps as many as a million Iraqi citizens; the administration triggers a civil war, takes $10 billion in Iraq oil proceeds, which disappear, and now tells the Iraqis they better start behaving or the U.S. won’t give them more support.

This isn’t politics; this is pathology. Instead of passing legislation to continue the war, we should instead deny funds for the war and begin documenting war crimes.

It is time this Congress took responsibility to bring the troops home, to end this war, to restore our Constitution and reconnect our country to the highest values of truth and justice.

A CALL FOR LEADERSHIP IN THE HOUSE

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

Mrs. BLACKBURN. Mr. Speaker, I rise this morning in a continuing call for responsible leadership in this House.

It has now been 107 days since the President called for Congress to produce a supplemental bill that will adequately fund the war on terror. And after more than 3 months of political theater, and in understanding we have a leadership that hasn’t produced anything. A bill will come before us today, hopefully that will fund the troops, and quite simply this will hurt our men and women in uniform.

These are not my words but those of a sergeant first class from Tennessee serving in Iraq who wrote to me recently. She has said this, and she is frustrated with some of the things in Iraq but is committed to her duty. And I would like to quote from her letter.

She writes, "I believe that before Congress keeps pushing to get us out of here just to get their sons and daughters home, they need to take a step back, talk to the soldiers." She continues, "I have lost several good friends, brothers and sisters in arms. To this place, but I do not want my children to come back here and clean up this mess if I had the capability to take care of it myself. I know that if we pull out now, the next generation will be here to finish what we did not, because too many people are worried about their own political agenda. I am proud to be an American soldier, doing my job to protect my country and help others."

God bless this soldier, and God bless all who with her serve.

WHY THERE IS A MEMORIAL DAY

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

Mr. POE. Mr. Speaker, this Memorial Day, we honor the warriors of America whose lives were taken in their youth for their country’s future. In Southeast Texas, 18 of these men have been killed in Iraq in sacrifice and service for the rest of us. One of those was 20 year old Lance Corporal Anthony Aguirre of Channelview, Texas.

While on patrol with 20 other Marines in the desert sands of Al Anbar Province, Lance Corporal Aguirre stepped on an improvised explosive device. Since America’s enemies hide in caves and won’t face off with our troops, these cowards of the desert use these explosives to kill Americans. Rather than immediately jump off the IED, however, Aguirre stood firm and told his fellow Marines to clear the area. When his buddies were safe, he took his foot off the bomb. He died so others could live. Amazing men, these young Marines of the United States Marine Corps.

Later, as the funeral procession passed through the streets of Channelview, the crowds, estimated at 8,000, waved flags and stood in silence along the rural roads for this Son of Texas.

Mr. Speaker, Lance Corporal Aguirre and his fallen comrades are why we have Memorial Day. And that’s just the way it is.

RECOGNIZING THE CONTRIBUTIONS OF JEWISH PEOPLE TO AMERICA

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

Mr. SARBADES. Mr. Speaker, today during Jewish American Heritage Month to recognize the contributions the Jewish people have made to our country.

I have come to understand that to the Jewish people, the word “heritage” has deep meaning. It is not simply a sense of pride or history. It is a belief that each person should in some way improve the world. The often quoted Rabbi Hillel asked the question, “If I am not for others, who am I?”

It is this same set of values that brings Jewish groups to the Hill advocating not just for so-called Jewish issues, but for issues that affect everyone; better education, better health care, more protections for the environment, free speech, and separation of church and state. The Jewish community feels a special obligation to repair the world, one little piece at a time, for all people, not just their own.

I am grateful to the organizations in my own district for their contributions to our community. From providing educational and social services, to involvement in local and national policy,
the commitment to improving our society is one of the many values I have come to respect in the Jewish community in Baltimore and across this Nation.

THE END OF THE BLAIR ERA

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

Mr. STEARNS. Mr. Speaker, the decision of British Prime Minister Tony Blair to resign on June 27th marks the end of an era in U.S.-British relationships. Blair’s extraordinarily close alliance with President Bush has been a major force on the world stage since the terrorist attack of September 11, 2001.

The Prime Minister has been an eloquent and passionate leader in confronting global terrorism. He deserves credit for his central role in the global war on terrorism and for having the courage to act on his convictions in the face of tremendous opposition within his own party and from other European governments.

His steadfast support for the United States in the 4 years since 2001 and his key role in building the international coalition of the willing demonstrated principled leadership as well as vision.

The strong U.S.-British relationship will certainly endure under Blair’s successor. However, there is no doubt that this relationship was made better because of Tony Blair.

AMERICANS WILL BE HEARD ON ENDING THE WAR

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

Mr. BLUMENAUER. Mr. Speaker, it is unfortunate that Congress is poised to approve a short-term funding proposal for Iraq without strong conditions to phase down this war. I, for one, will not vote for it. But the sad fact is that we don’t yet have a majority in this House to end the war.

Yet it is hardly a victory for the Bush administration. Congressional support is slowly crumbling, even among Republicans, as the politicians are catching up to where most Americans are on this war.

I would urge people not to be discouraged by the vote today, but to keep up their spirits and their pressure. Americans will be heard, and this nightmare will end.

REJECT AMNESTY FOR ILLEGAL ALIENS

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

Mr. CULBERSON. Mr. Speaker, as Members of Congress return home for the Memorial Day weekend, as we honor the sacrifices of our men and women who have given their lives in defense of our Nation and of its values, I hope that every American will remind their elected representatives that in honoring that sacrifice, our elected representatives have an obligation to uphold the rule of law, to preserve our borders and this Nation’s financial security for the future.

In so doing, every American ought to demand that their elected representatives reject this monstrous amnesty bill, which proposes to legalize 14 to 20 million illegal aliens, honoring those who have broken our laws, threatening the financial security of the Nation by more rapidly bankrupting Social Security and all of our financial social welfare programs, and driving this Nation more rapidly towards that financial brick wall which is so rapidly approaching.

In my office, 100 percent of the phone calls received have been in strong opposition to this bill. Every other Member of Congress on the Republican side that I have visited has received equally strong opposition.

I think it is vitally important for Americans to rise up, as we did in the Dubai ports deal, and demand that our elected representatives honor the sacrifices of our fallen soldiers by rejecting this mass amnesty bill on the Memorial Day break.

ACCOUNTABILITY PLAN NEEDED FOR IRAQ WAR

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

Mr. KLEIN of Florida. Mr. Speaker, today, the House of Representatives will vote on a war spending bill that does not call for accountability. Unlike the previous Iraq supplemental, the bill we are voting on today does not provide the American people with a path to end this war. For me, the issue of accountability is imperative. Without a real accountability plan in Iraq, there is no telling how long this war will continue.

We were elected to bring a new direction in Iraq, and I will continue that fight, along with many of my colleagues. As I have made clear time and time again with my votes, I fully support our troops and their families. But I also believe that it is Congress’ duty to support a change in the Iraq policy that will meet our national security objectives.

When the people of South Florida chose me to be their voice in Congress, they put their trust and faith in me to represent their values and priorities. Along with the people of South Florida, I will continue to stand up and work toward a new policy in Iraq.

For these reasons, I will vote against the Iraq supplemental bill today.

DEMOCRATS WILL KEEP PLEDGE TO THE AMERICAN PEOPLE

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

Mr. MORAN of Virginia. Mr. Speaker, the Republican Party and the President will make it clear today to the American people that they own this war; hook, line and sinker.

The President and his Republican colleagues will be successful today in capturing the Memorial Day weekend, as we return home for the Memorial Day break. Yet it is hardly a victory for the policy that is unworthy of their sacrifice.

The only sacrifice requested of the rest of us has been to go out and spend our tax cuts at the mall. Meanwhile, the Iraqi parliament is preparing to take the summer off, probably using some of the missing $9 billion to san-bathe along the Mediterranean. Our soldiers risk life and limb to secure their country, which is in the midst of a civil war, and then go on vacation. Ask yourself if you think this is a war worthy of our soldiers’ sacrifice.

We Democrats will do everything, legally and legislatively, to bring our troops home as soon and as safely as possible. That is our pledge to the American people, and we will keep it.

TURNING THIS WAR AROUND

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

Mr. CARNAHAN. Mr. Speaker, there are two sets of issues coming before this Congress before we finish up our work this week. One is the President’s request for a blank check to finance this war, and the other for the remainder of this fiscal year. I cannot and will not support that.

This House will also consider funding for children’s health insurance, Gulf coast recovery and drought relief for our farmers. I will indeed support that.

We have put forth a plan in this House to the President. He has rejected it time and time again. I will continue to fight. Even though this proposal before the Congress today provides benchmarks, it is not enough. Even though it requires reports to Congress in July and September, it is not enough.

My pledge is for a new direction to turn this war around, to bring stronger accountability, stronger support for our troops, and bring them home safe, sound and soon.

LIVES IN THE BALANCE

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

Mr. COHEN. Mr. Speaker, I wish to quote Jackson Browne’s “Lives in the
Balance,” a song written quite a few years ago but most appropriate for today. “I’ve been waiting for something to happen For a week or a month or a year. With the blood in the ink of the headlines And the sound of the crowd in my ear You might ask what it takes to remember When you know that you’ve seen it before. Where a government lies to a people And a country is drifting to war. “And there’s a shadow on the faces Of the men who send the guns To the wars that are fought in places Where their business interests runs. Where a government lies to a people And a country is drifting to war. There are people under fire And there is blood on the wire.”

SUPPORT OUR TROOPS
(Mr. DANIEL E. LUNGREN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAGNIEL E. LUNGREN of California. Mr. Speaker, we have heard sentiments from the other side of the aisle about the vote that is going to take place today. I would like to throw a few facts on the table.

One, the President asked us 110 days ago for this support; 110 days. Nothing has changed with his request, the need for the support of the troops, from then until now, except we have gone through political exercises to try and limit the ability of the President and, more importantly, his commanders in the field, from doing what they think is best.

I have heard it said that we need a new policy. We have a new policy. I have heard it said, we need a new military commander. We have a new military commander. I have heard it said, we need new tactics. We have new tactics.

The problem is, as the President has presented this, as we put this into effect, all we hear is, no, no, no, and no. That is not a policy; that is a denial. That does not support the troops. Unfortunately, it makes it more difficult for them.

Let’s remember as we vote to support our troops, we could have done this and should have done this 110 days ago.

SAD DAY FOR AMERICA
(Ms. SHEA-PORTER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SHEA-PORTER. Mr. Speaker, this is a very sad day for our country. Once again, the President is going to be handed a blank check by the Republicans. Last year the Republicans took a lot longer than the Democrats on this side of the aisle to pass this supplemental. Every year they have given the President exactly what he wanted: a blank check.

This time we said to the President twice, we will give the money as long as you meet certain criteria, responsible criteria; and he said, no. He had to have it completely his way, running the war in the fifth year the way he ran it in the first year and the fourth year, without any kind of check, sending our brave troops into battle without the equipment they need. And if they come home injured, failing to care for them and providing for them what they need at home.

We tried to give our brave troops a 3.5 percent pay raise. The President said, no. He supports the troops but not financially, not physically and not in the ways that really matter.

So here we are approaching Memorial Day, and once again, we are leaving our troops unprotected while they have a political battle about this. And they can’t go back to their districts and tell the truth. I will vote against this supplemental because I am voting for the troops.

PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO H.R. 2206, U.S. TROOP READINESS, VETERANS’ CARE, KATRINA RECOVERY, AND IRAQ ACCOUNTABILITY APPROPRIATIONS ACT, 2007
Ms. SLAUGHTER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 438 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 438
Resolved, That upon adoption of this resolution it shall be in order to take from the Speaker’s table the bill (H.R. 2206) making emergency supplemental appropriations and adjournment supplementary appropriations for agricultural and other emergency assistance for the fiscal year ending September 30, 2007, and for other purposes, with the Senate amendment, and to consider in the House, without intervention of any point of order, a motion offered by the chairman of the Committee on Appropriations or his designee that the House concur in the Senate amendment with the House amendments printed in the report of the Committee on Rules accompanying this resolution. The Senate amendment and the motion shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The previous question shall be considered as ordered on the motion to adopt without intervening motion or demand for division of the question except that the Chair shall divide the question of adoption of the motion between the two House amendments.

SNC. 1. If both portions of the divided question specified in the first section of this resolution are adopted, the action of the House shall be engrossed as a single amendment to the Senate amendment to H.R. 2206.

SNC. 2. If one of the divided questions in the first section of this resolution is adopted, the action of the House shall be engrossed as two separate amendments to the Senate amendment to H.R. 2206.

SNC. 3. During consideration of the motion to concur pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of such motion to such time as may be designated by the Speaker.

SNC. 4. (a) During consideration in the Committee of the Whole of a bill making supplemental appropriations for military operations in Iraq and Afghanistan for fiscal year 2008, before consideration of any other amendment, it shall be in order to consider an amendment only proposing to add to the bill the text of H.R. 2461. Such amendment shall be considered as read, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or the Committee of the Whole. All points of order against such amendment are waived except those arising under clause 9 of rule XXI.

(b) Subsection (a) shall not apply to a bill making regular appropriations for the Department of Defense for the fiscal year ending September 30, 2008.

The SPEAKER pro tempore. The gentleman from New York (Ms. SLAUGHTER) is recognized for 1 hour.

Ms. SLAUGHTER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from California (Mr. DREIER). At the time yielded does not apply to the consideration of the rule for debate only.

I yield myself such time as I may consume and ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 438.

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

There was no objection.

Ms. SLAUGHTER. Mr. Speaker, House Resolution 438 provides for consideration of the Senate amendment to H.R. 2206, making emergency supplemental appropriations and additional supplemental appropriations for agricultural and other emergency assistance for the fiscal year ending September 30, 2007, and for other purposes.

Mr. Speaker, when my fellow Members of Congress and I speak and debate and cast our votes on this floor, we seek to reconcile our ideals with what is possible to achieve. We seek to do what is right in light of necessary at any particular point in time, and pray that the two are one and the same.
That struggle has formed the foundation of the fight Democrats have waged since January, and it is the basis of what we are doing today.

This war was not challenged by the last Congress. It was supported by the last Congress. It was defeated by the last Congress, and this year, the Republican-led House kept this war alive.

But the public rightly lost faith in the war and those who would support it unquestionably. We all know what the result was.

The first opportunity the new majority had to change course in Iraq came with the first version of this bill. That legislation conditioned any future support for the conflict upon proof that our efforts were bearing some fruit. What is more, it would have ended the war by August 2008 at the very latest, Democrats, and some Republicans, united, and that bill was passed by the House.

Democrats in the Senate agreed, and the conference report that was sent to the President was even stronger. The same benchmarks were in place, but the war was to be ended months sooner, by March of next year.

Our position was clear and unequivocal. For the first time since 2003, a majority of the United States Congress supported a new direction in Iraq, and it was a direct lead to an end to the war. The President vetoed that bill.

Our Constitution requires two-thirds of the Congress to overcome a veto. Two-thirds of the public stood squarely with the Democrats in this Chamber, and a handful of Republicans, who voted to overcome it. But what we needed was significant support from the other side of the aisle, and we did not get it.

Since then the President's made it clear that he will veto any legislation which even mentions the word “timelines,” and so he left my fellow Democrats and me with a choice. Some would have us ignore his words and simply send him a new copy of our original bill. I certainly relate to those feelings.

But as appealing as this may seem, I do not believe that it would be right. The President and his allies in Congress have put our soldiers in harm's way, and Mr. Bush is willing to keep them there no matter how much they suffer.

If this Congress delayed funding by continuing to back a bill we cannot pass at this time, we would not force the President to end the war. All indications are that he would leave our soldiers in Iraq, and without adequate funding, they would have to do even more with even less.

The Democratic Party is the party that supports our soldiers. We're the party that fights for them to have proper equipment, training and rest. We're the party that demands that they be given a sensible strategy for victory before going into battle. We're the party that demands that they receive proper medical care once they return.

We understand the mistaken judgment and obstinacy of the White House and now we will not prevent any funding from coming to Congress. From this Congress, an outcome which would permit the President to further add to the struggles that our troops endure every day.

Ultimately, of course, supporting the troops means ending the war entirely, and the legislation we bring to the floor today goes as far as is possible at this moment to achieving that goal.

Mr. Speaker, I ask everyone listening to look at the victories that have been won here. The President previously said he would block any bill which contained benchmarks for the war, but now the only legislation the House will deliver to him contains no fewer than 18 benchmarks linking economic aid to improvements in the Iraqi situation.

Furthermore, the President and members of the Republican minority derided what they called “unrelated spending” during our first debate on this bill. They did so even though Democrats were seeking only to fill the gaps left by last year’s failure to give us a budget.

But today we will pass a minimum wage increase. We will increase funding for military health care and for veterans’ health care, and critically needed funding for agriculture disaster aid, children’s health care, and recovery from Hurricane Katrina.

What is critical for all of our citizens to understand is that what is missing from this bill, a timeline to end the war, has been neither forgotten nor conceded by the Democrats in the Congress.

To the contrary, our path forward is clear. We will fight every day until the world’s eyes are open to the fact that the bill is based on its billing and actually represents the will of the people its serves.

As I said before, at least two-thirds of the American people oppose the President’s approach to Iraq and want this war brought to a close. It’s time that two-thirds of this Congress wants the same. And we all know where the remaining votes have to come from.

Some days in Iraq are worse than others, but all days there are bloody. Some days are better, and one of those days was Monday, Four Day. Six more died on Tuesday. Three lost their lives yesterday. Three hundred twenty-one civilians have been anonymously murdered in Baghdad just this month, an average of 13 a day.

We must not be afraid to speak what is a simple truth. Every day that the Republican minority in this Congress stands by and empowers the President to perpetuate this war, they are saying the day’s deaths in Iraq are acceptable. They’re saying that those lives lost are part of our American experience. They’re telling to the others pay, other mothers, other fathers, other sisters, other brothers and other children, not theirs.

But they are alone. Official Pentagon assessments now speak of Iraq’s “civil war,” meaning the Pentagon itself has broken now from the White House. The generals on the ground are admitting that our whole approach to Iraq must change. That dialogue, even with insurgents, groups the President swore he would never talk to, must replace the open-ended warfare, which means the surge has failed. And, of course, the overwhelming majority of the American people are now willing to accept the fact that we asked of our soldiers and Iraqi civilians not because of a lack of will, but because of an abundance of reason. They correctly see the war as it is being fought today has never and will never yield the intended results, that our soldiers have been given a mission that has failed them and the people of Iraq time and time again.

The Democrats in both Chambers of this Congress stand with them. A handful of principled Republicans stand with us as well, but not yet enough.

The American people will continue to demand that their voices be heard. They will continue to demand their Representatives no longer willfully ignore their wishes, and my fellow Democrats and I will continue to stand with the same.

Together we will struggle until our collective ideals becomes one with what is possible to achieve and until this President understands that he actually represents its constituents and forces the President to do the same.

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

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

Mr. Speaker, I rise in strong opposition to this rule, and I express my appreciation to my very good friend, the distinguished Chair of the Committee on Rules, the gentlewoman from Rochester, for yielding me the customary 30 minutes.

Mr. Speaker, I have to begin by saying how greatly saddened I am by the opening statement that was just delivered by the Chair of the Committee on Rules. Using the word “failure” to describe what has taken place in Iraq is, to me, as we head into this Memorial Day weekend, an extraordinarily sad message for our courageous men and women who are on the frontline in this struggle against global terrorism.

Mr. Speaker, I have to tell you that we just got the news this morning of the death of Joseph Anzack who was one of the three troops in Iraq who was kidnapped, and as we think about this Memorial Day weekend, to say to those men and women who are there on the frontline that this is a failure, I believe, is a horrible, horrible message, and I’m greatly troubled that those words would emanate from the floor of the House of Representatives.

Mr. Speaker, it has taken the Democratic leadership four tries, and as my very good friend from California (Mr. DANIEL E. LUNGREN) said in his-
minute speech, more than 100 days since the President’s request that they have finally agreed to vote on an emergency supplemental appropriations bill that gives our troops the funding they need without tying their hands and ensuring their defeat.

Mr. Speaker, no matter how many times my friend from Rochester, the distinguished Chair of the Committee on Rules, is saying that they have lost, saying that they have failed and saying that defeat is imminent, the passage of this bill is a small step to help very much to ensure that that is not the case.

I’m extremely proud that we have been able to hold the line on the disastrous proposal and this notion that somehow we have lost and we have failed in the struggle against terrorism. Unfortunately, though, at this point in the debate, we can’t be totally certain about what it is exactly that we’re agreeing upon, particularly in the case, Mr. Speaker, of the additional spending.

Now, let me explain why. For several years, there has been concern from both sides of the aisle about the lack of availability of the text of bills and conference reports. That concern has been raised by both Democrats and Republicans on a regular basis.

I would like to briefly, for our colleagues, outline how the bill came to be. The text of the Obey amendments were not posted publicly as the Rules Committee. The text of the Obey amendments were then circulated to the Rules Committee members at 5:39 this morning, and that the Rules Committee would hold an emergency meeting at 7 a.m. considering in a little while.

Then members of the Rules Committee patiently waited until 11 p.m., when we were notified the text of the supplemental agreement wouldn’t be ready until the early morning hours and that the Rules Committee would hold an emergency meeting at 7 a.m.

The text of the Obey amendments were then circulated to the Rules Committee members at 5:39 this morning, just a few hours ago; 5:39 this morning, less than 1½ hours before we convened the Rules Committee. The text of the amendments were not posted publicly on the committee’s Web site until around the time we actually met.

Now we are here considering the rule, which makes in order language which spends $119,999,999,999 billion, less than 4 hours after it was actually submitted.

I remember my very good friend from Rochester (Ms. Slaughter) regularly saying that we needed to be provided with 24 hours notice. This clearly is a far cry from what was promised at the beginning of this Congress.

This language may very well represent the agreement between the House, the Senate and the administration. However, there is no way for us to know this, because there has been no time to thoroughly read the language and verify.

Unfortunately, as most Members must at this point, I shall have to proceed under an assumption. I must say that I am very concerned about the negative impact the ongoing surrender debate has had in Iraq, both in terms of the morale of our troops and our credibility with the Iraqi people. I am concerned about the impact that this delay in funding has had on our military as well.

But, ultimately, we have succeeded in ensuring that this body has the opportunity to fund our troops without simultaneously handing the terrorists a doubtful surrender. While this process, this political process has played out, I talked a great deal about what the consequences would be if we were to abandon the Iraqis to the terrorists. And, of course, al Qaeda has taken responsibility for the murder of Mr. Anzack, whom I mentioned, Joseph Anzack.

They clearly are in the midst of their drive. We also are hoping very much that we can see this fledgling democracy take root. That is why we are going to be doing here, providing that necessary support, helps us in that quest, but there is no need to take my word in this matter. We are hearing repeatedly, repeatedly, from our friends in the Iraqi leadership and from the Iraqi people, that withdrawing before our mission is complete would have terrible consequences.

Iraq’s ambassador to the United Nations, Feisal Amin al-Istalbadi, has implied that the U.S. would have to quote Iraq’s ambassador to the United Nations, “We are at war together,” he recently said. “We are allied at war together against a common enemy. We have one way forward: together.”

In a recent interview with the New York Post, he talked about the troop surge and pointed to the progress that is being made because of it. At this critical juncture, Iraq’s ambassador to the United Nations believes we should be rushing forward, not debating a withdrawal at the precise moment that progress is being made.

Every Member of this body knew at the beginning of this process that the President would never sign a withdrawal bill. The President said it, and the President says what he means, and he means what he says.

Unfortunately, as Mr. Lungren pointed out in his 1-minute speech earlier, we left this pointless debate on our surrender date have clearly taken their toll in Iraq. As Ambassador al-Istalbadi points out, and I quote, “It’s been very painful to watch the political process in Washington, because it seems to have very little to do with Iraq.” He said that al Qaeda has been following this debate closely. The ambassador says, “There are real enemies who are watching the debate, who understand what’s happening here and who think they can affect the outcome of this debate.”

He is baffled, as I am baffled, that the Democratic leadership could even consider playing right into the terrorists’ hands. How on earth could we even contemplate giving them what they want and turning the country and the region over to them?

I understand many Americans just want this war to be over. I want this too. I want the war to be over. But there is no ground for me to be anything more. I would like nothing more than to be able to tell the people whom I am honored to represent here that their husbands and wives and sons and daughters and brothers and sisters are going to be coming home tomorrow.

Unfortunately, as most Members have finally agreed to vote on an emergency supplemental appropriations bill that gives our troops the funding they need, passing this bill, even if we were to withdraw from Iraq, the war would not magically be over. We can pick up and go home. We can turn off our TV sets and ignore what is taking place over there. But the war will still go on. The terrorists will continue their battle for Iraq and for the region; only, this time, we would not be there to stop them.

We would not be there to train and strengthen the Iraqi Army and police forces or to help strengthen those democratic institutions.

I have to say that I am particularly proud of the work that our House Democracy Assistance Commission is doing. David Price of North Carolina has chaired this effort, and we are hoping to be able to include Iraq’s parliament as we work in consultation to help them build this fledgling democracy.

Before long, I have no doubt whatsoever that the war would make its way to our doorstep once again. We ignored a growing terrorist haven once before, and we suffered the worst attack on our soil because of it.

I was very proud during the decade of the 1980s to work with a number of our colleagues in providing the assistance to the Mujahedeen who were fighting to liberate their country of Afghanistan from the Soviet Union. When that war was over, we left, and virtually nothing has been done to build a democratic government in that country.

Did Afghanistan teach us anything? Did September 11 teach us nothing? Burying our heads in the sand is not an effective defense. The consequences of abandoning our mission in Iraq would be even graver than the consequences of ignoring the growing terrorist threat that took place during the decade of the 1990s in Afghanistan. This time, not only would the terrorists establish another safe haven from which they could operate their global terror network, they would, and I quote, “erect a triumphant monument on the ruins of American power,” as the American Enterprise Institute scholar Frederick Kagan said.

We simply cannot and will not strengthen the hands of terrorists who have made the destruction of America their number one priority. We cannot and will not abandon the Iraqis to be butchered by these terrorists in their midst. We cannot and will not abandon the mission just as real progress is starting to be made.

Mr. Speaker, I reserve the balance of my time.
Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield to the gentleman from Wisconsin (Mr. OBEY) as much time as he may consume.

Mr. OBEY. Mr. Speaker, let me first address the gentleman’s comments about process as a whole.

We have been negotiating with the Senate and with the White House since last Friday. At approximately 12:30 last night, the majority staff on the Appropriations Committee finally wrapped up our work on getting this package together. At about 1:00, we communicated what that package was to the minority staff on the Appropriations Committee. It couldn’t have been communicated any earlier because it wasn’t done until 12:30. One of the reasons it wasn’t done is because as late as 10:00 last night, the White House was still squawking about individual provisions in the bill. And the last time I looked, the White House was in Republican hands.

Now, we have negotiated in good faith. I hate this agreement. I am going to vote against the major portion of the bill. And the last time I looked, the White House was in Republican hands.

No, we have negotiated in good faith. I hate this agreement. I am going to vote against the major portion of this agreement even though I negotiated it, because I think that the White House is in a cloud somewhere in terms of understanding the realities in Iraq. But let’s not get our nose out of joint about the way this package was put together.

We have tried in good faith to find a way to put on the floor an equal footing to give everybody an opportunity to vote however they wanted on it.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The SPEAKER pro tempore. The Chair reminds Members to refrain from engaging in personalities toward the President or the Vice President.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume and then I’m going to be yielding to one of my colleagues.

Let me say that at 7 o’clock this morning, I met with the distinguished chairman of the Committee on Appropriations, Mr. OBEY. He knows that I have the utmost respect for him and his work. He is very, very diligent, and a very, very thoughtful Member. And I have been privileged to serve with him for the last more than a quarter of a century, as we were counting upstairs some of our former colleagues who are long departed, Mr. Dabo, Mr. Conte, and others.

Mr. Speaker, let me say that, with all due respect to my friend from Wisconsin, it is not about what we did, it is about what this new majority promised they are going to do. And that commitment was that there would be a 24-hour opportunity for Members to look at a $119.9 billion spending measure.

So I have to say that the process that led up to the creation of this is historically the process that does bring about bipartisan agreements. The gentleman is absolutely right, not everyone is happy with all the included in this bill. But the fact of the matter is we are where we are; we have gotten here under challenging circumstances. As I said, the Rules Committee adjourned at 8:45 last night. At 11 o’clock we were informed that we would have an emergency meeting at 7 o’clock this morning, and at 5:39 this morning it was made available to us.

And here we are just a few hours later considering it on the House floor. Now, Mr. Speaker, I’m hoping to go back to Los Angeles tomorrow morning, I’d like to be able to do that. But I’m more than willing to help this majority comply with the promise that they made that on all major legislation, they would in fact provide the minority and, frankly, the majority Members with 24 hours to review the legislation.

And, finally, I just have to say that when we hear arguments that somehow
President Bush is playing into the hands of the terrorists and responsible for where we are, Mr. Speaker. September 11 of 2001 changed not only the United States but the world. The largest most important Nation in the history of mankind,遭受 an attack of the likes of which we had never seen in our Nation’s history. And so, taking on a multi-pronged approach, dealing with, as we have in both Afghanistan and in Iraq, and we all know that Iraq is the central front for al Qaeda, has been very important. You can raise issues like weapons of mass destruction and other items like that, but the fact of the matter is, we are where we are today. And I believe that it would be a horrendous mistake for us to take a retrograde step, which is exactly what those terrorists want.

And with that, I’m happy to yield 4 minutes to my very good friend from Sacramento, Mr. Lungren.

Ms. SLAUGHTER. Mr. Speaker, I believe it’s my time to yield time following your speech.

Mr. DREIER. Mr. Speaker, I was recognized, and I announced at the beginning—

Ms. SLAUGHTER. Nonetheless, I think we do alternate.

Mr. DREIER. Mr. Speaker, was I out of order by yielding to my colleague?

The SPEAKER pro tempore. Who seeks time?

Ms. SLAUGHTER. I seek time.

Mr. DREIER. Mr. Speaker, I was in control of the time. I yielded myself such time as I may consume, and as I did that, and as I yielded, I yield to my colleagues from California.

But if, in fact, the distinguished Chair of the Committee on Rules wishes to supersede that, I will reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I’m pleased to yield 4½ minutes to the gentleman from Massachusetts (Mr. McGovern).

Mr. MCGOVERN. Mr. Speaker, some might view the Iraq supplemental as a victory for President Bush in his never-ending quest to secure open-ended, unaccountable funding for his disastrous policy in Iraq. If so, it is a hollow victory.

We can debate why and when our Iraq policy turned into the disaster that plays out every day in Baghdad and Diyala. But that debate really doesn’t matter anymore, because the President’s policy is a failure. And no amount of spin, with or without conditions, can fix it. The only thing that matters now is when and how we end this disaster, and when we bring our uniformed men and women safely home to their families and communities.

Our troops did their job. They achieved their mission. They ended the brutal reign of Saddam Hussein, and confirmed for the world that there never were any weapons of mass destruction.

They weren’t sent to Iraq to take a bullet on behalf of the sectarian religious factions hellbent on civil war.

Mr. Speaker, this supplemental only postpones the inevitable. After hundreds of billions of dollars; after more than 3,400 soldiers, marines, sailors and airmen have lost their lives; after nearly 1,000 U.S. defense contractors have been killed; after more than 26,000 uniformed and women have been wounded or maimed; after tens of thousands of American veterans returning from Iraq will be suffering from the trauma they experienced in combat for the next 30 years, hundreds of thousands of Iraqi men, women and children have been killed and millions more have been traumatized by the violence and horror that now marks Iraq daily life; after the destruction of towns, villages, communities, neighborhoods and infrastructure, we still come back to the same place, the same stark question.

Mr. Speaker, how and when is this war and our military occupation of Iraq going to end? The Middle East is going up in flames. Al Qaeda and other terrorist networks remain strong and intact. Their recruitment is growing. Meanwhile, America’s standing in the world has never been lower.

I ask each of my colleagues, when and how are we going to get out of Iraq? When will each of us be able to tell the families in our districts that their sons and daughters, fathers and mothers, husbands and wives, brothers and sisters, will finally be coming home?

Mr. Speaker, unbelievably, the President does not even want his own policy priorities tied to a time line for removing our troops in Iraq. He wants no accountability on the readiness of our troops, or whether they are adequately trained and equipped. Just show me the money. That’s all he wants.

Mr. Speaker, I simply can’t support it. And I will vote against this blank check of a supplemental.

Mr. Speaker, I believe that this is not a satisfactory conclusion to the weeks-long debate over funding the war. But the sad reality is that the Senate is too timid and the President too irrational. There was no one with whom the House could forge a genuine compromise to hold the President accountable for the lives he is willing to sacrifice and the money he seeks and move us closer to bringing our troops home. And we do not have the votes in this House to even want a vote...

Mr. Speaker, I want to thank Speaker Pelosi and Chairman Obey for their persistence and their courage in trying to end this tragic war.

The rule before us ensures that we do not walk away from this debate or the decision to remove our troops from Iraq. Under this rule, the House must vote on removing our troops from Iraq before any further supplemental funding can be approved for the war.

So let’s be clear. Those of us who oppose this war will be back again and again and again and until this war is ended.

Mr. Speaker, from the White House to our military field commanders, everyone, including the Republican leader of this House, has said that September is the tipping point. Well, we will vote, and we will vote in September. And we will decide, and I pray we will then bring our troops home.

Mr. DREIER. Mr. Speaker, may I inquire of the Chair how much time is remaining on each side?

The SPEAKER pro tempore. The gentleman from California has 14 minutes remaining, and the gentlelady from New York has 10½ minutes remaining.

Mr. DREIER. Mr. Speaker, with that, I’m happy to yield 5½ minutes to my very good friend from California (Mr. Lungren).

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, as we sit here and listen to this debate, both on this rule and on the 1-minutes that went before it, one thing is clear to me. I have heard my friends on the other side of the aisle complain or lament that the problem with this bill is that it does not hold the President in check. We’re dealing with a wartime supplemental. I thought the purpose of that is to hold the enemy in check. I thought the purpose of the President of the United States in check.

I heard another Member of the other side of the aisle say, Republicans now, you understand, you own this war. Are we trying to make a political statement—no! or are we trying to help our troops? Are we trying to do some political dance, or are we trying to stand behind our troops?

I heard from the other side of the aisle, the Republican Members are continuing this war. The enemy is continuing this war. Have we lost sight on what it is we’re supposed to be talking about here? Have we lost sight on what it is that our troops are thinking about? Is this something where we define somebody other than the enemy on the field as the enemy?

We now have heard from the distinguished lady from New York that the surge has failed. She has joined others, including those in the other body from that side of the aisle, who have made the determination, not that this policy will fail, not that it cannot succeed, but they have now declared, as she has said, that the surge has failed. Perhaps she should talk to General Petraeus. Perhaps she should talk to military leaders in the field. I don’t question her sincerity, but I would suggest that perhaps General Petraeus has a better idea about what the circumstances on the ground are. Has he declared victory? No. Has he said he believes that victory is achievable? Yes. Has he told that to our troops time and time again? Yes. Has he quoted the gentlelady from New York to say to our troops, as I send you out on this mission, understand that the surge has already failed? No, he has not. No, he has not.

We hear repeated on this floor, we need a change in mission. We need a
change in policy. We need a change in leadership.

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

Mr. DREIER. Mr. Speaker, at this time I am very happy to yield 3 minutes to Mr. Walden from Hood River, Oregon.

(Mr. WALDEN of Oregon asked and was given permission to revise and extend his remarks.)

Mr. WALDEN of Oregon. Mr. Speaker, it saddens me that once again I have to remind my colleagues of the current emergency occurring in my district and throughout many counties in the rural West all because the Federal Government has violated its promise to America’s forested communities. Here I have the front page of the May 17 edition of the Grants Pass Daily Courier in Josephine County. Notice the photo. It is a banner that says “Sheriff Out of Service.” “Service jobs slash 42 sheriff’s deputies, 28 juvenile correctional officers among those laid off. Medical rescue help may be delayed.”

The last 3 years Congressmen DeFazio and I have been warning the Congress that these are the things that are going to happen out in our part of the world if we don’t fix for the long term the county payments issue. In Jackson County, the most populated area of my district, all 15 public libraries have closed. Now, the underlying bill has a 1-year fix for this. It is an emergency bridge, and for that we are indeed thankful and appreciative. But the problem continues. The 1 year does not give enough assurance to the financially strapped rural communities to restore the hundreds of jobs and countless public safety services that have already been compromised by Congress’s failure to have a long-term solution. As the Medford Mail Tribune editorialized today, “Josephine County has laid off 42 sheriff’s deputies, ended patrols, and virtually shut down its jail. Curry County,” in Congressmen DeFazio’s district, “which has lost 68 percent of its general fund, also has no sheriff’s patrols and has asked the National Guard to provide security for coastal residents. Jackson County closed its libraries and plans to lay off nine sheriff’s deputies, road workers, and other employees for a total of 172 positions. Washington, D.C.” the paper writes, “who will paint the 1-year extension as a great day for rural counties. Meanwhile, back here in Mudville, there is little joy.”

So I sent to the Rules Committee this morning two amendments that would have extended the emergency funding for years, not months. The first amendment was identical to that passed by a 75-22 vote in the Senate with only 10 votes for a 5-year extension. The second amendment I submitted would have extended the emergency funding in the emergency supplemental bill for 2 years, not 1, without increasing the overall cost of the bill or changing the funding distribution formula. Unfortunately, both of those amendments were denied along party lines.

The work to secure a long-term extension and real money for these funds must continue. I will not give up. I will not quit. The Congress will be forced to address this issue over and over again until we reach agreement on a long-term solution for the forested counties and keep the government’s commitment.

My good friend and colleague Congressmen DeFazio and I sent a letter, which I would like to put in the record, on May 17 to the emergency supplemental conferences, which was signed by more than 90 Members of our Congress, 74 of which were the Democratic Party, asking that a 5-year solution be included in the emergency supplemental. Many conversations with Speaker Pelosi and Majority Leader and Minority Leader have made them aware of this emergency, as has a recent Presidential meeting that I had with Senator Wyden. We appreciate all the support for seeking a long-term solution and we are relying on all of us to get this done.

My colleagues, though we cannot wait any longer. More to the point, the people of America’s forested communities cannot wait any longer. We need to craft a long-term solution.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,

Hon. DAVID OBEY, Chairman, Committee on Appropriations, U.S. Senate, Washington, DC.
Hon. ROBERT C. BYRD, Chairman, Committee on Appropriations, U.S. Senate, Washington, DC.
Hon. THAD COCHRAN, Chairman, Committee on Appropriations, U.S. Senate, Washington, DC.
Hon. JERRY LEWIS, Ranking Member, Committee on Appropriations, House of Representatives, Washington, DC.
Hon. ROBERT C. BYRD, Chairman, Committee on Appropriations, U.S. Senate, Washington, DC.
Hon. THAD COCHRAN, Ranking Member, Committee on Appropriations, U.S. Senate, Washington, DC.
Hon. DEREK CHABOT, Chairman, Committee on Appropriations, House of Representatives, Washington, DC.
Hon. JERRY LEWIS, Ranking Member, Committee on Appropriations, House of Representatives, Washington, DC.

Mr. WALDEN of Oregon. Mr. Speaker, I asked the Members of Congress that these are the things that have already been compromised by Congress’s failure to have a long-term solution. As the Medford Mail Tribune editorialized today, “Josephine County has laid off 42 sheriff’s deputies, ended patrols, and virtually shut down its jail. Curry County.” in Congressmen DeFazio’s district, “which has lost 68 percent of its general fund, also has no sheriff’s patrols and has asked the National Guard to provide security for coastal residents. Jackson County closed its libraries and plans to lay off nine sheriff’s deputies, road workers, and other employees for a total of 172 positions. Jackson County closed its libraries and plans to lay off nine sheriff’s deputies, road workers, and other employees for a total of 172 positions. Meanwhile, back here in Mudville, there is little joy.”

So I sent to the Rules Committee this morning two amendments that would have extended the emergency funding for years, not months. The first amendment was identical to that passed by a 75-22 vote in the Senate with only 10 votes for a 5-year extension. The second amendment I submitted would have extended the emergency funding in the emergency supplemental bill for 2 years, not 1, without increasing the overall cost of the bill or changing the funding distribution formula. Unfortunately, both of those amendments were denied along party lines.

The work to secure a long-term extension and real money for these funds must continue. I will not give up. I will not quit. The Congress will be forced to address this issue over and over again until we reach agreement on a long-term solution for the forested counties and keep the government’s commitment.

My good friend and colleague Congressmen DeFazio and I sent a letter, which I would like to put in the record, on May 17 to the emergency supplemental conferences, which was signed by more than 90 Members of our Congress, 74 of which were the Democratic Party, asking that a 5-year solution be included in the emergency supplemental. Many conversations with Speaker Pelosi and Majority Leader and Minority Leader have made them aware of this emergency, as has a recent Presidential meeting that I had with Senator Wyden. We appreciate all the support for seeking a long-term solution and we are relying on all of us to get this done.

My colleagues, though we cannot wait any longer. More to the point, the people of America’s forested communities cannot wait any longer. We need to craft a long-term solution.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,

Hon. DAVID OBEY, Chairman, Committee on Appropriations, U.S. Senate, Washington, DC.
Hon. ROBERT C. BYRD, Chairman, Committee on Appropriations, U.S. Senate, Washington, DC.
Hon. THAD COCHRAN, Chairman, Committee on Appropriations, U.S. Senate, Washington, DC.
Hon. JERRY LEWIS, Ranking Member, Committee on Appropriations, House of Representatives, Washington, DC.
Hon. ROBERT C. BYRD, Chairman, Committee on Appropriations, U.S. Senate, Washington, DC.
Hon. THAD COCHRAN, Ranking Member, Committee on Appropriations, U.S. Senate, Washington, DC.

Mr. WALDEN of Oregon. Mr. Speaker, I asked the Members of Congress that these are the things that have already been compromised by Congress’s failure to have a long-term solution. As the Medford Mail Tribune editorialized today, “Josephine County has laid off 42 sheriff’s deputies, ended patrols, and virtually shut down its jail. Curry County.” in Congressmen DeFazio’s district, “which has lost 68 percent of its general fund, also has no sheriff’s patrols and has asked the National Guard to provide security for coastal residents. Jackson County closed its libraries and plans to lay off nine sheriff’s deputies, road workers, and other employees for a total of 172 positions. Jackson County closed its libraries and plans to lay off nine sheriff’s deputies, road workers, and other employees for a total of 172 positions. Meanwhile, back here in Mudville, there is little joy.”

So I sent to the Rules Committee this morning two amendments that would have extended the emergency funding for years, not months. The first amendment was identical to that passed by a 75-22 vote in the Senate with only 10 votes for a 5-year extension. The second amendment I submitted would have extended the emergency funding in the emergency supplemental bill for 2 years, not 1, without increasing the overall cost of the bill or changing the funding distribution formula. Unfortunately, both of those amendments were denied along party lines.

The work to secure a long-term extension and real money for these funds must continue. I will not give up. I will not quit. The Congress will be forced to address this issue over and over again until we reach agreement on a long-term solution for the forested counties and keep the government’s commitment.

My good friend and colleague Congressmen DeFazio and I sent a letter, which I would like to put in the record, on May 17 to the emergency supplemental conferences, which was signed by more than 90 Members of our Congress, 74 of which were the Democratic Party, asking that a 5-year solution be included in the emergency supplemental. Many conversations with Speaker Pelosi and Majority Leader and Minority Leader have made them aware of this emergency, as has a recent Presidential meeting that I had with Senator Wyden. We appreciate all the support for seeking a long-term solution and we are relying on all of us to get this done.

My colleagues, though we cannot wait any longer. More to the point, the people of America’s forested communities cannot wait any longer. We need to craft a long-term solution.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,

Hon. DAVID OBEY, Chairman, Committee on Appropriations, U.S. Senate, Washington, DC.
Hon. ROBERT C. BYRD, Chairman, Committee on Appropriations, U.S. Senate, Washington, DC.
Hon. THAD COCHRAN, Chairman, Committee on Appropriations, U.S. Senate, Washington, DC.
Hon. JERRY LEWIS, Ranking Member, Committee on Appropriations, House of Representatives, Washington, DC.
Hon. ROBERT C. BYRD, Chairman, Committee on Appropriations, U.S. Senate, Washington, DC.
Hon. THAD COCHRAN, Ranking Member, Committee on Appropriations, U.S. Senate, Washington, DC.

commitment to our rural communities that depend on these payments to keep their communities strong and stable. Fully funding PILT, for the first time ever, would provide much-needed economic stability for the rural communities that support our public lands.

Please support the Senate passed reauthorization language of P.L. 106-393 and full funding for PILT.

Sincerely,


Lincoln Davis, John Doolittle, Gabrielle Giffords, Raúl Grijalva, Baron Hill, Steve Kagen, Ron Kind, Dan Lungren, Jim Matheson, Jim Marshall; Michael Michaud, Brad Miller, Grace Napolitano, Devin Nunes, Solomon Ortiz, Ted Poe, Vic Snyder, John Spratt, Gene Taylor, Bennie G. Thompson.


Phil Hare, Alcee L. Hastings, Darlene Hooley, Sheila Jackson Lee, David Loebsack, Jim McDermott, Michael Arcuri, Brian Baird, Shelley Berkley, Bruce L. Braley; Dennis Cardoza, Lincoln Davis, Jo Ann Emerson, Joe Baca, Joe Barton, Earl Blumenauer, Jaime Herrera Beutler, Earl Blumenauer, Frank V. Dodge, John E. Shimkus, Bill Posey, John Yarmuth, Jim Cooper, Walt Listing, Charlie Crist, Peter Welch, Cynthia Lummis, John Mica, Barbara Boxer, Don Young.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, let me simply say, in response to the comments from the gentleman, that given what he prefers to see in this bill on this subject, I am very lucky to have the 1-year fix at all because the White House opposed not only the long-term fix, but the short-term fix as well.

I would also point out that it was last year’s Congress that allowed the program to expire in the first place and never managed to get around to finding the offsets that would have enabled the committee to provide this package long term.

So I recognize the legitimacy of the gentleman’s concern, but I want to point out that I think that given the resistance of the White House to anything except money for the Iraqi operation and a tiny portion of our obligations for Katrina, with those two exceptions, the White House resisted every commonsense consensus. From the cornfields of the Midwest to the coastlines, there is a common consensus that needs a change in Iraq, and the only way we will get it, the only way that common sense of the American people will be followed is to vote “no” on this today. We can be united in understanding that. And when we do so, we will follow the Congresses of the past who on at least five occasions have used the constitutional power of the purse to insist on a change.

And I will say this. In the Constitution, this organization is given the power to declare war. And we also have the power to end a war. Presidents do not have the authority to fight wars in perpetuity. There is no way that Congress would ever give that authority. And today using the power of the purse, a constitutional tool, we should stand up for the will of the American people and fulfill our rescue mission for our sons and daughters in Iraq and vote “no” on this supplemental bill.

Mr. DREIER. Mr. Speaker, it is my understanding that my friend from Rochester is just going to close the debate on her side.
Ms. SLAUGHTER. I am.

Mr. DREIER. Then I will yield myself the balance of the time on our side. How much time is that, Mr. Speaker?

The SPEAKER pro tempore. Six minutes.

Mr. DREIER. Thank you very much, Mr. Speaker.

Let me begin by saying that I do have the utmost respect for the distinguished Chair of the Committee on Appropriations, of course, for my Chair, the gentlewoman from Rochester (Ms. SLAUGHTER). And I understand that there is great sincerity on their part in this quest here and I understand there is a desire to ensure that we have a process that works. I will just make a couple of comments on process here and some concerns that I have and then I have some other remarks on the overall issue of the war.

We have gone through, as we know, four incarnations of this attempt and now 110 days that has really prevented us from making sure that we have had an opportunity to get the funding necessary for our troops. Through that process, Democrats and Republicans alike have regularly said they don’t want to prevent funding from getting to our troops. And I respect that. Again, Members on both sides of the aisle have pointed that out, Mr. Speaker. But we all know that from the outset, the President made it clear he was going to veto anything that established an artificial timeline which he, and I agree with him, concluded would be a prescription for admitting defeat. And so he was very strong on that and unwavering.

So we’ve gotten to the point where we are at this moment, and that point is we have a 213-page package that is before us. My good friend from Wisconsin said that I was bellyaching about the process, and I will say again to him I am not complaining about what took place in the house leading up to the consideration of this package. This is my 27th year here and I understand that negotiations among the Senate, the House and the White House are challenging and can often go into the night. The only point that I am making, Mr. Speaker, is that as we look at this process of having this 213-page measure before us, we were promised by the new majority that we would be given 24 hours before consideration of major here on the House floor. And, as I said, and I am really somewhat confused on this because, I would say to my friend from Wisconsin, I look at the time stamp on this. The time stamp on the measure that we are voting on is 9:38 p.m. last night. Yet he said that he was negotiating into the night, 1 o’clock in the morning. I mean, I didn’t follow all of the incarnations of this, but I do know that we received this at 5:39 this morning, and that was less than an hour and a half before the Rules Committee was scheduled to convene at its 7 a.m. meeting this morning. And then we had it made public at about the time our group convened, the Rules Committee convened. And so that does concern me.

And so, Mr. Speaker, I am going to be urging my colleagues to vote against the previous question so that I may amend the rule to allow Members to offer motions like earmarks which we are undoubtedly going to have to come to the attention of Members the longer that this agreement is available.

Mr. Speaker, I ask unanimous consent that the text of my amendment and extraneous material be printed in the CONGRESSIONAL RECORD just prior to the vote on the previous question.

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

There was no objection.

Mr. DREIER. Mr. Speaker, let me just say, finally, we are going into this Memorial Day weekend. I have the honor of participating in seven Memorial Day events on Monday in southern California, and I will be meeting with family members.

Just yesterday, I met with the mother of a young man, Mr. Colnot, who lost his life over a year ago in Iraq. She said to me just yesterday afternoon, “It is absolutely essential that we complete our mission.”

I have repeatedly pointed to another one of my constituents whose son paid the ultimate price. A man called Ed Blacksmith’s son, J.P., died over 2 years ago, 2½ years ago, on the famous November battle of Fallujah.

By 1130

And repeatedly Mr. Blacksmith has said to me, “You must complete this mission or my son, J.P., will have died in vain.”

So, Mr. Speaker, as we go into this Memorial Day weekend, I thank God that we are going to pass this measure that will be providing the essential support for our troops, so that General David Petraeus and the new leadership, with a new strategy to deal with uncertainty, will have the hope of victory.

There is no guaranteed success, but there is a hope for victory because this is a struggle which is going to continue on and on and on as long as there are people out there who are going to try to do us in, to kill us, and to change our way of life.

So, Mr. Speaker, I urge a “no” vote on the previous question so that I can offer my amendment. And if by chance we are not successful on that, I urge my colleagues to vote against this rule because of the unfair process that we have. But if in fact the rule does proceed, I urge everyone, in a bipartisan way, to support the very important measure that will allow us to support our troops and allow them to complete their mission.

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

Mr. DREIER. Mr. Speaker, I yield 30 seconds to the Chair of the committee (Mr. OBRY) to respond.

Mr. OBRY. Mr. Speaker, I am sorry to interfere with the gentlelady’s time, but I just wanted to bring something to the attention of the gentleman from California.

He mentioned that the time stamp on the proposition he received was 6:31 p.m. last night. That was one of only two packages. This refers to the time at which the legislative counsel got this copy to the staff. The staff had to read it, to check it out, to make certain it did what it was supposed to do. And that was on the earlier package, that was on the President’s package. And everybody knows what the President’s request was and what the Warner amendment is.

The time stamp on the other package is 9:30 p.m. last night. What that means is that you have over 200 pages, which we got from legislative counsel, and the staff had to read every page of that to make certain, again, that it did what it was intended to do, and to make sure that, among other things, it adhered to the request that had been demanded by the White House at the same time.

Mr. DREIER. Will the gentlewoman yield?

Mr. DREIER. Will the gentlewoman yield?

Ms. SLAUGHTER. I will yield.

Mr. DREIER. I thank my friend for yielding.

I would simply say, Mr. Speaker, that if in fact we were going to see compliance with this 24-hour request, the 9:38 time stamp that is on this measure, the 6:30 time stamp that is on the other, the domestic spending measure would have in fact allowed us to consider this measure on the floor on Memorial Day weekend. Which is really what should have happened as we proceeded with that.

Mr. OBRY. Will the gentlewoman yield?

Ms. SLAUGHTER. I will yield 30 seconds to Mr. OBRY to respond.

Mr. OBRY. Mr. Speaker, with all due respect, the gentleman has criticized us for taking too much time to bring this to the floor, and he is now suggesting that we delay it. That is like falling off both sides of the same horse at the same time.

Mr. DREIER. If the gentlewoman will yield.

Ms. SLAUGHTER. I will yield 30 seconds.

Mr. DREIER. I thank the gentlewoman for yielding.

Mr. Speaker, all I am saying is that we were promised a 24-hour opportunity for Members of both the Democratic and the Republican Parties to have a chance to review this measure. And I believe that having gone 110 days, that allowing for a review with potential earmarks and other items in here is the responsible thing to do because that is the promise that was made to this institution at the beginning of the 110th Congress.

The SPEAKER pro tempore. The gentlewoman from New York is recognized to close.

Ms. SLAUGHTER. Mr. Speaker, I would urge a “yes” vote on the previous question and on the rule.
The material previously referred to by Mr. Dreier is as follows:

AMENDMENT TO H. RES. 438 OFFERED BY REP. DREIER OF CALIFORNIA

At the end of the resolution, add the following:

SEC. 5. Notwithstanding any other provision of this resolution, after conclusion of the period of debate on the motion to concur in the Senate amendment, it shall be in order for any Member to offer a motion to strike any provision of the amendment numbered one in the Rules Committee report accompanying the resolution, which is asserted that any such amendment would benefit an individual, State, locality, or Congressional district. Any such motion shall be separately debateable for 30 minutes equally divided and controlled by the proponent and an opponent.

(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 for a substitute, for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon’s Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as “a motion to direct or control the consideration of the subject before the House being made by the Member in charge.” To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker’s ruling of January 13, 1920, to the effect that “the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition in order to offer an amendment.” On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the proposal 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 only man qualified to ask for recognition is the gentleman from New York, Mr. Fitzgerald, who has asked the gentleman to yield to him for an amendment, is entitled to the floor recording.

Because the vote today may look bad for the Democratic majority they 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 opposition to the previous question 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 the Judiciary. 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 the Judiciary. 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 the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule.

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

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

The yeas and nays were ordered.

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


Ms. Castor. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 437 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 437

Resolved, That at any time after the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 2317) to amend the Lobbying Disclosure Act of 1995 to require registered lobbyists to file quarterly reports on contributions bundled for certain recipients, and for other purposes. The previous question shall be considered as ordered on the bill, and amendments as may have been adopted. Any Member may demand a separate vote on any amendment. Any Member may demand a separate vote on any amendment. Amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. Upon the adoption of this resolution, clause 9 of rule XXXII is amended to read as follows:

“(Q) Free attendance at an event permitted under subparagraph (a).”

The SPEAKER pro tempore. The gentlewoman from Florida (Ms. Castor) is recognized for 1 hour.

Ms. CASTOR. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from California (Mr. Dreier). All time yielded during consideration of this rule is for debate only.

Ms. CASTOR. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and insert extraneous materials into the Record.

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

There was no objection.
Ms. CASTOR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the resolution provides for consideration of H.R. 2317, the Lobbying Transparency Act of 2007, and H.R. 2316, the Honest Leadership and Open Government Act of 2007, under a structured rule. The rule provides 1 hour of general debate, 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, except for those arising under clauses 9 and 10 of rule XXI.

The resolution also provides for consideration of H.R. 2316, the Honest Leadership and Open Government Act of 2007, under a structured rule. The rule waives all points of order against the bill and its consideration, except for the customizing under clauses 9 or 10 of rule XXI.

The rule makes in order and provides the appropriate waivers for five amendments, three by Democratic Members and two by Republican Members.

Mr. Speaker, I urge strong support for the Honest Leadership and Open Government Act of 2007 and the Lobbying Transparency Act as well and this rule.

The Honest Leadership and Open Government Act continues the new direction charted by this new Congress and builds upon the strongest ethics reforms ever adopted in the United States Congress.

Last November, the Congress was re-invigorated by the election of a large number of new Members, who were sent here by the American people to fight for reform and change and to sweep aside a previous Congress that was defined by scandal and corruption.

On the first day of this new Congress, the new reform-minded Members, under the leadership of Speaker NANCY PELOSI and Rules Committee Chair LOUISE Slaughter, ushered in the broadest ethics and lobbying revisions since the Watergate era. The ethics watchdog group Public Citizen called the new ethics rules sweeping in scope and a signal that the Democratic majority in the House appears committed to serious lobbying and ethics reform.

The new rules include a ban on gifts from lobbyists and organizations that employ lobbyists, a ban on trips that are privately funded by lobbyists and organizations that employ lobbyists, prohibition on Members and staff flying on private corporate jets, an end to the K Street Project, and a new requirement that all earmarks with congressional sponsors be disclosed to the public.

Then 3 weeks after the adoption of that very broad and aggressive ethics reform package, the House acted again on ethics reform and stripped the congressional pensions of Members of Congress who commit any of a number of crimes during their tenure, including bribery, conspiracy and perjury.

This new Congress took that direct action to change the culture of Congress at a time when Members of the previous Congress were pleading guilty to the disaster of Medigap received from lobbyists in exchange for votes and earmarks. Through our bold and expanding ethics package, this new Congress is tackling the cozy relationships between lobbyists and lawmakers.

Next, Mr. Speaker, these bills that we will consider today, the one for open government and honest leadership and transparency in lobbying, and this rule, provide rigorous new requirements for lobbyist disclosure and enforcement of lobbying laws and regulations.

Mr. Speaker, we don’t adopt reforms for reform’s sake alone. We adopt these reforms because it matters to our constituents and our neighbors back home.

For over a year I have been sitting down with seniors trying to work through the Medicare Part D that was crafted in the last Congress. Fortunately, this bill adds a House rule prohibiting Members and senior staff from negotiating future employment or salaries and requires public recusal of Members on any matters where there may be a conflict of interest.

You see, Mr. Speaker, that Medicare Part D that is so costly and confusing to our seniors and puts all the benefit on the side of HMOs and Big Pharma, and purports to be so fair to Members on our seniors, was drafted by a Member of Congress who, shortly thereafter, after he helped write the Medicare drug bill, went on to become the head lobbyist for PhRMA in what I think was a crass violation of the public trust. Fortunately, this bill will tackle that problem.

This bill also makes it a Federal crime for Members and senior staff to influence employment decisions or practices of their entities for partisan political gain. Some people have called this the K Street Project. The K Street Project was an initiative by the Republican Party to pressure Washington lobbying firms to hire Republicans in top positions and to reward loyal GOP lobbyists with access to influential officials.

The bill also requires quarterly instead of semiannual disclosure of lobbying reports in the age of the Internet for lobbying reports to be filed electronically and be made available in a free, searchable, downloadable database within 48 hours of being filed.

It also requires the Clerk of the House to provide disclosure on the Internet. This follows the scandals of Jack Abramoff. We must allow greater transparency into the trips and financial holdings of Members of Congress. Former Members of Congress took lavish gifts from a lobbyist that had minimal disclosure, and these new provisions will bring more such light to congressional disclosure forms.

Through this legislation we will also increase civil and criminal penalties for failure to comply with lobbying disclosure requirements. And it does much, much more.

Mr. Speaker, we must continue to fight for high ethical standards in government. It is time to end the corruption in Washington so that our neighbors and folks we represent know they can count on us to stand up for them against powerful special interests and trust that congressional Members work in the public interest.

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

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

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

Mr. DREIER. Mr. Speaker, I would like to begin by expressing my appreciation to my very good friend from Tampa (Ms. CASTOR) for yielding me the customary 30 minutes, and to congratulate her on her statement that she has just provided. But, Mr. Speaker, I rise to reluctantly oppose this rule.

This bill has lots of problems, and I understand the problems on the other side of the aisle. I am very happy to see the distinguished Chair of the Committee on the Judiciary, my very good friend JOHN CONYERS, here.

It was just a year ago, it was just a year ago this month, that we were on this floor with our own lobbying bill, and we faced many of the same problems and challenges that Chairman CONYERS and others in the Democratic leadership are facing at this moment. Trying to address the concerns that our colleagues have on this issue is a challenge, a very challenging thing, and they have discovered the lesson that I learned long ago, and that is reform is very hard work. It is a constant work in progress.

We have been approached by one of my staff members that I had said at one point as we moved ahead with a reform bill, which I am happy to say we passed in the last Congress, I said, when we are done with that reform, what we need to do is work on more reform.

This is, again, a constant work in progress, and we will continue to do. And I believe it is part of our responsibility to constantly look at ways in which we can reform and improve the operations of this institution.

But if the bill that this House passed in the last Congress was described as a "sham," it is very unfortunate, and Mr. CONYERS and Ms. CASTOR and others were there when I was describing this, the very distinguished chair of the Committee on Rules no fewer than seven times when we, a year ago this month, were debating this measure, described the bill I had, H.R. 4975, as a "sham" bill.

I have to say, as I listen to my friend from Tampa (Ms. CASTOR) talk about...
this bill, she was going through the fact that we will have disclosure on the Internet of travel, and she went through basically the provisions included in H.R. 4975; it is basically the same bill. But, unfortunately, there are a number of important provisions included in H.R. 4975 that are not included in this measure. I find that to be somewhat troubling.

For instance, while starting out with a 2-year restriction on lobbying after Congress, the majority left that provision in the cutting room floor. They recognized, as we did, that the economics of attracting and retaining good staff, they don’t work with that kind of restriction. But instead of retaining a provision which passed the House last year and would provide everyone with a degree of transparency about who was and was not under the lobbying restriction, and I am going to offer an amendment to add that back which I hope will be able to improve the bill. But this bill, as we have it, is not near to the level of what the new majority described as a sham in the last Congress.

While this bill provides important new criminal penalties for lobbying violations, it includes nothing, absolutely nothing. Mr. Speaker, to make enforcement more rigorous.

I offered an amendment in the Rules Committee to add a provision which again was included in the bill that we had passed out of this House last year which would allow the House inspector general to randomly audit lobbying disclosure filings and forward cases of wrongdoing to the Department of Justice for prosecution.

The majority’s answer to that proposal was, no, we don’t want enforcement of our bill. Enforcement is always a challenge. We deal with that with the issue of illegal immigration and a wide range of things. It is easy to put all kinds of great ideas out there, but if there is no enforcement, it has no teeth and no chance of success. That is something that is very lacking in this bill. We had it in our lobbying reform bill that passed last year, and I offered it as an amendment at the Rules Committee. Unfortunately, my colleagues in the majority on the Rules Committee rejected it.

Mr. Speaker, last year, Mr. CASTLE added a provision on the floor requiring lobbyists to take ethics training. Is that provision in this bill? Nope, it’s not.

Did the majority make Mr. CASTLE’s amendment in order to consider that? Nope, they didn’t.

My colleague, Dr. GINGREY, a former member of the Rules Committee, added an amendment on the floor dealing with the personal leadership of PAC funds. That was not included in the bill, and his amendment was not made in order. Last year, with bipartisan support on the floor, we amended our bill, H.R. 4975, to say that Members who have leadership PACs cannot transfer those dollars into their own account for personal use, which is what can happen today. It is not allowed for principal campaign committee accounts, but that loophole allows Members to transfer money from their leadership PAC for personal use is still going to exist. In the attempt to even offer an amendment to close that horrendous loophole was denied.

That is to say nothing of the other creative ideas that were summarily rejected by the Rules Committee majority by last evening. Mr. Speaker, if the bill which I sponsored last year was a sham, and as I said the chairman of the Rules Committee, although last night she said she never said, seven times it is in the CONGRESSIONAL RECORD when she was offering her motion to recommit, if it was a sham, then this bill can only be characterized at this moment as being “sub-sham,” and our efforts to raise it to the level of a mere sham were rebuffed. Unfortunately, in the Rules Committee.

Which brings me to the rule for this bill, Mr. Speaker. For all of the criticism the Republicans take for the way we administer, and we hear that constantly up in the Rules Committee and down here on the floor, it is notable this bill makes in order fewer amendments than we did when we considered our bill last year.

The rules for H.R. 4975, our lobbying bill, made in order nine amendments. This year, only five amendments were made in order. And while it gives Mr. VAN HOLLEN an up-or-down vote on his so-called bundling disclosure bill, it doesn’t attach it to the lobbying bill going to the Senate, making it much more difficult to ultimately reach passage.

Mr. Speaker, this rule and these bills are not unlike many of the so-called reforms instituted in this Congress, which means all show and no substance whatsoever.

For instance, our Democratic friends take credit for adopting and spreading a bill improving Republican earmark disclosure reforms. As Mr. FLAKE found out just last week, when it comes to actually trying to enforce those rules, the Rules Committee eliminated every avenue for a Member to bring this question before the House. On top of that, Mr. FLAKE had several amendments addressing lobbying for earmarks. Mr. Speaker, none of those amendments were made in order.

In the end, there is little in this bill that is truly objectionable. My friend from Tampa went through and outlined the provisions included in H.R. 4975 that passed this House a year ago this month with bipartisan support. Again, there is little that is truly objectionable. There is very little that is in this bill that is beyond what we had in the last Congress; and, unfortunately, it doesn’t include or even provide an opportunity to provide amendments to include many of the items that were so important in this effort.

This bill takes no risk, reaches no heights, and falls short of the lofty promises made by my newly minted majority colleagues. Unfortunately, the rule is unacceptable in its current form, Mr. Speaker, and I am going to urge its defeat.

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

Ms. CASTOR, Mr. Speaker. I am very pleased to yield 4 1/2 minutes to the ethics reformer of Ohio and my colleague on the Rules Committee, Ms. SUTTON. Ms. SUTTON, Mr. Speaker. I thank the gentlewoman from Florida for her leadership on this issue and for yielding me the time.

Today I rise in favor of the rule and in favor of the Honest Leadership and Open Government Act. On my first day in office representing Ohio’s 13th District, under the leadership of the new Speaker, NANCY PELOSI, I stood on the floor of the House in support of a new ethics rules package, a rules package that put an end to the K Street Project, that ended gifts and perks and that made a historic move towards cleansing the inner workings of government.

This rules package was extraordinary in its scope and its breadth, but it was only the beginning. In our fight against the climate of excess that flourished under recent Republican leadership of this body, it is clear we must take further action. We must continue to eradicatet the pay-to-play culture that has pervaded and all too often undermined lawmakers in the Congress. We must eliminate the strings and the coziness that have resulted in policies by the special interests for the special interests. We must end the culture of corruption so we remain focused and truly tend to the people’s business.

When I ran to represent Ohio’s 13th District, I made it clear that I wanted to go to Congress to change the way business was being done and to restore the public trust. Safeguarding the public trust is not a part-time job. It must always remain uppermost in our minds. It requires the observation of current rules, and it requires legislative action to cure problems that persist.

Today we take the next step to bring the cleansing light of day to political financial contributions and to reduce the potential for shady lobbying practices.

This bill focuses on sanitizing the relationship that lobbyists have with Congress. It gives the American people the ability to follow the money. It increases the number of times per year lobbyists must file disclosure reports, and it requires electronic filing of these reports, making it available to the American public on the Internet. To increase public disclosure, we will shed needed light on the money trail from lobbyists to Capitol Hill.

This bill will also require lobbyists to certify that they have not provided elected Members of Congress with gifts or travel forbidden by the rules of the
House. This is another means to ensure that the past practice of special interests using gifts and perks to woo legislators is truly coming to an end.

When lobbying laws and congressional rules are violated, the American people suffer. When lobbyists bundle their contributions, they suffer in spirit. They are cheated out of their right to proper representation. The action we are taking today provides for greater punishment for the violation of these laws by those who are not on the public trust.

When Americans went to the polls last November, they sent a clear message that they’re concerned about the state of government. I have long believed that what people truly want from their Representative is someone who understands their concerns and who will strive to do all that they can on their behalf. The American people want to know that we are here for them, not for special interests, not for self-interests. They deserve nothing less.

Today, thanks to an amendment made in order by this rule, we also take action to bring much-needed transparency to lobbyists’ bundling of campaign contributions. The American people deserve to know the source of campaign contributions, as well as the sometimes lengthy and roundabout paths that these campaign contributions travel before they are placed into the hands of candidates.

Our bill gives the American people a window into the lobbying practices and fund-raising activities by requiring the disclosure of bundled contributions collected by lobbyists for candidates.

This Democratic Congress is working to restore and ensure the trust of our constituents. One step was the elimination of soft money, the next step the House rules package. We can’t stop there.

In closing I just want to say, as a new member of Congress, Mr. Speaker, how honored I am to have been given the awesome opportunity to respond to respresent the people of the thirty-third district of Ohio. Every day, I cherish the trust that they have placed in me to do all that I can on their behalf. I know that others in this body feel just as strongly as I do about our own constituents. We must pass this bill to restore the hope and live up to the promise that those we have been sent to serve have placed in us. Our constituents must know and it must be true, that it is they that are always uppermost in our hearts and minds as we carry out our responsibilities. I am pleased to support this rule, this bill, and the amendment on bundling of campaign contributions. I respectfully urge my colleagues to join in passing them.

I urge the passage of the rule, the bill and the amendment on bundling.

Mr. DREIER. Mr. Speaker, we’re all reformers today, and at this time I’m very happy to yield 2 minutes to a great reformer from Cherryville, North Carolina (Mr. MCHENRY).

Mr. MCHENRY. Mr. Speaker, I thank my colleague from California for yielding.

The Speaker and I are on opposite sides of most issues, so I take great pleasure in the rare instance that we can find some common ground. The rule on this bill is one of those rare occasions. In fact, Speaker PELOSI and I completely agree when it comes to her public statements on the need for an open rule that permits unrestricted amendments and debate on the wide-ranging reform provisions contained in the Honest Leadership and Open Government Act of 2006.

Madam Speaker, we were your words on February 9 of last year, but, Madam Speaker, I’m hearing a different tune these days. Your words are different than your actions. Very different, I might say.

We should be debating this bill today under an open rule that you urged that permits unrestricted amendments and debates. Unfortunately we won’t.

There were 48 amendments offered to the Rules Committee. Only five were allowed to be offered on the floor today. I submitted one of those 43 amendments that the Democrat leadership didn’t want to hear on, didn’t want to have a debate on, and my amendment would require Members of Congress to have an accurate disclosure of their financial holdings, including their personal residence. We’ve seen in recent Washington scandals the results of this loophole that allows Members to hide ownership of properties. These are serious problems, and we should close that loophole.

Unfortunately, the Democrat leadership didn’t allow us to have this debate here today on that important amendment. They’re allowing it to stay open. Another quick point. The American people should realize that we’re debating essentially a watered-down version, as my colleague from California said, of the lobbying bill that Republicans offered last Congress. Only eight Democrats voted for that tougher bill to reform rogue lobbying practices; 192 voted no.

Mr. Speaker, does the Democrat hypocrisy know no bounds? Does it? At the time, they said the bill didn’t go far enough. We realize they’re singing a different tune, a tone-deaf tune. Mr. Speaker, and I urge the defeat of this rule so we can have an open debate on lobbying reform.

Ms. CASTOR. Mr. Speaker, I am very honored to have a few minutes as I may consume to the gentleman from Michigan (Mr. CONYERS), the chairman of the House Judiciary Committee.

Mr. CONYERS. Mr. Speaker, I want to thank the gentlewoman from Florida (Ms. CASTOR) who is floor manager for this important bill.

And I want to thank the gentlewoman from Ohio (Ms. SUTTON) for the great work she, and I include the former chairman of the Rules Committee, they have done in bringing about reform in the House of Representatives and in the Congress as a whole. I mean it. I was up there yesterday, and I was one of the ones that took exception to calling Mr. DREIER of California’s H.R. 4975 a sham bill. It was not a sham bill, and we have taken many of the things out of that bill and have brought them to H.R. 2316 which we’re observing.

To think that we all agree on both sides of the aisle that we have one big problem. The Congress has a black eye in terms of ethics, and we want to correct it. We’re agreed? Okay. We check that one off.

Now do we correct it? Well, the one way that you will never correct it in the 110th Congress is to vote down this rule this afternoon, because if you vote down this rule this afternoon, there will be nothing to meet the Senate bill, which has already passed in January. They have been waiting for February, March, April, end of May, and now all of us who are concerned about fighting corruption, fighting for better ethics, fighting for transparency, fighting for basic disclosure are here today on that important amendment. And do what I would ask? What do you have in mind that we haven’t done now?

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

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

Mr. DREIER. Mr. Speaker, I thank my very dear friend for yielding, and I would simply say the reason we’re calling for a “no” vote on the rule is that we want to allow us to get to what I, as we now know, affectionately describe what the former minority leadership called the sham level. We need to at least get up to the level, and I’m very appreciative of the remarks that my friend has offered characterizing. I think correctly, my bill.

Mr. CONYERS. I thank my friend for helping me out there, because what we will have done, and there are some in the media that are predicting that this is what’s going to happen, that we’re going to abandon all of the work that we have put into this measure. And I’m looking still after a number of decades for the Member who can concede that he’s voted on the perfect bill in the legislative process.

But if we abandon this at this course, months behind schedule, we’re sending a perfectly obvious message to the American people; namely, that this is the sham that is working on the Congress.

We’ve got to get this rule going. I’m happy that our colleague, the former chairman of Rules, said nothing about the amendments that have been granted by the committee in which he worked so hard over these years. We’ve got amendments. Some are Republican amendments, some are Democratic amendments, but for goodness sake, let’s keep our promises to the American people.

We campaigned on this. We said we can improve the transparency and the rules regulating lobbyists, regulating bundling, regulating reporting, increasing the penalties. We’ve said all of this...
We need now to get something going to conference, and I judge that any time now, as I have all along the way. We’ve got to keep our promises, and the promises start with voting the rule to begin the debate. Now, you may have differences in the debate but certainly not on moving forward from this elementary process.

I thank the gentlelady, the floor manager, for allowing me to bring these matters up at this point.

Mr. DREIER. Mr. Speaker, I yield 4 minutes to a former member of the Rules Committee, our good friend from Marietta, Georgia (Mr. GINGREY).

Mr. GINGREY. I thank my friend and former chairman, Mr. DREIER, for yielding.

I rise in strong opposition to this rule to H.R. 2316, The Honest Leadership and Open Government Act, I am not opposed to. It’s the rule that I am opposed to. When you have 48 amendments and five of them are made in order, this is not open government. This is not open process.

I want to particularly, to my colleagues, mention the fact that I had one of those 43 amendments which were not made in order. And I think if we really wanted meaningful reform in an open government, that this amendment clearly would have been made in order, we would have had an opportunity on the floor of this House to debate it.

No, it’s not in the Senate version. If it doesn’t get in the House version, then, clearly, it’s not going to come out of conference.

What this amendment basically says is that Members, either Republicans or Democrats, House or Senate, in a leadership position that formed these things known as leadership PACs, cannot accept the money at any time, but especially when they leave this place, to their personal use.

Now we did that, or a former Congress, I think, back in the early 1990s, says Members cannot retire from this body and go home with seven figures worth of money in their campaign accounts. For those who are not paying attention, seven figures is over $1 million.

A lot of Members, back then in the early 1990s, decided since they were not going to be able to do that after a date certain, they retired so they could go home and spend that money and buy a new vacation home or fancy automobile or whatever.

Since then, what’s happened is Members have formed these leadership PACs. It’s not just leadership Members; in fact, any Member can form a leadership PAC. So I am not saying that the money that they use out of those PACs is improperly or dishonestly spent, but the temptation is there.

I want to give you an example of just one. I have 10 listed in my official remarks. I am not here to embarrass anybody. But there was one PAC called Searchlight PAC that, in 2006, raised $2 million. Do you know how much of that money was spent on helping another Member run for a Federal office in that particular PAC’s party? $500,000. That’s a very small percentage. That’s $1.7 million of that PAC’s money was spent in some personal way. I don’t know if it was dishonest, but we have to stop this sort of thing.

Really, I am shocked that this amendment was not made in order. Listen to this: It went to the Speaker HASTERT last year when my former Chairman DREIER worked on lobbying ethics reform. Here is the letter. “The House of Representatives is supposed to be a marketplace of ideas, and any debate in open government must not restrict the discussion of serious proposals . . . I am calling on you to use your authority as Speaker to direct the Rules Committee to report an unrestricted rule on lobbying reform.” Signed then-Minority Leader NANCY PELOSI.

Ms. PELOSI obviously has changed her mind this time around. This rule says loud and clear that this House no longer is a marketplace for ideas; there is no room for full and unrestricted debate on open government. That’s why I am standing in opposition, not to the bill, but to the rule. We could have made this bill so much better if we had allowed these amendments, such as mine, to be made in order.

I ask my colleagues, as former Chairman DREIER said, to oppose this rule.

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

Mr. FLAKE. I thank the gentleman for yielding. Mr. Speaker, I yield 4 minutes to the leader on the issue of earmark reform, the gentleman from Mesa, Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentleman for yielding. This bill is referred to as the amendment on open government. That’s why I am standing in opposition, not to the bill, but to the rule. We could have made this bill so much better if we had allowed these amendments, such as mine, to be made in order.

I ask my colleagues, as former Chairman DREIER said, to oppose this rule.

Ms. PELOSI obviously has changed her mind this time around. This rule says loud and clear that this House no longer is a marketplace for ideas; there is no room for full and unrestricted debate on open government. That’s why I am standing in opposition, not to the bill, but to the rule. We could have made this bill so much better if we had allowed these amendments, such as mine, to be made in order.

The previous speaker mentioned that the voters were aware of the needs that existed here in Congress, and the majority party paid the price in November. I fully agree with that. I wasn’t quiet on that subject in the last Congress.

I was overjoyed to see that the Democrats came in in January, and not that they came in in January; but when they did, they actually enacted earmark reform that I felt was a little stronger than what we had done a few months previous. Having said that, then we go to where we are today where we rolled back a lot of those protections that were there or simply ignored them.

The rules that you put in place are only as good as your willingness to enforce them. We just heard this past week that the earmark rules simply are going to be ignored. If a bill comes to the floor, and if it is certified to have no earmarks, we have no recourse, even though there might be earmarks, and have been in a few of the bills already this year. Now we have heard that the plan is to take the appropriation bills through the House process and into the conference process to drop the earmarks, and simply air drop the earmarks during the conference process.

This is not more sunlight. This is actually keeping earmarks secret until it’s too late to do anything about it. No amendments can be made in order during the conference process, so it will be impossible for anybody to challenge any of what will be thousands and thousands and thousands of earmarks in the bill. This is not better. This is far worse than we had before.

Let me just speak specifically to this legislation and some of the failings. I offered an amendment which would get rid of the so-called Abramoff exemp-

So what, in effect, you are saying, well, let’s just take the final four of the basketball tournament that we just had in the NCAA. There was a game between Xavier University and Ohio State. If you were a lobbyist for Xavier University, you couldn’t take a Member to the game. But if you were a lobbyist for Ohio State University, you could treat your Member of Congress, your favorite Member or anybody you wanted to, to a $400 ticket. That’s the difference.

Now, are we to assume that if you are lobbying for a private institution, that you are somehow inherently suspect, but if you are lobbying for a public institution, you are not? That’s the dichotomy here.

This amendment was not sprung on the majority as some kind of a gotcha amendment. I took this to the Demo-
crat leadership early this year and said, please, can we work together and get rid of this loophole? But we didn’t.

The amendment was offered in good faith, and it was rejected. Why are we doing this? Why do we allow, right now, if Jack Abramoff were still around, he could still, under these current rules that we are going to enact today, Jack Abramoff could treat Members at the Capital Grille to a big steak dinner. We shouldn’t be doing this.

The Jack Abramoff incident is what precipitated a lot of these reforms. I’m glad it did. But the problem is, Jack Abramoff represented public institutions, State and local government, territories. I believe he collected about $81 million from the government of Saipan. With that, he could continue to do what he did before under these rules, and we should put a stop to it.

Mr. DREIER. Mr. Speaker, will the gentleman yield?
Mr. FLAKE. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, I would just like to clarify this once again, if I might.

So a private institution is not allowed any kind of freebies, but they can buy support, tickets or things like that, but a public institution is able to?

Mr. FLAKE. That is correct. Let me take the example from right at home where I am. The University of Phoenix can take me to dinner, but they can't buy me even a cheeseburger. But Arizona State University right next door can buy me a seven-course meal. They can fly me wherever. There are no gift rule problems there. So private institutions are treated differently than public institutions.

Mr. DREIER. So that won't be changed under this bill that we are considering right now. Am I correct in concluding that?

Mr. FLAKE. That is correct. It would have been a very simple amendment simply to get rid of what I call the Abramoff exemption, but that amendment was rejected by the Rules Committee for no reason. Like I said, it wasn't a 'yes' amendment. This was offered to the Democratic leadership earlier this year. They simply don't want to change the rule.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume to simply say to my friend, the example of allowing a public institution to provide meals and tickets and all kinds of things while a private institution cannot do that underscores the fact that this issue needs to be addressed in a broad bipartisan way.

Now, in the exchange that I had with the distinguished Chair of the Committee on the Judiciary upstairs, he was happy to give it back over to us at the Rules Committee. We should have had an original jurisdiction hearing on a wide range of these issues that have not been addressed. In the last Congress, we held four original jurisdiction hearings on this issue. This year there have been none.

So I think that the point that my friend from Mesa is making, very correctly, is that he made a bipartisan attempt to the new majority leadership to try and address this and was rebuffed.

Everyone has recognized, I believe, certainly on our side of the aisle, and we did so when we were in the majority, that the issue of reform needs to be done in a bipartisan way. I know that on the Judiciary Committee, Mr. Smith, the ranking member, has worked with Chairman Conyers; but there are many of the rest of us who have been involved in this issue of reform who I believe should have been consulted, especially in light of a number of provisions that were included; and, in fact, one provision which is abolished, no heartbeat rule. Moreover, it was literally snuck into this bill, dealing with the question of Members attending charitable events. No hearing, no consideration whatsoever. A piecemeal attempt to do this.

Now, Mr. Speaker, on the 29th of March, nearly 2 months ago, the majority leader, Mr. BOEINER, sent a letter to the Speaker asking that she deal with the issue of charitable events which impact every single Member of this institution with a bipartisan panel. Mr. Speaker, I am saddened to inform the House that Minority Leader BOEINER has gotten no response to that letter that was drafted for him. So that is why we are concerned about this process.

Yes, the bill itself is one which included so much of what I was proud to include in H.R. 22 in 2005, get to that level. But I am urging opposition to this rule, as is Mr. FLAKE, as was Dr. Gingrey and others of my colleagues, so that we can try and improve this in a bipartisan way.

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

Ms. CASTOR. Mr. Speaker, I am pleased to yield 1 1/2 minutes to my colleague from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, for over five years I have attempted to close a gaping loophole in the Lobby Disclosure Act that has permitted various lobbyists to form over 800 stealth or hidden coalitions to avoid the requirements of the act. That effort had been met with nothing but indifference. Finally we now have a new Congress and a new direction.

Under the legislation Mr. CONVYERS offers today, we will incorporate the provisions of the Lobbyist Disclosure Act. Here is how it works: A lobbyist for an unpopular cause, like those who would avoid their taxes by renouncing their American citizenship and moving abroad, or by those who would deny climate change, instead of indicating who they actually represent, those lobbyists claim they represent a "coalition" of two or more individuals and avoid any indication of the true parties involved.

When deep-pocketed interests spend big money to influence public policy, the public has a right to know. Even a little light can do a lot of good. If wealthy interests want legislators to sing their tune, the public has a right to know who is paying the piper.

Of course, President Harry Truman said, "The buck stops here." But with stealth lobbying we don't know who's the piper. This stealth lobbyist disclosure provision helps close this loophole. The bill amends the definition of "client" to require the disclosure of the members of a coalition or association so that a small number of people or corporations can operate under a shell group and destroy the intent of our lobby disclosure laws. Combining "wealth" with "stealth" is a recipe for unaccountable government.

After years of indifference, we have a new Congress dedicated to open government and the pursuit of the public interest. This rule and this legislation should be approved.

Mr. DREIER. Mr. Speaker, may I inquire of the Chair how much time is remaining on each side? And then I would like to ask my colleague, she indicated she was the last speaker a few minutes ago, and then Mr. DOGGETT joined us.

The SPEAKER pro tempore (Mr. CAPUANO). The gentleman from California has 8 1/2 minutes; the gentleman from Florida has 11 1/2 minutes.

Ms. CASTOR. Mr. Speaker, I will reserve the balance of my time until the gentleman has closed for his side.

Mr. DREIER. So the gentlewoman is the last speaker?

Ms. CASTOR. That is correct, Mr. Speaker.

Mr. DREIER. Mr. Speaker, the gentlewoman is on her feet and so I would actually like to engage her in a colloquy, if I might, and ask some questions. I would be more than happy to yield to my friend from Tampa.

I am very concerned about the ramifications of this motion of [inaudible]. I talked about the concern that I have over this issue of charitable events, and that this item was in a piecemeal way stuck into this rule, and I raised the issue of the letter.

Mr. Speaker, I submit for printing in the RECORD a copy of the letter that was sent by Mr. BOEINER to my California colleague Speaker PELOSI. Mr. Speaker, the reason I do that is that there has been no response to this 14-month-old letter; and I hope that maybe someone on the Speaker's staff will read the CONGRESSIONAL RECORD and see this request for a truly bipartisan approach to this issue.

CONGRESS OF THE UNITED STATES,

HOUSE OF REPRESENTATIVES,


HON. NANCY PELOSI,
Speaker of the House, U.S. Capitol, Washington, DC.

DEAR SPEAKER PELOSI: The American people have every right to expect the highest ethical standards here in the people’s House. Yet for the third year in a row the 11th Congress has become clear that House ethics rules are hopelessly broken. Members on both sides of the aisle are understandably frustrated because they know you can’t “clean up Congress” with confusing rules that are as difficult to comply with as they are to enforce.

It is equally clear that until the ethics rules are repaired through a genuinely bipartisan process, they will continue to lack the credibility needed to ensure broad compliance with effective enforcement and widespread public acceptance.

As you know, sweeping changes to House ethics rules imposed at the start of this Congress were drafted in secret by the incoming Majority without consulting either the Minority or the staff of the nonpartisan Ethics Committee. The new rules were then rammed through the House with no opportunity to carefully analyze the proposals or to improve them in any way. The consequences of this ill-considered approach are now being felt by Members and staff on both sides of the aisle:

A staffer may attend an evening reception hosted by a corporation and consume champagne and expensive wines . . . but may not accept a slice of pizza or a $7 box lunch provided by the very same
This latter incident underscores the folly of Democrats rushing to unilaterally impose complicated and contradictory new rules on the House, and then denying an entirely reasonable job request by the Chairman and Ranking Republican of the Ethics Committee for the additional resources the panel needs to carry out its added responsibilities to Members.

Sadly, Democrat leaders straining to legitimate their campaign rhetoric have instead left Members—on both sides of the aisle—exposed to over to violating rules that are hard to define, riddled with logical inconsistencies, and utterly unlikely to prevent the sort of abuses that have properly outraged the country.

After all, few of the “Culture of Corruption” violations by Duke Cunningham and Bob Ney—or alleged violations by William Jefferson and Alan Mollohan—would have been prevented had the recently passed ethics changes been in effect last year.

Rather, the principal path to a more ethical Congress is through clearcut, common sense rules that are widely communicated and firmly enforced. As, and as your fellow Democrat leaders argued persuasively during the last Congress, the process of developing these rules must be transparent and genuinely bipartisan.

To that end, I ask you in appointing a bipartisan working group tasked with analyzing House ethics rules—and recommending fair, sensible and understandable revisions that working group members believe would improve both compliance and enforcement.

As with the Livingston-Cardin ethics task force in 1995, the working group should be led by co-chairs and evenly divided between majority and minority members. I propose that it consist of six to eight members, including a member of the ethics committee from each party (but neither its chairman or ranking minority member), one elected leader from each party, and one or two additional Members from each side of the aisle.

I further propose that we direct the working group to report back its recommendations no later than July 1, 2007 to allow time for the House to consider its proposed revisions to the Rules of the House prior to the August recess.

Madam Speaker, I have been encouraged by recent public statements made by you and members of your staff noting your desire to correct evident problems with several of the new rules. Thus, I hope you will commit us time to work concurrently to ensure that any revisions to the Code of Conduct and other House rules are imbued with the sort of credibility that you have often pointed out can result from a thoroughly bipartisan effort.

Sincerely,

JOHN A. BOEHNER, 
Republican Leader.

Mr. Speaker, I would simply ask my colleague from Tampa to describe a term that is in this bill.

Now, one of the questions out there is that Members of Congress are often approached by people and considered for employment service in this institution. Now, in H.R. 4975, we were very specific in saying that when negotiation for compensation, and those are the exact words that we used in H.R. 4975, are included in the bill, then there has been a letter to the Committees on Standards of Official Conduct stating that that negotiating process has begun. So we had that exact term of negotiating for compensation.” Those are the three words that we had in there.

Now, I would like to inquire of my friend from Tampa why it was in this measure that they went from “negotiation for compensation” to simply “negotiation.” And the reason I say that is a very sincere one.

The question naturally comes to mind, now, the gentleman from Tampa is new here and obviously not prepared to leave at this point. But there are people, Mr. Speaker, who may have been here for a while and people have decided they wanted to approach them.

Is it negotiation if it is simply said to that person, “Gosh, we’d like you to consider going to work for us”? And so I am wondering if my friend might define this term “negotiation” for us. And I am happy to yield to the distinguished manager of this rule.

Ms. CASTOR. Well, my interest, Mr. Speaker, is keeping this legislation on track. The American people spoke loud and clear in November. They called on us to fight for reform and we need to pass this legislation.

Mr. DREIER. Mr. Speaker, if I might reclaim my time. And I do so to simply say, I was posing a question to my colleague, not asking for a campaign speech on what the American people sent us to do here in November.

Mr. Speaker, I am very proud of the record we have had on reform, and I am honored to have had it praised by the distinguished Chair of the Committee on the Judiciary.

The question that I have is a very specific one: Why in this legislation did we go from the utilization of three words, “negotiation for compensation,” to this open-ended question of simply “negotiation”? I would be happy to further yield to my friend to elucidate us on that.

Mr. CANTOR. I thank my colleague very much. I recall the sessions I have had with seniors back home in Florida trying to work through the morass of Medicare part D.

Mr. DREIER. Mr. Speaker, if I could reclaim the House’s time. My question, and I will pose it again to my colleague from Tampa. The issue of negotiation for Members of Congress, the debate that we are having now is not about the message that was sent last November, it is not about Medicare part D. It is a question about the issue of lobbying and ethics reform in this institution. And obviously my colleague doesn’t have any answer to this question.

What it does is it underscores the fact that it is absolutely essential that we deal with this issue in a responsible, bipartisan way to try to bring about serious reform in this area. And so I am very, very troubled with the way that this has been handled in a piece-meal way.
And so, Mr. Speaker, it is true that the effort is a valiant one. I congratulate and praise those who have been involved in it. And as I said in my opening remarks, it’s very clear that reform is a work in progress. And we need to do more on the issue of reform. It’s just that this Hill is nowhere near the level of the bill that was passed under the Republican Congress. And I will say, I hope very much this institution will pass a bill that is even better than the one that I was privileged to author in the 109th Congress. And I believe that we could do better than we did in the 109th Congress. It’s just that this measure, after all of this talk of reform, after all of this talk about the message sent last November, falls short of where we were in the last Congress, and that’s why we are very troubled by this.

Mr. Speaker, I’m going to urge my colleagues to vote “no” on the previous question, so that when we succeed in defeating the previous question, I will be able to make in order an amendment that was offered that specifically provides greater disclosure and transparency and accountability which, again, are the three buzz words that are used around here: transparency, disclosure and accountability.

If, in fact, a Member is asking for an earmark, if a Member has been asked for an earmark by a lobbyist, under the amendment that I hope that we will be able to make in order, that Mr. Flake has proposed and unfortunately it was rejected by the Rules Committee, it would simply require that lobbying entity to disclose the fact that they have, in fact, made that in order.

Mr. Speaker, I ask unanimous consent that I be able to, just before the vote on the previous question, have printed in the CONGRESSIONAL RECORD a statement as follows:

As the Abramoff scandal made abundantly clear, the way that business has been conducted in Washington during the past few years needs to change. Congress already has taken important steps to reduce the influence of lobbyists, and the legislation that we are considering today will implement additional necessary reforms. These reforms include closing loopholes in the existing lobbyist disclosure laws; requiring a registered lobbyist who also serves as a campaign fund-raiser to register as a separate lobbying entity or to disclose the fact that they were paid by their lobbying firm to make or promote these campaign contributions; and making it all the more necessary to allow for greater public awareness as to their actions and treatment.

I urge my colleagues to support this legislation.

Mrs. MALONEY of New York. Mr. Speaker, I rise today in strong support of H.R. 2316, the Honest Leadership and Open Government Act, and H.R. 2317, the Lobbying Transparency Act.

As the Abramoff scandal made abundantly clear, the way that business has been conducted in Washington during the past few years needs to change. Congress already has taken important steps to reduce the influence of lobbyists, and the legislation that we are considering today will implement additional necessary reforms. These reforms include closing loopholes in the existing lobbyist disclosure laws; requiring a registered lobbyist who also serves as a campaign fund-raiser to register as a separate lobbying entity or to disclose the fact that they were paid by their lobbying firm to make or promote these campaign contributions; and making it all the more necessary to allow for greater public awareness as to their actions and treatment.

I urge my colleagues to support this legislation.
Mr. DREIER. Thank you very much, Mr. Speaker, and thanks to my colleagues for their consideration.

The SPEAKER pro tempore. The question was taken; and the ayes appeared to have it.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. The previous question having been refused, the gentleman from New York, Mr. Fitzenhauer, Mr. Speaker, may I ask the indulgence of the Chair to ask for consideration of the subject before the House of Representatives, (VI, 308–315).

Mr. Speaker, and thanks to my colleagues for their support. The previous question is heard.

Mr. Speaker, may I ask the indulgence of the Chair to ask for consideration of the subject before the House of Representatives, (VI, 308–315).

Mr. Speaker, and thanks to my colleagues for their support. The previous question is heard.

Mr. Speaker, may I ask the indulgence of the Chair to ask for consideration of the subject before the House of Representatives, (VI, 308–315).

Mr. Speaker, and thanks to my colleagues for their support. The previous question is heard.
Ms. CORRINE BROWN of Florida changed her vote from "nay" to "yea." So the previous question was ordered. The result of the vote was announced as above recorded.

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

The yeas and nays were ordered. Resolution 438, on which the yeas and nays were ordered.

The result of the vote was announced as above recorded.

The motion to reconsider was laid on the table.

Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to address the House for 1 minute.

The ANNOUNCEMENT by the SPEAKER pro TEMPORE.

The vote was taken by electronic device, and there were—yeas 221, nays 197, not voting 11, as follows:

[Roll No. 416]

Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to address the House for 1 minute.

Ms. EDDIE BERNICE JOHNSON of Texas, Mr. Speaker, I want to call to the attention of all of the Members that our new Clerk of the House is continuing to make impressions. She is on the cover of Crisis magazine for this month, the official publication of the NAACP. And she is president of the local chapter. I just thought that if you don’t have a copy, she is standing right over there.

PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO H.R. 2206, U.S. TROOP READINESS, VETERANS CARE, KATRINA RECOVERY, AND IRAQ ACCOUNTABILITY ACTS OF 2007

The SPEAKER pro tempore. The unfinished business is the order on the previous question House Resolution 438, 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 ordering of the previous question.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 221, nays 199, not voting 12, as follows:

[Roll No. 417]
The yeas and nays were ordered.

The Speaker pro tempore announced that the ayes had it.

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

The Speaker pro tempore announced that the Speaker pro tempore announced that the ayes had it.

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

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

The vote was taken by electronic device, and there were—yeas 218, nays 201, not voting 13, as follows:

[Roll No. 418]

YEA—218

Abraham, Don... Armstrong, Craig...

NAYS—201

Acker, Edward... Cuellar, Henry... D'Alesandro, Jr., James...

Nunes, Louise...

Adler, Elizabeth... Becerra, Henry... Bilbray, Duncan...

Olver, Scott...)

Aderholt, Jack... Aaron, John... Bishop, Don...

Patrick, Ender

Adams, Chuck... Ackerman, Gary... Biggs, Jack...

Cantor, John...

Adams, Kristi... Ackerman, Marcy... Biggs, John...

Campbell, Tom...

Adkins, Brian... Ackerman, Tom... Biggs, Rob...

Cannon, Mike...

Agnew, Anthony... Akin, Joe... Biggs, Ron...

Cannon, Scott...

Aiken, Joe... Akaka, Daniel... Biggers, Robert...

Cantor, Tom...

Akin, Joe... Akaka, Daniel... Bickel, Martha...

Carr, David...

Allen, Scott... Ackerman, Gary... Bishop, Rep. Jack...

Carr, Joe...

Anderson, Mark... Ackerman, Marcy... Bishop, Rep. Jack...

Carr, Steve...

Anderson, Mike... Ackerman, Marcy... Bishop, Rep. Jack...

Cartwright, Joyce...

Anderson, Tom... Ackerman, Marcy... Bishop, Rep. Jack...

Carter, John...

Anen, Zachary... Ackerman, Marcy... Bishop, Rep. Jack...

Cary, John...

Anderson, John... Ackerman, Marcy... Bishop, Rep. Jack...

Cary, Jesse...

Anderson, Jim... Ackerman, Marcy... Bishop, Rep. Jack...

Cash, Steve...

Anderson, John... Ackerman, Marcy... Bishop, Rep. Jack...

Chapman, Leon...

Anderson, John... Ackerman, Marcy... Bishop, Rep. Jack...

Chapman, Robert...

Anderson, John... Ackerman, Marcy... Bishop, Rep. Jack...

Chapman, Rod...

Anderson, John... Ackerman, Marcy... Bishop, Rep. Jack...

Chapman, William...

Anderson, John... Ackerman, Marcy... Bishop, Rep. Jack...

Chapman, William...

Anderson, John... Ackerman, Marcy... Bishop, Rep. Jack...

Chapman, William...

Anderson, John... Ackerman, Marcy... Bishop, Rep. Jack...

Chapman, William...

Anderson, John... Ackerman, Marcy... Bishop, Rep. Jack...

Chapman, William...

Anderson, John... Ackerman, Marcy... Bishop, Rep. Jack...

Chapman, William...

Anderson, John... Ackerman, Marcy... Bishop, Rep. Jack...

Chapman, William...

Anderson, John... Ackerman, Marcy... Bishop, Rep. Jack...

Chapman, William...

Anderson, John... Ackerman, Marcy... Bishop, Rep. Jack...

Chapman, William...

Anderson, John... Ackerman, Marcy... Bishop, Rep. Jack...

Chapman, William...

Anderson, John... Ackerman, Marcy... Bishop, Rep. Jack...

Chapman, William...

Anderson, John... Ackerman, Marcy... Bishop, Rep. Jack...

Chapman, William...

Anderson, John... Ackerman, Marcy... Bishop, Rep. Jack...

Chapman, William...

Anderson, John... Ackerman, Marcy... Bishop, Rep. Jack...

Chapman, William...
SECTION 1. SHORT TITLE.
This Act may be cited as the ‘‘Lobbying Transparency Act of 2007’’. SEC. 2. QUARTERLY REPORTS BY REGISTERED LOBBISTS ON CONTRIBUTIONS BUNDLED FOR CERTAIN RECIPIENTS.
(a) In general.—Section 5 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1604) is amended by adding at the end the following new subsection:

‘‘(d) Quarterly Reports on Contributions Bundled for Certain Recipients.—

(1) In general.—Not later than 45 days after the end of a quarterly period beginning on the first day of January, April, July, and October of each year, each registered lobbyist who bundles contributions made to a covered recipient in an aggregate amount exceeding $5,000 for such covered recipient during such quarterly period shall file a report with the Secretary of the Senate and the Clerk of the House of Representatives containing—

(A) the name of the registered lobbyist;

(B) the name of an employee, his or her employer; and

(C) the name of the covered recipient to whom the contribution is made, and to the extent known the aggregate amount of such contributions (or a good faith estimate thereof) within the quarter for the covered recipient.

(2) Exclusion of Certain Information.—In filing a report under paragraph (1), a registered lobbyist shall exclude from the report any information described in paragraph (1)(C) which is included in any other report filed by the registered lobbyist with the Secretary of the Senate and the Clerk of the House of Representatives under this Act.

(3) Reporting Submission of Information Prior to Filing Reports.—Not later than 25 days after the end of a period for which a registered lobbyist is required to file a report under paragraph (1) which includes any information described in such section with respect to a covered recipient, the registered lobbyist shall transmit by certified mail to the covered recipient involved a statement containing—

(A) the information that will be included in the report with respect to the covered recipient; and

(B) the source of each contribution included in the aggregate amount referred to in paragraph (2) if a registered lobbyist bundled for the covered recipient during the period covered by the report and the amount of the contribution attributable to each such source.

(4) Definition of Registered Lobbyist.—For purposes of this subsection, the term ‘‘registered lobbyist’’ means a person who is registered to register under section 5(a) or (2) of section 4(a), or an individual who is required to be listed under section 4(b)(8) or subsection (h).

(5) Definition of Bundled Contributions.—For purposes of this subsection, a registered lobbyist ‘‘bundles’’ a contribution if—

(A) the contribution is received by a registered lobbyist for, and forwarded by a registered lobbyist to, the covered recipient to whom the contribution is made; or

(B) the contribution will be or has been credited or attributed to the registered lobbyist through records, designations, recognitions or other means of tracking by the covered recipient to whom the contribution is made.

(6) Other Definitions.—In this subsection—

(A) the term ‘‘contribution’’ has the meaning given to that term in the Federal Election Campaign Act of 1971 (2 U.S.C. 343 et seq.), except that such term does not include a contribution in an amount which is less than $200;

(B) the terms ‘‘candidate,’’ ‘‘political committee,’’ and ‘‘political party committee’’ have the meaning given to those terms in the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.);

(C) the term ‘‘covered recipient’’ means a Federal candidate, an individual holding Federal office, a leadership PAC, or a political party committee; and

(D) the term ‘‘leadership PAC’’ means, with respect to an individual holding Federal office, an unauthorized political committee which is associated with such individual, except that such term shall not apply in the case of a political committee of a political party.

(6) Effective Date.—The amendment made by subsection (a) shall apply with respect to the second quarterly period described in section 5(d)(1) of the Lobbying Disclosure Act of 1995 (as added by subsection (a)) which begins after the date of the enactment of this Act and each succeeding quarterly period.

The SPEAKER pro tempore. Pursuant to House Resolution 437, the amendment in the nature of a substitute printed in the bill, modified by the amendment printed in part A of House Report 110-167, is adopted and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 2317
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. SHORT TITLE.
This Act may be cited as the ‘‘Lobbying Transparency Act of 2007’’. SEC. 2. QUARTERLY REPORTS BY REGISTERED LOBBISTS ON CONTRIBUTIONS BUNDLED FOR CERTAIN RECIPIENTS.
(a) In general.—Section 5 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1604) is amended by adding at the end the following new subsection:

‘‘(d) Quarterly Reports on Contributions Bundled for Certain Recipients.—

(1) In general.—Not later than 45 days after the end of a quarterly period beginning on the first day of January, April, July, and October of each year, each registered lobbyist who bundles contributions made to a covered recipient in an aggregate amount exceeding $5,000 for such covered recipient during such quarterly period shall file a report with the Secretary of the Senate and the Clerk of the House of Representatives containing—

(A) the name of the registered lobbyist;

(B) the name of an employee, his or her employer; and

(C) the name of the covered recipient to whom the contribution is made, and to the extent known the aggregate amount of such contributions (or a good faith estimate thereof) within the quarter for the covered recipient.

(2) Exclusion of Certain Information.—In filing a report under paragraph (1), a registered lobbyist shall exclude from the report any information described in paragraph (1)(C) which is included in any other report filed by the registered lobbyist with the Secretary of the Senate and the Clerk of the House of Representatives under this Act.

(3) Reporting Submission of Information Prior to Filing Reports.—Not later than 25 days after the end of a period for which a registered lobbyist is required to file a report under paragraph (1) which includes any information described in such section with respect to a covered recipient, the registered lobbyist shall transmit by certified mail to the covered recipient involved a statement containing—

(A) the information that will be included in the report with respect to the covered recipient; and

(B) the source of each contribution included in the aggregate amount referred to in paragraph (2) if a registered lobbyist bundled for the covered recipient during the period covered by the report and the amount of the contribution attributable to each such source.

(4) Definition of Registered Lobbyist.—For purposes of this subsection, the term ‘‘registered lobbyist’’ means a person who is registered to register under section 5(a) or (2) of section 4(a), or an individual who is required to be listed under section 4(b)(8) or subsection (h).

(5) Definition of Bundled Contributions.—For purposes of this subsection, a registered lobbyist ‘‘bundles’’ a contribution if—

(A) the contribution is received by a registered lobbyist for, and forwarded by a registered lobbyist to, the covered recipient to whom the contribution is made; or

(B) the contribution will be or has been credited or attributed to the registered lobbyist through records, designations, recognitions or other means of tracking by the covered recipient to whom the contribution is made.

(6) Other Definitions.—In this subsection—

(A) the term ‘‘contribution’’ has the meaning given to that term in the Federal Election Campaign Act of 1971 (2 U.S.C. 343 et seq.), except that such term does not include a contribution in an amount which is less than $200;

(B) the terms ‘‘candidate,’’ ‘‘political committee,’’ and ‘‘political party committee’’ have the meaning given to those terms in the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.);

(C) the term ‘‘covered recipient’’ means a Federal candidate, an individual holding Federal office, a leadership PAC, or a political party committee; and

(D) the term ‘‘leadership PAC’’ means, with respect to an individual holding Federal office, an unauthorized political committee which is associated with such individual, except that such term shall not apply in the case of a political committee of a political party.

(6) Effective Date.—The amendment made by subsection (a) shall apply with respect to the second quarterly period described in section 5(d)(1) of the Lobbying Disclosure Act of 1995 (as added by subsection (a)) which begins after the date of the enactment of this Act and each succeeding quarterly period.
In essence, the bill requires a registered lobbyist who bundles two or more contributions made to a candidate to file quarterly reports with the House Clerk and Secretary of the Senate.

I want to begin by paying tribute to the gentleman from Maryland, Mr. CHRIS VAN HOLLEN, for the enormous amount of work not only in this Congress but in the previous Congress that he has put forward on behalf of this measure.

Under the bill, the bundled contribution is limited to contributions which the lobbyist physically receives and forwards to the candidate, or which are credited to the lobbyist through a specific tracking system put in place by the candidate. In order to better ensure that a registered lobbyist does not inaccurately report contributions involving a candidate, the measure further requires the lobbyist to send the candidate a report of the candidate's first disbursement. This allows the candidate or the political action committee to correct any errors.

This legislation reflects considerable input on Members of the House of Representatives both on the Judiciary Committee and off the Judiciary Committee. It reflects the considered judgment of many Members not even on the Judiciary Committee. We've worked with the public interest groups around the clock to craft a workable piece of legislation that provides for the disclosure of large-scale bundling in a way that provides clear and enforceable legal requirements.

The American people have been waiting for this. We've talked about this for a considerable period of time, and many people now have realized that the House of Representatives has taken a very important step in moving this measure forward. Most significantly, the measure does not include the provision that would have counted as bundled any contribution arranged by a lobbyist. After careful consideration, we've concluded that as the Senate provision is written, it was too vague to be effectively enforced.

And so I rise today to let you know of my firm conviction that we ultimately need to move to assist the public by making the public officials and the individuals who work with the lobbyists and have to deal with the lobbyist to provide full disclosure of the contributions made to political campaigns.

This is not the perfect bill. I'm still looking for a Member that has ever passed the perfect piece of legislation. But I draw to my colleagues' attention to this measure and ask that they examine it carefully and recognize the importance and significance of this measure.

Madam Speaker, I yield myself the balance of my time.

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

Madam Speaker, this bill addresses the issue of the disclosure of campaign contributions bundled together by lobbyists. The Judiciary Committee addressed this issue in the last Congress when we adopted an amendment by the gentleman from Maryland (Mr. VAN HOLLEN) by a vote of 282 by 18. As a principal supporter of these provisions, Mr. VAN HOLLEN signed the following statement in last year's committee report: 'At the markup, we were able to develop a bipartisan provision concerning the areas of Judiciary Committee jurisdiction, principally the Lobbying Disclosure Act.'

So I'm glad to see a provision brought to the floor today that is so similar to what we did last year. However, I do find it ironic that we are requesting this bill to the floor with little advance notice.

Yesterday we received notice that this bill would come up less than an hour before the Rules Committee was to start. That hardly gave us a fair opportunity to offer amendments to the bill.

Madam Speaker, this bill and the other bill that we consider today on lobbying reform are supposed to be about open government, but the precedents under which this bill has been rushed to the floor shows how this House sometimes lacks a fair and open process.

Madam Speaker, I yield the balance of my time.

Mr. CONYERS. Madam Speaker, I yield myself 15 seconds.

When we went to the Rules Committee, my dear friend LAMAR SMITH and myself, there were 48 amendments already filed when we got there. I don't know how many were ultimately considered.

Madam Speaker, I am very pleased to yield as much time as he may consume to the gentleman from Maryland (Mr. VAN HOLLEN), the one Member who has worked longer and harder than anyone else on this matter, a former member of the Judiciary Committee.

Mr. VAN HOLLEN. Madam Speaker, let me begin by congratulating the chairman of the Judiciary Committee Mr. SMITH and others.

Mr. SMITH, on all their work on this particular issue, and I want to thank them and the other members of the Judiciary Committee for reporting this bill out by unanimous vote, a unanimous bipartisan vote. And I also want to thank the other cosponsors of this legislation, including Mr. MEHAN and others.

Madam Speaker, in the last election I think the American people sent Congress a very strong and unambiguous message, that it's time to change the way Washington does business. They said loud and clear that the status quo on Capitol Hill is unacceptable. The
American people want this Congress to hold the Bush administration accountable, and they want Congress to hold itself accountable.

They grew weary of a Congress that used its majorities to benefit narrow special interests at the expense of the public interest, and that's why on the very opening day of this new Congress, under the leadership of Speaker Pelosi, we immediately enacted a series of important reforms, including ethics, gift bans, travel limitation, and greater transparency of the earmark process.

The lobbying reform bills that are before us today are the next important steps along the path to greater openness and transparency, and I think we would all agree that with greater openness to the public comes greater accountability for this institution.

Let's be clear. Lobbyists come before this body to advocate issues on behalf of their clients, and they serve a valid and important service of providing informed and expert advice on complex issues that we face. However, we know a number of recent scandals have demonstrated that lobbyists, some of them like Jack Abramoff, have been able to exercise undue influence in shaping the legislation and the policies that come out of the Congress.

This bill, the Lobbying Transparency Act, deals with the role of lobbyists in the campaign fund-raising process. It requires registered lobbyists to disclose certain contributions that they bundle on behalf of candidates and political committees.

This bill involves simply the disclosure of information that the public has a right to know, and a vote against this bill is a vote to deny that public important information that they can use to judge the legislative process.

I think we all agree that Members of Congress are sent here to represent the public interest. We're not here to represent narrow special interests, and we should have a very simple test, a very simple test of whether we're going to vote for or against legislation, and that test is, does that legislation advance the public interest. And the answer on this bill is unequivocally yes.

Let's fulfill our promise to restore the public trust by serving the public interest. I urge adoption of this legislation.

Mr. SMITH of Texas. Madam Speaker, at this time I have no other speakers on this particular bill. So I reserve the balance of my time.

Mr. CONYERS. Madam Speaker, I yield 5 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE), a distinguished member of the Committee on the Judiciary.

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

Ms. JACKSON-LEE of Texas asked and was granted permission to revise and extend her remarks. She was granted permission to have her files forwarded to a covered recipient, or contribute, and we have good people, good-thinking people who want to contribute, and we have good people, good-thinking people who would receive. Let us not taint all of them.

But I rise to support these two initiatives, because they provide the open-door transparency that we need. I want to thank Chairman CONYERS, first of all, for accepting my amendment that clearly stated that those advocacy groups that wanted to be heard, the right of the protections of the first amendment.

Nothing in this bill denies any first amendment protection for expression or association. I know the leadership of Chairman CONYERS on the issue of civil liberties, in complete, but I wanted to reaffirm this fact so that we know for sure, any Member coming to the floor to vote for this, they know their vote makes a difference, and the bill's definition of "covered recipients" applies to federal candidates, federal officeholders, leadership political action committees or political party committees.

The required reports would disclose the name of the lobbyist, the name of his or her

I also want to thank Mr. VAN HOLLEN for working with me to include language that I hope all Members will appreciate, and that is, as I stated earlier, that Members come here with the greatest sense of integrity and respect for their duty to the people. So we provided a provision that instructs lobbyists to give notice to the Member of the list of items that they are going to file. That Member cannot, if you will, stop the list from being filed, the Member has the opportunity, the Member of Congress, to be able to read the list and make sure that it is accurate as it is being filed.

We will not stop the time from ticking, if you will, for the filing process, but we will make the system work better and provide for the participation by all of the impacted parties. The congressional Member will be allowed to receive the notice of this filing and have the opportunity to correct it, to make sure it is consistent with his or her files.

These are difficult times, because we all realize our ultimate responsibility is to the American people. We must put them over self. But my amendment in this bill, I believe, will help the open-door transparency proceed, family and I ask my colleagues to support it.

Madam Speaker, I rise in support of H.R. 2317, the "Lobbying Transparency Act of 2007." I rise in support of legislation that will help bring about the most open government and the most honest leadership in the history of the Congress. Most of the credit for this achievement goes to my very good friend, the gentleman from Maryland, Mr. VAN HOLLEN, for his tenacity in shepherding this legislation through the gamut that is the House legislative process.

In particular, Madam Speaker, I wish to commend Mr. VAN HOLLEN and the Rules Committee for agreeing to incorporate my friendly amendment to H.R. 2316. Let me describe the bill and explain why I believe the incorporation of the Jackson-Lee amendment improves the bill to the point where it warrants the support of the members of this body.

H.R. 2316 requires registered lobbyists to provide quarterly reports to the House clerk and secretary of the Senate regarding the "bundled" contributions totaling more than $5,000 in a quarter that they provide to a covered recipient.

"Bundled contributions" are contributions that are received by a registered lobbyist and forwarded to a covered recipient, or contributions that are otherwise credited or attributed to a lobbyist through records, designations or other means of tracking, such as placing the lobbyist's name on a check's memo line or using another symbol. The bill's definition of "covered recipients" applies to federal candidates, federal officeholders, leadership political action committees or political party committees.

The required reports would disclose the name of the lobbyist, the name of his or her...
Madam Speaker. I rise in strong support of H.R. 2316, the “Honest Leadership and Open Government Act of 2007.” With the adoption of this legislation, we begin to make good on our pledge to “drain the swamp” and end the “culture of corruption” that pervaded the 109th Congress.

It is critically important that we adopt the reforms contained in H.R. 2316 because Americans are paying for the cost of corruption in Washington with skyrocketing prices at the pump, spiraling drug costs, and the waste, fraud and no-bid contracts in the Gulf Coast and Iraq funds.

The cozy relationship between Congress and special interests we saw during the 109th resulted in serious lobbying scandals, such as the revolving door and special interests we saw during the 109th Congress last November and voted for reform. Democrats picked up 30 seats held by Republicans and exit polls indicated that 74 percent of voters cited corruption as an extremely important or a very important issue in their choice at the polls.

Ending the culture of corruption and delivering ethics reform is one of the top priorities of the new majority of House Democrats. That is why as our first responsibility in fulfilling the mandate given the new majority by the voters, Democrats are offering an aggressive ethics reform package. We seek to end the excesses that are actually being investigated by the Secretary or the Clerk do not coincide with the extent of noncompliance, and it is entirely unknown whether enforcement actions are being effectively pursued by the Department of Justice. Clearly, further reform is needed.

Madam Speaker, I support H.R. 2316 because it closes the “Revolving Door,” requires full public disclosure of lobbying activities, provides tougher enforcement of lobbying restrictions, and requires increased disclosure.

H.R. 2316 closes the “Revolving Door” by requiring the current lobbyist, during congressional hearings on the federal lobbying industry and represents the most comprehensive overhaul of the laws regulating lobbying practices in 50 years prior to 1995, it fails far short of a complete solution, as even recognized by its staunchest supporters, during congressional hearings on the issue.

The need for further reform was highlighted by a major study of the federal lobbying industry published in April 2006 by the Center for Public Integrity, which found that since 1998, lobbyists have spent nearly $13 billion to influence members of Congress and executive branch officials has increased greatly in the last decade. While the Lobbying Disclosure Act of 1995 (LDA) is one of the main laws to promote transparency and accountability in the federal lobbying industry and represents the most comprehensive overhaul of the laws regulating lobbying practices in 50 years prior to 1995, it fails far short of a complete solution, as even recognized by its staunchest supporters, during congressional hearings on the issue.

The law makes it impossible for any member of the House to successfully pass its version, and requires increased disclosure.

H.R. 2316 closes the “Revolving Door” by requiring the current lobbyist, during congressional hearings on the federal lobbying industry and represents the most comprehensive overhaul of the laws regulating lobbying practices in 50 years prior to 1995, it fails far short of a complete solution, as even recognized by its staunchest supporters, during congressional hearings on the issue.

The need for further reform was highlighted by a major study of the federal lobbying industry published in April 2006 by the Center for Public Integrity, which found that since 1998, lobbyists have spent nearly $13 billion to influence members of Congress and executive branch officials has increased greatly in the last decade. While the Lobbying Disclosure Act of 1995 (LDA) is one of the main laws to promote transparency and accountability in the federal lobbying industry and represents the most comprehensive overhaul of the laws regulating lobbying practices in 50 years prior to 1995, it fails far short of a complete solution, as even recognized by its staunchest supporters, during congressional hearings on the issue.

The need for further reform was highlighted by a major study of the federal lobbying industry published in April 2006 by the Center for Public Integrity, which found that since 1998, lobbyists have spent nearly $13 billion to influence members of Congress and executive branch officials has increased greatly in the last decade. While the Lobbying Disclosure Act of 1995 (LDA) is one of the main laws to promote transparency and accountability in the federal lobbying industry and represents the most comprehensive overhaul of the laws regulating lobbying practices in 50 years prior to 1995, it fails far short of a complete solution, as even recognized by its staunchest supporters, during congressional hearings on the issue.
from lobbying activities and from $20,000 to $10,000 in total lobbying expenses. It also reduces the contribution threshold of any organization other than that which contributes to lobbying activities to $5,000 ($10,000 under current law).

Third, the legislation increases disclosure of lobbyists’ contributions to members and entities controlled by lawmakers, including contributions to members’ charities, to pay the cost of events or entities honoring members, contributions intended to pay the cost of a meeting or a retreat, and contributions disclosed under FECA relating to reports by contractors.

Fourth, the bill requires the House Clerk to provide public Internet access to lobbying reports within 48 hours of electronic filing and requires that the lobbyist/employing firm provide a certification or disclosure report attesting that it did not violate House/Senate gift ban rules. And it makes it a violation of the LDA for a lobbyist to provide a gift or travel to a member/officer or employee of Congress with knowledge that the gift or travel is in violation of House/Senate rules.

Transparency is increased by the requirements in the bill that lobbyists disclose past Executive and Congressional employment and that lobbying reports be filed electronically and maintained in a searchable, downloadable database. The bill also requires disclosure of lobbying activities by certain coalitions but expressly exempts 501(c) and 527 organizations.

Finally, Madam Speaker, H.R. 2316 increases civil penalties for violation of the Lobby Disclosure Act, increases the fine for knowing and corrupt failure to file reports from $500 to $10,000 and adds a criminal penalty of up to 5 years for knowing and corrupt failure to comply. Finally, the bill requires members to prohibit their staff from having any official contact with the member’s spouse who is a registered lobbyist or is employed or retained by such an individual and establishes a public database of member Travel and Personal Financial Disclosure Forms.

Madam Speaker, it is wholly fitting and proper that at the beginning of this new 110th Congress, this House, along with all of the American people, paid fitting tribute to the late President Gerald R. “Jerry” Ford, a former leader in this House, who did so much to heal our Nation in the aftermath of Watergate. Upon assuming the presidency, President Ford assured the Nation: “My fellow Americans, our long national nightmare is over.” By his words and deeds, President Ford helped turn the country back on the right track. He will be forever remembered for his integrity, good character, and commitment to the national interest.

This House, too, faces a similar challenge. To restore public confidence in this institution we must commit ourselves to being the most honest, most ethical, most responsive, most transparent Congress in history. We can end the nightmare of the last 6 years by putting the needs of the American people before those of the lobbyists and special interests. To do that, we can start by adopting H.R. 2316.

Mr. SMITH of Texas. Madam Speaker, I reserve the balance of my time.

Mr. CONYERS. Madam Speaker, I yield myself the remainder of the time. I urge my colleagues to step up to the plate this afternoon, the day before we go out into recess, to join with your Committee on the Judiciary in their bipartisan support for this bundling bill. It’s necessary that we continue to bring sunlight on the workings of the lobbying organizations and the fundraising as it affects the congressional process.

It’s important, as a part of the promise that we have made to the American people, that we work to restore their confidence in us, and this will be accomplished, in part, by what we do here on the floor of the House of Representatives. Therefore, we will keep that commitment by passing this very important measure before us, H.R. 2317, the Lobbying Transparency Act of 2007.

Mr. MEEHAN. Madam Speaker, I rise in strong support of this bill. I am a proud cosponsor of this legislation, and I am glad to see that this House is following in the footsteps of the Senate in crafting some of the most important lobbying reforms in a generation.

Madam Speaker, there is an often quoted cite from Supreme Court Justice Louie Brandeis. He said: “Sunlight is the best disinfectant.”

In the spirit of that principle, the law already requires that lobbyists disclose their direct contributions to Members of Congress.

But that is hardly the full picture of the relationship between lobbyists, Members and campaign contributions. In a practice known as bundling, lobbyists call up their clients and fellow colleagues and pool checks to hand over to Members.

Sometimes this will happen at fundraisers, where a lobbyist comes in with an envelope full of bundled checks.

Sometimes lobbyists will pledge to raise a certain amount for a campaign, and their progress is tracked through a coding system—for example, getting donors to write a name or number on the money line of a check.

In either scenario, lobbyists are likely bundling contributions that far exceed their individual contribution.

I believe that it is more important to know how much a lobbyist is bundling for a Member of Congress than how much he is contributing directly.

Lobbyists, like every other citizen, are limited in their individual giving, but are unlimited in how much they can collect and forward to a campaign. Sometimes lobbyists, and Withholding information or requiring lobbyists to report their bundled contributions, this Congress and the American public will remain in the dark.

The Van Hollen bill shines sunlight on the practice of bundling.

In their lobbying bill, the Senate addressed bundling, setting a high bar for the House.

This proposal meets that high bar.

Mr. BLUMENAUER. Madam Speaker, I support H.R. 2316—and H.R. 2317—bills that significantly strengthen the lobbyist-lawmaker relationship for the better. By opening the lobbying process to greater oversight, we will reaffirm our commitment to accountability and transparency in Congress. Although I am deeply frustrated that stronger reform measures were abandoned, I believe this pair of bills represents an essential step toward a more honest and open government.

Earlier this year, my colleague GREG WALDEN and I introduced H.R. 1136, the “Ethics Reform Act of 2007.” With provisions that tighten lobbyist disclosure and reporting, I am pleased to see similar provisions—such as quarterly disclosure requirements, electronic filing, and a public database of disclosure data—in H.R. 2316.

I am also pleased to see increased gift restrictions, tightened reporting requirements, and stiffened noncompliance penalties included in these bills. These are critical components of effective lobbying reform whose adoption will help to clearly delineate an appropriate boundary between lobbyists and lawmakers.

However, I must also voice a deep concern: these bills do not go far enough. The Senate easily passed—by 96-2—a more stringent bill which included stricter penalties and tighter lobbying restrictions on Members of Congress and their families. The House, in contrast, weakened the lobbyist, “cool-off” period in H.R. 2316. We can, and must, do better. With the leadership of Speaker PELOSI, I look forward to improving this legislation.

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

Mr. SMITH of Texas. Madam Speaker, I, too, urge my colleagues to support this legislation and yield back the balance of my time.

The SPEAKER pro tempore. Pursuant to House Resolution 437, the previous question is ordered on the bill, as amended.

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 RECOMMEND OFFERED BY MR. SMITH OF TEXAS

Mr. SMITH of Texas. Madam Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. SMITH of Texas. I am in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows: Mr. Smith of Texas moves to recommit the bill H.R. 2317 to the Committee on the Judiciary with instructions to report the same back to the House forthwith with the following amendment: In section 5(d)(6)(C) of the Lobbying Disclosure Act of 1995, as proposed to be added by section 2(a) of the bill, insert after “leadership PAC,” the following: “multi candidate political committee described in section 315(a)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 401(a)(4)).”

The SPEAKER pro tempore (during the reading). Is there objection to dispensing with the reading?

Mr. CONYERS. Madam Speaker, reserving the right to object, and I believe I may have to object, because we are about to see the motion for the first time.

The SPEAKER pro tempore. Objection is heard.
Mr. VAN HOLLEN, the bundling issue that the Judiciary Committee dealt with in a bipartisan fashion last year. Mr. VAN HOLLEN, the principal supporter of these provisions, signed on to that compromise.

I offer this motion to recommit because there is a difference between what was covered by the Van Hollen amendment that was adopted in committee last Congress and what is contained in this legislation authored by Mr. VAN HOLLEN in this Congress, a very big difference.

This legislation does not require that bundled contributions to political action committees, often referred to as PACs, be disclosed. Why are PACs omitted from the disclosure requirements in this legislation?

As has been recently reported in the BNA Money & Politics Report, “Democrats’ newfound majority status has made them the biggest recipients of campaign money from lobbyists and others, a fact that could increase their wariness about passing strict new rules.”

“For example, a new analysis posted on the politcaldonkeyline.com Web site, and based on Federal Election Commission reports, found that in the first quarter of 2007, Federal political action committees, that is the PACs this legislation exempts, reported giving all Federal candidates $27 million, of which almost $17 million, or 62 percent, went to Democrats, and only 38 percent went to Republicans. The Democrats’ newfound fundraising prowess could cause them to have second thoughts about such proposals as increased disclosure of bundled contributions made by lobbyists, some observers said.”

Mr. VAN HOLLEN. Madam Speaker, I thank my colleague. I also urge my colleagues to vote against the motion to recommit. It appears these observers were correct. The majority has let the color of money dampen their desire for more openness and reform. The loophole in this bill that exempts bundled contributions to PACs is big enough to ride a Democratic donkey through.

If we are willing to disclose the disclosure of bundled contributions to political party committees, those same disclosure rules should also apply to contributions to PACs. Party committees represent all members of that party affiliation, the other hand, represent more narrow, special interests. Why should the former be exposed to more sunshine, but not the latter?

The fact that PACs give more money to Democrats is not a serious answer. Time and again the majority party finds itself prodded by legislation that picks favorites, when what the American people want is more honesty and more accountability. This motion to recommit would achieve that by including bundled contributions to PACs under the same provisions that cover Federal candidates, other PACs, and political party committees.

I urge my colleagues to support this motion to recommit so that we can have more bundling, less government. To put it another way, what was good for the Democrats last year should be good for the Democrats this year.

Madam Speaker, the American people want and deserve a government that operates in the sunlight and not in the shadows.

Mr. CONYERS. Madam Speaker, I rise in opposition to the motion to recommit. The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. CONYERS. Members of the House, recommit motions too frequently have become procedural tactics that don’t make the work that we have done in the committee up until now. And I rise to oppose the provision because it raises conveniently a new issue not discussed in our hearings and not even raised in the markup. I don’t think that it is really going to be helpful to the bundling law at all.

As I understand this motion to recommit, this is a broad new provision that would make the bill even more complex and difficult to administer. We have had that problem with this new majority status. And I think the rules people, the American people, want is more honesty and, in fact, would capture a lot more of the bundling and disclose a lot more than the bill that Mr. SMITH referred to. So, in fact, it is a very important step forward in terms of the public’s right to know.

Finally, the purpose of dealing with the registered lobbyists is registered lobbyists register for a reason. They are paid to try and influence legislation before Congress. They are paid to try and influence Members of Congress with respect to legislation. So the whole purpose of this is to go get at that nexus. Registered lobbyists don’t register to go lobby a PAC. They don’t go to register to lobby the NRA PAC or to go lobby an environmental PAC or go lobby a right-to-life PAC.

So this is drawn to get at the issue that we are trying to get out in this Congress, which is to change the way we do business here and to make sure that we address the nexus between registered lobbyists and the legislative process. That is the focus. This takes us out of that focus, so I urge that we oppose this particular motion to recommit.

Mr. CONYERS. Madam Speaker, the fact of the matter is that these organizations aren’t the objects of a bundling activity. The National Rifle Association, the Right to Life Organization, the American Civil Liberties Union, went to Democrats, and only 38 percent went to Republicans. The Democrats’ newfound fundraising prowess could cause them to have second thoughts about such proposals as increased disclosure of bundled contributions made by lobbyists, some observers said.”

Mr. VAN HOLLEN. Madam Speaker, I yield to the gentleman from Maryland (Mr. VAN HOLLEN).

Mr. VAN HOLLEN. Madam Speaker, I rise to oppose the motion to recommit. The SPEAKER pro tempore. The question is 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 yeas appeared to have it.

Mr. SMITH of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—yeas 228, nays 192, not voting 12, as follows:

[Roll No. 419]
Today's House proceedings will be continued in the next issue of the Record.
The Senate met at 9:30 a.m. and was called to order by the Honorable Robert P. Casey, Jr., a Senator from the State of Pennsylvania.

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

Let us pray.

Lord, thank You for this day and for the countless gifts You have showered upon us. You give us love and laughter, faith and fulfillment, hope and happiness, provisions and peace. May we use these blessings to serve You and to bring glory to Your Name.

Almighty God, bless the Senators, staffs, and pages as they strive to do Your will. Give them the wisdom to hear Your voice and the courage to carry out Your commands. Keep them from weariness, doubts, and despair, and give them an abundant harvest in due season.

Finally, Lord, watch over America’s youth. Teach them to love the goodness and justice of Your law. Remind them to do justly, to love mercy, and to walk humbly with You. We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE
The Honorable Robert P. Casey, Jr., led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE
The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. Byrd).

The legislative clerk read the following letter:


To the Senate:

Under the provisions of rule 1, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable Robert P. Casey, Jr., a Senator from the State of Pennsylvania, to perform the duties of the Chair.

Robert C. Byrd, President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER
The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE
Mr. REID. Mr. President, the Senate will conduct a period of morning business for the next hour, with Republicans controlling the first half. Following that, we will resume consideration of the immigration legislation.

Mr. President, I walked by the President’s Room today and said hello to a bunch of Senators in there. They were in there working on the immigration bill, Democrats and Republicans. We don’t see enough of that. It was really, for me, a good scene. They were in there and had stacks of papers. They are trying to figure out a way to get through the immigration bill.

We all acknowledge that the immigration system in our country is broken and needs to be fixed. I am not foolish enough to think we are going to make it perfect with this bill, if we can get it out of the Senate. We need to try. We have an obligation to try. That is what is happening on a bipartisan basis.

I want Senators to keep working and see what we can do. There are certain issues, they have told me, they think will give Democrats heartburn and other issues that will give Republicans heartburn. Therefore, they are trying to get an agreement on some amendments, to have a 60-vote margin. That is the way it should be. We should not be in a posture where somebody is filling something they don’t like. I hope people will be reasonable and continue to work as they have.

I spoke to the distinguished Republican leader late last night, and we talked briefly this morning. We are looking forward to, when the House finishes the emergency supplemental, moving to that as soon as we can. It is an important issue. We have struggled on this now for months. Emotions are high. I think it is time to move on and see what we can do to fund the troops in an appropriate way. So we will keep Members informed. I have told the distinguished Republican leader that I will keep him informed on any word I get from the House.

I have gotten calls, and people are upset that some of their things are not in this piece of legislation. It is very difficult—the President’s Chief of Staff, in the first meeting Senator McConnell and I had with Josh Bolten, said: On this issue, I speak for the President. He said: If I don’t have authority to speak for the President, I will go back to the President. When he called me, as he has on a number of occasions, and said: I am telling you that if this provision is in the bill, the President is going to veto it, we worked through some of these. We had to take certain things out of the bill. It wasn’t a pleasure to do that because Members are affected on both sides. We had some issues that only affected the Senate. The President was unhappy with that. I wish he would let us do what we wanted to do, but we are in a position where that cannot be done.

I hope the bill is in a position where we can fund the troops without a lot of animosity at this stage. People can make whatever statement they want regarding the war, and I am sure that will happen. I think we need to get to this as quickly as we can.

This “bullet” symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
RECOGNITION OF THE REPUBLICAN LEADER

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

TROOP FUNDING

Mr. MCCONNELL. Mr. President, let me echo the remarks of the majority leader on the question of the troop funding bill. It appears as if it is now in a form that is satisfactory to the President and will, in fact, get the necessary funding to the troops for the mission through the end of September. I share the view of the majority leader that we ought to wrap this matter up at the earliest possible time, as soon as we get it from the House of Representatives, which could even be later today. So I think we are in the same place on wrapping this bill up and getting it down to the President for signature at the earliest possible time.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business for up to 60 minutes, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and the first half of the time under the control of the Republicans and the second half of the time under the control of the majority.

The Senator from Tennessee is recognized.

ORDER OF PROCEDURE

Mr. ALEXANDER. Mr. President, Senator SALAZAR and I asked the leadership for 30 minutes this morning to discuss Iraq. I thank the leadership for giving us that time.

I ask unanimous consent that the time be allocated in the following way: 5 minutes each for, first, Senator PRYOR, then Senator BENNETT, then Senator CASEY, then Senator GREGG, and finally Senator SALAZAR. If the Chair would let each Senator know when 5 minutes has expired, I would appreciate that.

The ACTING PRESIDENT pro tempore. The Senator from Arkansas is recognized.

IRAQ

Mr. PRYOR. Mr. President, let me say that I am very honored today to join my friends, Senator SALAZAR of Colorado and Senator ALEXANDER of Tennessee, in their efforts to try to restore some nonpartisanship to our discussion on Iraq. I feel very strongly that we should never have a party-line vote on Iraq. We have 160,000 troops on the ground. It is just too important an issue for one party to take one side, the other party to take another side, and for the White House to do one thing and Congress, this chamber; in fact, we talk often in this Chamber about how there needs to be a political solution inside Baghdad. The truth is, there needs to be a political resolution inside of Washington, DC, when it comes to Iraq.

I am honored to lend my name today to this effort by Senator SALAZAR and Senator ALEXANDER.

One thing I have noticed in the last several weeks and months—maybe in the last year—when it comes to Iraq is that there is a lot of rhetoric. To be honest, that is not helpful. It is not bringing our troops home earlier. It is not providing more stability inside Iraq. It is not allowing Iraq to function as a sovereign nation. We need to tone down the rhetoric and roll up our sleeves and work through this together.

I also understand that Senator BENNETT, Senator GREGG, and Senator CASEY have all joined in this effort as well. It is an honor for me to be part of this bipartisan solution.

One of the things we are going to emphasize here is Iraqi accountability. We know that is something which needs to happen inside Iraq. The Iraqis need to take responsibility for their country. The Iraq Study Group talked about this a lot in the pages of their report, where on page after page they talk about what they believe needs to happen inside Iraq.

So this bill which Senators SALAZAR and ALEXANDER will be filing in the coming weeks talks about diplomatic efforts, about securing Iraq's borders, promotes economic commerce and trade inside Iraq, political support, and it talks about a multilateral diplomatic effort. It talks about milestones and also about redeploying troops. After talking to so many people in my State and around the country, I think that is where America wants us to be. They want a stable Iraq.

It is a little bit like what Colin Powell said: It is the Pottery Barn principle; that is, if you break it, you own it. Well, we went into Iraq, and we have a lot of responsibility there. I think that's what the American people want. They don't like what they see on the front pages of the papers every day or on the evening news, but they do know we have a responsibility inside Iraq, and they want us, in the Senate, in the House, and also at the White House, to show leadership. This is a time for leadership, a time for us to come together on these principles which the Iraq Study Group laid out—not that every one of them is exactly right, but they laid out a lot of principles that I believe the Chamber can rally around and hold on to. If we implement these and make that our national policy, then I think we can get better results on Iraq than we have had in the past.

I know General Petraeus has mentioned that we cannot rely on a purely military solution inside Iraq. I think he is exactly right; I think he is 100 percent right on that. He needs to be a multifronted effort—security, political, economic, and diplomatic. We need to do a lot to help Iraq get back on its feet and become a functioning nation again.

Mr. President, I am honored to join my colleagues in this effort. I invite other colleagues to look at the Salazar legislation and consider joining it as well in the coming weeks.

The PRESIDING OFFICER. (Mr. SALAZAR). The Senator from Utah is recognized.

Mr. BENNETT. Mr. President, I am honored to join with my friends in this particular effort. I congratulate the leadership for the bipartisan legislation and consider joining it as well.

Some might say this is an attack on the President's plan. I do not see it in that fashion at all. I think this is a demonstration of bipartisan support for an American plan, to see what we can do to get a more stable Iraq.

When I go to Iraq and talk to the experts, they tell me the war is being fought on two fronts: It is being fought in Iraq and in Washington, DC. Al-Qaida has declared Iraq as the front line of their war on the "great satan," which to them is the United States of America. The battle being fought in Washington, DC, has to do with America's resolve in standing up to al-Qaida. The word that is going out from Osama bin Laden is that he is fighting the battle being fought in Washington, DC, as the Americans decide they no longer want to continue the fight.

By demonstrating in a bipartisan fashion that the Senators of the United States are willing to talk about long-term commitments and long-term solutions, we are making our contribution to winning the war in Washington. General Petraeus has been charged with the security portion of the war in Iraq. The Iraqi Parliament and the Iraqi Government themselves must do a lot of the work in Iraq. We must not let them down by partisan bickering in Washington that encourages al-Qaida to believe America will walk away from its responsibilities.

This piece of legislation is not about name calling or blaming for past mistakes. There is no question there have been past mistakes. We will let the historians sort that out. Our responsibility is to do today what is needed to show leadership about an eventual proper resolution.

In every war America has been in, there have been times of darkness,
times of despair. Think about Abraham Lincoln and what he faced with the continuing bad news from the front in his effort to keep the Union together. Think about World War II and the bad news that came out of the first encounters in North Africa and some of the other American fronts where we were repulsed. If we had all said we are going to turn our backs on this and walk away, we would not have the kind of world of peace we have received as a result of our efforts in those wars.

Now is the time for the Congress to say: Regardless of what may or may not have been a mistake in the past, we still have to stand together and move forward on the basis of intelligent analysis, and we are using as our starting point as that analysis the Iraq Study Group. The President is not hostile to this. I think he is open to it, and I think it is incumbent upon the Congress to say to him: Look for new solutions, but base them on sound analysis, and I believe that with you, we will move forward in a bipartisan manner to see it America does not fail in Iraq.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. CASEY. Mr. President, I am honored today to join in a bipartisan initiative to introduce legislation based upon the recommendations of the Iraq Study Group. I proudly stand with my distinguished colleagues—you, Mr. President, as well as Senators ALEXANDER, BENNETT, PAYOR, and GREGG—in affirming that this bill will offer a comprehensive blueprint for renewed diplomacy, restructured economic assistance, and a redeployment of U.S. military forces in Iraq to emphasize training and equipping of Iraqi security forces, conducting limited counterterrorism missions, and protecting our own forces.

The detailed recommendations contained in this bill offer a comprehensive framework for renewed diplomacy, restructured economic assistance, and a redeployment of U.S. military forces in Iraq to emphasize training and equipping of Iraqi security forces, conducting limited counterterrorism missions, and protecting our own forces.

These recommendations were issued in December 2006, over 5 months ago, but, if anything, their utility is even more apparent today. Our troops should not be refereeing a civil war. And so this Congress and the President must come together—must come together—to form and to forge a new path. The Iraq Study Group’s final report is the only comprehensive plan on the table to do that.

I approach this bill from a slightly different perspective than some of my cosponsors. In fact, I cosponsored the Reid resolution to change our direction in Iraq, with a goal of completing that mission by March of 2008. That position has been reflected in the votes I have cast, the questions I have asked as a member of the Foreign Relations Committee at hearings, and the statements I have delivered on the Senate floor. I strongly opposed the President’s effort to escalate the number of combat troops in Iraq. For that reason, I voted for the first supplemental bill sent to the President’s desk which called for a more restricted U.S. military mission and a phased redeployment of our combat forces from Iraq.

A majority of Congress has made clear their desire to change course. Yet there remains no bipartisan consensus in the Congress that change is necessary, an impasse will continue and our troops will continue to pay the price. It is for that reason I believe the Iraq Study Group’s prescribed course of action represents our best hope for a bipartisan approach to wind down this combat role in Iraq and successfully transition our mission there.

The members of this Iraq Study Group included foreign policy and military experts, as well as other distinguished Americans with impressive experience in public service.

There is no challenge greater than determining how the United States can salvage our effort in Iraq in a manner that protects our core national interests, that does right by the Iraqi people, and enables our troops, who have accomplished every mission they have been given over the past 4 years, to come home finally.

There are a few recommendations in the Iraq Study Group report that I, in fact, disagree with personally. But the comprehensive plan put forth by the group, and particularly the elements of the strategic framework that is going to allow us to proceed in an orderly way and in a way which, hopefully, will have a consensus vote and will represent a majority which will be able to pass that bill and, thus, fund the soldiers in the field in a manner which has both sides working together, the Democratic leader having endorsed the language and the President having endorsed the language.

But this agreement today which has in it the Warner language, which I supported, is a precursor to the next step, and the next step should be a broader coalition within our political process. We need to end the disengagement from Iraq that assures the security of the United States and the stability of that country. Thus, I think the step which is being proposed today by the Senator from Colorado and the Senator from Tennessee and is supported by the Senator from Pennsylvania, the Senator from Arkansas, the Senator from Utah, and myself is an effort to set out a blueprint or a path which we can, hopefully, follow in a bipartisan way as we proceed down this road.

The Iraq Study Group did this country an enormous service—former Congressman Hamilton and former Secretary of State Baker—in extensively
studying the issue and coming back with very concrete and specific proposals as to how we can, hopefully, effectively deal with settling the Iraq situation.

I congratulate both of these Senators for their initiative. I am happy to join in it. I look forward to working on this. What I hope is being the template upon which we build a broader coalition which I hope will be bipartisan and which I hope can settle a little of the differences which are so dividing our Nation and which will give not only to our people the opportunity to have a surviving, stable government, but will give ourselves the direction we need to assure our safety as we move forward in this very perilous time confronting terrorists who wish to do us harm.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I thank the Senator from New Hampshire. I can think of no two Senators on our side of the aisle whose words are listened to more carefully and more respectfully than the Senator from New Hampshire and the Senator from Utah. I salute the Senator from Pennsylvania for his leadership, and the Senator from Arkansas, who spoke so constructively, and especially the Senator from Colorado, who is the principal sponsor of this legislation and whom I am proud to join.

Senator Pryor is exactly right when he said this morning that it is time for us to stop having partisan votes on Iraq. If I were an American fighting in Iraq, I would be looking back at us and wondering: What are they doing in Washington, DC, arguing and sniping at each other while we are fighting and dying? I would be thinking: If they are going to send us to Iraq to do a job, at least they could agree on what the job is.

We owe it to our troops and to our country to find a bipartisan consensus to support where we go from here in Iraq. We need a political solution in Washington, DC, as much as we need a political solution in Baghdad.

The announcements today by four more Senators, each well respected—Senators PRYOR, BENNETT, CASEY, GREGG—suggests the recommendations of the Iraq Study Group is the way to do that. Three Republicans, three Democrats from the North, from New Hampshire, and the West, and relatively new Senators, some who have been here a long time, fresh voices, a fresh approach for a fresh attitude for this debate. Before the end of the week, I believe there will be two more Senators—one Democrat, one Republican. Then in June when we return to Washington, the six or the eight of us intend to offer the legislation Senator SALAZAR and I have drafted to implement the recommendations of the bipartisan Iraq Study Group.

Today we are only six, perhaps eight—a modest beginning. But even we six or eight are a more promising bipartisan framework of support for a new direction in Iraq than we have seen for some time in the Senate. Those who know the Senate know we usually do our best and most constructive work when a handful of Senators cross party lines to take a fresh look at our best interests, our best strategy, and try to do what is right for our country.

We are not going to put hundreds of thousands of American troops into Iraq. We are not going to get out of Iraq in a surge of troops of troops in Baghdad, which we all hope is successful, is not by itself a strategy for tomorrow. The Iraq Study Group report is a strategy for tomorrow. It will get the United States out of the combat business in Iraq and into the support, equipment, and the training business in a prompt and honorable way. It will reduce the number of troops in Iraq. Those who stay will be in harm’s way—in more secure settings, special forces will stay to counter al-Qaida. The report says this could—must but could—happen in early 2008, depending on circumstances.

The report allows support for General Petraeus and his troops by specifically authorizing a surge, such as the current surge. Because there would still be a significant long-term presence in Iraq, it will signal to the rest of the Middle East to stay out of Iraq. It also encourages diplomatic efforts. The President of the United States has spoken well of this report recently, and embraced parts of it, but it is not his plan. The Democratic majority has borrowed parts of the Iraq Study Group report, but it is not the Democratic majority plan. That is why the report has a chance to work. It has the seeds of a bipartisan consensus.

We six or eight, or hopefully more, will introduce our legislation in June, making the recommendations of the Iraq Study Group the policy of our country and inviting the President to submit a plan based upon those recommendations. I hope President Bush will embrace this strategy. I hope more Senators will.

It is ironic for the oldest democracy, the United States, to be lecturing the youngest democracy, Iraq, about coming up with a political consensus when we, ourselves, can’t come up with one. This is the foremost issue facing our country. The Iraq Study Group report is the most promising strategy for a solution: getting out of the combat business in Iraq and into the support, equipping, and training business in a prompt and honorable way.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Colorado.

Mr. SALAZAR. Mr. President, how much time remains?

The ACTING PRESIDENT pro tempore. The majority has 20 minutes.

Mr. SALAZAR. Mr. President, I rise this morning, first of all, to congratulate my colleagues. Senator ALEXANDER has worked tirelessly with us in putting together the legislation on the implementation of the Iraq Study Group recommendations. He has been a key leader in trying to pull a group of us together to try to develop a new direction for the United States, to be there and help you. On the Democratic side, I appreciate as well the work of Senator GREGG and Senator BENNETT, I appreciate also their statements, their cosponsorship of this legislation, and their desire to come forward to a solution that might unite us in the Senate on a way forward.

Let me say at the outset that when we think about what it is we are trying to do with respect to Iraq at this point in time, particularly on the Democratic side, and I think in the broadest sense there is not a disagreement on what it is we want. What is the end stake for us in Iraq? We want to bring our troops home. I think we all would like to have our troops back home, reunited with their families and out of harm’s way. That is the goal we want to get to. The second goal we want to get to is a stable Iraq and a stable Middle East. The fact is, Iraq does not stand alone. It is in a sea of very difficult political turmoil from this point forward. So we want to have success in Iraq.

There has been a lot of debate about what it is we ought to have been doing in Iraq over the last several years. But the only group that has taken a significant amount of time and thought through the best way forward in Iraq was the Iraq Study Group. It was this bipartisan group of leaders, led by former Secretary of State James Baker and Congressman Hamilton, as co-chairs of a bipartisan commission of elder statesmen and women, that came up with the most thoughtful, comprehensive approach on the way forward.

The essence of what that report said is that the Iraqi Government has a responsibility to move forward and to meet the milestones that are set forth for success in that report. It says: If you do that, Iraqi Government, we, the United States, are going to be there to help you. On the other hand, if you don’t do that, we, the United States, are going to reduce our help to you. It is an effort to put pressure on the Iraqi Government and the Iraqi people to
deal with the sectarian violence they have in place and to move forward in a fashion that will create stability in Iraq.

I am hopeful, as we move forward from this day, and by the time we come back from the Memorial Day break, that the six Senators who have joined as cosponsors of this legislation, we will have additional cosponsors. At the end of the day, it seems to me that we, as the Congress, have a responsibility to the men and women who are on the ground in Iraq to try to find a common way forward.

On the issue of war and peace, there should not be a Republican and Democratic divide. What we ought to be doing is trying to find a common way forward where we can bring Democrats and Republicans together to an understanding of how we will ultimately achieve success in Iraq and bring our troops home.

Mr. President, I yield the floor, and I thank my colleague from Tennessee, Senator ALEXANDER.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island.

HEALTH CARE

Mr. WHITEHOUSE. Mr. President, I return to the floor to continue my series of remarks on health care reform.

As I have said, I recognize the difficulty of figuring out a better way to finance our health care system, a better way than part employer insured, part Government insured, and part uninsured. I am committed to working to achieve universal coverage for all Americans, but we have to recognize also that the underlying health care system itself is broken. It is broken in the way it delivers and pays for care, it creates massive costs and poor health outcomes, and those massive costs and poor health outcomes make the financing and problems actually harder to solve. So I wish to focus now on system reform to give us a better operating health care system.

We have to start by recognizing that America’s health care information technology is decades behind where it could be. The Economist magazine has described it as the worst in any American industry except one—the mining industry. As a result, we are losing billions and billions of dollars to waste, to inefficiency, and to poor quality care. Ultimately, and tragically, lives are lost to preventable medical errors because health care providers do not have adequate decision support for their decisions on treatment, medication, and other things.

Let us stop on the financial question for a moment. Some pretty respectable groups have looked at health information technology to see what they think it would save in health care costs, and here is what they report: RAND Corporation, $81 billion a year; conservatively, every year; David Brailer, former National Coordinator for Health Information Technology, $100 billion every year; and the Center for Information Technology Leadership, $77 billion every year. If you average the three, you get $86 billion a year. For RAND, the number I quoted was a conservative number. Their high-end estimate was a savings of $346 billion a year. So there is a huge amount of money at stake.

The question is: Are we making the investments we need to capture these savings? Well, say you are a CEO, and one of your division heads comes to you with a proposed investment to reduce production costs in your facility by $81 billion a year. How much would you authorize her to spend to achieve those savings? I suspect it would be quite a lot of money. Well, here is what we authorized ONCHIT to spend this year—the Office of National Coordinator of Health Information Technology. This Congress authorized $118 million. That is about 14 hours of the $81 billion in annual savings conservatively estimated by RAND. Would it not be worth spending more to capture those savings?

You say, well, maybe the private sector will spend it for us. But look at the way our complex health care sector is divided into doctors, hospitals, insurers, employers, nurses, patients, and more. Which group do you expect to make the decisions about a national health information technology system? And the answers are not homogenous groups. Whom within them do you expect to make decisions about a national health information technology system?

Go back to imagining that you are a CEO. You want to install an IT system in your corporation. Your corporation has five major operating divisions. Would you pursue your corporate IT solution by waiting for each division to try to build the entire corporate IT system, without even talking to each other? Of course not. It would be a ridiculous strategy. None of your divisions would want to go first. Each division would like to wait and be a free rider on the investment of another division. Each one would face what I call the “Betamax risk,” that they will invest in a technology that proves not to be the winning technology, and each would have to figure out how to pay for the system, the whole system, out of only its own share of the gains. The result is the capital would not flow efficiently.

This pretty well describes where we are in America on health information technology. So here, in Washington, we have a job to do. First, we have to set some ground rules. In the old days, when our Nation was building railroads, the Government had a simple job to do: It had to set the requirements for how far apart the rails were going to be. That way a boxcar loading in San Francisco could get to Providence, RI, and know it would travel the double oval rails. The development of the rail system would never have happened without those ground rules.

In health information technology, there are ground rules we need to decide on, too, to get this moving—rules for interoperability among systems, rules for confidentiality and security of data, rules for the content of an electronic health record. All of that is the job of investment by the Federal Government.

The second job is to get adequate capital into the market. Software costs money. Hardware costs money. Entering data costs money. Most important, the disruption to the work flow of hospitals and doctors costs time and money, and it takes time and attention away from patients. So developing adequate health information technology is not going to be either easy or cheap. But for savings of $81 billion a year, maybe $346 billion a year, it is worth a big effort.

So how do we get that capital flowing? Well, one could argue the way to solve this is to treat the health information highway similar to the Federal highway system—a common good that we pay for with tax dollars because it is so valuable to the economy to get goods cheaply and reliably from point A to point B. So maybe we should pay for this through taxes, similar to the national highway system. But a highway is just a pretty simple technology. Because the health information network is so much more complex, and because I think we need a lot more market forces at work and a lot more initiative and profit motive than the Federal highway funding model provides, I looked around for another model, a model that provides the central decisionmaking that is required to get the boxcars rolling, a model that provides access to capital, and a model that captures the vibrancy of the private sector.

I found one. We have actually been here before, or pretty close anyway. There was, some time ago, a new technology. Similar to health information technology, it would transform an industry; similar to health information technology, it would lower costs and transform an industry; similar to health information technology, it would transform an industry; similar to health information technology, it would turn an investment that raises the capital, launches the satellites, is profitable and successful for decades, and eventually merged into Lockheed-Martin—a true public-private success story.

My proposal, in a nutshell, is to create a not-for-profit, modern COMSAT for health information technology. Because of the complexity of the health care information puzzle, legislation is
too blunt an instrument to drive the details. But an organization like this can be flexible enough to meet market demands and can maintain the expertise to develop the details as the plan evolves. American leaders could be recruited from the private sector to lead this board—CEOs from the IT sector, America’s top retailers, manufacturers, and service providers; the champions of health information technology in the medical community; enlightened consumers and labor representatives.

I ask my colleagues to consider seriously my legislation, proposing a nonprofit, privately led corporation that will help open the doors to that future.

I yield the floor.

HONORING OUR ARMED FORCES

Mr. LAUTENBERG. Mr. President, today is going to be a day of great importance to America. We are going to be voting on the supplemental bill to fund the surge and the number of soldiers on duty in Iraq and Afghanistan. But last night we learned the body of one of the missing soldiers in Iraq was found. Despite our prayers, he was dead. We were informed that the body of Joseph Rateb, Jr., was pulled from the Euphrates River south of Baghdad. On May 12, he and two of his colleagues went missing after they were ambushed by insurgents. How did the capture of three Americans take place? Are we short of troops to back them up or is it so dangerous we just can’t over the odds we face?

All of America is hoping and praying, as we keep these other two soldiers in our hearts and our minds, that they will be fortunate to live by the troops searching for them.

One of the soldiers searching for their two colleagues said something to the Associated Press. I quote him here.

It just angers me that it’s just another friend that I’ve got to lose and deal with, because I’ve already lost 13 friends since I’ve been here and I don’t know if I can take it anymore.

Much of America feels the same way. Outside of my office in Washington we have a tribute called “The Faces of the Fallen.” Visitors from across the country have stopped by this memorial—pictures of those who perished. I encourage my colleagues and see these photographs displayed on placards on the third floor of the Hart Building.

Since the beginning of May, and we are now at the 2nd of May, the Pentagon has announced the deaths of 75 of our troops in Iraq and Afghanistan coming from thirty-one different states. I want them to be remembered.

Today, I am going to read their names into the RECORD. As we listen to the names, the real cost of this war is being felt in many homes across this country.

These are the names: LCpl Benjamin D. Desilets, of Elmwood, IL; CPL Julian M. Woodall, of Tallahassee, FL; CPL Ryan D. Collins, of Vernon, TX; Sgt John J. Hawley, of Hawley, MN; SSG Christopher Moore, of Alapaha, GA; Sgt Jean P. Medlin, of Pelham, AL; SPC David W. Behrle, of Tipton, TN; SPC Joseph A. Gilmore, of Webster, FL; PFC Travis F. Haslip, of Coldwater, KS; SPC Joshua M. Varela, of Fernaly, NV; SFC Jesse B. Albrecht, of Hager City, WI; SPC Coty J. Phelps, of Kingman, AZ; PFC Victor M. Fontanilla, of Stockton, CA; Sgt Ryan J. Baum, of Aurora, CO; SGT Justin D. Wisniewski, of Standish, MI; SGT Anselmo Martinez III, of Robstown, TX; SPC Casey W. Nash, of Baltimore, MD; SPC Joshua G. Romero, of Crowley, TX; SFC Scott J. Brown, of Windsor, CO; SPC Marquis J. McCants, of Owens, TX; PFC Jonathan V. Hamm, of Baltimore, MD; SGT Steven M. Parker, of Clovis, CA; PFC Aaron D. Gautier, of Hampton, VA; SSG Joshua R. Whittaker, of Long Beach, CA; SGT Allen J. Dunkley, of Yardley, PA; SGT Christopher N. Gonzalez, of Winslow, AZ; SGT Thomas G. Wright, of Holly, MI; LCpl Jeffrey D. Walker, of Macon, GA; PFC Zachary R. Gullett, of Hillsboro, OH; MAJ Larry J. Bauguss Jr., of Moravian Falls, NC; PFC Nicholas S. Hartge, of Rome City, IN; PFC James E. Geers Jr., of Lake City, TN; PFC Daniel W. Courneya, of Nashville, MI; CPL Christopher E. Murphy, of Lynchburg, VA; SSG John T. Self, of Pontotoc, MS; SPC Rhys W. Klasno, of Riverside, CA; MAJ Douglas A. Zembiec, of Albuquerque, NM; PVT Anthony J. Saustoe, of Lake Havasu City, AZ; 1LT Andrew J. Bacevich, of Walpole, MA; PFC William A. Farrar Jr., of Redlands, CA; SPC Michael K. Frank, of Great Falls, MT; PFC Roy L. Jones III, of Bowling Green, KY; PFC Jason T. Vaughan, of Alaska, MS; Sgt Blake C. Stephens, of Pocatello, ID; SPC Kyle A. Little, of West Boylston, MA; SGM Bradley D. Conner, of Coeur d’Alene, ID; LCpl Walter K. O’Haire, of Lynn, MA; SGT Timothy P. Padgett, of Defuniak Springs, FL; SPC Dan H. Nguyen, of Sugar Land, TX; SSG Vincenzo Romeo, of Lodi, NJ—my home State; SGT Jason R. Harkins, of Clarksville, GA; SGT Joel W. Lewis, of Sandia Park, NM; SGT MatthewPrice, of Gretna, NE; CPL Anthony M. Bradshaw, of San Antonio, TX; CPL Michael A. Pursel, of Clinton, UT; SSG Virgil C. Martinez, of West Valley, UT; SGT Sameer A. M. Rateb, of Absecon, NJ—my home State; Sgt James W. Harrison Jr., of Missouri; MSG Wilberto Sabalu Jr., of Chicago, IL; SSG Christopher N. Hamlin, of London, KY; PFC Larry I. Guyton, of Bremenh, TX; SSG Christopher S. Kiernan, of Virginia Beach, VA; MSG Kenneth N. Mack, of Fort Worth, TX; CPL Charles O. Palmer II, of Manteca, CA; PFC Jerome J. Potter, of Tacoma, WA; SSG Coby G. Schwab, of Puyallup, WA; SPC Kelly B. Grothe, of Spokane, WA; SPC Andrew B. Weirs, of Lafayette, IN; SGT Michael T. Bolar, of Arvada, CO; SGT Ric Johnathan E. Kirk, of Belhaven, NC; PFC Joseph G. Harris, of Sugar Land, TX; ILT Colby J. Umbrell, of Doylestown, PA; ILT Ryan P. Jones, of Massachusetts; SFC Antonio J. Sunsin, of San Antonio, TX; PFC Katie M. Soenkens, of Davenport, IA.

Mr. President, as you heard, this list includes two brave men from New Jersey—I visited their families—SSG Vincent Vincenzo Romeo and SGT Sameer Rateb. Staff Sergeant Romeo was from Lodi, NJ, and Sergeant Rateb was from Absecon, NJ.

It also includes SGT Allen J. Dunkley. His funeral is taking place today at 10:30, 5 minutes from now. His family is from Glassboro, NJ. PVT Anthony J. Saustoe lived in Hamilton Township, NJ.

We cannot forget these brave men and women. The Nation cannot afford to forget their sacrifice. We have to remember that these brave souls left behind parents and children, siblings, friends. Their sorrow will last forever. We want them to know the country thinks about them, and we make a pledge to preserve their memory with the dignity that those who served and paid this price deserve.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Wisconsin.

SUPPLEMENTAL APPROPRIATIONS

Mr. FEINGOLD. Mr. President, I appreciate the remarks of the Senator from New Jersey. I would like to express my disappointment, both in the final version of the supplemental spending bill that we expect to consider today, and in the process that led to this badly flawed bill. Those two concerns are linked because the flawed procedure the Senate adopted last week, without debate or amendments, helped grease the wheels for a final bill that contains no...
Senator KERRY that would have supported the proposal I offered with my colleagues to pass this important bill as quickly as possible, but that was no excuse for us avoiding our responsibilities as legislators. Unquestionably, it was easier and faster for us to send a place holder bill back to the House. By doing that, the real work could be done behind closed doors where all kinds of horse trading can occur and decisions are unknown until the final deal is sealed. That process makes it a lot easier for most Members of Congress to avoid responsibility for the final outcome—we didn’t have to cast any votes or make any difficult decisions. In short, we didn’t have to do any legislating.

Now that we face a badly flawed, take-it-or-leave-it bill, we can simply shrug, apparently, and tell our constituents we did the best we could. That is not good enough, not when we are talking about the most pressing issue facing this country.

In the 5 months we have been in control of Congress, a unified Democratic caucus, with the help of some Republicans, has made great strides toward changing the course in Iraq. We were able to pass the first supplemental bill, supported by a majority of the Senate, that required the phased redeployment of our troops to begin in 120 days. Last week, a majority of Democrats supported ending the current open-ended mission by March 31, 2008. It has supported ending the current open-ended mission by March 31, 2008.

It was bad enough to have the President again disregard the American people by escalating our involvement in Iraq. Now, too, Congress seems to be ignoring the will of the American people. If the American people cannot count on the leaders they elected to listen to them and to act on their demands, then something is seriously wrong with our political institutions or with the people who currently occupy those institutions.

I urge my colleagues to reject the weak supplemental conference report and to stand strong as we tell the administration it is time to end the war that is draining our resources, strain our military, and undermining our national security.

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

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

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

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. 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. MENENDEZ. Mr. President, what is the pending business before the Senate?

The PRESIDING OFFICER. The majority has 4 minutes left in morning business.

Mr. MENENDEZ. Mr. President, on behalf of the majority, I yield back the time.

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

COMPREHENSIVE IMMIGRATION REFORM ACT OF 2007

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 1348, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1348) to provide for comprehensive immigration reform and for other purposes.

Pending:

Reid (For Kennedy/Specter) amendment No. 1150, in the nature of a substitute.

Grassley/DeMint amendment No. 1156 to amendment No. 1150, to establish a permanent bar for gang members, terrorists, and other criminals.

Cornsby amendment No. 1154 to amendment No. 1150, to establish a permanent bar for gang members, terrorists, and other criminals.

Coleman/Bond amendment No. 1158 to amendment No. 1150, to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to facilitate information sharing between federal and local law enforcement officials related to an individual’s immigration status.

Akaka amendment No. 1156 to amendment No. 1150, to exempt children of certain Filipino World War II veterans from the numerical limitations on immigrant visas.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

AMENDMENT NO. 1158

Mr. MENENDEZ. Mr. President, I would like to start this morning’s debate before immigration legislation to two of the pending amendments that are before the Senate. First, I would like to speak toward the Coleman amendment.

Under Senator COLEMAN’s amendment, he would, in essence, undermine the rights of States and local municipalities which have instructed their police, health, and safety workers from inquiring about the immigration status of those they serve in order to protect the health and safety and promote the general welfare of the community.

As Ronald Reagan said: Here we go again. Over the last several years, particularly in the House of Representatives, there have been different pieces of legislation and amendments offered and debated that would deputize State and local police to enforce what, in essence, Federal civil immigration law. The Coleman-Bond amendment would effectively prohibit State and local law enforcement from sharing between federal and local law enforcement data about legal immigrants and deportable criminals. The Coleman-Bond amendment No. 1150, to establish a permanent bar on federal civil immigration law.

At the end of debate, the Senator from New Jersey is recognized.

Mr. MENENDEZ. 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. MENENDEZ. Mr. President, what is the pending business before the Senate?

The PRESIDING OFFICER. The Senate has 3 minutes left in morning business.

Mr. MENENDEZ. Mr. President, on behalf of the majority, I yield back the time.

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

COMPREHENSIVE IMMIGRATION REFORM ACT OF 2007

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 1348, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1348) to provide for comprehensive immigration reform and for other purposes.

Pending:

Reid (For Kennedy/Specter) amendment No. 1150, in the nature of a substitute.

Grassley/DeMint amendment No. 1156 to amendment No. 1150, to establish a permanent bar for gang members, terrorists, and other criminals.

Cornsby amendment No. 1154 to amendment No. 1150, to establish a permanent bar for gang members, terrorists, and other criminals.

Coleman/Bond amendment No. 1158 to amendment No. 1150, to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to facilitate information sharing between federal and local law enforcement officials related to an individual’s immigration status.

Akaka amendment No. 1156 to amendment No. 1150, to exempt children of certain Filipino World War II veterans from the numerical limitations on immigrant visas.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

AMENDMENT NO. 1158

Mr. MENENDEZ. Mr. President, I would like to start this morning’s debate before immigration legislation to two of the pending amendments that are before the Senate. First, I would like to speak toward the Coleman amendment.

Under Senator COLEMAN’s amendment, he would, in essence, undermine the rights of States and local municipalities which have instructed their police, health, and safety workers from inquiring about the immigration status of those they serve in order to protect the health and safety and promote the general welfare of the community.

As Ronald Reagan said: Here we go again. Over the last several years, particularly in the House of Representatives, there have been different pieces of legislation and amendments offered and debated that would deputize State and local police to enforce what, in essence, Federal civil immigration law. The Coleman-Bond amendment would effectively prohibit State and local law enforcement from sharing between federal and local law enforcement data about legal immigrants and deportable criminals. The Coleman-Bond amendment No. 1150, to establish a permanent bar on federal civil immigration law.

At the end of debate, the Senator from New Jersey is recognized.

Mr. MENENDEZ. 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. MENENDEZ. Mr. President, what is the pending business before the Senate?

The PRESIDING OFFICER. The Senate has 3 minutes left in morning business.

Mr. MENENDEZ. Mr. President, on behalf of the majority, I yield back the time.

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.
Currently, scores of cities and States across the Nation have such confidentiality policies in place, some upwards of 20 years of having such policies in place. The point of these policies is to make sure immigrants report crimes and provide police officers not to stay silent for fear that their immigrant status or that of a loved one could come under scrutiny if they contact the authorities.

Information is one of the most powerful tools law enforcement has to prosecute individuals in the course of a crime, to know who the perpetrator was, to know who was in the gang activity, to know who is the drug dealer. Thinking about the potential chilling effect this amendment could have on the willingness and ability of immigrant crime victims and witnesses, those who have been victims of domestic abuse, and those who may need emergency healthcare to turn for assistance if they feared that deportation rather than receiving assistance would result. That is why cities and States have passed local laws and set policies limiting when police and security officers can ask people to prove their immigration status.

States and local police have long sought to separate their activities from those of the Federal immigration agents in order to enhance public safety. Now, why do States and local law enforcement entities do that? Why is that? Because when immigrant community residents begin to see State and local police as deportation agents, they are not going to cooperate in investigations. It undermines the trust and cooperation with immigrant communities that are essential elements of community-oriented policing.

There are numerous examples of police opposing such efforts. In fact, in 2005, Princeton, NJ, police chief Anthony Federico said:

"Local police agencies depend on the cooperation of immigrants, legal and illegal, in solving all sorts of crimes and in the maintenance of public order. Without assurances that they will not be subject to an immigration investigation and possible deportation, many immigrants with critical information would not come forward, even when heinous crimes are committed against them or their families.

So those who are entrusted to protect us understand that the relationship of trust built with the immigrant community would be ruined overnight if this provision becomes law.

This amendment would also cause millions of people in this country, not just immigrants—not just immigrants—to think twice about getting the medical treatment they need. Why would someone who might even be described as more characteristically Hispanic or maybe Asian or some other group, and I do not happen to have insurance, as, unfortunately, 40 million Americans who are here as U.S. citizens do not have, and in that moment, I am asked whether the person is a citizen. That would be shameful. You would not ask any other citizen that. But what you create under these sets of circumstances is the opportunity for law enforcement, for health officials, for health officials to begin to ask the questions. And under what probable cause? The way someone looks? The accent with which they speak? The surname? Under what probable cause? Under what probable cause? The misfortune of not having health insurance? Is that an indicator that you are likely not here in a documented fashion, those who look a certain way?

This amendment can clearly also encourage racial profiling. People who look or sound foreign would be the ones whose citizenship or immigration status will be questioned. Under this amendment, we are asking public hospital workers, teachers, police, social workers, and all public employees to decide where there is probable cause to believe someone does not have lawful immigration status. That means treating anyone who looks or sounds foreign with suspicion. In my mind, that is just plain wrong.

One could argue that the Coleman amendment is a coercive action against any State, municipality, or other entity to say to that State, municipality, or other entity that they must do a series of things, such as obtaining information on a person’s status, like my own, which I was born in this country. So much for States rights. So much for the local municipalities know best. For 15 years in the Congress, I have listened to my Republican colleagues speaking of States rights, of local rules, of States knowing best. But I guess they do not know best when it comes to the law enforcement of their own communities.

We don’t need a provision such as this. Current law already provides ample opportunity—ample opportunity—for State and local police to assist Federal immigration agents in enforcing the laws against criminals and terrorists. What they cannot do is start asking everyone they come across for their “papers.” “Let me see your papers.”

States and localities that do want to take on a broader role in immigration enforcement can enter into a memorandum of understanding with ICE, receive training in immigration law, and assist in enforcement operations under Immigration’s supervision. That already exists in the law, and there are communities which have chosen to do that.

Mr. President, this amendment would create fear in entire communities, would inevitably deter not only undocumented immigrants but legal immigrants and citizens from not being subject to being prosecuted simply because of who they are, what they look like, how they sound, what their surname is, because God knows what the probable cause is. I urge the Senator, Mr. KENNEDY, would the Senator yield on that point?

Mr. MENENDEZ. I don’t think that is the America we want.

I am happy to yield.

Mr. KENNEDY. I just wonder if the Senator would yield on this point because this is extremely important. This is about American citizens too. There are individuals who go to a hospital, people who take their children to school for vaccinations, and this has the language that if an official has probable cause to believe they are undocumented, they can question that individual.

Suppose they question them before they treat them? The way I look at it and read that, this could be an American who goes in, an American citizen goes in, and for some reason, some attendant says: Well, I have reason to believe this is undocumented, let’s see all of your papers, while the person is either going to try to be attended to, with a serious injury, or trying to get their child immunized to protect not only that child but other children in the classroom. How in the world are they going to be able to do that without opening up a whole system of profiling in this country?

I maintain that we have very strong border security and we have very strong provisions in here in terms of employment security, to try to make sure we are going to have the right people who are going to be able to work here and we are going to know who is going to be able to come into the United States. But this here really seems to me to be endangering American citizens in a very important way. I was just wondering if the Senator might comment on that.

Mr. MENENDEZ. Well, I appreciate the question and the Senator’s observations. The Senator is absolutely right. Actually, this makes hospital workers enforcement workers. This makes your local volunteer ambulance corps an agent because a municipality may say: We don’t want you to ask that question; we want you to deal with the life-saving moment that is before your hands.

As a matter of fact, let’s think about an outbreak of disease. We have an outbreak at a hospital. Do you not want that individual to be able to go and be treated and contain the outbreak? No, let’s find out what their status is. If you happen to have a surname that is what we conceptualize as undocumented, or if you don’t have command of the English language in a powerful way, we conceptualize that you must be asked whether you have insurance, that must be an indicator of probable cause, even though there are 40 million U.S. citizens who don’t have..."
it. Clearly, this turns people who have professed to protect, to defend, and to provide health care into agents against their will. That is why municipalities and States have chosen a different course. They understand better. That is why I certainly urge a strong "no" vote on the Colemann amendment.

AMENDMENT NO. 1184
I wish to turn to another amendment pending before the Senate, the Cornyn amendment. I will talk about some elements of this to give our colleagues in the Senate some of what is here but I am far from a technical amendment. It has very substantive consequences, if it were to be adopted. It actually undermines the "grand bargain" that I understood was struck. Let me give one of the examples of how it undermines the "grand bargain." A provision of the Cornyn amendment adds new grounds of deportability for convictions relating to Social Security account numbers or Social Security cards and relating to identity fraud. As with virtually all of the other provisions in his amendment, this suspension is retroactive. So upon passage of this bill, if it were to become law, these new offenses would go backward, would become retroactive, that the conduct that occurred before the date of enactment would become grounds for removal. If part of the goal is to bring those in the shadows into the light and to apply for a program, you would have huge numbers of people who would in essence be caught by this provision in a way that would never allow the earned legalization aspect of what is being offered as a real possibility for them. It would undermine the essence of the "grand bargain." Significantly, this provision would place individuals applying for legalization in a catch-22 situation. We want them to come forward and register because we want to know who is here pursuing the American dream versus who is here to destroy it. Yet if they admit to having used a false Social Security card to work in the United States, only to be prosecuted by a U.S. Attorney or one working in concert with the Department of Homeland Security to selectively target certain applicants, that individual's ultimate prosecution changes to a removal because of conduct that occurred prior to the enactment, conduct that was fundamentally incident to his or her undocumented status.

The potential impact of making literally thousands and thousands of undocumented workers subject to these provisions would in essence nullify the very essence of the earned legalization aspect of the "grand bargain." We know that because of the failed employer sanctions, which this bill undoes and makes sure we have the right type of employer verification and the right type of sanctions and the right type of enforcement, undocumented workers have already, in a way, earned a livelihood and support their families in a way that would be undermined by this amendment. Given ICE'S new interior enforcement strategy, it seems to me what we will see is the rounding up of thousands of undocumented workers during worksite enforcement actions while we are supposedly waiting for the triggers which also have those people even more difficult, which means it isn't going to be 18 months for those triggers to take place, it is going to be a lot more time, if this is what ends up being the final bill.

In that effort, we are going to have individuals ultimately are not going to be subject to the opportunities we supposedly say are a pathway to earn legalization as part of the overall solution to our problem. Because the amendment is retroactive, and retroactivity as a provision of law is something we generally have disdained for, it would apply even to those applying for admission after the date of enactment. Clearly, it puts in jeopardy the total element of the legalization process.

Secondly, a key provision of the Cornyn amendment, it permits secret evidence to be used against an individual without any opportunity for it to be reviewed. This amendment gives the Attorney General the discretion to decide what is and is not capable out of the Justice Department—unreviewable discretion to use secret evidence to determine if an alien is "described in"—not guilty of anything, but just described in the Naturalization exclusion within the immigration law. A person applying for naturalization could have her application denied and she would never know the reason for that denial, never have a chance to appeal and prove it was wrong.

If a lawful permanent resident already, somebody who followed the rules, obeyed the law, waited, came in, now a lawful permanent resident, maybe even serving their country, was denied the means to obtain relief and accidentally that money went to a charity controlled, for example, by the Tamil Tigers in Sri Lanka, that person could be denied citizenship on the basis of secret evidence, and there would be no review in the courts. In sum, it allows deportation based upon unreviewable determinations by the executive branch, determinations that can be based on secret evidence that the person cannot even see, let alone challenge.

All of these provisions are retroactive. Retroactivity is antithetical to core American values. What could be more unfair than changing the rules in the middle of the game. That is why it is unconstitutional in criminal law and strongly objectionable in a context like immigration law, where such changes can have profound, life-altering consequences. Why would we want to repeat the mistakes of past immigration reform? Retroactivity in that regard led our nation to consider and had the most strident immigration hardliners questioning whether the law had gone too far. Retroactivity was eliminated from all of those provisions during Judiciary Committee markup in past legislation, but now it emerges again.

We can be tough. We can be smart. The underlying substitute does so with an eye to what is best in regard. But at the end of the day, let us not undermine the very essence of the constitutional guarantees that have been upheld by the courts—of judicial review, of due process, which makes America worthy of fighting for and which law led to the Bill of Rights that enshrines those essential rights and guarantees them to all of us, for its enforcement that makes us so different than so much of the rest of the world. We are moving in this bill, by a series of amendments—some that would have been adopted and some that are already pending and others I fear may come—into a state in which that is continuously eroded to great alarm. I hope the Senate will reject these because in terms of their pursuit and enforceability, at the end of the day, they will become real challenges.

We are going to overturn States and municipalities. We will make them enforce them. Will there be penalties for States and municipalities that have a different view of public safety? Secret evidence, is that the new standard for us, secret evidence that is not subject to review, not subject to be contested? What are we going to permit now? Retroactivity as a rule of law for the United States? You never know what you did before may have been right or wrong. That is the essence of why we don't like retroactivity. We tell people: This is the law, follow this law. We expect them to do it. But we also don't change it on them by passing a new law and saying: By the way, that was wrong, you couldn't do that. Even though we told you you could, but retroactively we changed it; now we catch you in a set of circumstances in which you have committed a crime. That is why we don't do that generally in the law. That is why the Cornyn amendment should be defeated.

I yield the floor.

The PRESIDING OFFICER (Mr. TESTER). The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I thank my friend and colleague from New Jersey for his comments, both on the Coleman amendment and the Cornyn amendment.

To remind our colleagues, we intend to have votes starting at 12:15. Yesterday we had some success on a number of different amendments. We have a number here which we expect votes on through the afternoon. We will have a full morning and afternoon.

With regard to the Coleman amendment, because the American people obviously are concerned about security, we are concerned about security from terrorism, the concerns as well about security from bioterrorism or from the dangers of nuclear weapons. We have heard those words. We have
What happens? We know when we do it, but it is a reality, and many of the public health workers have trust of a patient-doctor relationship should not be enforcers of immigration law. This can create a massive fear of repercussion as they attempt to give and receive assistance from law enforcement.

Mr. President, I ask unanimous consent that the full statement of the analysis of the amendment be printed in the RECORD at the conclusion of my comments.

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

Mr. SPECTER. The essential point is that undocumented immigrants, if they are victims and make a report, or if they are witnesses, or if they have information about dangerous people—terrorists, illustratively—should have confidence and feel free to come to the police. Well-intentioned as this amendment is, I believe it would have a chilling effect on the reporting of crime by immigrants whose status is undocumented.

Mayor Bloomberg testified before the Judiciary Committee saying:

Do we really want people who could have information about criminals, including potential terrorists, to be afraid to go to the police?

Mayor John Street of Philadelphia, in a letter to me, said:

It is imperative that immigrants who may be witnesses to or victims of crime not suffer repercussions as they attempt to give and receive assistance from law enforcement.

Mr. President, I think we are in a position to accept the McCain amendment when Senator Kennedy returns
to the floor. The thrust of the amendment offered by Senator McCaIN, No. 1190, would provide that undocumented immigrants would have an obligation to pay Federal back taxes at the time their status is adjusted under the provisions of this bill.

Mr. President, I ask unanimous consent that I be added as an original co-sponsor to the McCaIN amendment.

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

Mr. DORGAN of North Dakota, President, I note the presence of the Senator from North Dakota in the Chamber, who intends to speak, so I yield the floor.

EXHIBIT 1
ANALYSIS OF AMENDMENTS

Requiring local law enforcement to inquire about immigration status undermines both law enforcement efforts and raises national security concerns:

"Meeting public safety objectives is only possible when the people trust their law enforcement officials. Fear of negative consequences or reprisal will undermine this important effort of our local police. [Philadelphia Police Commissioner Sylvester Johnson, Written testimony to SJC, 7/5/06 hearing, p. 1."

"Credible testimony does not discriminate. Requiring immigration enforcement by local departments will create distrust among persons from foreign lands living in the United States. Unenforced immigration laws will hurt the trust that our communities have in their local police. [Philadelphia Police Commissioner Sylvester Johnson, Written testimony to SJC, 7/5/06 hearing, p. 1."

"If undocumented persons are a victim or witness to a crime, we want them to come forward. They should not avoid local police for fear of deportation. [SJC 7/5/06 hearing transcript, p. 31, Philadelphia Police Commissioner Sylvester Johnson."

"It is imperative that immigrants who may be witnesses to or victims of crime not suffer repercussions as they attempt to give and receive assistance from law enforcement. [Letter from Philadelphia Mayor John Street to Sen. Specter."

"Do not leave people who could have information about criminals, including potential terrorists, to be afraid to go to the police? [SJC 7/5/06 hearing transcript, p. 27, New York Mayor Michael Bloomberg."

"It will also undercut homeland security efforts among immigrant communities, in that those who may know persons who harbor knowledge of terrorist activities will no longer be willing to come forward to any law enforcement agency for fear of reprisal against themselves or their loved ones. [Philadelphia Police Commissioner Sylvester Johnson, Written testimony to SJC, 7/5/06 hearing, p. 1."

Immigrants who live in fear of local authorities may undermine public health efforts:

"In the event of a flu pandemic or bioterrorism, the United States would provide prophylaxis to all of its infected residents regardless of immigration status. The immigrant population, due to fear, might refrain from identifying themselves if infected, potentially resulting in the spread of disease leading to a public health crisis." [Letter from Philadelphia Mayor John Street to Sen. Specter."

"Do we really want people with contagious diseases not to seek medical treatment? Do we really want people not to get vaccinated against communicable diseases? [SJC 7/5/06 hearing transcript, p. 27, New York Mayor Michael Bloomberg."

Local law enforcement officials who inquire about immigration status may subject themselves and their offices to civil litigation and claims of racial profiling:

"At a Police Commission hearing on immigration, officers were susceptible to civil litigation as a result of civil rights suits... [Time] in court on a civil suit equates to fewer officers of our streets and settlements, which would reward all cost citizens precious resources. With questionable federal law authority to enforce immigration laws, and with a precedent of local police being sued for assisting in the enforcement of immigration law, the probability of civil suits against local departments as primary enforcers is a major concern. [Philadelphia Police Commissioner Sylvester Johnson, Written testimony to SJC, 7/5/06 hearing, p. 2-3."

THE PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, my understanding is—I will wait for Senator Kennedy to appear on the floor—my understanding is there would be an amendment to allow me to offer my amendment at this point, which would require me to set aside whatever pending amendment exists. If that is acceptable, I will do that, offer my amendment, and then speak on my amendment.

So I ask whether it is acceptable for me to ask consent to set aside the pending amendment.

Mr. SPECTER. Mr. President, I think it is acceptable for the Senator from North Dakota to ask that the pending amendment be set aside. I will not object, and I am the only Senator on the floor—unless the Presiding Officer objects.

Mr. DORGAN. Mr. President, I ask unanimous consent that the pending amendment be set aside so I may be able to offer an amendment that is at the desk.

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

AMENDMENT NO. 119 TO AMENDMENT NO. 1198

Amendment No. 119

Mr. DORGAN. Mr. President, I ask for the amendment’s immediate consideration.

The bill clerk reads as follows:

The Senator from North Dakota [Mr. DORGAN], for himself, and Mrs. Boxer, proposes an amendment numbered 1198 to amendment No. 1150.

The amendment is as follows:

(Purpose: To sunset the Y-1 nonimmigrant visa program after a 5-year period)

At the end of section 461, add the following:

(d) SUNSET OF Y-1 VISA PROGRAM.—

(1) SUNSET.—Notwithstanding any other provision of this Act, or any amendments made by this Act, no alien may be issued a new visa as a Y-1 nonimmigrant (as defined in section 214B of the Immigration and Nationality Act, as added by section 463) after the date that is 5 years after the date that the first such visa is issued.

(2) CONSTRUCTION.—Nothing in paragraph (1) may be construed to affect issuance of visas to Y-2B nonimmigrants (as defined in such section 214B), under the AgJOBS Act of 2007, as added by subtitle C, or any visa program other than the Y-1 visa program.

Mr. DORGAN. Mr. President, I ask unanimous consent that Senator DURBIN be added as a co-sponsor to the amendment.

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

Mr. DORGAN. Mr. President, this amendment is relatively simple. It is an amendment that would sunset the so-called guest worker or temporary worker provision.

As my colleagues know, I was on the floor the day before yesterday attempting to abolish the temporary or guest worker provision. I failed to do that. With a vote and in the Senate they count the votes, and when they counted those votes, I was on the short end. I have felt very strongly about this issue, and I wish to describe why. But having lost that vote, what I now propose is that we sunset the temporary or guest worker provision.

Let me describe that even if we were not on the floor of the Senate talking about immigration today, we have a great deal of legal immigration in this country. There is a quota where we allow in people from other countries to become citizens of our country, to have a green card, to work, and then work toward citizenship.

I wish to describe that even if we were not here with an immigration proposal, here is who would be coming to our country. The 2006 numbers, I believe, are: 1.2 million people—1,266,000 people—last year came to this country legally; 117,000 of them came from Africa; 422,000 came from Asia; 164,000 came from Europe; 414,000 came from various locations in North America, including the Caribbean, Central America, and other portions of North America.

Let me reiterate, the cumulation is 1.2 million people that came to this country legally, and received green cards last year. So it is not as if there is immigration. We have legal immigration. We have a process by which we allow that to happen.

There are people, even as I speak this morning, who are in Africa or Europe or South America or Central America, and they have wanted to come to this country, and they have made application. They have waited 5 years, 7 years, 10 years, and perhaps they have risen to the top of the list to—under the legal process for coming to this country—be able to gain access to this country.

Then, they read we have a new proposal on immigration. No, it is not that immigration. We made application, you apply and you wait over a long period of time. It is that if you came into this country by December 31 of last year—snuck in, walked in, flew in—illegally, we, with this legislation, deem you to be here legally. We, with this legislation, give you a quota where we allow in people who came here illegally. You were among 12 million of them who came here illegally—some of them walking across, I assume, on December 31, who crossed the southern border, and this legislation says: Oh, by the way, that does not matter. What we are going to do is describe you as being here legally, and we are going to give you a permit to go to work.
What does that say to people in Africa or Asia or Europe who have been waiting because they filed, they believed this was all on the level, there is a process by which you come to this country legally—it is quota—and they decided to go through that process? What does it say to them that now we have said: Do you know what. You would have been better off sneaking across the border on December 31 of last year because, with a magic wand, this legislation would say you are perfectly legal.

In addition to the 1.2 million people who came here legally, under this bill there would be another 1.5 million people coming to do agricultural jobs. There are also 12 million people who have come here illegally. Let me say quickly I understand there will be some of them who have been here 10 years, 20 years, and more, who came here—they didn’t come legally, I understand. They have been here for two or three decades. They have raised their families here, they have been model citizens, they have worked. I understand we are not going to round them up and ship them out of this country. I understand that. There needs to be a way to address the status of those who have been here for a long period of time and who have been model citizens. This is different than deciding that those who walked across the border on December 31 of last year—but they have been here for two or three decades. They have raised their families here, they have been model citizens, they have worked. I understand we are not going to round them up and ship them out of this country. I understand that. There needs to be a way to address the status of those who have been here for a long period of time and who have been model citizens. This is different than deciding that those who walked across the border on December 31 of last year—but they have been here for two or three decades. They have raised their families here, they have been model citizens, they have worked. I understand we are not going to round them up and ship them out of this country. I understand that. There needs to be a way to address the status of those who have been here for a long period of time and who have been model citizens. This is different than deciding that those who walked across the border on December 31 of last year—but they have been here for two or three decades. They have raised their families here, they have been model citizens, they have worked. I understand we are not going to round them up and ship them out of this country. I understand that. There needs to be a way to address the status of those who have been here for a long period of time and who have been model citizens. This is different than deciding that those who walked across the border on December 31 of last year—but they have been here for two or three decades. They have raised their families here, they have been model citizens, they have worked. I understand we are not going to round them up and ship them out of this country. I understand that. There needs to be a way to address the status of those who have been here for a long period of time and who have been model citizens. This is different than deciding that those who walked across the border on December 31 of last year—but they have been here for two or three decades. They have raised their families here, they have been model citizens, they have worked. I understand we are not going to round them up and ship them out of this country. I understand that. There needs to be a way to address the status of those who have been her
Mr. President, I am here illegally or legally; one way or another, no enforcement on the border. No enforcement on the border promises of border security, but in fact, there wasn’t border security. Employers sanctions. In fact, there were not employers sanctions that were enforced. No enforcement on the border of any consequence; no enforcement with respect to employer sanctions.

We are told a guest worker provision is necessary because we cannot provide border security. Several of those who have been involved with this compromise have said: Workers will come here illegally or legally; one way or another, they are going to come in. My colleague has a couple of times pointed to the Arizona—and I suspect she did say this; I don’t contest that—the Governor of Arizona, Governor Napolitano, says: You know, if you build a 50-foot-high fence, those who want to come in will get a 51-foot ladder.

Well, if that is the case, if Governor Napolitano is correct, then I guess we are not going to have border security unless we cut the legs off 51-foot-ladders. The implication of that is: Illegal immigration is going to occur, like it or not. Therefore, let’s have a temporary worker program, which means we will describe as legal those who come in illegally. That is the point. I mean, I don’t understand this; I just don’t.

So I lose the amendment fair and square to try to strike that temporary worker provision. I understand where the votes were on it. But I come to the floor suggesting let’s do one additional thing. Let’s at least sunset this provision.

Here is what will happen for 10 years under the temporary worker provision. This chart shows 10 years, 200,000 in the first year, 200,000 the second year. That first group of 200,000 will be on their second year, so as those 200,000 continue their work the second year, another 200,000 will join them, and then by the fourth year, we have 600,000. By the fifth year, we have 800,000.

My proposition is this: We don’t want to sunset this at the end of 5 years and take a look at it and see. We have plenty of experience with claims that have never borne fruit here on the floor of the Senate. Why don’t we take a look at 5 years and see where the claim provisions were made for the temporary worker provisions. Were they claims that turned out to have been accurate or not?

Now, my understanding is—and I was looking for a statement in the press that was reporting on a colleague who was part of the compromise, if I can find it. Let me read from Congress Daily, Wednesday, May 23, which would have been yesterday.

One chance out of 10 that might win over some would be a sunset provision which Senator Byron Dorgan, Democrat, North Dakota, said he wanted to offer after his proposal to eliminate the guest worker program failed.

Continuing to quote: Senator Mel Martinez, Republican of Florida, who helped negotiate the compromise immigration bill, said today he would not consider the sunset proposal a deal breaker.

I am quoting now Senator Martinez from Congress Daily:

Labor conditions might change, Martinez said. I don’t know, but in five years we shouldn’t revisit what we have done.

Martinez is among a group of roughly a dozen Senators dubbed the “grand bargainers,” who have agreed to vote as a block to stop any amendments they believe would unravel the fragile immigration compromise on the Senate floor.

So at least one of the grand bargainers, Senator Martinez, has told Congress Daily that the amendment I offer is not a deal breaker. He says: I think it is perfectly reasonable.

Again quoting him: I don’t see why in five years we should not revisit what we have done.

So I would say to my colleagues, at least one of the “grand bargainers,” so described by Congress Daily, has said the amendment that I offer with Senator Boxer to provide a sunset after 5 years to the temporary or guest worker provision would not be a deal breaker.

We have passed a lot of legislation in the Congress that represents important policy choices and a number of those pieces of legislation have sunset provisions. The farm bill. The farm bill has sunset provisions in it. The Energy bill, the bankruptcy reform bill, the intelligence reform bill, all have sunset provisions. The purpose: Let’s find out what happened and then determine what we do next. A sunset clause doesn’t mean a piece of legislation will not get reauthorized. It might. If all of the claims that buttress the original passage turn out to be accurate, then you might well want to reauthorize it. But with other pieces of legislation, we have sunsett key provisions. Why wouldn’t we want to do the same with respect to temporary workers, which will open the gate and say come into this country that might win over some one chance out of 10 that might win over some.

This immigration bill that we have, with 12 million people being deemed legal, who came without legal authorization, that is not enough. We need more. I know we had discussion yesterday about chicken pluckers on the floor of the Senate. How much money will chicken pluckers make? Well, I will tell you one thing about chicken pluckers and those who do that kind of work. They are never going to make what they might make because of downward pressure on wages. That downward pressure in that sector comes directly from a massive quantity of cheap labor that has come into this country. That may be all right if you are not plucking chickens.

If you are working in one of those plants and you see what happened to wage standards and wage rates, it is very hard to say we are making progress on behalf of the American worker. We are not. That is what brings me to the floor of the Senate. I regret that I disagree with some very good friends in the Congress on these issues. But the fact is that this is very important public policy. This public policy and things that attend to it and are a retraction of those things, a downward pressure on their income, much retirement benefits. We did something extraordinary in this country. That didn’t happen by accident. At this point, all around the country, with middle-income workers, they see a retraction of those things, a downward pressure on their income, much less job security, and too many workers being treated akin to wrens—use them up and throw them away. If you pay $11 an hour, that is too much. That will happen with those who have no experience. Terrific. Or you can pay 30 cents an hour in China; that is even better.
You may say, what does that have to do with this bill? A lot, in my judgment. That is what pushes me to come to the floor on these amendments—not because I wish to hear myself talk or because I wish to take on friends but because the direction we are headed in is wrong. Yes, we have an immigration problem. I accept that and I understand that. I believe the first step to resolving it is border security because, otherwise, 10 or 15 years from now, we will be back with another immigration problem, and we will understand there was not border security. Those who tell us there is border security are the same ones who tell us, as Janet Napolitano says, that if we build a 50-foot fence, they will get a 51-foot ladder. You can’t stop it, so declare it illegal. Illegal immigration is going to occur, like it or not; therefore, let’s have a temporary worker program. I disagree with that.

The fact is, I don’t know all the nuances of what happened this week. I know this: The price for the support of the national Chamber of Commerce in the last bill brought to the Senate—the price for the support of the U.S. Chamber of Commerce was to allow them to bring low-wage labor in to do guest or temporary workers. I didn’t support it then; I don’t support it now.

We have 1.2 million people who came in legally last year. I support that process. That is a quota system. The process works. We vetted them and consensually invited this country with immigrants. So 1.2 million were allowed in under the legal immigration system last year. That doesn’t count the agricultural workers who would come in under the AgJobs program in this bill. That is another 1 million-plus people.

I also understand the urging and the interest to try to be sensitive in resolving the status of people who have been here a long time. Yes, they came without legal authorization, but they have been model citizens. They have lived up the block, down the street, and on the farm, and they have been among us and raised their families and gone to school; they have good jobs. Should we resolve their status with some sensitivity? Of course, I fully support that process. That is a quota system. The process works. We vetted them and consensually invited this country with immigrants. So 1.2 million were allowed in under the legal immigration system last year. That doesn’t count the agricultural workers who would come in under the AgJobs program in this bill. That is another 1 million-plus people.

I also understand the urging and the interest to try to be sensitive in resolving the status of people who have been here a long time. Yes, they came without legal authorization, but they have been model citizens. They have lived up the block, down the street, and on the farm, and they have been among us and raised their families and gone to school; they have good jobs. Should we resolve their status with some sensitivity? Of course, I fully support that. But you do not resolve that, in my judgment, by pointing to December 31 of last year and saying, by the way, anybody who came across December 31 of last year and saying, by the way, we are going to have legal status in our country. That is the wrong way to resolve it.

Let me do two things. Let me urge my colleagues to support a 5-year sun- set on this legislation. Let me say a second time to those with whom I disagree, I respect their views. I disagree strongly with them. I mean no disrespect on the floor of the Senate about the views they hold. They perhaps hold them as strongly as I hold my view. Let me explain what happens if you look at people who got up this morning and got dressed and went to work, many of whom packed a lunch bucket, they came home and took a shower after work because they work hard and sweat, those people want something better for their lives in this country. They want the ability to get ahead and to get a decent wage for their work. Regrettably, all too often, that is being denied them by a strategy that says this country values cheap labor.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The senior Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I rise in opposition to the proposal of the Senator from North Dakota. I appreciated over the period of these days the good exchanges we have had on the issues of the labor conditions in this country, which is what this legislation is all about.

I am going to put a chart behind me that describes the circumstances of what is happening to undocumented workers and to American workers in New Bedford, MA. This is a picture of a company in New Bedford, MA. This was taken probably in the last 4 weeks. These were the undocumented workers in New Bedford. This sweatshop is reporting that it is paying $1.50 an hour in this country. One of the key issues is: Can we do something about it? We say yes, and we say our legislation makes a very important downpayment to making sure we do that.

Many of these individuals—not all—are undocumented workers. This is what happened to these workers. These workers were fined for going to the bathroom; denied overtime pay; docked 15 minutes pay for every minute they were late to work; fired for talking while on the clock; forced to ration toilet paper, which typically ran out before 9 a.m. So this is the condition in sweatshops in New Bedford, MA.

These conditions exist in other parts of our state, regrettably, and other parts of this country. Why? Because we have, unfortunately, employers who are prepared to exploit the current condition of undocumented workers in this country—potentially, close to 12½ million are undocumented. Because they are undocumented, employers can have them in these kinds of conditions. If they don’t like it, they tell them they will be reported to the immigration service and be deported. That is what is happening today.

I yield to no one in terms of my commitment to working conditions or for fairness and decency in the workplace. That is happening today. The fact that we have those undocumented workers and they are being exploited and paid low wages has what kind of impact in terms of American workers? It depresses their wages. That should not be too hard to grasp. Those are the facts.

Now what do we try to do with this legislation? We are trying to say: Look, it is time of the undocumented is over. You are safe. You will not be deported. Therefore, you have labor protections. If the employer doesn’t do that, you have the right to complain, a right to file something with the Labor Department, and we are going to have a thousand labor inspectors who are going to go through the plants in the country to make sure you are protected. That doesn’t exist today.

So what we are saying is that those who are coming in to work temporarily are going to be treated equally under the U.S. labor laws. Employers must provide workers’ compensation.

So if something happens to them in the workplace, they will be compensated rather than thrown out on the street. Employers with histories of worker abuse cannot participate in the program. There are the penalties for employers who break the rules, which never existed before.

Now, we say: Well, you may very well be taking jobs from American workers. That is the question. What do you have to do to show that you are not going to take jobs from American workers? Well, if the employer wants to hire a guest worker, the employer must advertise extensively before applying for a temporary worker. The employer must find out if any American responds. We are saying a comprehensive approach. So if the employer has to advertise and the employer must hire any qualified American applicant. Temporary workers are restricted in areas with high unemployment, and employers cannot pay wages less than wages by paying temporary workers less.

So we are saying the temporary workers are going to come in and be treated as American workers, and those who are undocumented are going to be treated as American workers. That is not the condition today. That is the condition in this legislation. How do we get there? Well, we get there with a comprehensive approach.

What do you mean by a comprehensive approach? We are saying a comprehensive approach is that you are going to have border security. That is part of it. But you are also going to have the opportunity for people who are going to come in here through the front door—if you have a limited number of people coming in through the front door, and that number is down to 200,000 now, they will be able to come through the front door, and they will be able—in areas where American workers are not naturally willing or able to work in the American economy, with labor protections, which so many do not have today.

But we are going to have to say you need a combination of things—the security at the border. You have a guest worker program which is part of the combination. Is that it? No, no, it is not it. You have to be able to show your employer that you have the biometric card to show that you are legally in the United States. Therefore, this is what the workers’ compensation does. It is the same as the other people who do not have that card, they are subject to severe penalties. That doesn’t exist today.
So when we hear all these voices about what is happening about the exploitation of workers, that happens to be true today. But those of us who have been working on this are avoiding that with the proposal we have on this particular issue.

Included in this proposal—the Senator makes a very good point, although I never thought we sunsets the Bankruptcy Act. I wish we had. In this legislation, we have the provisions which set up and enable a commission. The commission in the legislation does this: In section 412 we say: Standing commission on immigration and labor markets. The purpose of the commission is what? To study the non-immigrant programs and the numerical limits imposed by law on admission of nonimmigrants; to study numerical limits imposed by law on immigrant visas, to study the limitations throughout the merit-based system, and to make recommendations to the President and Congress with respect to these programs.

So we have included in this legislation a very important provision to review the program we have. That panel is made up of representatives of the worker community, as well as the business community to make these annual reports to Congress about how this program is working so that we will then be able to take action: Not later than 18 months after date of enactment and every 5 years thereafter, submit a report to the President and the Congress that contains the findings, the analysis conducted under paragraph 1; make recommendations regarding adjustments of the program so as to meet the labor market needs of the United States.

What we have built into this is a proposal to constantly review this program and report back to the Congress, so if we want to make the judgment to change the numbers, the conditions, the way they work, we have the opportunity to do so. We believe—and I think the Senator makes a valid point—that it is useful to have self-corrective opportunities. He would do it by ending the program, by freezing it, by sunsetting it. We do it by having a review by people who can make a judgment and a decision and give information to Congress so that we can do it.

There is one final point I wish to make. We have a system, as the Senator from North Dakota pointed out, a system where people will work here, go back to their country of origin for a period of time, come back to work, go back to their country, and come back to work. Under our proposal, they get a certain number of points under the merit system which helps them then on a path toward a green card and toward citizenship.

I wish that merit system could be changed in a way that favored workers more extensively and provided a greater balance between low skill and high skill because the labor market demands both. If you read the reports of the Council of Economic Advisers, you find there is a need for high skill, but 8 out of the 10 critical occupations are also low skill. We have tried, during this process, to see if we couldn’t find equal incentives for both.

It is a fair enough criticism to say this must be skewed toward the high skilled than it is toward the low skilled, but there are still very important provisions and protections in there for low skilled, and there are additional points added in case of family associations or if you are a member of an American family.

I really do not see the need. We moved from 400,000 down to 200,000. This is a modest program at best. We have in the legislation the report that will be made available to the Congress on a variety of areas. We have been very careful to make sure that everyone who is going to participate in this program, who is going to come in legally, is going to have the protections for working families today. That existing legislation does protect them. The amendment of the Senator from North Dakota would cut out those provisions with regard to the temporary worker program.

The fact is, we need some workers in this society to accomplishment and take great pride in being the champion of the increase in the minimum wage, and I commend my friend from North Dakota for his support over the years in increasing the minimum wage. We are still going to finally get that increase in the next couple of days as part of this other legislation, the supplemental. We will be out here trying to get further increases in protections for American workers.

This is a modest program. It has the self-corrective aspect to it. It is a program that ought to be tried, and it ought to be implemented.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

MR. SPECTER. Mr. President, recognizing the good-faith interest of the Senator from North Dakota in proposing this amendment, I nonetheless believe it should be rejected by the Senate. What the Senator from North Dakota has here is a fallback position. He offered an amendment yesterday to the temporary worker program. Having failed there, he has a fallback position, and we are going to sunsetting.

There is no doubt about the need for guest workers in our economy. Last year in the Judiciary Committee, we held extensive hearings on this matter. We did not hold hearings this year; and we did not process this legislation through the Judiciary Committee, which in retrospect may have been a mistake, but here we are. But we have an ample record from last year.

We had the testimony of Professor Richard Freeman from Harvard outlining the basic facts that immigration raises not only the GDP of the United States because we have more people now to do useful activities, but it also raises the part of the GDP that goes to the current residents in our country.

We heard testimony from Professor Henry Holzer of Georgetown University to the effect that immigration is a good thing for the overall economy. It doesn’t lower wages. It lowers prices. It enables us to produce more goods and services and to produce them more efficiently.

The executive director of the Stanford Law School program on law, economics, and business studies testified that there is a mismatch between our U.S.-born workers’ age, skills, and willingness to work, and the jobs that are being created in the economy, in part as a function of our own demographics, whether they be elder care, retail, daycare, or other types of jobs.

There is no doubt that there is a tremendous need for a guest worker program in our restaurants, hotels, on our farms, in landscaping, wherever one turns.

The Assistant Secretary of Policy at the U.S. Department of Labor testified earlier this month before the House Immigration Subcommittee that there are three fundamental reasons the United States needs immigrants to fuel our economy. That is the testimony of Assistant Secretary Leon Sequeira. The reasons he gives are that we have an aging workforce; we do not have enough people of working age to support the economy and support the social welfare programs, such as Social Security for the aging population; and immigrants contribute to innovation and entrepreneurship.

The chart which had been posted shows that the guest worker program is being treated fairly. Senator Kennedy has outlined in some detail the review and analysis of the program, so the Congress is in a position to make modifications, if necessary.

The labor leaders in producing this bill, it would be my hope that we would not have to revisit it on an automatic basis in 5 years. If we find a need to do so, we will be in a position to undertake that review and to have congressional action if any is warranted. But on the basis of the record we have before us, I think this amendment ought to be rejected, and I urge my colleagues to do just that.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

MR. KYL. Mr. President, unless the Senator from North Dakota wishes to briefly respond to Senator Specter, let me speak for 3 or 4 minutes.

I join Senator Specter in urging our colleagues to defeat this amendment. This is simply a light amendment. The amendment we defeated a couple days ago that would have eliminated the temporary worker program.

The problem here is twofold. First, there has been a basic agreement that the Congress and the Bush administration generally did not want to allow illegal immigrants to remain in the United States and, in some situations, be permitted to stay
here for the rest of their lives, if that is
time required, and their ability to get
Right, as well as immigrants whose applica-
tions are pending, many of whom have no
reasonable expectation of being able to
naturalize, to actually be able to come
to this country. I would like to see a tem-
porary worker program, which is part of what
Senator Dorgan is and Senator Specter is
desired to the business community and
many foreign nationals who want the oppor-
tunity to come here and work, is only going
to be temporary, and that might go away.
That is not a fair way to proceed to the legis-
lation, to have one like is permanent, what I like is only temporary.

But there is a deeper problem. The whole point of having a temporary worker program is to ensure we are going to meet our labor needs in the future. We don’t know exactly what those labor needs are, but they are going to be substantial. If you cannot plan with certainty that you know you can expand your business, you can make the capital investment in whatever is—let’s say a meatpacking plant—that you are going to need some foreign nationals to come here on a temporary basis with a tem-
porary visa to meet the employment needs because you found in the past that there are not sufficient Americans who have applied for that kind of work in the past, so you know you are going to need the temporary worker pro-
gram, but you don’t know whether that program is going to be in existence 5 years or whether that capital investment necessary? Are you going to be able to provide more tax base, more employment opportunities for Americans, as well as others, pro-
vide for more consumer choice in the country if you don’t know you are going to have the labor force necessary to meet your needs?

Having a temporary worker program is not going to meet our long-term needs. As a result, I suggest that for planning purposes, for being able to know that labor pool is going to be available if we need it, we are going to have to have this temporary worker program. Therefore, there is not very much difference between simply elimi-
nating the program now and saying in 5 years it is going to evaporate unless we take steps to reinstitute it.

I urge my colleagues to vote against the amendment. We defeated an analogous amendment a few days ago. This is a killer amendment. Everybody knows that if this program goes away, it undercuts the entire program we tried to craft in a bipartisan way. We have to relieve the magnet of illegal employ-
ment in this country. That magnet is jobs that Americans won’t do. As long as there is an excess of labor demand over supply, that magnet for illegal immigration is going to continue to pull people across our borders. That magnet is demagnetized when we have a temporary worker program that says we now have a legal way for you to meet your labor needs. It can be done within the rule of law. It is based on temporary workers. We need to keep that in this bill. It cannot be subject to some kind of a sunset, so that it dis-
appears 5 years from now and we have no idea at that point how to meet our labor needs.

I urge my colleagues, as we did 2 days ago, to reject the Dorgan amendment.

The Senator from North Dakota is recognized. Mr. SPECTER. Will the Senator yield to me for a very brief unanimous consent request?

Mr. DORGAN. Mr. President, of course I will yield.

The PRESIDING OFFICER. The sen-
or Senator is recognized.

AMENDMENT NO. 1196, AS MODIFIED

Mr. SPECTER. Mr. President, I ask unanimous consent that the previously agreed to Hutchison amendment No. 1168 be modified to read “on page 7, line 2.”

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

Mr. SPECTER. Mr. President, do you wish the Senator yield for a request?

The PRESIDING OFFICER. The Sen-
ator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I ask unanimous consent that at 12:15 p.m., the Senate proceed to a vote in rela-
tion to the Akaka amendment No. 1186, to be followed by a vote in relation to the Coleman amendment No. 1158; that no amendments be in order to either amendment prior to the vote; that there be 2 minutes of debate equally di-
vided and controlled in the usual form prior to each vote and that the second vote in the sequence be 10 minutes in length; further, that at 2:15 p.m., the Senate proceed to vote in relation to the Dorgan amendment No. 1181, with 5 minutes of debate equally divided and controlled in the usual form prior to the vote, with no amendment in order to the Dorgan amendment prior to the vote, all without further intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. SPECTER. Reserving the right to object, Mr. President, I ask only that the Senator from Massachusetts amend the request to give Senator COLEMAN 5 minutes before the 12:15 vote.

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

Mr. DORGAN. Mr. President, reserving

the right to object, Senator DURBIN
will ask to speak for 10 minutes, and
we will do that in addition to the 10
minutes I will want to speak before my
vote, if that is acceptable.

The PRESIDING OFFICER. Without

objection, the amended unanimous consent request is agreed to.

Mr. KENNEDY. Mr. President, as I
understand the request, the time the Senator is getting is prior to his vote at 2:15.

Mr. DORGAN. Prior to my vote.

Mr. KENNEDY. And there will be
time prior to that available as well for the Senator from Illinois.

Mr. SPECTER. Mr. President, fol-

lowing the entry of that unanimous consent request, I would ask the Sen-
ator from Massachusetts if we could call up the McCain amendment with the modification change which is at the desk and ask that it be adopted.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside and the Kennedy unanimous consent request, as amended by Sen-
or Dorgan and Senator Specter, is agreed to.

AMENDMENT NO. 1196, AS MODIFIED

Mr. SPECTER. Mr. President, I urge adoption of the McCain amendment with the modifications which are at the desk.

The PRESIDING OFFICER. The clerk will report the amendment, as modified.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. Spec-
ter], for Mr. MCCAIN, for himself, Mr.
GRAHAM, and Mr. BURK, proposes an amend-
ment numbered 1196, as modified, to amend-
ment numbered 1158.

The amendment, as modified, is as follows:

On page 283 redesignate paragraphs (3) as (4) and (4) as (5).

On page 290, between lines 33 and 34, insert the following:

“(c) Payment of Income Taxes.—

“(A) in General.—Not later than the date on which status is adjusted under this sec-
tion, the alien establishes the payment of any applicable Federal tax liability by estab-
lishing that—

“(i) such tax liability exists;

“(ii) all outstanding liabilities have been paid; or

“(iii) the alien has entered into an agree-
ment for payment of all outstanding liabili-

ties with the Internal Revenue Service.

“(B) Applicable Federal Tax Liability.—

For purposes of clause (1), the term ‘applica-
able Federal tax liability’ means liability for Federal taxes, including penalties and inter-
est, owed for any year during the period of employment required by subparagraph (D)(i) for which the alien has neither received a written statement from the Service that an assessment of any deficiency for such taxes has not expired.

(C) IRS Cooperation.—The Secretary of the Treasury shall establish rules and proce-

dures under which the Commissioner of Internal Revenue shall provide documentation

S6592 CONGRESSIONAL RECORD—SENATE May 24, 2007
to an alien upon request to establish the payment of all taxes required by this sub-
paragraph.

(2) In general.—The alien may satisfy such requirement by establishing that
(i) no such tax liability exists;
(ii) all outstanding liabilities have been met; or
(iii) the alien has entered into an agree-
ment for payment of all outstanding liabil-
ities with the Internal Revenue Service and
with the department of revenue of each
State to which taxes are owed.

Mr. MENENDEZ. Mr. President, re-
serving the right to object, would some-
body tell the body what the McCain
amendment is?

Mr. SPECTER. Yes. As I had ex-
plained earlier this morning, the
McCain amendment has a provision for
the payment or a requirement of the
payment of back Federal taxes.

Mr. MENENDEZ. The payment of
back Federal taxes?

Mr. SPECTER. Mr. President, it calls
for payment of back Federal taxes.

Mr. MENENDEZ. Mr. President. I
have an opportunity to examine the
amendment, so I would object at this
time. I may not ultimately object, but
I would object at this time.

The PRESIDING OFFICER. The ob-
jection of the Senator from New Jersey
is acknowledged.

The Senator from North Dakota is
recognized.

AMENDMENT NO. 1181

Mr. DORGAN. Mr. President, my
colleague from Arizona used the dreaded
words “killer amendment.” It is like
killer bees and killer whales. On the
Senate floor, it is “killer amendment.”
Pass this amendment, and we will kill
the bill, we are told.

I said yesterday that it is like the
loose thread on a cheap sweater: You
pull the thread, and the arm falls off
or, God forbid, the whole thing comes
apart. It is not just this bill. This hap-
pens every single time a group of peo-
ple bring a bill to the floor of the Sen-
ate. If you object, if you change our
work, then somehow you will know what
we have done. Of course, that is not the
case at all.

Let me talk about a couple of the
items that have been raised. Worker
protection. The workers in New Bed-
ford, MA. Let me describe to you a
skilled craftsman, an electrician. He
was told by an employer that he could
go to work Sam Smith was prom-
ised.

What is the solution? Well, the fact
is, in New Bedford, MA, and in this
case, the employer is guilty, in my
judgment, of mistreating its workers.
We have worker protection laws in this
country. We have worker protections.
It is an amendment in New Bedford,
MA, or New Orleans, LA, that
employer is responsible. Law enforce-
ment is responsible to investigate and
prosecute.

That is not what this bill is about.
My colleague says, well, the way to re-
solve the situation in New Bedford,
MA, is to make the illegal immigrants
working there legal. Just describe
them as legal. Would that be the way
you would handle it in New Orleans,
LA, to say, well, the people who came
in to take Sam’s job should be deemed
legal? I don’t think so. Why not punish
the employer for abusings the rights of
these immigrant workers and why not
restore those jobs to those who were
the victims of the hurricane in the first
place? Is the principle here that we de-
scribe the problem as mistreatment of
workers who are illegal immigrants,
and therefore what we will do is deem
them legal, hold those jobs and there-
fore expect us to—that kind of be-
behavior by the employer? I don’t think
so. So that is a specious argument,
frankly. We have worker protection
laws. They ought to be enforced. If
they are not enforced, there is some-
thing wrong with the system.

Now, one of my colleagues says there
is no doubt that we need additional
workers. Oh yes, there is doubt—prob-
ably not in the U.S. Chamber of Com-
merce. There is no doubt they want ad-
ditional cheap labor. But there is plen-
y of doubt.

My colleague says there is an econo-
mist from Harvard who says this raises
the GDP, this bringing in of immigrant
labor, presumably illegal labor, deter-
mining that they are then legal once
they have come across illegally. It
raises the GDP. Well, you can get a
Harvard economist to say anything
you want. We know better.

Let me describe my Harvard econo-
mist—my Harvard economist, Pro-
fessor George Borjas. Here is what he
says. The impact of immigration be-
 tween 1980 and 2000 on U.S. wages is
lower wages in this country, and he de-
scribes which ethnic group is hurt the
worst. Hispanics are hurt the worst
and Blacks next.

My colleague says that his Harvard
economist states that one of the bene-
fits of bringing in this additional labor
from outside of our country is lower
costs. Well, in my hometown, I un-
derstand what lower costs means. It
means they are going to pay less to the
people making it. That is called lower
wages. And that is exactly what my
Harvard professor says is the case.

The PRESIDING OFFICER. The Sen-
ator will suspend.

Under the previous order, the Sen-
ator from Minnesota is recognized for 5
minutes.

Mr. DORGAN. Mr. President, I pro-
foundly misunderstood the unanimous
consent request. That is my fault, not
the President Officer’s. I will ask con-
sent, of course, to speak after the
break for the luncheons, and I guess
we have in order 10 minutes for me and
10 minutes for Senator DURBIN prior to
the vote on my amendment; is that cor-
rect?

The PRESIDING OFFICER. Is there
objection?

Mr. KENNEDY. Mr. President, I am
not going to object to the time. The
Senate is about to have wrap up on this.
But if we can have the 5 minutes prior
to the Senator’s last 5 minutes, I would
be agreeable.

Mr. DORGAN. One of the things I am
good at is wrapping up. So let me wrap
up in 2 minutes by going through this
grid so that we would then recognize
Senator COLEMAN for the time he has
been given.

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

Mr. DORGAN. Mr. President, I will
yield the floor to the Senator from Min-
nesota. I will have time to wrap up.
If not, you give me a time requirement, I
will yield the floor and we are there.

The PRESIDING OFFICER. The Sen-
ator from Minnesota is recognized for 5
minutes.

AMENDMENT NO. 1190

Mr. COLEMAN. Mr. President, I first
ask unanimous consent that the
McCain amendment, No. 1190, which
was called up as modified, with the
changes at the desk, be adopted.

The PRESIDING OFFICER. Is there
objection?

Mr. MENENDEZ. Reserving the right
to object, is this the same amendment
that just was offered a few minutes ago?

Mr. COLEMAN. Yes.

Mr. MENENDEZ. I have no objection.

The PRESIDING OFFICER. Is there
further debate on the amendment?

If not, the question is on agreeing to
the amendment.

The amendment (No. 1190), as modi-
fied, was agreed to.

Mr. COLEMAN. I thank the bill man-
gers for agreeing to accept this
amendment, which I am pleased to be
joined in sponsoring with Senator
GRAHAM.

As my colleagues will hear through-
out the debate, the bipartisan group of
Members who developed this legisla-
tion, along with representatives of the
administration, worked to develop this
comprehensive reform measure with the
foremost goal of developing a pro-
posal that can be enacted this year. It
means a bill on which we are just
going through the motions.” Like any
legislation on an expansive issue like
immigration reform, this is a complex
compromise agreement, and that means that while perhaps no one is entirely happy with every single provision in the bill, we believe it provides a solid foundation for this floor debate. It is a serious proposal to address a very serious problem.

When Senator KENNEDY and I first proposed legislation in May 2005, it included, among other things, a series of strict requirements that the undocumented population would have to fulfill before being allowed to get in the back of the line and apply for adjustment of legal status. One of those provisions failed to be part of the consensus before us today due to concerns raised about practicality. That provision required the undocumented to pay any back-taxes owed as a result of their time living and working in our country illegally. I strongly believe everyone living and working in our country has an obligation to meet all tax obligations, regardless of convenience or practicality. Yes, requiring any undocumented immigrant to prove he or she has met their tax obligations will take many more years to fulfill than is the case with as many as 12 million people. Undocumented immigrants will most likely have to find and submit plenty of paperwork to prove they have met their obligations. But that is what citizens here do. We pay our taxes. We may complain, but we pay our taxes. And while I don’t doubt that it may be a difficult undertaking to require as a condition of receiving permanent status in the United States the payment of back-taxes, that isn’t a good reason to toss the requirement aside. If an undocumented immigrant is willing to meet the many stringent requirements we are calling for under this bill, and I think there will be willing, including learning English, complying with hefty fines, and clearing background checks, that person should also have to pay their tax obligations. There is no doubt that these requirements will be difficult to achieve for those seeking adjusted status—both practically and financially. However the requirement is absolutely necessary. Payment of back taxes for unauthorized work is not only financially critical, it is morally right.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 5 minutes.

Mr. COLEMAN. Mr. President, I just want to, in perhaps less than 5 minutes, address the amendment we are going to vote on a little bit, at 12:36. It is a simple amendment. There is existing Federal law which says that municipalities may not restrict in any way— the language is very clear—in any way prohibit or restrict any governmental entity from sharing information with Federal authorities about immigration status. It is the law. The law says you can’t restrict from sending, maintaining, or exchanging. What has happened is that some cities—so-called sanctuary cities—have adopted policies to circumvent what has been Federal law since 1996. I want my colleagues to understand that this is an amendment to a bill that, if passed, will put the end the need for sanctuary cities. If passed, this bill will allow folks to come out of the shadows and into the light. The only folks who won’t come into the light will be those folks who have criminal problems. In other words, if this bill is passed with this amendment, it will enable cities and communities to do what is the right thing and the fair thing.

So if we pass the underlying bill, folks can come out of the shadows. And for those who want to stay in the shadows, they should not get sanctuary by a city policy that is in contravention to existing Federal law. I believe those policies should be made clear to the Federal government and in doing so protect criminals.

Let’s uphold the rule of law. Let’s do what is the right thing and the fair thing, and let’s support this amendment, which, again, very simply—very simply—requires cities and communities to comply with what has been Federal law since 1996. Let’s tell the public that this bill is about respecting the law at every phase.

That is why I am going to vote in support of this amendment. I urge my colleagues to oppose it.

Mr. KENNEDY. Mr. President, I wonder if the Senator will yield the last minute and a half to the Senator from Colorado. Would he be willing to do that?

Mr. COLEMAN. I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. SALAZAR. Mr. President, I thank my friend from Minnesota for yielding me a minute and a half of time. I come to the floor to speak against his amendment, No. 1158. At the end of the day, what his amendment would do—it appears to be innocuous on its face—it would essentially make cops out of emergency room workers, out of school teachers, and out of local and State cops.

The reality is that we have a responsibility at the Federal Government to make sure we are enforcing our immigration laws as a national government. We ought not to put emergency room workers, we ought not to put school teachers in a position where they have to be the cops of our immigration laws in our country. New York City Mayor Bloomberg, in his own statement in opposition to this amendment, said: New York City cooperates fully with the Federal Government when an immigrant commits a criminal act. But our city’s social services, health and education policies are not designed to facilitate the deportation of otherwise law-abiding citizens.

Do we want somebody by the name of Martinez simply to go into an emergency room and to have that emergency room responder be in a position where he has to act as a cop because he suspects somebody named Martinez may be illegal? This is a bad amendment. It will create problems. I urge my colleagues to oppose it.

Mr. KENNEDY. Mr. President, I see the Senator from Hawaii. Who yields time?

Mr. AKAKA. The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate, equally divided, on amendment No. 1186, offered by the Senator from Hawaii, Mr. AKAKA. Who yields time?

Mr. KENNEDY. Mr. President, I see the Senator from Hawaii. Could we delay the 1 minute? I ask unanimous consent we delay the 1 minute for 30 seconds.
Mr. President, I yield myself 1 minute.

I thank the Senator from Hawaii, Senator AKAKA. He has brought to the Senate the fact that there are about 20,000 immediate relatives of courageous Filipino families who served with American forces in World War II. They would be entitled under the other provisions of the bill to come here to the United States. This particular proposal moves this in a more expeditious way. These are older men and women who are the veterans and their families who served with American fighting forces in World War II. He offered this before. It was accepted unanimously. I hope the Senate will accept a very wise, humane, and decent amendment by the Senator from Hawaii.

The PRESIDING OFFICER. The Senator from Hawaii is recognized for 1 minute.

Mr. AKAKA. Mr. President, I thank the chairman for bringing this forward. My amendment seeks to address and resolve an immigration issue that, while rooted in a set of historical circumstances that occurred more than seven decades ago, still, and sadly, remains unresolved today. It is an issue of great concern to all Americans who care about justice and fairness. It goes back to 1941, when President Roosevelt issued an Executive order, drafting more than 200,000 Filipino citizens into the United States military. During the course of the war, it was understood that the Filipino soldiers would be treated like their American comrades in arms and be eligible for the same benefits. But this has never occurred.

In 1990, the World War II service of Filipino veterans was finally recognized by the U.S. Government and they were offered an opportunity to obtain U.S. citizenship. Today we have 7,000 Filipino World War II veterans in the United States. The opportunity to obtain U.S. citizenship was not extended to their spouses and daughters, about 20,000 of whom have been waiting for their visas for years.

While the Border Security and Immigration Reform Act of 2007 raises the worldwide ceiling for family-based visas, the fact remains that many of the naturalized Filipino World War II veterans residing in the United States are in their eighties and nineties, and their children should be able to come to America to take care of their parents. My amendment makes this possible. I urge my colleagues to support my amendment and to make this come through for our Filipino veterans and their families.

The PRESIDING OFFICER. The time of the Senator has expired. The question is on agreeing to amendment No. 1186, offered by Senator AKAKA.

Mr. KENNEDY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHN-SON) is necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from South Carolina (Mr. BURB), and the Senator from Wyoming (Mr. THOMAS).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 87, nays 9, as follows:

[Call Vote No. 176 Leg.]

YEAS—87

Akaka
Alexander
Allard
Baucus
Bayh
Bennett
Biden
Boxer
Brown
Bunning
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Coburn
Cooper
Cochran
Collins
Conrad
Conrad
Corker
Cochran
Craig
Crapo
Cochran
Coleman
Collins
Conrad
Corker
Corsyn
Brownback
Burr
Bajohnson on PRODPC74 with SENATE

—

87

—

4

Brownback
Burr

NOT VOTING—4

Bajohnson on PRODPC74 with SENATE

The amendment (No. 1186) was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote.

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CHANGE OF VOTE

Mr. HAGEL. Mr. President, I ask unanimous consent that I be registered in favor of vote No. 176, the Akaka amendment. My change will not affect the outcome. I ask unanimous consent that my vote be changed from “nay” to “yea.”

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

The foregoing tally has been changed to reflect the above order.

The PRESIDING OFFICER. The Senator from Massachusetts.

AMENDMENT NO. 1158

Mr. KENNEDY. Mr. President, I understand there is 2 minutes equally divided. I yield my minute to the Senator from New Jersey.

The PRESIDING OFFICER. Under the previous order there will be 2 minutes equally divided on amendment 1158, offered by the Senator from Minnesota.

The Senator from Minnesota is recognized.

Mr. COLEMAN. Mr. President, I want my colleagues to listen. I want my colleagues to understand there is nothing in this amendment that requires teachers, hospital workers, anyone, to do anything. What it simply does is it lifts a gag order. It lifts that gag order in some cities that gags police officers from doing their duty, from complying with what has been Federal law since 1996.

There is no requirement that anybody do anything. It lifts the gag order. There was testimony by Houston police officer John Nichols before the House Judiciary subcommittee. He said this: When we shake off law enforcement officers in such a manner, instead of protecting U.S. citizens and people who stand to be attacked, society greatly increases by allowing potentially violent criminals to freely roam our streets.

If the underlying bill is passed, it would be no need for sanctuary cities. The only folks who will want to remain in the shadows will be those who do not want anyone to know they are in the shadows. These present sanctuary cities, if the law passes, will protect criminals, and we should again get rid of the gag order. That is all this amendment does.

The PRESIDING OFFICER. The Senator from New Jersey is recognized for 1 minute.

Mr. MENENDEZ. Mr. President, this amendment undoes what State and local police have long sought to do, separate their activities from those of Federal immigration orders, because they usually deal with people who do not want anyone to know they are in the shadows. These present sanctuary cities, if the law passes, will protect criminals, and we should again get rid of the gag order. That is all this amendment does.

The PRESIDING OFFICER. The Senator from New Jersey is recognized for 1 minute.

Mr. MENENDEZ. Mr. President, this amendment undoes what State and local police have long sought to do, separate their activities from those of Federal immigration orders, because they usually deal with people who do not want anyone to know they are in the shadows. These present sanctuary cities, if the law passes, will protect criminals, and we should again get rid of the gag order. That is all this amendment does.
The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHN-SON) is necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK) and the Senator from Wyoming (Mr. THOMAS).

The PRESIDING OFFICER (Mrs. McCASKILL). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yes 48, nays 49, as follows:

[Rollcall Vote No. 177 Leg.]

**YEA—48**

Alexander
Allard
Baucus
Bayh
Bennett
Bond
Bunning
Burris
Chambliss
Coburn
Cochran
Coburn
Coleman
Collins
Corker
Coryn

**NAY—49**

Akaka
Biden
Bingaman
Boxer
Brown
Baucus
Cardin
Carper
Casey
Clinton
Conrad
Dodd
Domenici
Durbin
Feinberg
Feinstein
Graham

**NOT VOTING—3**

Brownback
Johnson
Thomas

The amendment (No. 1158) was rejected.

Mr. DURBIN. 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.

The PRESIDING OFFICER. The Senator from Connecticut.

AMENDMENT NO. 1199 TO AMENDMENT NO. 1150

(Purpose: To increase the number of green cards for parents of United States citizens, to extend the duration of the new parent visitor visa, and to make penalties imposed on individuals who overstay such visas applicable only to such individuals)

Mr. DODD. Madam President, I ask unanimous consent that the pending amendment be set aside and send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. KENNEDY, Madam President, reserving the right to object—and I do not intend to object—my friend from Connecticut has an amendment that deals with family reunification. We have several other amendments—Senator MENENDEZ and Senator CLINTON have other amendments—dealing with family and family reunification. This is going to be a very important aspect in terms of our debate and the completion of this legislation.

It is our intention to try to consider these amendments in relationship with each other at the appropriate time. We will work with the proponents of each of these amendments. I will not object, but I would also put in the queue, so to speak, the other—I see Senator MENENDEZ on the Senate floor. He will probably put his in. And we would then put in, I guess, Senator CLINTON’s amendment as well.

That is for the general information about how we are going to proceed. But I have no objection.

The PRESIDING OFFICER. Is there objection?

The Senator from New Jersey.

Mr. MENENDEZ. Madam President, retaining the right to object—and I will not object—if the Senator from Massachusetts would yield for a moment for a question. Mr. KENNEDY, yes?

Mr. MENENDEZ. Madam President, I have been waiting on the floor of the Senate most of the day to offer an amendment related to families. I will not be objecting to Senator DODD’s, which I am a cosponsor of as well. The question is, I assume the Senator may put his in. And we would then come back and that my amendment is acceptable and is being sent to the floor, and I will work with the proponents of each other at the appropriate time. We will work with these amendments in relationship with each other at the appropriate time. We will complete the family unit and are un-likely to sponsor others. And I think that principle, thus disrupting the lives of countless law-abiding families, in the name of reducing “chain migra-

Madam President, I rise to offer an amendment to the immigration bill with my good friend from New Jersey, Senator MENENDEZ, that relates to the parents of U.S. citizens. My amendment is simple in what it proposes but enormously important in what it seeks to accomplish.

It prevents this bill from dividing millions of American families by making it easier for U.S. citizens and their parents to unite. As currently written, this bill weakens the principle of family reunification that is so vital to our nation and unfair to our fellow citizens.

Under current law, parents are defined as immediate relatives and exempt from green card caps. Yet this bill drastically and irresponsibly excludes parents from the nuclear family and subjects them to excessively low green card caps and an overly restrictive visa program.

This amendment rights this wrong by increasing the new annual cap on green cards for parents of U.S. citizens; extending the duration of the parent visitor visa; and ensuring that penalties imposed on overstays are not borne collectively.

The debate on this provision goes to the heart of how a family is defined in America. For millions of American citizens, parents are not distant relatives but absolutely vital members of the nuclear family who play a critical role, be it as grandparents providing care for their grandchildren while their parents are at work or as sources of strength and support for their bereaved or single children.

Ensuring that parents have every opportunity to unite with their children or live with them for extended periods is important not only because of their contribution to the nuclear family but also so that their children can support and care for them in sickness and in health.

We all know that sense of duty from our own lives. And for those of us who have lost our parents, we wish we had the opportunity to do so.

That is exactly why it has been our policy to date to allow U.S. citizens to sponsor their parents to come to this country without caps. Yet now we are told that parents are no longer immediate relatives and subject to caps. That parents no longer fit in the same category of relatives as minor children and spouses, an idea that millions of Americans would disagree with.

We are told that we must weaken that principle, thus disrupting the lives of countless law-abiding families, in the name of reducing “chain migra-

Well, that is a red herring. The truth is that once parents of citizens obtain immigrant visas, they usually complete the family unit and are unlikely to sponsor others.

That is why today we must do justice to the families of our fellow citizens who seek nothing more than to keep their families intact. This amendment does just that.
First, it increases the new green card cap from 40,000 to 90,000. Ninety thousand is the average number of green cards issued each year to parents who as I mentioned have to date been exempt from caps. Again this is just an average. Last year the number was 120,000.

It is abundantly clear that 40,000 green cards per year is an unreasonably low number. One of the goals of this bill is to clear the backlog on immigrant visas which in some cases extends as far back as 22 years. If we don’t allot sufficient numbers of green cards for parents in this bill, we risk creating a whole new category of backlog. Ninety thousand would meet this need.

To those who still think 90,000 is too high a number, I would also argue that it is simply not the place of the Senate to tell our fellow citizens that they should not come or that they see their parents. I would ideally not want the parents of any citizen of this country subject to caps but working within the framework of this bill, I believe 90,000 is entirely fair and reasonable.

Second, the parent visitor visa to allow for an aggregate stay of 180 days per year and makes it valid for 3 years and renewable. These are already accepted timeframes for the validity of a visa. Madam President, 180 days is the length of a tourist visa; H-1Bs are valid for 3 years. This would allow those parents who do not want to permanently leave their countries of residence yet want to stay with their children in the U.S. for extended periods the ability to do so.

The current bill however limits the length of this visa to only 30 days per year and makes it valid for 3 years and renewable. These are already accepted timeframes for the validity of a visa. Madam President, 180 days is the length of a tourist visa; H-1Bs are valid for 3 years. This would allow those parents who do not want to permanently leave their countries of residence yet want to stay with their children in the U.S. for extended periods the ability to do so.

Many parents who live abroad, come to the United States at great expense. They often come from thousands of miles away just to be with their children and grandchildren. To limit them to a 30-day visit per year is simply unacceptable, especially when under a tourist visa, an individual can come to this country for 6 months.

To think that a parent can only be with his or her child or grandchild for 1 month out of 12 is simply unacceptable. Yet under this provision, a tourist can be in America six times longer than a parent. That is not the America I know. That is not an America that cherishes family values.

Third, and finally, this amendment prevents collective punishment for parent visa overstays. Under this bill, if the overstay exceeds 7 percent for two years, either all nationals of countries with high overstay rates can be barred or the entire program can be terminated.

Needless to say, this form of collective punishment is patently wrong and unjust. We should never punish law abiding individuals on account of the misdeeds of others.

Under this bill, for example, a sponsor could be barred from sponsoring his or her children because he or she overstayed his visa. That is not the type of law we want on our books. That is not what this country is about. Nor is it about stopping thousands of parents from entering this country because of the misdeeds of some.

This my amendment will unite and strengthen the families of our fellow Americans and the fabric of our society, while updating the traditions of this great country. Because as we all know, families are the backbone of our country. Their unity promotes our collective stability, health, and productivity and contributes to the economic and social welfare of the United States.

My amendment does not strike at this bill’s core; nor should it be a partisan issue. It is one of basic humanity and fairness for our fellow citizens. What is it that we do in Congress that is so important that we should dictate to U.S. citizens if and when they can unite with their parents; and if and when their parents can come and be with their grandchildren; and if and when U.S. citizens can care for their sick parents here on American soil.

It is our duty to remove as many obstacles as we can for our fellow citizens to be with their parents. None of us would stand for anyone dictating the terms of that union to us. Why should we then apply a double standard for other citizens of this country? We must craft a law that is tough yet just.

I urge my colleagues not to think of this amendment in terms of numbers and caps, but in terms of its all too real and painful human impact for U.S. citizens.

I urge them to vote for this amendment and to take down the legislative barrier that this bill has stood up between our fellow citizens and their parents.

Again, at the appropriate time, I will ask for a recorded vote on this amendment. I thank my colleague from Maryland for his steadfast support of Dr. Esfandiari. Dr. Esfandiari is well known and well respected as a Middle East scholar. She has dedicated her professional career to bringing people together from the West and the Middle East and to gain common ground.

Increasingly, Iran has begun to stifle debate among different people and international exchanges.

The Department of State has called upon the Iranians to release Dr. Esfandiari. I am joined in this resolution by Senators Mikulski, Biden, Lieberman, Smith, Clinton, and Dodd, which encourages the State Department to keep up the pressure on the Iranians to do the right thing and release Dr. Esfandiari.

I also wish to recognize the solid effort of the Woodrow Wilson International Center and its staff, led by our former colleague in the House of Representatives, Lee Hamilton, for its steadfast support of Dr. Esfandiari.

Finally, I wish to express my support for Dr. Esfandiari’s family during this trying time. She has a strong family and dozens of caring friends who refuse to give up her plight and refuse to let the Iranians suppress a beacon of peace and understanding.

This is outrageous. The Iranians need to do the right thing and allow her to return home here in the United States.
I can tell my colleagues that this body needs to stand in strong opposition to what the Iranians are doing, urging them to release this U.S. citizen so she can return here to her home.

Madam 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 there to be printed in the RECORD.

The PRESIDING OFFICER. Without objection it is so ordered.

The resolution (S. Res. 214) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 214

Whereas Dr. Haleh Esfandiari, Ph.D., holds dual citizenship in the United States and the Islamic Republic of Iran;

Whereas Dr. Esfandiari taught Persian language and literature for many years at Princeton University, where she inspired untold numbers of students to study the rich Persian language and culture;

Whereas Dr. Esfandiari is a resident of the State of Maryland and the Director of the Middle East Program at the Woodrow Wilson International Center for Scholars in Washington, D.C. (referred to in this preamble as the “Wilson Center”);

Whereas, for the past decade, Dr. Esfandiari has traveled to Iran twice a year to visit her aging 93-year-old mother;

Whereas, in December 2006, on her return to the airport during her last visit to Iran, Dr. Esfandiari was robbed by 3 masked, knife-wielding men, who stole her travel documents, luggage, and other effects;

Whereas, when Dr. Esfandiari attempted to obtain replacement travel documents in Iran, she was invited to an interview by a representative of the Ministry of Intelligence of Iran;

Whereas Dr. Esfandiari was interrogated by the Ministry of Intelligence for hours on many days;

Whereas the questioning of the Ministry of Intelligence focused on the Middle East Program at the Wilson Center;

Whereas Dr. Esfandiari answered all questions to the best of her ability, and the Wilson Center also provided extensive information to the Ministry in a good faith effort to aid Dr. Esfandiari;

Whereas the harassment of Dr. Esfandiari increased when she was awakened while napping to find 3 strange men standing at her bedroom door, one wielding a video camera, and later being pressured to make false confessions against herself and to falsely implicate the Wilson Center in activities in which it had no part;

Whereas Lee Hamilton, former United States Representative and president of the Menendez-Hagel amendment, has written to the President of Iran to call his attention to Dr. Esfandiari’s dire situation;

Whereas Mr. Hamilton repeated that the Wilson Center’s mission is to provide forums to exchange views and opinions and not to take positions on issues, nor try to influence specific policy outcomes;

Whereas the lengthy interrogations of Dr. Esfandiari by the Ministry of Intelligence of Iran stopped on February 14, 2007, but she heard nothing for 10 weeks and was denied her passport;

Whereas, on May 8, 2007, Dr. Esfandiari honored a summons to appear at the Ministry of Intelligence, whereby she was taken immediately to Evin prison, where she is currently being held; and

Whereas the Ministry of Intelligence has implicated Dr. Esfandiari and the Wilson Center in advancing the alleged aim of the United States Government of supporting a “soft revolution” in Iran; Now, therefore, be it

Resolved, That—

(1) the Senate calls upon the Government of the Islamic Republic of Iran to immediately release Dr. Haleh Esfandiari, replace her lost travel documents, and cease its harassment tactics; and

(2) it is the sense of the Senate that—

(A) the United States Government, through all appropriate diplomatic means and channels, should encourage the Government of Iran to release Dr. Esfandiari and offer her an apology; and

(B) the United States should coordinate its response with its allies throughout the Middle East, other governments, and all appropriate international organizations.

COMPREHENSIVE IMMIGRATION REFORM ACT OF 2007—Continued

Mr. MENENDEZ. Madam President, what is the pending business before the Senate?

The PRESIDING OFFICER. The Dodd amendment No. 1199.

AMENDMENT NO. 1199 TO AMENDMENT NO. 1159

Mr. MENENDEZ. I ask unanimous consent that the amendment be set aside in order to call up amendment No. 1194.

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

The clerk will report.

The assistant legislative clerk read the following:

The Senator from New Jersey [Mr. MENENDEZ], Mr. DODD, Mrs. CLINTON, Mr. DODD, Mr. OBAMA, Mr. AKAKA, Mr. LUTTENBERG, and Mr. INOUYE, proposes an amendment numbered 1194 to amendment No. 1159.

Mr. MENENDEZ. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment reads as follows:

AMENDMENT NO. 1194

(Purpose: To modify the deadline for the family backlog reduction)

In paragraph (1) of subsection (c) of the quoted matter under section 503(a), strike “567,000” and insert “677,000”.

In the fourth item contained in the second column of the row relating to extended family of the table contained in subparagraph (A) of paragraph (1) of the quoted matter under section 502(b)(1), strike “May 1, 2005” and insert “January 1, 2007”.

In paragraph (5) of section 602(a), strike quoted matter under section 503(c)(3), strike “May 1, 2005” and insert “January 1, 2007”.

In paragraph (3) of the quoted matter under section 503(c)(3), strike “440,000” and insert “550,000”.

In subparagraph (A) of paragraph (3) of the quoted matter under section 503(c)(3), strike “70,400” and insert “86,000”.

In subparagraph (B) of paragraph (3) of the quoted matter under section 503(c)(3), strike “110,000” and insert “127,500”.

In subparagraph (C) of paragraph (3) of the quoted matter under section 503(c)(3), strike “189,200” and insert “236,500”.

In paragraph (2) of section 503(e), strike “May 1, 2005” each place it appears and insert “January 1, 2007”.

In paragraph (1) of section 503(f), strike “May 1, 2005” and insert “January 1, 2007”.

In paragraph (6) of the quoted matter under section 508(b), strike “May 1, 2005” and insert “January 1, 2007”.

In paragraph (5) of section 602(a), strike “May 1, 2005” and insert “January 1, 2007”.

In subparagraph (A) of section 214(a)(7) of the quoted matter under section 222(b), strike “May 1, 2005” and insert “January 1, 2007”.

Mr. MENENDEZ. Madam President, I ask unanimous consent that Senators DURBIN, CLINTON, DODD, OBAMA, AKAKA, LUTTENBERG, and INOUYE be added as cosponsors of this amendment, along with Senator HAGEL and myself.

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

Mr. MENENDEZ. Madam President, the legislation currently before us curtails the ability of American citizens, or U.S. permanent residents, to petition for their families to be reunified here in America. But if the bill goes untouched, this bill sets two different standards for groups of people, and it sets it in a way that is fundamentally unfair. One group is those who have followed the law and obeyed the rules by having a legal alien relative or U.S. lawful permanent resident petition to bring them into this country legally, and one more favorably—it treats the next group much more favorably, one who has entered or residing in the U.S. under the law without proper documentation. So those who have obeyed the rules, followed the law, relatives of U.S. citizens, get treated in an inferior way to those who have not followed the law, who get treated in a better way. Let me explain how.

The Menendez-Hagel amendment simply states that at a minimum, the two groups should be treated equally under the bill. Our amendment is about fundamental fairness. All this amendment does is to make sure both groups face the same cutoff date.

Right now, those who are in our Nation in an undocumented status are allowed under the bill to potentially earn permanent residency so long as they entered this country before January 1, 2007. All our amendment says is that those who followed the rules who are waiting outside of the country who are the immediate relatives of U.S. citizens shouldn’t be treated worse because they followed the law and obeyed the rules. They should at least be treated the same, not worse. Therefore, they should have the same date: January 1, 2007. All this amendment does is modify the deadline for both groups face the same cutoff date.

The Menendez-Hagel amendment simply states that at a minimum, the two groups should be treated equally under the bill. Our amendment is about fundamental fairness. All this amendment does is to make sure both groups face the same cutoff date.

Right now, those who are in our Nation in an undocumented status are allowed under the bill to potentially earn permanent residency so long as they entered this country before January 1, 2007. All our amendment says is that those who followed the rules who are waiting outside of the country who are the immediate relatives of U.S. citizens shouldn’t be treated worse because they followed the law and obeyed the rules. They should at least be treated the same, not worse. Therefore, they should have the same date: January 1, 2007. All this amendment does is simply apply the same standard, the same cut-off date to those who followed the rules so that those who did obey the law and who legally applied for their green card can potentially earn permanent residency so long as they apply for their visa before January 1, 2007.

Now, this is a somewhat complicated issue, so let me explain exactly what the legislation as it is currently drafted does if we don’t adopt this amendment. Right now, there is a family
backlog of people who have applied for legal permanent residency. These are the people waiting outside of the country, waiting as they are claimed and have their petitions by a U.S. citizen or permanent resident saying: I want to bring my father or my mother here. I want to bring my brother or sister here. This legislation, as currently drafted, does away with the rights of U.S. citizens to make that claim if, in fact, those individuals have not filed their application before May 1, 2005.

It is important to pay attention to that May 1, 2005 date because it is nearly 2 years before the cutoff for people who are here in an undocumented status—those who didn’t follow the law, obey the rules, and those who may obviously have no U.S. citizen to claim them. So it actually says to a U.S. citizen and a U.S. permanent resident: You have an inferior right and a right that is now lost because it exists under the law today. That is fundamentally lost, and your right is inferior to the rights of those individuals who have not followed the rules and obeyed the law. So as this bill seeks to clear the legal family backlog, we say: Don’t treat a U.S. citizen worse. Don’t make those who followed the rules and obey the law a preference. Those who applied on May 1, 2005, or after, applied under our current immigration system that values family ties and employment at a premium, unlike under this bill, would now be subject to a completely different system that is primarily concerned with education and skill levels. This is like changing the rules of the game halfway through it. People who applied after May 2005 would not only lose credit for the up to 2 years they have been waiting under the current system, but they would also have to apply under a completely different system than the one under which they originally applied.

Now, let’s think of how fundamentally unfair that is. In this photo is the late Marine LCpl Jose Antonio Gutierrez, a permanent resident of the United States—the first American casualty in the war in Iraq. For people similar to the late Jose Antonio and those who served their country, for them, under this bill—he was not only here legally but was serving his country—oh, no, you apply for your family by May 1, 2005, or, sorry, we will give those people who didn’t follow the rules and obey the law a preference. Together those who served their country, you who wore the uniform, you who have done everything right—no, you have an inferior right.

Is that the legacy we leave to people who have served our country, a legal permanent resident? Sometimes people don’t even know we have legal permanent residents fighting in the service of the United States—ten of thousands. That is fundamentally unfair.

In this photo is another group of lawful permanent residents, “first called to duty.” They were in different systems than the one under which they originally applied. Under this bill, we take people such as the late LCpl Jose Antonio Gutierrez away from their families and make a good living. You are a U.S. citizen, you have your rights, you have right to live in the United States, serving their country, in harm’s way. Guess what. Under the bill, you have family abroad, you applied for a visa, and your family backlogged to slip by a few years. So we stay within the framework of the underlying bill; we just bring justice and fairness to the bill for those who have obeyed the law, followed the rules, and are the family members of U.S. citizens.

Now, why shouldn’t legal applicants be able to keep their place in line if they applied before January 1, 2007—the same cutoff date that is currently set for the legalization of undocumented immigrants. And we would add the appropriate number of green cards to ensure we don’t create a new backlog or cause the 8-year deadline for the family backlog to slip by a few years. So we stay within the framework of the underlying bill; we just bring justice and fairness to the bill for those who have obeyed the law, followed the rules, and are the family members of U.S. citizens.

Under this bill, we take people such as the late LCpl Jose Antonio Gutierrez away from their families and make a good living. You are a U.S. citizen, you have your rights, you have right to live in the United States, serving their country, in harm’s way. Guess what. Under the bill, you have family abroad, you applied for a visa, and your family backlogged to slip by a few years. So we stay within the framework of the underlying bill; we just bring justice and fairness to the bill for those who have obeyed the law, followed the rules, and are the family members of U.S. citizens.

Under this bill, we take people such as the late LCpl Jose Antonio Gutierrez away from their families and make a good living. You are a U.S. citizen, you have your rights, you have right to live in the United States, serving their country, in harm’s way. Guess what. Under the bill, you have family abroad, you applied for a visa, and your family backlogged to slip by a few years. So we stay within the framework of the underlying bill; we just bring justice and fairness to the bill for those who have obeyed the law, followed the rules, and are the family members of U.S. citizens.

Under this bill, we take people such as the late LCpl Jose Antonio Gutierrez away from their families and make a good living. You are a U.S. citizen, you have your rights, you have right to live in the United States, serving their country, in harm’s way. Guess what. Under the bill, you have family abroad, you applied for a visa, and your family backlogged to slip by a few years. So we stay within the framework of the underlying bill; we just bring justice and fairness to the bill for those who have obeyed the law, followed the rules, and are the family members of U.S. citizens.

Under this bill, we take people such as the late LCpl Jose Antonio Gutierrez away from their families and make a good living. You are a U.S. citizen, you have your rights, you have right to live in the United States, serving their country, in harm’s way. Guess what. Under the bill, you have family abroad, you applied for a visa, and your family backlogged to slip by a few years. So we stay within the framework of the underlying bill; we just bring justice and fairness to the bill for those who have obeyed the law, followed the rules, and are the family members of U.S. citizens.

Under this bill, we take people such as the late LCpl Jose Antonio Gutierrez away from their families and make a good living. You are a U.S. citizen, you have your rights, you have right to live in the United States, serving their country, in harm’s way. Guess what. Under the bill, you have family abroad, you applied for a visa, and your family backlogged to slip by a few years. So we stay within the framework of the underlying bill; we just bring justice and fairness to the bill for those who have obeyed the law, followed the rules, and are the family members of U.S. citizens.

Under this bill, we take people such as the late LCpl Jose Antonio Gutierrez away from their families and make a good living. You are a U.S. citizen, you have your rights, you have right to live in the United States, serving their country, in harm’s way. Guess what. Under the bill, you have family abroad, you applied for a visa, and your family backlogged to slip by a few years. So we stay within the framework of the underlying bill; we just bring justice and fairness to the bill for those who have obeyed the law, followed the rules, and are the family members of U.S. citizens.

Under this bill, we take people such as the late LCpl Jose Antonio Gutierrez away from their families and make a good living. You are a U.S. citizen, you have your rights, you have right to live in the United States, serving their country, in harm’s way. Guess what. Under the bill, you have family abroad, you applied for a visa, and your family backlogged to slip by a few years. So we stay within the framework of the underlying bill; we just bring justice and fairness to the bill for those who have obeyed the law, followed the rules, and are the family members of U.S. citizens.

Under this bill, we take people such as the late LCpl Jose Antonio Gutierrez away from their families and make a good living. You are a U.S. citizen, you have your rights, you have right to live in the United States, serving their country, in harm’s way. Guess what. Under the bill, you have family abroad, you applied for a visa, and your family backlogged to slip by a few years. So we stay within the framework of the underlying bill; we just bring justice and fairness to the bill for those who have obeyed the law, followed the rules, and are the family members of U.S. citizens.

Under this bill, we take people such as the late LCpl Jose Antonio Gutierrez away from their families and make a good living. You are a U.S. citizen, you have your rights, you have right to live in the United States, serving their country, in harm’s way. Guess what. Under the bill, you have family abroad, you applied for a visa, and your family backlogged to slip by a few years. So we stay within the framework of the underlying bill; we just bring justice and fairness to the bill for those who have obeyed the law, followed the rules, and are the family members of U.S. citizens.

Under this bill, we take people such as the late LCpl Jose Antonio Gutierrez away from their families and make a good living. You are a U.S. citizen, you have your rights, you have right to live in the United States, serving their country, in harm’s way. Guess what. Under the bill, you have family abroad, you applied for a visa, and your family backlogged to slip by a few years. So we stay within the framework of the underlying bill; we just bring justice and fairness to the bill for those who have obeyed the law, followed the rules, and are the family members of U.S. citizens.

Under this bill, we take people such as the late LCpl Jose Antonio Gutierrez away from their families and make a good living. You are a U.S. citizen, you have your rights, you have right to live in the United States, serving their country, in harm’s way. Guess what. Under the bill, you have family abroad, you applied for a visa, and your family backlogged to slip by a few years. So we stay within the framework of the underlying bill; we just bring justice and fairness to the bill for those who have obeyed the law, followed the rules, and are the family members of U.S. citizens.
phrased for it, such as chain migration. I have heard a lot about what a “nu-
clear family” is and is not. I will use these paperclips to dem-
strate this. I always thought a mother
or father, son or daughter, brother and sister was a circle; that that was a circle of strength. It is a cir-
cle of strength within our community. It is a sense of what our society is all
about, regardless of what alter you
worship at, what creed you believe in. I thought of the space of family values on the floor, that this was a circle of strength and dignity and the very essence of what is essen-
tial for our communities to grow and prosper.

What does this bill do? It says that is
not a value—a mother, father, son,
daughter, brother, sister. It is not a
value. That is what this bill does. Let me
tell you what family values have meant to this country. Here on the chart are Americans who had
immigrant parents. A lot of them proba-

ble could not have come to this coun-
try under the bill as proposed. Look at
what their offspring have provided for
this country.

A gentleman known as General
Petraeus happens to be leading our ef-
forts in Iraq. He is our big hope to turn
it around. He had immigrant parents.

Thomas Edison, from my home State
of New Jersey, Menlo Park, invented
electricity. He may not have been the
originator of that in this country if his
parents had not come here.

I may not agree
with Senators Kyl and Kennedy.

Don’t snuff out their rights to be able
to claim family members. Don’t treat
those of us who are U.S. citizens and
legal permanent residents worse than
those people who didn’t obey the law,
follow the rules, and came into the
country illegally. They are not equal.

The Governor of California, Arnold
Schwarzenegger. I am not sure he
would have made it into this
country; Henry Kissinger, former Secretary of
State; Ted Koppel, who brought us the
news on “Nightline;” Levi Strauss, you
have probably worn his products; Desi
Arnez, one of my favorites, a Cuban im-
migrant, who loved Lucy every day on
“I Love Lucy”; Albert Einstein. His
parents never would have made it under this bill; Andrew Carnegie of the
Carnegie Foundation; Joseph Pulitzer,
of Pulitzer Prize fame; Michael J. Fox,
who talks to us every day about the ne-
cssity for stem cell research and the
incredible challenges of Americans with
Parkinson’s. He is a naturalized U.S. citizen.

The list goes on and on. The bottom
line is that under this bill, so many of
those, such as General Petraeus, Colin
Powell, Thomas Edison, and Antonin
Scalia, whose parents came to this
country and therefore gave them the
opportunity to be born in America,
they would not have made it under this bill. Family values. Those who did not
have the good fortune to be born here,
but because their parents immigrated
here, were naturalized U.S. citizens.
They have contributed greatly.

So let’s not dehumanize reality. This isn’t about “chain migration.” This isn’t about some abstract sense of
how we try to change a very important
concept—family, family values, reuni-

fication, strengthening communities,
and having great Americans who have
altered the course of history and made
this country the greatest experiment and
country in the history of the world.

Our amendment simply says to all
those who have espoused family values,
it is time for us to live with your
values. It says don’t snuff out the right
of a U.S. citizen or a U.S. permanent
resident, these guys in this picture—
don’t snuff out their right, all perma-
nent residents of the U.S. originally,
don’t snuff out their right to be able
to claim family members. Don’t treat
those of us who are U.S. citizens and
legal permanent residents worse than
those people who didn’t obey the law,
follow the rules, and came into the
country illegally. They are not equal.

With that, I yield the floor.

The PRESIDING OFFICER (Mr.
Salazar). The Senator from Arkansas
is recognized.

Mrs. LINCOLN. Mr. President, I ap-
preciate my colleague from New Jersey
and the passion and value he brings to
this debate; it is tremendous, and we are
certainly for it. I am grateful to him.

I rise this afternoon to, once again,
discuss the dire need we have in this
country and in our communities for
comprehensive immigration reform. I
do believe the debate on immigration
reform has been the kind of mean-
gful, bipartisan approach in the Sen-
ate—with Senators Kyl and Kennedy
working together, Senator McConnell
and Leader Reid working together—
this is a bipartisan approach and the
time for American people expect out
of the Senate.

I am proud we are moving forward on
it because of the immediate need but
also the way we are going about this
process. Despite the Senate’s success in pro-
ducing a bipartisan bill last year, the
issue still has not been resolved. There
is still much to be questioned, and we
are working through that.

The majority of my colleagues will
agree that our Nation’s current immi-
gration system is badly broken, it is out
date, and it desperately needs to be
fixed. I plan to look for any plan that we can support that is tough and
practical and fair in dealing with this
ever-increasing issue.

Without a doubt, the top priority
must be the safety and security of our
country, as well as the economic needs
of industry, U.S. citizens, and immi-
grants. But most importantly, the sec-
curity issue is one that affects all of us.

I am so pleased the underlying bill
includes triggers to require that Border
Patrol agents are significantly in-
creased and vehicle barriers and fenc-
ing are installed along the southern
border with Mexico. Some of the other
provisions can even begin, mak-
ing sure that we are taking care of
what we know we can do and we can
do quickly.

I believe this bill is a work in
progress, though, just as any other bill
we bring before the Senate—working
hard through the committee process
and through years of debate, but also
recognizing that we are not here to cre-
ate a work of art but to create a work
in progress. Through these debates and
actually through implementation, we
learn what works and what doesn’t
work, what the current needs of our
country are. But as we move forward
with implementation, we learn the fut-
urer needs.

If we debate reform in this bill in
the coming days and weeks, we must also
discuss other important issues. As I
stated during last year’s debate, my
home State of Arkansas had the larg-
est per capita increase of the Hispanic
population of any State in the Nation
during the last census. Arkansas has
become what is referred to as an
emerging Hispanic community, with
largely first-generation immigrants.

These immigrants have had a dramatic
impact on our communities and our
economy.

The majority of immigrants in my
State came to the United States be-
cause they wanted an opportunity to
work hard and achieve a better life for
themselves and their families. How-
ever, I believe it is to the detriment,
oftentimes, of taxpaying Americans if
we don’t address the millions of illegal

The majority of immigrants in my
State came to the United States be-
cause they wanted an opportunity to
work hard and achieve a better life for
themselves and their families. How-
ever, I believe it is to the detriment,
oftentimes, of taxpaying Americans if
we don’t address the millions of illegal

The majority of immigrants in my
State came to the United States be-
cause they wanted an opportunity to
work hard and achieve a better life for
themselves and their families. How-
ever, I believe it is to the detriment,
oftentimes, of taxpaying Americans if
we don’t address the millions of illegal
immigrants living in our communities. We have to do so in a practical way, in a realistic way of how we effectively use the tax dollars we have, along with the rules and regulations and realistic barriers that we can put into place to rein in the problem that exists today in this country.

No reform proposal should grant amnesty. Amnesty is total unqualified forgiveness without restitution, and no policy should provide amnesty. This policy approach did not work when we passed the last session of Congress.

I don’t think it is fair to the citizens of this Nation or to those immigrants who do play by the rules to come into this great land. Those who have broken the law and wait 2 years before who knowingly hire illegal immigrants, must face proper recourse.

However, I also don’t believe it is practical, wise, or even, quite frankly, an economic reality to think that we can simply round up and deport all of the illegal immigrants who are residing in this country today. That is why I support an approach that includes serious consequences for those who are in our country illegally and yet want to remain. We owe it to the American public to create an earned path to citizenship and tough enforcement policies for businesses and those who are working toward that citizenship. We can eliminate the shadow economy that undocumented immigration generates.

According to the bill being debated, all undocumented immigrants who arrive in the United States before January 1, 2007, will be required to pay a hefty fine, a $5,000 fine, go to the end of the line, and start from the bottom. A green card can be issued, putting into place stiff regulations and expectations of those who have come here against the rules and yet want to remain, putting them at the back of the line not at the front.

In addition, a touchback provision has been included that will require the head of a household to return to his or her country of origin to apply for a green card after 4 years, or risk deportation. Many of us know how absolutely precious citizenship in this great land is. When I first ran for Congress, I can remember the first thing my father told me. I was a young single woman out campaigning and pleading with my fellow Arkansans in east Arkansas, people I had known ever since I was born, people who had helped raise me, those I had grown up around.

My father said: Never, ever, ever miss an opportunity to ask someone for their vote. He said: When you have something that precious, you want to be asked for it.

Citizenship in this great country, just as that vote, is a precious gift, and we, as Arkansans and Americans, know that anything similar that is precious is worth working for.

That is why these provisions are important because it demonstrates that citizenship is something that must be earned and is not free.

The PRESIDING OFFICER. The time of the Senator has expired.

Mrs. LINCOLN. Mr. President, I am sorry. I didn’t know I had a restricted time limit. I ask unanimous consent for an additional 2 minutes.

The PRESIDING OFFICER. Is there objection to the request for an additional 2 minutes for the Senator from Arkansas? Without objection, it is so ordered.

Mrs. LINCOLN. I thank the Chair.

Mr. President, as I said, citizenship in this country, and it is something that has to be earned and worked for, and that is what this bill requires.

I also believe any plan must consider guest workers. Many business leaders throughout our great State of Arkansas have told me about the valuable contribution that legal immigrant workers have made to the economic growth we have seen. It is my belief these workers are vital to sustained growth and job creation. So many industries and farming communities throughout our land. However, we must ensure that adequate safeguards are in place to prevent guest workers from taking jobs from U.S. citizens or driving down wages and benefits for hard-working Americans. We have seen that in this bill, and we will continue to work to strengthen it.

I am pleased the Immigration reform legislation we are currently debating contains provisions that will improve our agricultural guest worker program which will benefit our Nation’s farmers.

We stand at a crossroads in this country. Over the last decade and a half, the immigrant population has expanded in every area of our country, many of them coming here legally but some not; some coming illegally, many of them already paying local taxes. All of these workers are vital to the economic growth and job creation in this country. I believe that is an unreasonable request. I think it is the right thing to do, and I will be supporting that amendment.

I wish to speak to that amendment, but first I wish to say a word about the bill.

Mr. President, 96 years ago, just a few miles from where we are meeting, on July 18, 1911, a woman came down a gangplank in Baltimore, MD. She had just arrived on a voyage from Bremen, Germany. She had a 2-year-old little girl in her arms and two young children, a boy and a girl, by her side. She stepped foot in America in Baltimore and took a train to join up with her husband in a place called East St. Louis, IL.

This woman who brought these three children across the Atlantic didn’t speak English. She only knew that her husband was waiting 800 miles away and was making her journey. That woman was my grandmother, and her 2-year-old baby in her arms was my mother. That was 96 years ago. Ninety-six years later, the son of that little girl stands as a United States Senator from Illinois. It is a story about America.

This Nation is great because of the immigrants and their sons and daughters who came here and made it great. I am certain that when my mother’s family announced to their villagers in Jurbarkas, Lithuania, that they were leaving for America, that they were leaving their garden, their church, their history, their language, and their culture and heading someplace where they couldn’t
even speak the language. I am sure as their neighbors walked away in the darkness that evening they all said the same thing: They’ll be back. They’ll be back. They didn’t go back. They stayed here. They built America. People similar to them have been building America since the beginning.

This bill is about immigration. It is about a system of immigration that has failed us. It has failed us because 800,000 undocumented illegal people pour across our southern border every year into America. It has failed us because employers welcome these employees, often paying them dirt wages under poor conditions and say to them: We will use you until we don’t need you, and then you are on your own.

These immigrants sacrifice for themselves, send their money home, and dream of someday that they will have security and peace of mind. That is the story.

Finally, we have 10 or 12 million now in our country who came that way, with no legality or documentation. I salute Senator Kennedy and those who brought this bill to the floor. They have worked long and hard for years to deal with this issue honestly. They have to fight the talk show hosts who are on every afternoon screaming about immigration with not one positive thought of what we can do about it. Instead, Senator Kennedy and many like him have stood up and said: We will risk our political reputation by putting this measure before America. Let’s do something and fix this broken immigration system.

I salute them for that—for border enforcement, for workplace enforcement, for dealing honestly, fairly, legally, in an American way with the 12 million people who are here.

The amendment before us addresses one part. It addresses the guest worker program. As written in this bill, we would allow 400,000 people a year to come into America and work as temporary workers, and that number could increase. By action of the Senate yesterday, we reduced the 400,000 to 200,000.

Do we need 200,000 guest workers every year in America? I don’t know the answer to that. I can tell you today that among college graduates in America, the unemployment rate is 1.8 percent. Among school graduates it is 7 percent. It tells me that there is a pool of untapped talent in America.

Do we need 200,000 people coming from overseas each year to supplement our workforce? I don’t know the answer to that question. There are those who insist we do and some who say we don’t. And that is why Senator Dorgan’s amendment is important. It says we will try the 200,000 a year for 5 years and then stop and assess where we are, what has happened to workers of American workers, what has happened to businesses that need additional workers. We can make an honest assessment at that point. If we see American wages going down, if we see the unemployment rate of Americans going up, we may want to calibrate, reconsider.

His is a thoughtful and reasonable approach. Senator Kennedy has said, and he is right, that we must establish standards of treatment for those guest workers that are dramatically better than what they face today. There is gross exploitation taking place. We know that.

Many of these undocumented, illegal workers are treated very kindly, but many are exploited. We know the stories. We hear them, we read about them. We can change that, and we should. A great nation should not allow people to be exploited in this way.

It is not inconsistent to say that we will have a limited number of guest workers, that we will treat them fairly and honestly and in a decent manner, with decent wages, and then step back in 5 years and make an assessment of where we are. That is a reasonable approach to take.

There are many positive provisions in this bill, but the one thing that troubles me is the idea of guest workers being here for 2 years and leaving, creating a revolving door of people with little investment in the United States. How will that work? We already know the answer to that question. That is what European nations are doing today. They are bringing in people from countries and other countries. The Turks are coming into Germany, Africans coming into France, but they never become part of those countries. They are always the workforce. They become angry. They become dispossessed. They riot in the streets because they have no investment in that country in which they are working. They are being exploited and used. I don’t want to see that happen in America. I want those who are living here to be vested in this country and its values and its culture.

Finally, let me say that when it comes to guest workers and H-1B visas, where we invite higher skilled workers, our first obligation is to the workers of America, those who are unemployed and those who have the American dream but just need an American chance. As we look at each of these categories of workers, let us make certain that the first question we ask and answer is, are we dedicated to the workers and the families across America to make sure they have a fighting chance to realize the same American dream my mother realized when she came off the boat.

Mr. President, I yield the floor. The PRESIDING OFFICER. The Senator from Massachusetts, Mr. Kennedy. Mr. President, just as an inquiry, I think we are scheduled for a vote at 2:15; is that correct?

Mr. President, I yield the floor. The PRESIDING OFFICER. That is correct.

Mr. Kennedy. I see the Senator from North Dakota.

How much time do I have?
then suddenly the Dorgan amendment pulls the strings right out from under them. Down they go. Down they go. The promise to them is if they work hard and play by the rules and work in very tough and menial jobs, they may have the opportunity—not guaranteed, but they may have the opportunity to be a part of the American dream, but not under the Dorgan amendment, under our amendment.

This is the way to go. We have in here an opportunity that is essential and necessary. This can provide the Congress with the information of whether this program is working. It has been established, and it will be set up. It will be functioning, and it will give Congress the information. We will have continuing oversight, and we will be able to adjust that program in ways that serve humanity and serve our economy.

I hope the Dorgan amendment will be defeated.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I yield 1 minute to the Senator from California, Mrs. BOXER.

Mrs. BOXER. Mr. President, it is very rare that I have such a strong disagreement with my friend, Ted Kennedy, but I don’t understand the agitation over an amendment that simply says that a program that allows 200,000 foreign workers in here, a generalized program—this is not AgJOBS, which is a specific industry program that we know we need because we know right now half the workers are foreign workers; this is a generalized, open program, 200,000 foreign workers a year. I think Senator Dorgan and I and others have shown that American workers are going to be hurt by this. So why is there so much angst about setting a program that will allow in now 200,000 people a year? It was 400,000. Thanks to the Bingaman amendment, it is down. This is a modest amendment. This is a sensible amendment.

Mr. President, I would ask my friend to yield me 1 more minute, or 30 seconds.

Mr. DORGAN. I yield an additional 30 seconds.

Mrs. BOXER. Mr. President, here is the point: You are doing no harm to these people. Under this bill, these people have to leave at the end of 6 years. They are done. So for the Senator to say this somehow hurts people in the long run, it simply isn’t true.

The Bingaman amendment. It makes a lot of sense. Who knows, in 5 years, we could be in a massive depression. We don’t want that, but we are certainly not going to want to extend the program in that case. This is a wise amendment. It changes an “ayes” vote.

I thank the Senator from North Dakota for his leadership.

Mr. DORGAN. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has 6 minutes 40 seconds.

Mr. DORGAN. Mr. President, there is no social program in this country as important as a good job that pays well. That is just a fact. Having a job that pays well, with some job security, is the way we expand opportunity in this country and allow someone to be able to take care of their family.

We are also going to offer this legislation that there are jobs Americans won’t take, that we don’t have enough workers and we should bring in workers from outside of our country.

Well, it is true there are jobs, for example, at the beginning of this or from Asia where they are used to working for 20 cents an hour and working 7 days a week, 12 and 14 hours per day. If you dispute that, go to Xianxian, China, and check any of the factories there and find out the conditions and the wages.

Well, my point is this: We will get these millions of people into this country on top of the 1.2 million who will already come in legally. Plus we will say to the 12 million who came in illegally, that you are going to be legal and given a work permit. On top of that, we want to bring in additional guest or temporary workers. I ask this question: Of these millions of people—millions of people—how many of them are going to leave and go back home?

My colleague yesterday said that the Governor of Arizona, who probably knows as much about this as any other Member of the Senate, has pointed out that you can build a wall, you can build a fence there—talking about the southern border—but if it is 49 feet high, they will have a 50-foot ladder. Talk to the Arizona Governor, he says. It is a matter of fact that some workers will still come here illegally or legally, but one way or another, they will come in. So much for the proposition that the bill brought to the floor of the Senate solves the immigration problem.

We are told we need a guest worker or temporary workers. The Governor of Arizona, he says because they are going to come anyway. Apparently, we are saying: OK, they are going to come in illegally anyway because we can’t stop them—we don’t have a provision in the bill to stop them—so we will very cleverly say they are guest workers and give them a permit as they come in. That is the bottom line here.

My amendment is very simple. I lost the amendment to strip out the guest worker provision, a provision we don’t need and shouldn’t need. It is a provision that is the price paid to the U.S. Chamber of Commerce for their support for this bill even as they export good American jobs through the front door, mostly to Asia. We don’t need any of this fence. One day was yesterday to strike this provision. This amendment I offer today says at least—least we set the Senate this provision in 5 years so we can take a look at whether any of these promises have made any sense.

I was here in the Congress in 1986. I heard all the promises of the Simpson—
Mazzoli. None of them were true, and 3 million people got amnesty. There was no border security to speak of, no employer sanctions to speak of, and there was no enforcement. Now, all these years later, we have 12 million people in the country without legal authorization. What do we do? We bring a new bill to the floor with border security, with employer sanctions, and a guest worker provision. Nirvana.

The fact is, it is not going to work, regrettably, and this is the worst possible provision in this bill, in my judgment.

Mr. President, I yield the floor, and I reserve my time.

How much time remains?

The PRESIDING OFFICER. The Senator has 17 seconds.

Mr. DORGAN. I will reserve the 17 seconds unless the Senator from Massachusetts is ready to yield back, and then I will yield back and we can vote. Mr. KENNEDY. I yield the time.

Mr. DORGAN. I yield my time.

The PRESIDING OFFICER. All time has been yielded. The question is on agreeing to the amendment.

Mr. KENNEDY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHN- son) is necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK) and the Senator from Wyoming (Mr. THOMAS).

The PRESIDING OFFICER (Mr. NEL- son of Nebraska). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 48, nays 49, as follows:

(Rollcall Vote No. 178 Leg.)

YEARS—48

Baucus  Feingold  Obama
Bayh  Grassley  Reed
Biden  Harkin  Reid
Bingaman  Inhofe  Rockefeller
Boxer  Inouye  Sanders
Brown  Klobuchar  Schumer
Byrd  Kohl  Sessions
Cardin  Landrieu  Shelby
Cassidy  Latenber  Stabenow
Clinton  Leahy  Senate
Coehn  Levin  Tester
Conrad  McCaskill  Thune
Corker  Mikulski  Vitter
Dodd  Murray  Webb
Dorgan  Nelson (FL)  Whitehouse
Durbin  Nelson (NE)  Wyden

NAYS—49

Akaka  Craig  Kennedy
Alexander  Crapo  Kerry
Allard  DeMint  Kyl
Bennett  Dole  Lieberman
Bond  Domenici  Lincoln
Bunning  Ensign  Lott
Burr  Ensign  Pollak
Cantwell  Feinstein  Martinez
Carper  Graham  McCain
Chambliss  Gramm  McConnell
Coehn  Hagel  Menendez
Colman  Harkin  Menendez
Collins  Hutchison  Pryor
Corrigan  Isakson  Roberts

The amendment (No. 1181) was re- jected.

Mr. SPECTER. Mr. President, I move to reconsider the vote.

Mr. CRAIG. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I thought the Republican leader, the Senator from Kentucky, Mr. McCON- NELN, wanted to speak and introduce an amendment. Then we are hopeful that we would deal with the Vitter amendment, and after that we would go with the Feingold amendment, and perhaps even the Sanders amendment as well. That might be a way we proceed.

I see the Senator from Kentucky, who is going to talk for a period of time. Then we would go back to the Republican side, Senator VITTER, come back over here to Senator FEINGOLD, then perhaps they were looking on the other side—were talking to our Republican colleagues—and we are hopeful to get a vote, potentially go to Senator SANDERS after that.

The PRESIDING OFFICER. Mr. Chairman.

AMENDMENT NO. 1179 TO AMENDMENT NO. 1160

Mr. MCCONNELL. Mr. President, I thank my friend from Massachusetts. I ask unanimous consent that the pending amendment be laid aside, and I call up amendment No. 1179.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky (Mr. McCON- NELL) proposes an amendment numbered 1179.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

SEC. 1. IDENTIFICATION REQUIREMENT.

(a) NEW REQUIREMENT FOR INDIVIDUALS VOTING IN PERSON—

(1) IN GENERAL.—Title III of the Help America Vote Act of 2002 to require individuals voting in person to present photo identification.

At the appropriate place, insert the following:

SEC. 304. IDENTIFICATION OF VOTERS AT THE POLLO.

(a) IN GENERAL.—Notwithstanding the requirements of section 303(b), each State shall require individuals casting ballots in an election to use the payment under this part to provide free photo identification issued by a governmental entity before voting.

(b) EFFECTIVE DATE.—Each State shall be required to comply with the requirements of subsection (a) on and after January 1, 2008.

(2) CONFORMING AMENDMENTS.—

Section 481 of the Help America Vote Act of 2002 (42 U.S.C. 15511) is amended by adding 'and 304 and 305' after'designedating the items relating to sections 304 and 305 as relating to items 305 and 306, respectively, and by inserting after the item relating to section 305 the following new item:

"Sec. 304. Identification of voters at the polls."

(b) FUNDING FOR FREE PHOTO IDENTIFICATION.

(1) IN GENERAL.—Subtitle D of title II of the Help America Vote Act of 2002 (42 U.S.C. 15401 et seq.) is amended by adding at the end the following:

"PART 7—PHOTO IDENTIFICATION

SEC. 297. PAYMENTS FOR FREE PHOTO IDENTIFICATION.

"(a) IN GENERAL.—In addition to any other payments made under this subtitle, the Commission shall make payments to States to promote the issuance to registered voters of photo identifications for purposes of meeting the identification requirements of section 304.

(b) ELIGIBILITY.—A State is eligible to receive a grant under this section if it submits to the Commission (at such time and in suchform as the Commission may require) an application containing—

"(1) a statement that the State intends to comply with the requirements of section 304; and

"(2) a description of how the State intends to use the payment under this part to provide registered voters with free photo identifications which meet the requirements of such section.

(c) USE OF FUNDS.—A State receiving a payment under this part shall use the payment only to provide free photo identification cards to registered voters who do not have an identification card that meets the requirements of section 304.

(d) ALLOCATION OF FUNDS.—

"(1) IN GENERAL.—The amount of the grant made to a State under this part for a year shall be equal to the product of—

"(A) the total amount appropriated for payments under this part for the year under section 296; and

"(B) an amount equal to—

"(i) the voting age population of the State (as reported in the most recent decennial census); divided by

"(ii) the total voting age population of all eligible States which submit an application for payments under this part (as reported in the most recent decennial census).

"SEC. 298. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—In addition to any other amounts authorized to be appropriated under this subtitle, there are authorized to be appropriated such sums as are necessary for the purpose of making payments under section 297.

"(b) AVAILABILITY.—Any amounts appropriated pursuant to the authority of this section shall remain available until expended.

(2) CONFORMING AMENDMENT.—The table of contents of the Help America Vote Act of 2002 is amended by inserting after the item relating to section 296 the following:

"PART 7—PHOTO IDENTIFICATION

SEC. 297. Payments for free photo identification.

"Sec. 298. Authorization of appropriations."
lot of legitimate concerns about the immigration bill that we brought to the floor earlier this week, which is precisely what we were hoping for when we decided to move forward with it. We needed to air things out. Many of our Republican colleagues have rightly expressed their concern that people who have broken the law somehow get away with it under the proposed legislation.

As we have debated this issue on the floor, the American people have spoken very clearly. We have heard from both sides, and I think we can agree on the benefit of an ID. It would surely help us, as a nation, to stamp out voting fraud. The senior Senator from Illinois is sponsoring a bill that would stiffen penalties for preventing someone from exercising his or her right to vote. He has already drawn 12 Democratic cosponsors. The bill is meant to respond to a problem we all recognize and which we should do something about by requiring photo ID for voters.

Two dozen States already require—though the promise of America is that every law-abiding citizen has an equal stake in the political process and should be entitled to vote. It is a right that is recognized in the political process and should be available to all, not just to those who happen to have the right to vote. As a result of the Help America Vote Act, photo ID is required for those who register to vote by mail but who can’t produce some other identifying document. The right to vote is a fundamental right.

We have all been through elections where groups of voters questioned the results based on rumors of coercion or fraud. Photo IDs would substantially limit this kind of voter skepticism and loss of faith in the political process.

Consistent with the purpose and the aim of the 15th Amendment, we don’t want anyone who has the right to vote to have any difficulty acquiring an ID. This amendment addresses this concern by establishing a grant program for those who cannot afford a photo ID. People who qualify will be provided one for free, no cost. No less an advocate for poor Americans than Ambassador Andrew Young has said photo IDs would have the added benefit of helping those who don’t have drivers licenses or other forms of official ID to navigate an increasingly computerized culture. Photo IDs would make it easier to cash checks, or gain access to other forms of commerce that a wholesale shopping club.

Two dozen States already require—that is the most concrete expression of this right. The junior Senator from Illinois seems to agree on the benefit of an ID. The promise of America is that every noncitizen who is here illegally and many are transferred to cast votes.

We have no reason to believe this practice, if true, is not being replicated in other cities and towns all across our country. So the question is: Given the current reality, how do we safeguard the integrity of the voting system? If these millions were eventually to become citizens, how do we propose to make sure their vote counts, that it isn’t diluted?

Now the Carter-Baker Commission on Federal Election Reform, founded after the 2004 election and spearheaded by former President Jimmy Carter and former Secretary of State Jim Baker, has already addressed the problem. Here you see President Carter and former Secretary Jim Baker together addressing this issue as they cochaired the Federal Election Reform Commission. That report said, quite simply, election officials need to have a way to make sure the people who line up at the polls are the ones on the voter lists.

I cannot think of anyone who would disagree with that. The solution the Carter-Baker Commission, in the same one I am proposing today as an amendment to the immigration bill.

In our country, photo IDs are needed to board a plane, to enter a Federal building, to cash a check, even to join a wholesale shopping club.

In a nation in which 40 million people change addresses each year, in which a lot of people don’t even know their neighbors, some form of Government-issued tamperproof photo ID should be used in elections as well. If they are required for buying bulk toothpaste, they should be required to prove one’s identity, to prove that someone actually has a right to vote and a right to influence the laws and policies of our country. We need to ensure those who are voting are the same people on the rolls and that they are legally entitled to vote.

ID cards would do that. They would reduce irregularities dramatically and, in doing so, they would increase confidence in the system.

We have all been through elections where groups of voters questioned the results based on rumors of coercion or fraud. Photo IDs would substantially limit this kind of voter skepticism and loss of faith in the political process.

Consistent with the purpose and the aim of the 15th Amendment, we don’t want anyone who has the right to vote to have any difficulty acquiring an ID. This amendment addresses this concern by establishing a grant program for those who cannot afford a photo ID. People who qualify will be provided one for free, no cost. No less an advocate for poor Americans than Ambassador Andrew Young has said photo IDs would have the added benefit of helping those who don’t have drivers licenses or other forms of official ID to navigate an increasingly computerized culture. Photo IDs would make it easier to cash checks, or gain access to other forms of commerce that are closed to people who don’t have them.

An overwhelming majority of Americans support this attempt to ensure the integrity of our elections. An NBC News/Wall Street Journal poll last year showed 26 percent of respondents strongly favored requiring a universal tamperproof ID at the polls. Nineteen percent said they mildly favored the idea.

That is 80 percent of the American people think this is a good idea.

On issues in America, 80/20 is about as good as it gets. Twelve percent were neutral and didn’t have an opinion at all, only 3 percent mildly opposed, and 4 percent opposed. So let’s add those together. We are talking about 80 to 7, with the rest of Americans not having a view. Ninety-three percent of those who were asked for their opinion were in favor of the idea.

The benefit of an ID is clear. Both sides have been haggling over how to do that. They would reduce irregularities dramatically and, in doing so, would increase confidence in the system.

We have all been through elections where groups of voters questioned the results based on rumors of coercion or fraud. Photo IDs would substantially limit this kind of voter skepticism and loss of faith in the political process.

Consistent with the purpose and the aim of the 15th Amendment, we don’t want anyone who has the right to vote to have any difficulty acquiring an ID. This amendment addresses this concern by establishing a grant program for those who cannot afford a photo ID. People who qualify will be provided one for free, no cost. No less an advocate for poor Americans than Ambassador Andrew Young has said photo IDs would have the added benefit of helping those who don’t have drivers licenses or other forms of official ID to navigate an increasingly computerized culture. Photo IDs would make it easier to cash checks, or gain access to other forms of commerce that are closed to people who don’t have them.

An overwhelming majority of Americans support this attempt to ensure the integrity of our elections. An NBC News/Wall Street Journal poll last year showed 26 percent of respondents strongly favored requiring a universal tamperproof ID at the polls. Nineteen percent said they mildly favored the idea.

That is 80 percent of the American people think this is a good idea. On issues in America, 80/20 is about as good as it gets. Twelve percent were neutral and didn’t have an opinion at all, only 3 percent mildly opposed, and 4 percent opposed. So let’s add those together. We are talking about 80 to 7, with the rest of Americans not having a view. Ninety-three percent of those who were asked for their opinion were in favor of the idea.
The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:
The Senator from Louisiana [Mr. VITTER], for himself, Mr. DE MINT, Mr. THOMAS, Mr. BUNNING, Mr. INHOFE, and Mr. DOUCETTE, proposes an amendment numbered 1157.

Mr. VITTER. 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 strike title VI (related to Non-immigrants in the United States Previously in Unlawful Status) and strike title VI.)

Mr. VITTER. Mr. President, this is an important amendment that goes to the heart of our debate. This amendment strikes all of the text of title VI, the Z visa amnesty section. It takes all of that Z visa out of this massive immigration bill. I thank several members for joining me in this important amendment: Senator DE MINT, Senator THOMAS, Senator BUNNING, Senator ENZI, Senator INHOFE, and Senator COBURN. They are all cosponsors of this amendment. I ask all of my colleagues to join us in support of this foundational but necessary correction of the bill.

Many folks will say: We can’t do this. This goes to the heart of the bill. It goes to the heart of the compromise. Well, indeed, it does. It does this because it is where an absolutely fundamental flaw with this approach re- sides. The Z visa is amnesty, pure and simple. Amnesty is at the heart of this bill and is a fundamental problem and flaw with the bill that we must correct. Make no mistake about it, the American people know this. It is obvious. Why is it so hard for us to acknowledge the fact, acknowledge the negative consequences that flow from it, and correct it?

Considering how badly received last year’s Senate-passed amnesty bill was, I am shocked we are here again, admittedly with a better bill in some respects but with a bill with Z visa am- nnesty right at the heart of it. The American people don’t want this. They don’t want the Z visa, because they don’t want to reward law breaking and thereby encourage more of the same. The Z visa amnesty provision absolutely rewards those who have broken the law. That is the fundamental flaw in this approach. The American people don’t want this. They don’t want the Z visa, because they don’t want to reward law breaking and thereby encourage more of the same.

I think the fundamental question in this debate is, is this bill going to be a repeat of the 1986 immigration reform Congress passed at that time or is this bill fundamentally different? Again, that is a central question that goes to the heart of the Z visa issue and the other the Z visa issue.

In 1986, Congress took up immigration reform. They passed a significant bill, not as wide sweeping as we are talking about now but certainly a signifi- cant bill. Arguments were very serious. We are going to beef up enforcement. We are going to get seri- ous. We are going to have real enforce- ment at the border. We are going to have meaningful enforcement at the workplace. In that context, we need this amnesty one time, and it will be done and the problem will be solved.

What is the history since then? The history is clear. A problem that was then about 3 million illegal aliens has grown at least four-fold—12, 15 million, etc.—in that context. The problem has gotten a lot worse. Why? Because the amnesty provisions of that bill in 1986 absolutely went into force and effect. They were absolutely hon- ored. But at the same time, the enforce- ment that occurred happened to an ade- quate extent.

So what happens with those two dy- namics? It is simple to see what did happen—ineffective enforcement, real amnesty that sent the message loudly and clearly: You will eventually be for- given for breaking the law to get into this country illegally. The problem mushroomed. The problem quadrupled from more than 3 million illegal aliens in the country to 12 or 13 million or more today.

That is an awfully fundamental ques- tion we need to ask as we look at this legislation. I have asked that question. My answer is: This is a vastly improved bill from last year, but this bill still has it. It still has the flaws. This bill has still risks—and I believe will inevitably repeat—the mistake of 1986, only on a far broader, a far bigger, and far more dangerous scale. We cannot afford that.

There are colleagues of both parties in this Chamber who make the argu- ment that we hear about most legisla- tion: The status quo is broken. This bill is not perfect, but this bill will move it along. This bill will make it better.

That sort of incrementalist approach is true in a lot of cases. In this case, I don’t think it is true at all. In this case, a flawed bill gives us the real threat, the real danger of making the problem a lot worse, not better. That is the history of what happened in 1986. That is what will happen again with inadequate enforcement plus amnesty.

How do we correct this? One way is to beef up enforcement. I support a lot of different measures to make the en- forcement more certain, to nail it down. Most importantly, this bill takes us into any of these other areas such as a temporary worker program, certainly Z visas. The triggers in this bill are much ballyhooed, but the triggers don’t get us to where we need to be before they trigger the Z visa. All the triggers do is say: We are going to do what was planned for the next 18 months any- way, which isn’t all of what we need to do, which isn’t half of what we need to do. We need to beef up those enforcement provisions.

The other way to fix going down the 1986 road again is to get rid of amnesty, to get rid of the Z visa. That is exactly what this amendment does.

Certainly many of my colleagues will protest wildly about calling this am- nnesty. If you look at the facts, there is no other conclusion to reach. If you look at the history, there is no other con- clusion.

For those lawyers in the Chamber, probably the best known legal ref- erence book is Black’s Law Dictionary. Open it. Turn to “amnesty.” It is very straightforward. Amnesty is “a pardon extended by the government to a group or class of persons.” Black’s Law Dic- tionary cites as its first example of what that means the 1986 Immigration Reform and Control Act. It points to that very act and says it “‘provided am- nnesty for undocumented aliens already present in the country.’” That is the ex- ample it cites in the very definition of the concept of amnesty.

The best thing to know is that we are going to print this definition with the example in the RECORD.

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

(From Black’s Law Dictionary (8th ed. 2004))

’amnesty, n. A pardon extended by the gov- ernment to a group or class of persons, usu- ally for a political offense; the act of a sov- ereign power officially forgiving certain crimes to persons whom it is convenient to treat as prisoners but have not yet been convicted.

The 1986 Immigration Reform and Control Act provided amnesty for undocumented aliens already present in the country. Unlike an ordinary pardon, amnesty is usually addressed to crimes against state sovereignty—that is, to political offenses with respect to which forgiveness is deemed more expedient for the public welfare than prosecution and punishment.

Amnesty is usually general, addressed to classes or even communities.—Also termed general pardon. See PAR Don. (Cases: Par- don and Parole 26. C.J.S. Pardon and Parole §§3, 31.)—amnesty, vb. ‘Amnesty . . . derives from the Greek amnestia (‘forgetting’), and has come to be used to describe measures of a more general nature, directed to offenses whose crimi- nality is considered better forgotten.’ Leslie Seba, “Amnesty and Pardon,” in 1 Encyclo- pedia of Crime and Justice 59, 59 (Sanford H. Kadish ed., 1966).
I think if you go down the requirements of the 1986 law and the requirements of this bill before us, you will see they are disturbingly familiar.


1986 legislation was enacted, Members of the House and Senate had the best of intentions to improve our border situation and decrease illegal immigration by offering permanent status to those in the United States illegally. Those good intentions, however, were not without fault. We can see that now, 21 years later, and we cannot ignore the problems caused by that legislation.

Our goal here is to make an immigration system that works—one that meets the economic needs of our Nation and allows for legal immigration and legal workers. We need to make it less complicated to immigrate legally rather than illegally. The status quo is just the opposite. It has become so difficult to follow the legal path that many look for the easier route of crossing our border without paperwork, without labor certifications, and without background checks. It has become so difficult for employers to hire legal temporary workers that many hire illegal immigrants without legal Social Security numbers, without labor certifications, and without background checks. Our laws should not be a deterrent to themselves.

Our immigration system is complicated. Our borders remain open. Border security must be the top priority of the debate. We cannot have immigration reform without strengthening the security of our borders. This is why I am pleased that the language the Senate is considering includes triggers that must be met before certain provisions can be enacted.

There are some positive ideas in this legislation, but there remain many problems. The Senate should not pass flawed legislation merely for the sake of voting on something.

Amnesty is one of the main concerns of my constituents in Wyoming. Amnesty sends a message to illegal immigrants that if you break our immigration laws and avoid being detected for several years, the United States will not only forgive you but reward you with permanent resident status. Amnesty encourages illegal immigration. In 1986, 7 million immigrants were granted amnesty. Today, we are facing an illegal population of over 12 million. The Senate legislation did not stop illegal immigration. We should not repeat this policy without ensuring that we are not making the same mistake.

I continue to closely examine bill language as new developments unfold and will make decisions keeping in mind what concerns I have heard from the people and businesses of Wyoming. We expect to spend the first week of June continuing to debate and amend the bill. I am concerned about where we will be in 2 weeks on this legislation. This issue is too important to refuse to consider amendments for members of either party.

Again, I state my strong support for Senator Vitter’s amendment to remove amnesty provisions from this legislation. I hope my colleagues in the Senate will join me in taking a strong stance against amnesty.

With that, I yield back the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I ask unanimous consent that I be able to proceed as in morning business for 3 minutes.

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

(The remarks of Mr. BIDEN are printed in today’s Record under “Morning Business.”)

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

The PRESIDING OFFICER (Ms. KLOBUCHAR). Without objection, it is so ordered.

Mr. FEINGOLD. Madam President, I ask unanimous consent that the pending amendment be set aside so I might call up an amendment.

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

AMENDMENT NO. 1176 TO AMENDMENT NO. 1150

(Purpose: To establish commissions to review the facts and circumstances surrounding injustices suffered by European Americans, European Latin Americans, and Jewish refugees during World War II)

Mr. FEINGOLD. Madam President, I call up amendment No. 1176.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD], for himself, Mr. LIEBERMAN, and Mr. KLOBUCKAR proposes an amendment numbered 1176 to amendment No. 1150.

Mr. FEINGOLD. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.
The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in the RECORD of Wednesday, May 23, 2007, under “Text of Amendments.”)

Mr. FEINGOLD. Madam President, this amendment contains the language and Senator INOUYE, have agreed to co-sponsor this amendment. They are also cosponsors of my bill, and I appreciate their continued support for this important initiative.

This amendment would help us to learn more about how, during World War II, recent immigrants and refugees were treated. It is an appropriate and relevant amendment to this immigration bill.

I would have preferred to have moved this bill on its own. Senator GRASSLEY and I had introduced the Wartime Treatment Study Act in the last two Congresses, and the Judiciary Committee has reported it favorably each time, including just last month. It has been cleared for adoption by unanimous consent by my Democratic colleagues. But I am forced to offer this as an amendment because the Wartime Treatment Study Act has not cleared the Republican side in this Congress or any of the last three Congresses. It is time for the Senate to pass this bill.

During World War II, the United States fought a courageous battle against the spread of Nazism and fascism. Nazi Germany was engaged in the horrific persecution and genocide of Jews. By the end of the war, 6 million Jews had perished at the hands of Nazi Germany.

The Allied victory in the Second World War was an American triumph, a triumph for freedom, justice, and human rights. The courage displayed by so many of our nation’s origin, should be a source of great pride for all of us. But we should not let that justifiable pride in our Nation’s triumph blind us to the treatment of some Americans by their own Government.

Sadly, as so many brave Americans fought against enemies in Europe and the Pacific, the U.S. Government was curtailing the freedom of some of its own people here, at home. While it is, of course, the right of every Nation to protect itself during wartime, the U.S. Government can and should respect the basic freedoms that so many Americans have given their lives to defend.

Many Americans are aware that during World War II, under the authority of Executive Order 9066 and the Alien Enemies Act, the U.S. Government forced more than 100,000 ethnic Japanese from their homes and ultimately to relocation and internment camps. Japanese Americans were forced to leave their homes, their livelihoods, and their communities. They were held behind barbed wire and military guard by their own Government.

Congress and the U.S. Government did the right thing by recognizing and apologizing for the mistreatment of Japanese Americans during World War II. But our work in this area is not done. That same respect has not been shown to the many German Americans, Italian Americans, and European Latin Americans who were taken from their homes, subjected to curfews, limited in their travel, deprived of their personal property, and, in the worst cases, placed in internment camps.

Most Americans are probably unaware that during World War II, the U.S. Government designated more than 600,000 Italian-born and 300,000 German-born U.S. resident aliens and their families as enemy aliens. By the end of the war, more than 11,000 ethnic Germans, 3,200 ethnic Italians, and scores of Bulgarians, Hungarians, Romanians, or other European Americans living in America were taken from their homes and placed in internment camps. Some even remained interned for up to 3 years after the war ended. Unknown numbers of German Americans, Italian Americans, and other European Americans had their property confiscated or their travel limited under curfews. This amendment would not—would not—grant reparations to victims. It would simply create a commission to review the facts and circumstances of the U.S. Government’s treatment of German Americans, Italian Americans, and other European Americans during World War II.

Now, a second commission created by this amendment would review the treatment by the U.S. Government of Jewish and non-Jewish Germans during World War II. This legislation creating a commission ultimately transferred to a camp in Fort Lincoln, ND, where despite the way he had been treated, he found a way to help the war effort. He joined the Hitler Youth. When he came to America, he was an American right from the beginning, and I always will be.

Max Ebel’s death is a loss not only to his family and friends but also to our country.

But losing Max Ebel does more than bring me sadness; it also makes me a bit angry. It makes me angry because he did not live to see the day that Congress recognized what he went through: his internment at the hands of his new country.

Finally, in April of 1944, the Government let him go home. Despite everything that had happened, he remained loyal to his new country and became a citizen in 1963. A few years ago he told a journalist: “I am an American right from the beginning, and I always will be.”

Max Ebel’s death is a loss not only to his family and friends but also to our country.

But losing Max Ebel does more than bring me sadness; it also makes me a bit angry. It makes me angry because he did not live to see the day that Congress recognized what he went through: his internment at the hands of his new country.

I am trying for years to pass this legislation creating a commission to study what happened to Max Ebel and to other German Americans and other European Americans and to Jewish refugees during World War II. I am deeply disappointed that Max Ebel and many others affected by these policies will not be here to see that legislation become law.

Americans must learn from these tragedies now, before there is no one left. We cannot put this off any longer. These people have suffered long enough without official, independent study of what happened to them and without knowing this Nation recognizes their
sacrifice and resolves to learn from the mistakes of the past that caused them so much pain.

As the Milwaukee Journal Sentinel editorial board put it, Congress must move forward with this legislation:

Let me again repeat that this amendment does not call for reparations. All it does is ensure that the public has a full accounting of what happened. We should not let pride cause us to overlook what happened to some Americans and refugees during World War II. I urge my colleagues to join me in supporting the Wartime Treatment Study Act that is an amendment to this immigration legislation, and I hope the managers of the bill can accept it.

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

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

Mr. KENNEDY. Madam President, we are in the process where we will begin to make comment on the amendment of the Senator from Louisiana. We will address that very shortly. I am finding that the amendment of the Senator from Wisconsin is enormously compelling. I would have thought it would be generally accepted. We are in the process of trying to get a review of that amendment.

But for the notice of our colleagues, we expect that we will probably have two votes, if we are unable to get clear-

The PRESIDING OFFICER. The clerk will call the roll.

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

Mr. VITTER, to FEINGOLD, to HUTCHISON, to KENNEDY, to SANDERS, and to SHELBY. The assistant legislative clerk proceeded to call the roll.

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

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

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

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

The Senator from Vermont [Mr. SANDERS] offers mine.

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

The PRESIDING OFFICER. The clerk will call the roll.

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

The PRESIDING OFFICER. The clerk will call the roll.

Mr. DE MINT. Madam 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. 1150 TO AMENDMENT NO. 1223

Mr. DeMINT. Madam President, I rise in favor of the Vitter amendment No. 1157, which strikes title VI of the bill, the title that authorizes Z visas for illegal immigrants. Z visas are amnesty, pure and simple. They are a passel of illegals due to stay here permanently without ever returning home to their countries. This is the provision that has so many Americans upset.

By removing Z visas from the bill, illegal immigrants will be able to go home and get right with the law. Once they have returned, they can apply for legal entry, just like everyone else, but they would not be allowed to violate our laws.

I know many will say this amendment will be too disruptive to the illegal workers who would ultimately be forced to return to their home countries, but I disagree. Last year, 51 million people traveled to and from the United States from abroad, and 13 million of these travelers were from Mexico alone. People are very mobile, and moving this number of people around is relatively easy today. In fact, this bill acknowledges this very point by requiring them to go home to apply for citizenship.

I have also heard some say the opposition to amnesty is being driven by an anti-immigrant bias. This is also untrue. Americans are extremely pro-immigrant, but they are upset that their Government has lied to them for 20 years on this issue, and they have lost confidence in our ability to control our borders.

Let me be clear: I am pro-immigrant. I believe in legal immigration. I want people to come here, respect our laws, embrace our values, and become American citizens, but we must reject amnesty if we ever expect that to happen.

That is why eliminating the amnesty provision in this bill is the most compassionate and pro-immigrant thing we can do.

By striking the Z visas from this bill, this amendment will allow us to uphold the rule of law, create fairness for millions of people who want to come here legally, and allow us to focus on securing our borders.

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

The PRESIDING OFFICER. The clerk will call the roll.

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

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

Mr. KENNEDY. Madam President, we are working with our colleagues and trying to go back and forth, trying to be bipartisan. We have gone to Senator Vitter, to Feingold, to Hutchison, and then to Sanders. We expect votes and reasonably short debate. We are trying to get votes on all of those before the debate starts on the supplemental. I thank the Senator from Vermont for his patience.

Mrs. HUTCHISON. Madam President, I would appreciate the Senator from Vermont going first, after which I will offer mine.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

AMENDMENT NO. 1223 TO AMENDMENT NO. 1150

Mr. SANDERS. Madam President, I ask unanimous consent to set aside the amendment number 1150.

The amendment is as follows:

(a) Establishment. The Director of the National Science Foundation (referred to in this section as the "Director") shall award scholarships to eligible individuals to enable such individuals to pursue associate, undergraduate, or graduate level degrees in mathematics, engineering, health care, or computer science.

(b) Eligibility. To be eligible to receive a scholarship under this section, an individual shall—

(1) be a citizen of the United States, a national of the United States, or a lawful permanent resident of the United States, be a graduate student pursuing a degree in science or technology, and be an American citizen;

(2) be an individual who has not received a scholarship under this section, and has not received a scholarship under section 286(x) of the Immigration and Nationality Act (8 U.S.C. 1110a), an alien admitted as a refugee under section 207 of such Act (8 U.S.C. 1157), or an alien lawfully admitted to the United States for permanent residence;

(3) be in good academic standing;

(4) be a citizen of the United States, a national of the United States, or a lawful permanent resident of the United States, who is a lawful permanent resident of the United States, and who is a citizen of the United States, a national of the United States, or a lawful permanent resident of the United States; and

(5) hold a degree from an institution of higher education in which the scholarship recipient is enrolled or will enroll.

The amount of each scholarship shall be no more than $10,000 per year, and the Director may renew a scholarship under this section for not more than 4 years.

(2) Renewal. The Director may renew a scholarship under this section for not more than 4 years.

(c) Eligibility. To be eligible to receive a scholarship under this section, an individual shall—

(1) be a citizen of the United States, be a graduate student pursuing a degree in science or technology, and be an American citizen;

(2) be an individual who has not received a scholarship under this section, and has not received a scholarship under section 286(x) of the Immigration and Nationality Act (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 101(a)) in order to pursue an associate, undergraduate, or graduate level degree in mathematics, engineering, computer science, nursing, medicine, or other clinical medical program, or technology, or science program designated by the Director.

(3) be in good academic standing;

(4) hold a degree from an institution of higher education in which the scholarship recipient is enrolled or will enroll.

(d) Funding. The Director may renew a scholarship under this section for not more than 4 years.

(e) Federal Register. Not later than 60 days after the date of enactment of this Act,
the Director shall publish in the Federal Register a list of eligible programs of study for a scholarship under this section.

SEC. 712. SUPPLEMENTAL, H-1B NONIMMIGRANT PETITIONER ACCOUNT.

Section 286 of the Immigration and Nationality Act (8 U.S.C. 1356) (as amended by this Act) is further amended by inserting after subsection (w) the following:

``(x) Supplemental H-1B Nonimmigrant Petitioner Account;

``(1) In general.—There is established in the general fund of the Treasury a separate account, which shall be known as the 'Supplemental H-1B Nonimmigrant Petitioner Account'.

``(2) Use of fees for American competitiveness scholarship program.—The amounts deposited into the Supplemental H-1B Nonimmigrant Petitioner Account shall remain available to the Director of the National Science Foundation until expended for scholarships described in section 711 of the Secure Borders, Economic Opportunity and Immigrant Responsibility Act of 2007 for students enrolled in a program of study leading to a degree in mathematics, engineering, health care, or computer science.

``SEC. 713. FEES.

Section 214(c) of the Immigration and Nationality Act (8 U.S.C. 1184(c)) is amended by adding at the end the following:

``(B) The amount of the supplemental fee shall include a fee pursuant to paragraph (9) or (11), to the Attorney General, the Secretary of Homeland Security, or the Secretary of State, as appropriate, shall impose a supplemental fee on the employer in addition to any other fee specified by such paragraph or any other provision of law, in the amount determined under subparagraph (B).

``(C) Fees collected under this paragraph shall be deposited in the 'Treasury in accord-

Mr. SANDERS. Madam President, I will begin by quoting from an article today in Congress Daily by Bruce Stokes. He sets up in one paragraph pretty much what we are going to talk about in this amendment.

The immigration deal under consideration in the Senate raises the number of H-1B visas, a long-sought boon for the high-tech industry that will provide Silicon Valley firms with the skilled workers at relatively high wages, who will bolster company profits.

This amendment I am offering now is supported by the AFL-CIO. I will read the few paragraphs of the letter they sent today.

Mr. SANDERS. On behalf of the AFL-CIO, I am writing to offer strong support for your amendment to the Secure Borders, Economic Opportunity and Immigrant Reform Act.

Your amendment would provide scholarships in math, science, engineering, and nursing for our domestic workforce by increasing fees on H-1B employers.

The last paragraph, signed by William Samuel, director of the Department of Legislation for the AFL-CIO, writes this:

It is completely irresponsible for Congress to increase yet again the total annual number of available H-1B visas without addressing the myriad well-documented problems associated with the H-1B program, or considering long-term solutions involving access to training and competitive opportunities for domestic workers.

That is William Samuel, director of the Department of Legislation for the AFL-CIO.

The amendment I am offering today also has the support of the Teamsters, the Professional and Technical Engineers, and the International Federation of Professional and Technical Engineers.

The Comprehensive Immigration Reform Act is a long and complicated bill. It touches on a number of very important issues, and some of those issues I strongly agree with, no question. The time is long overdue that we control our borders. No question, the time is long overdue that we begin to hold employers—those people who are hiring illegal immigrants—accountable. Those items are long overdue, and we have to deal with them. This legislation does that. I support that.

In my view, this bill is also responsible in how it deals with the very contentious and difficult issue of how we respond to the reality that there are some 12 million illegal immigrants in this country today. This bill carves out a path which eventually leads to citizenship, and that is something I also support.

But—and here is the but: There are a number of provisions in this bill I do not support, that I think are going to be very harmful to the middle-class and working families of this country.

The amendment I am offering right now concentrates on only one aspect of this very long bill and of that problem. That point centers on the state of the economy for working people in our country and the negative impact this legislation will have for millions of workers—low-wage workers and professional workers as well.

The fact is there is a war going on in America today. I am not talking about the war in Iraq and I am not talking about the war in Afghanistan; I am talking about the war against the American middle class, the American standard of living and, indeed, the American dream itself.

The American people understand very well that since George W. Bush has become President, an additional 5.4 million Americans have fallen into poverty out of the middle class—5.4 million people who are poor. Nearly 7 million Americans have lost their health insurance. Income for the average American family has fallen by over $1,200 since President Bush has been President, and some 3 million Americans have lost their pensions.

All over this country, from Vermont to California, people get up in the morning and they are working incredibly long hours. People need two incomes to make ends meet. Yet, at the end of the day, they are falling further and further behind. There are a lot of reasons for that, but I think this bill, and what this bill proposes to do, is part of the problem.

During the debate over NAFTA and permanent normal trade relations with China, we were told by President Clinton and many others that, well, yes, we are going to manufacture in the United States, such as our trade relations with China, yes, they will cost us blue-collar factory jobs, and the result is that because of our trade agreements, we have lost millions of good-paying blue-collar factory jobs and, in fact, there are fewer people working in manufacturing than since President Kennedy was in office in the early 1960s.

Yes, we have lost millions of good-paying blue-collar manufacturing jobs, but what people told us is: Look, don't worry about that. Yes, we are going to lose blue-collar manufacturing jobs, but not to worry because your kids are going to become very sophisticated in terms of using computers, and the future for them is white-collar information technology jobs. We don't need those factory jobs anymore; we have white-collar information technology jobs, and those are the kinds of jobs which are going to be growing, and we cannot, what we have not quite occurred. From January 2001 to January 2006, we lost over 600,000 information technology jobs.

Alan Blinder, the former Vice Chair of the Federal Reserve, has told us that between 30 and 40 million jobs in this country are in danger of being shipped overseas. In other words, what we are looking at right now is not just the loss of blue-collar manufacturing jobs, but we are looking at the loss of significant numbers of white-collar information technology jobs. I know that in my State—and I expect in Senator Kennedy's State and all over this country—we have seen white-collar information technology jobs heading off to India and other places. There is nothing more painful than to see people in my State—I have gone through this experience—having to train people to do their jobs as those people return to India.

Some of the leading CEOs and information technology companies have told us point blank—this is not a secret—that the new location for high-tech jobs is going to be India and China; it is not going to be the United States of America.

John Chambers, the CEO of Cisco, has said:

China will become the IT center of the world, and we can have a healthy discussion about whether that's good or not. What we're [in Cisco] trying to do is outline an entire strategy of becoming a Chinese company.

The founder of Intel predicted in the Wall Street Journal that the bulk of our information technology jobs will go to China and India over the next decade. That is the reality. That is what the heads of the information technology industry are telling us.

In the last few days, a number of us have expressed the concern about the impact of bringing low-wage workers into this country and what that
would mean to Americans at the lower end of the economic ladder. Today, I wish to address a concern I have about what language in this bill could do to the middle class and, indeed, the upper middle class, people who hold professional jobs and who often earn a very good income.

The bill we are discussing today substantially increases the number of well-educated professionals coming into the United States from overseas. This bill, in fact, would allow 115,000 new professionals to come into this country each year, and that number could go up to 180,000.

This program which allows well-educated professionals to come into our country is called the H-1B program. It is currently capped at 65,000 visas a year. Under the language in this bill, the number would increase at least by 50,000 and by as much as 115,000.

The argument that corporate America is using to support this increase is that there are just not enough highly educated, highly skilled Americans to fill available job openings in the high-tech industry and in various science fields. Proponents of the H-1B visa program also say it allows us to bring in the “brightest and the best” from around the world to help America’s competitiveness position. That sounds good on its face, and it may also have the benefit of being true in some cases, but there are those in this Chamber and the country in general who are concerned that in many instances the H-1B program is being used not to supplement American high-tech workers when they might be needed but instead is being used to replace them with foreign workers who are willing to work for substantially lower wages.

First, we should be clear that H-1B visas are not being used only in the high-tech and highly specialized technology and science fields. That is the argument often made, but it is not entirely true. The reality is that a whole host of jobs in various categories are going to H-1B visa holders.

Let’s take a look at some of the jobs that corporate America is telling us that there are just not enough Americans who are smart enough, who are educated enough to perform. Here they are: information technology computer professionals—I guess we can’t do that kind of work; university professors—oh, no we just don’t have enough people to be university professors; engineers, health care workers, accountants, financial analysts, management consultants, lawyers—lawyers, I love that one. Is there anyone in America who doesn’t think she has too many lawyers? I guess we need to bring some lawyers in as well. Architects, nurses, physicians, surgeons, dentists, scientists, journalists and editors, foreign law advisers, psychologists, market research analysts, fashion models—Madonna, fashion models, teachers in elementary or secondary schools. In America, we do not have enough people to become teachers in elementary or secondary school. Does anyone really believe that we cannot, with proper salary inducements, bring people into secondary and primary education?

Given that we all know there are many Americans who have college degrees and advanced degrees in these fields who cannot find work, why is it that we need to bring in more and more professional workers from abroad? For those who believe that the law of supply and demand applies to labor costs, the evidence shows there is no shortage of college-educated workers in America. What we learn in economics 101 is if you cannot attract people for certain jobs, you pay them higher wages and you give them better benefits. Unfortunately, in America today, from 2000 to 2004, we have seen the wages of college graduates decline by 5 percent. So on one hand, corporate America says: Oh, my goodness, we can’t find people as professionals to fill these jobs, but you can also easily zoom down for college graduates from 2000 to 2004 by 5 percent. Maybe somebody is not trying hard enough to find American workers to fill these jobs.

In truth, what many of us have come to understand is that H-1B visas are not being used to supplement the American workforce where we have shortages but, rather, H-1B visas are being used to replace American workers with highly skilled foreign workers.

There are studies which conclude that H-1B workers earn less than what U.S. workers make in similar jobs at similar locations. According to the Center for Immigration Studies, wages for H-1B workers average $12,000 a year below the median wage for U.S. workers in computer fields. Another study by Programmers Guild found that foreign tech workers who came to the United States with H-1B visas are paid about $25,000 a year less than American workers with the same skill.

According to the GAO:

Some employers said that they hired H-1B workers in part because these workers would often accept salaries that are not traditionally available to highly skilled U.S. workers.

What is very important to mention here is that some in corporate America are giving the impression that most of the jobs within the H-1B program are for highly specialized technical work which just can’t be found in the United States. The truth is that most of the H-1B visas go to people who do not have a Ph.D., who do not have a master’s degree, but only have a bachelor’s degree, a plain old bachelor’s degree.

In today’s Congress Daily, there is a very insightful article on H-1B visas which is relevant to this debate:

As Ron Hira, a professor at Rochester Institute of Technology, points out . . . the Labor Department judges that H-1B workers may be hired even when a qualified U.S. worker wants the job, and a U.S. worker can be displaced from the job in favor of a foreign worker.

The article goes on to state:

The median wage for new H-1B computing professionals was $50,000 in 2005, far below the median for U.S. computing professionals, according to the annual report of U.S. Citizenship and Immigration Services.

These findings are extremely troubling given the promises made to the American people that the future for our economy would be with high-skilled, high-paying, high-tech jobs. What we have found is that in the last 4 years, wages for college graduates are going down, and we are finding that people from abroad are coming in and taking jobs American professionals can do and they are doing them for lower wages.

To bolster their argument for increased H-1B visas, proponents point to a study by the Bureau of Labor Statistics about the jobs of the future. That is what it is entitled, “Jobs of the Future.” According to the Bureau of Labor Statistics, over the next decade, 2 million jobs will be created in mathematics, engineering, computer science, and physical sciences. Yes, you realize that that would mean to Americans at the lower end of the economic ladder, maybe just a little bit of patriotism so they would work to hire qualified American workers. But if you look at the statements and conduct of these companies, you realize that patriotism, love of country is becoming a dated concept for those who are pushing extreme globalization.

Let me take one case study, and that is Microsoft. In 2003, Microsoft’s vice president for Windows division was quoted in Business Week as saying: “It is definitely a cultural change to use foreign workers. But if I can save a dollar, hallelujah.”

The CEO of Microsoft, Steven Anthony Ballmer, has said, and this is an interesting quote, very relevant to today’s discussion:

“The economic benefit of H-1B visas, though, is not limited to American companies. The truth is, as my colleagues, Senator DURBIN and Senator GRASSLEY, have pointed out, the top companies applying for H-1B visas are actually outsourcing firms from India, known in the industry as “body shops.” According to a February 7, 2007, article in BusinessWeek:
Data for the fiscal year 2006, which ended last September, showed that 7 of the top 10 applicants for H-1B visas are Indian companies. Giants Infosys Technologies and Wipro took the top two spots with 22,500 and 19,400 applications respectively.

In fact, 30 percent of the H-1B visas approved last year went to nine Indian outsourcing firms. In other words, the very same companies that are involved in the H-1B program of supplying American companies with cheap foreign labor are exactly the same corporations that are involved in outsourcing, providing cheap labor to these very same companies when they move to India. Two sides of the same coin.

In my view, the H-1B system is working against the best interests of the American middle class. It is displacing skilled American workers, it is lowering our wages, and it is part of the process by which the middle class of this country continues to shrink. Meanwhile, it is creating huge profits for foreign companies that traffic in H-1B visas.

I do wish to commend Senators Durbin and Grassley for their work to reform the H-1B program and their efforts to include in the substitute some provisions that strengthen protection for American workers. But as important as these strengthened protections are, the H-1B program, which will be increased from 65,000 slots to 115,000 slots, and potentially even 180,000 slots, continues to pose a threat to American jobs and American wages.

The question is: Where do we go from here? What is our response to this problem? I could certainly offer an amendment to remove the increase in H-1B visas or even to restrict them below the current 65,000 level. But that amendment would be defeated. So where do we go from here? What is the solution? How do we bring people together around this issue?

I think the author of the Congress Daily article I referred to earlier said it quite well when he wrote:

'...More importantly for the American taxpayer, the current allocation system for H-1B visas conveys a valuable resource—access to talented workers who add value to a company's bottom line—at almost no cost. This is a subsidy in violation of market principles for firms that are too quick to appeal to market forces when they are fighting Washington's controls or other restrictions."

The amendment I am offering has two goals. First, raising the H-1B visa fee from $1,500 to $10,000 will go a long way in telling corporate America they are not going to be able to save money by bringing foreign professionals into this country, and they may want to look elsewhere to find the workers that they need. If they have to pay $10,000, that will cut back on their margin.

Secondly, to the degree it is true that the United States does have a significant number of skilled workers in certain categories—and in certain categories that may well be true—this new revenue will be dedicated toward providing scholarships to students who are studying in areas where we currently lack professionals.

Specifically, my amendment would create a new American Competitive Scholarship program at the National Science Foundation to provide merit-based scholarships of up to $15,000 a year, and which are renewable for up to 4 years, to students pursuing degrees in math, science, engineering, medicine, nursing, other health care fields, and other extremely important fields vital to the competitiveness of this Nation. These new scholarships would create the incentive for the best and the brightest of American students to enter those fields where there is reputedly a shortage.

In other words, we have the absurd situation today where we are bringing people from all over the world into this country to do this job, yet we have large numbers of middle-class, working-class families who can't afford to send their kids to college or to graduate school. Well, maybe we ought to pay attention to American workers and American families first.

How would the amendment be paid for? Under current law, companies applying for H-1B visas pay a $1,500 fee. That fee is split up in a number of ways, with some of it going to scholarships and retraining programs. Unfortunately, it is too small to effectively create a scholarship program of the scale needed to address the claimed shortage in math, science, and technology specialists. This amendment imposes an $8,500 surcharge on those companies seeking H-1B visas. This fee would only apply to those who are required to pay the current $1,500 fee. Therefore, universities and schools would be exempt, as they are under current law. Companies with less than 25 employees would pay only half the fee.

I am sure corporate America will tell us this $8,500 fee is too expensive; that they can't afford it. After all, many of these people are the same exact people who oppose minimum wage above $5.15 an hour. However, this fee represents a very small amount compared to the incredible economic benefits that companies realize from bringing in foreign H-1B visa workers. Scientific visas are paid that way. So the $8,500 surcharge on an annual basis is only $2,800. Compared to the median $50,000 wage of a new H-1B computing professional, it is only about 5.5 percent of that fee. For this small fee, what would be the benefit to American students and our families? If there are 115,000 H-1B visa issued for which fees are paid, we could provide over 65,000 scholarships each year to our students. If half of the number of H-1B visas issued go to 180,000, we could provide scholarships to over 100,000 American students.

If the Members of this body believe we need H-1B visas to compensate for a shortage of skilled American professionals, this amendment will attract tens of thousands of America's best and brightest to those fields.
Mr. CORNYN. If I may explain to my colleagues, there is a problem with the pagination in the original draft of the bill. I noticed the original amendment appears to be off. This is to reconcile the problem with the handwritten note on page 224, which was added on the floor.

Mr. DURBIN. Would my colleague from Texas yield for a moment?

Mr. CORNYN. Surely.

Mr. DURBIN. If he would be kind enough to share with us a copy of the modification, if it is routine, there will be no problem. I object at this moment until he does. I will be glad to work with him and the chairman once we have seen a copy.

Mr. CORNYN. Absolutely. I am glad to do that and withhold until that time. I do have some other comments I wish to make.

Mrs. HUTCHISON. Madam President, could I ask my colleague, and also the Senator from Massachusetts, when the Senator from Texas is on his way over.

Mr. CORNYN. On his way over.

Mrs. HUTCHISON. I want to make some brief comments at an appropriate time, when the Senator finishes, on the Vitter amendment. Then, hopefully, we will have an opportunity to vote on these amendments. Then those who are dealing with the supplemental will have a chance to address the supplemental.

I thank the Senator. We look forward to his comments.

Mrs. HUTCHISON. Madam President, could I also have 5 minutes following Senator Cornyn?

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered; 5 minutes following the junior Senator from Texas.

The Senator from Texas is recognized.

Mr. CORNYN. Madam President, I understand now, talking to the majority whip, there is no objection to the modification of my amendment, No. 1184.

As I was explaining, we checked with the legislative counsel last night and this morning we were told the problem was with the handwritten page, No. 224, that was added on the floor. So it is a matter of properating the accommodation of my colleagues to allow that modification to go forward. Also, legislative counsel corrected a technical error in the text which this modification corrects. I have the things I want to speak on, briefly. First, on my original amendment, No. 1184, as you recall, this is composed of two parts. The first part is what I would assume to be technical errors in the underlying bill. In the haste of writing the bill, I think there were some errors made that we pointed out in the amendment, errors that need to be corrected. I do not expect there will be a lot of controversy about that.

What is more controversial, what I want to address second part. That has to do with excluding from the benefits under this bill individuals who have already come into our country in violation of our immigration laws, who have been detained, who have had due process, a trial, who have had their day in court and then, once they were ordered deported, rather than agree to show up and be deported, they simply went on the lam and went underground and melted into the great American landscape. A second category is people who have reentered illegally. Under section 234 of the Immigration and Naturalization Act, both of those actions would constitute felonies. I think it would be a grave error for this bill to reward individuals who have committed that sort of open defiance of our laws. For whatever you can say about other people who have entered the country in violation of our immigration laws, certainly those who have had a day in court, who have had their day in court to exit the country but who have gone on the lam, or those who have reentered after they were deported, represent a different type of lawbreaker. I do not believe we should reward those by conferring upon them a Z visa, outlined in the underlying bill.

The Senator from New Jersey, Senator Menendez, argued my amendment would amount to an ex post facto rule because of its retroactive application. This is a misreading of the bill. In order for any immigration provisions to have immediate effect, it is imperative that they apply to conduct and convictions that actually occurred before enactment. If prior conduct and convictions were not covered, you would have an immigration regime that essentially welcomes the following people—this is not how the U.S. immigration should operate. Consider an immigration regime where a known criminal gang member could not be removed unless the Department of Homeland Security can show he was a member after the statute was enacted, even if the DHS had videotaped the individual on the rooftop during the 1990s, showing the alien involved in gang activities. Surely that could not be construed as unconstitutionally retroactive or ex post facto.

Another example would be an undisputed terrorist. If someone who would not, unless we agree to this amendment, be barred from naturalization on terrorism grounds. Not only would the citizenship application of someone who has been engaged in terrorist activity, have been barred for unless the terrorist activity occurred after the date of enactment, but this effective date could also be used to call into question the use by the Department of Homeland Security of existing discretionary authority to disapprove or to deny naturalization. Surely this did not possess good moral character. To create a regime that turns a blind eye to these known facts would be foolish and would not be in our country’s national interest.

To avoid such unintended consequences, Congress has on many occasions enacted ground of deportability and inadmissibility that are based on past conduct and criminal convictions. For example, section 5502 of the Intelligence Reform and Terrorism Prevention Act made aliens who committed acts of torture or extra-judicial killings abroad a ground of inadmissibility and a ground of deportability. That provision applies to offenses committed before, on, or after the date of enactment.

The Holtzman amendment, enacted in 1978, rendered Nazi criminals excludable and deportable. It applied to individuals who ordered, advocated, assisted, or otherwise participated in persecution on behalf of Nazi Germany or its allies at least 33 years earlier, between the years of 1933 and 1945.

It is clear from past experience, as well as common sense, that the only actions which would be taking in this legislation would be to those who have had their day in court, who literally thumb their nose at our legal system and at our court system, you...
will not be rewarded with the benefits under this act; that you will be excluded. You have had your chance, you have blown it, you have defied the American legal system and, in fact, this is not the kind of acts from somebody we would expect to be a law-abiding citizen in this state.

I also want to speak briefly on an amendment Senator Menendez has offered. Ironically, I find myself in opposition to him on amendment No. 1184, the same one offered, but I find there is a lot to like in his amendment. I want to explain why. This is what I would call the line-jumping amendment Senator Menendez has offered. I have heard the proponents explain that the underlying bill is not an amnesty because it does not allow anyone to jump in line. This is a fundamentally important concept. It is a matter of fundamental fairness and crucial to the integrity, not only of our immigration system, but to our entire legal system. It would be extremely unfair to allow someone who has not respected our laws to be able to obtain a green card as a legal permanent resident before someone who has respected our laws and waited in line for a chance to apply for this country.

Please understand, I am not just talking about the fact that those who wait in line legally have to do so in their home country while those who have respected our laws and obtained green cards will, in essence, be kicked out of the line.

I ask unanimous consent that the letters I just referred to from these organizations, the Conference of Catholic Bishops, Interfaith Immigration Coalition, Jewish Council for Public Affairs, and MALDEF, be printed in the Record following my remarks.

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

The PRESIDING OFFICER. The amendment made by this section shall take effect on the date of enactment of this Act and shall apply to any act that occurred before, on, or after such date of enactment.

SEC. 204. TERRORIST BAR TO GOOD MORAL CHARACTER.

(a) DEFINITION OF GOOD MORAL CHARACTER—

Section 101(f)(11) of title 8, United States Code, is amended by inserting after paragraph (1) the following:

"(2) who entered the United States after November 29, 2001, and was admitted for temporary stay pursuant to a family visa.

(b) EFFECTIVE DATE—The amendment made by this section shall take effect on the date of enactment of this Act and shall apply to any act that occurred before, on, or after such date of enactment.

SEC. 204A. PRECLUDING ADMISSIBILITY OF ALIENS CONVICTED OF AGGRAVATED FELONIES OR OTHER SERIOUS OFFENSES.

(a) INADMISSIBILITY ON CRIMINAL AND RELATED GROUNDS; WAIVERS—

Section 212 (8 U.S.C. 1182) is amended—

(1) by adding at the end of subsection (a)(2) the following new paragraphs:

"(j) certain firearm offenses.—Any alien who at any time has been convicted of, or who admits having committed, or who is charged with a violation of any Federal law, or any law of any State or political subdivision thereof, for carrying any firearm, to include a destructive device (as defined in section 921(a)(3) of title 18, United States Code) in violation of any law is inadmissible.

(2) any application for naturalization or any other benefit or relief, or any other case governed by section 204A(a)(3) or 205(a)(4), which determination—

"(A) may be based upon any relevant information, evidence, including classified, sensitive, or national security information; and

"(B) shall be binding upon any court regardless of the applicable standard of review.

(c) EFFECTIVE DATE—The amendment made by this section shall take effect on the date of enactment of this Act and shall apply to any act that occurred before, on, or after such date of enactment.

SEC. 204B. INHERITANCE.

SEC. 204C. FORWARDING OF IMMIGRATION CASES.

SEC. 205. CONSIDERATION OF FAMILY PETITIONS.

SEC. 205A. VACANCIES IN COUNCIL ON BREACHES OF THE LAWS.

SEC. 206. DETERIORATION OF FAMILY AND NATIONAL PEOPLE.

SEC. 207. LAWS FOR THE UNIFICATION OF THE PEOPLE.

SEC. 208. REMOVAL OF PROHIBITED ITEMS.

SEC. 209. SOUTH AMERICANched for

SEC. 210. TERRORIST BAR TO GOOD MORAL CHARACTER.

SEC. 211. SIGNIFICANT TRAGEDY.

SEC. 212. INADMISSIBILITY ON CRIMINAL AND RELATED GROUNDS; WAIVERS.

SEC. 213. CONSIDERATION OF FAMILY PETITIONS.

SEC. 214. VACANCIES IN COUNCIL ON BREACHES OF THE LAWS.

SEC. 215. DETERIORATION OF FAMILY AND NATIONAL PEOPLE.

SEC. 216. LAWS FOR THE UNIFICATION OF THE PEOPLE.

SEC. 217. REMOVAL OF PROHIBITED ITEMS.

SEC. 218. SOUTH AMERICAN
as a spouse, by an individual similarly situated to a spouse of the person under the domestic or family violence laws of the jurisdiction where the offense occurs, or by any other person against a person who is protected from that individual’s acts under the domestic or family violence laws of the United States or any State, Indian tribal government, or unit of local or foreign government.

(‘‘II’’) VIOLATORS OF PROTECTION ORDERS.—Any alien who at any time is enjoined under a protection order issued by a court or issued by a Government of the United States or any State, Indian tribal government, or unit of local or foreign government, (A) by striking ‘‘The Attorney General may, in his discretion, waive the application of subsection (a)(2)(A) (8 U.S.C. 1227(a)(2))’’ and inserting ‘‘The Attorney General or the Secretary of Homeland Security may, in his discretion, waive the application of subparagraphs (A), (B), (C), (D), (E), (F), and (G) of subsection (a)(2);’’ (B) by striking ‘‘if either since the date of such admission the alien has been convicted of an offense listed in section 237(a)(2)(A) of the Act (8 U.S.C. 1227(a)(2)(A); and (C) by inserting ‘‘or Secretary of Homeland Security’’ after the Attorney General each time it appears.

(b) DEPORTABILITY FOR CRIMINAL OFFENSES INVOLVING IDENTIFICATION.—Section 237(a)(2) (8 U.S.C. 1227(a)(2)) is amended by adding after paragraph (E) the following new subparagraph:

‘‘(F) CRIMINAL OFFENSES INVOLVING IDENTIFICATION.—An alien shall be considered to be deportable if the alien has been convicted of a violation of (or a conspiracy or attempt to violate) a statute described in section 101(f) of the Social Security Act (42 U.S.C. 1320a-7) relating to social security account numbers or social security cards or section 1028 of title 18, United States Code, relating to fraud and related activity in connection with identification.’’.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to

(1) any act that occurred before, on, or after the date of enactment, and

(2) to all aliens who are required to establish admissibility on or after the date of enactment of this section, and in all removal, deportation, or exclusion proceedings that are filed, pending, or reopened, on or after such date.

(d) CONSTRUCTION.—The amendments made by subsection (a) shall not be construed to create eligibility for relief from removal under former section 212(c) of the Immigration and Nationality Act if such eligibility did not exist before the amendments became effective.

On page 48, line 36, insert ‘‘including a violation of section 528 (c) or (h) of title 18, United States Code,’’ after ‘‘explosives.’’

On page 50, line 2, strike ‘‘8’’ which is punishable by a sentence of imprisonment of five years or more’’.

On page 48, striking with line 44, through page 50, line 2, strike ‘‘Unless the Secretary of Homeland Security or the Attorney General waives the application of this subparagraph, any’’ and insert ‘‘Any’’.

On page 50, lines 20 through 22, strike ‘‘The Secretary of Homeland Security or the Attorney General may in his discretion waive this subparagraph.’’

On page 283, strike lines 32 through 38, and insert:

(A) is inadmissible to the United States under section 212(a) (the Act (8 U.S.C. 1182(a)), except as provided in paragraph (2); and

(B) by striking line 1 through 7, and insert:

(I) is an alien who is described in or subject to section 237(a)(2)(A)(i), (ii), (v), (vi), (vii) or (viii) of the Act (8 U.S.C. 1227(a)(2)(A)(i), (ii), (v), (vi), (vii), or (viii)), except if the alien has been granted a full and unconditional pardon by the President of the United States of the Governor of any of the several States, which is provided in section 237(a)(2)(A)(vi) of the Act (8 U.S.C. 1227(a)(2)(A)(vi));

(J) is an alien who is described in or subject to section 212(a)(4) of the Act (8 U.S.C. 1182(a)(4)); and

(K) is an alien who is described in or subject to section 237(a)(3)(C) of the Act (8 U.S.C. 1227(a)(3)(C)(i));

On page 283, line 21, strike ‘‘9(C)(1)(i)’’.

On page 285, line 41, strike ‘‘section 212(a)(9)(C)(i)’’ and insert ‘‘section 212(a)(9)(C)’’.

On page 286, between lines 2 and 3, insert:

(VII) section 212(a)(6)(E) of the Act (8 U.S.C. 1182(a)(6)(E)), except if the alien is approved for a waiver as authorized under section 237(a)(3)(C)(i) of the Act (8 U.S.C. 1227(a)(3)(C)(i)); and

(VIII) section 212(a)(9)(A) of the Act (8 U.S.C. 1182(a)(9)(A)).

On page 287, between lines 10 and 11, insert:

(5) GOOD MORAL CHARACTER.—The alien must establish that he or she is a person of good moral character (within the meaning of section 101(f) of the Act (8 U.S.C. 1101(f)) during the past three years and continue to be a person of such good moral character.

Now, Madam President, I wanted to express the concerns I have just expressed and say that I am still studying the amendment from Senator MENENDEZ. I know it adds new green cards. The effect of my amendment would categorize spouses and unmar- ried children (under the age of 21) of legal permanent resident aliens as ‘‘immediate relatives.’’ This would ensure that longterm residents in the United States have the opportunity to reunite with their immediate family members.

Menendez/Obama Sunset Amendment. The Menendez/Obama sunset amendment would allow the damage done to parents of U.S. citizens by the substitute amendment. It would do this by increasing from 40,000 to 90,000 the number of such parents who can immigrate to the United States each year. Under current law, there are an unlimited number of such parents who can immigrate to the United States each year.

Clinton/Obama Sunset Amendment. The Clinton/Obama amendment would allow the Congress to prevent the damage done to parents of U.S. citizens by the substitute amendment. It would allow this by increasing from 40,000 to 90,000 the number of such parents who can immigrate to the United States each year.

Dear Sir: The Interfaith Immigration Coalition is a coalition of faith-based organizations committed to enacting comprehensive immigration reform that reflects our mandate to welcome the stranger and treat all human beings with dignity and respect. Through this coalition, over 450 local and national faith-based leaders have called on Congress and the Administration to enact fair and humane reform. Members of the coalition are extremely concerned that the provisions of S. 1348 that would undermine family reunification, and therefore urge Senators to VOTE YES on the following amendments that will strengthen the United States commitment to family values and fairness.

Vote ‘‘Yes!’’ Menendez Amendment on Family Backlog Cut Off Date. Currently, the comprehensive legislation has a backlog under our existing family and employer based system, but only for those who submitted their applications before May 1, 2005. Under my amendment, an estimated 3 million of those who have played by the rules and applied after that date will not be cleared as part of the
family backlog and will lose their chance to immigrate under current rules. The Menen-
dez amendment would change the “cut-off” date for legal immigrant applicants who
would allow them to take advantage of the new appli-
cation process, where they could apply. If they are eligible, unauthorized immi-
gants would have an immediate interim status of law-abiding people allowed to
live, work, and travel in the U.S. for a period of one and possible two years to
reunite with their families in the United States. Exclud-
ing individuals who have filed family-based applications and paid fees after May 2005
would have their visas approved and the date for applying would be re-directed to
the new application process, where they will have to compete in an untested point
system that is stacked against them, in order to reunite with their family members.

Therefore, the JCPA urges you to: Vote “Yes” on the Menendez/Hagel Amend-
ment to Inclure Minor Children and Spouses of Lawful Permanent Residents in the immi-
grant family backlog. The Menendez amendment will allow families of only higher income workers to
reduce the number of future immigrant families to the annual average number of green
cards issued to these parents. The Menendez amendment would increase the annual cap of
green cards from 40,000 to 90,000, extend the duration of the parent visitor visa
from 100 days to 365 days, and not impose collective punishment on families when one
member overstays their visa

The JCPA is also concerned about the
Titie V provision that arbitrarily sets the
date of May 1, 2005, the same cut-off date set for
December 31, 2006. The program would start
up to a year and potentially two years to

DEAR SENATOR CORNYN: The Jewish Coun-
cil for Public Affairs (JCPA) applauds the Senate’s commitment to finding a workable compromise on Comprehensive Immigration Reform and supports S.1348 as a starting point for the debate. The introduction of a comprehensive framework that secures our borders, clears much of the current family backlog, and provides a path to citizenship for the estimated 12 million undocumented workers in the United States is a step in the right direction toward fixing our broken
immigration system.

As the umbrella body for policy in the Jew-
ish community, representing 13 national agencies and 125 local community relations
councils in 44 states, the JCPA has long been
active in supporting comprehensive immi-
gration reform that is workable, fair and hu-
mane.

However, the JCPA holds serious reservations about the bill, particularly those that address family-based immi-
gration. For example, the JCPA believes that se-
veral aspects of Title V of the Senate com-
promise are unworkable and unjust. Cutting
together for a longer period; and make pen-
entials on the number of visas available to these
family members. Exclud-
ing individuals who have filed family-based
applications and paid fees after May 2005
would have their visas approved and the date for applying would be re-directed to
the new application process, where they will have to compete in an untested point
system that is stacked against them, in order to reunite with their family members.

Therefore, the JCPA urges you to:
Vote “Yes” on the Menendez/Hagel Amend-
ment to Family Backlog Cut-off Date, which would change the May 1, 2005 cut-off date to
January 1, 2007, the same cut-off date set for
the legalization for undocumented immi-
gants. The JCPA would also
add 110,000 green cards a year to avoid cre-
ation of a new backlog or cause families who
went through legal channels to wait longer than 8 years to reunite with their loved ones in the United States.

The JCPA applauds the Senate’s commit-
ment to passing a comprehensive immigra-
tion reform package this year. The alter-
native is the status quo, which has proven to
produce suffering, exploitation, family separa-
tion and chaos. However, the JCPA main-
tains that senators have failed to address the
concerns outlined above. We therefore urge you
to support the above amendments to the agreement that reflect family values, work-
ability and fairness. If you have any questions, please do not hesitate to contact me at
hsusskind@thejcpa.org or 202-789-2222 X101.

HADAR SUSKIND, Washington Director, Jewish Council for Public Affairs.

MALDEF—PROMOTING LATINO CIVIL RIGHTS

Since 1968

IMMIGRATION DEBATE STARTS IN THE U.S. SEN-
ATE—POSITIVE AND NEGATIVE DETAILS EMERGE; FIRST VOTES BEING TAKEN

May 22, 2007.—On Monday, the U.S. Senate, by a vote of 69-23, voted to begin debate on
comprehensive immigration reform. Contrary to the original plan to complete action by Memorial Day, Senate leaders acknowled-
ged that deliberations will continue into the Memorial Day recess. The Senate will be in session Tuesday. MALDEF will work with local organizations
and leaders to organize meetings and events while Senators are in their home states to promote the compromise. The Sena-
tor from Texas is recognized.

Mrs. HUTCHISON. Madam President, I had originally come to the floor to

S6616 CONGRESSIONAL RECORD — SENATE May 24, 2007
offer two amendments on Social Security. However, I have yielded to the request from Senator Kennedy to withhold, and he has told me that I will be able to offer those amendments on the first day we return and take this bill up on the floor again.

Madam President, I did wish to speak, however, on what I hope to do with this bill. I think there are some very good features of this bill. It has been negotiated really for years. The good features are the border security, and we do have benchmarks that are required to be done before any temporary worker program or dealing with the backlog of people who are in our country illegally begins.

We will have benchmarks that are finite for border security. That is a good feature of this bill. It also has a temporary worker program going forward. I think it is essential, if we are going to have border security in the future in this country, that we have a temporary worker program that works. If we do not have a temporary worker program that works, we will not have border security. Many people are not putting that together, but it is essential that you put it together because if we do not have enough people to come into this country and fill the jobs that are being unfilled because we do not have enough workers who will do those jobs, then we will never be able to control our borders.

I am supportive of those parts of the bill. What I cannot support in this bill and what I am going to try to make a positive effort to change are basically two areas. First is the amnesty portion of the Z visa. It would allow people to come to this country illegally, stay here, and if they do not wish to have a green card, they would never have to return. And that visa would be able to be renewed as long as the person wanted to stay here and work. I will offer an amendment appropriating $250 million a year that will take the amnesty out of the bill and require that before a person can work in this country legally, if they are here illegally, they would have to go home and apply from outside the country. We will have a time that will allow that to happen in an orderly way, probably 2 years after the person gets their temporary card when they register to say they are in our country illegally, which they will be required to do. They would have to remain 2 years from the time they get that first temporary card to go home and register at home to come in our country legally.

I think taking out the amnesty part of this bill would be a major step in the right direction, to say, for people who are here illegally today, they can get right with the law by applying from home, just as all future workers will have to do. So there would not be an amnesty for people who would be able to stay here, and never go home. That would be my amendment which I would like to offer at the appropriate time.

The second area I think must be fixed is in the Social Security area. We all know our Social Security system is on the brink of failure. We know that in the year 2017, the system will start to pay out more than it receives. By 2041, the trust fund will be exhausted. Not in the present law, we will have to make adjustments that will either increase Social Security taxes or decrease payments to Social Security recipients. If we put more pressure on workers who have gotten ten illegally working in this country, it is going to bring forward the year in which we have to start either lowering the payments or raising the taxes. I don't think that is right. I do not think we should give Social Security credits to people who will be Z visa holders in this country for the time they have worked illegally.

In the underlying bill, they do address the issue of fraudulent cards. I commend them for putting that in the back of the bill. If we had a temporary worker program with a fraudulent number or a card that is not yours, you will not be able to get credit for Social Security. To be very fair and honest, that is a good part of this bill, but it does not deal with the people who have had a card in their own name but they have worked illegally.

That is what one of my amendments will attempt to address, that we will also not give credit to people who have obtained it illegally or a card that is not yours, you will not be able to get credit for Social Security. To be very fair and honest, that is a good part of this bill, but it does not deal with the people who have had a card in their own name but they have worked illegally.

That is what one of my amendments will attempt to address, that we will also not give credit to people who have obtained it illegally or a card that is not yours, you will not be able to get credit for Social Security. To be very fair and honest, that is a good part of this bill, but it does not deal with the people who have had a card in their own name but they have worked illegally.

The second area I hope to address is the American people would make workers. Now, under the bill, the temporary workers who will be coming in after the backlog of the illegal workers is dealt with, those people should not ever go into the Social Security system because, according to this bill, they will be limited to a 6-year period. It is very important that in dealing with those temporary workers, that they will not ever be eligible for Social Security, nor should they be, because they will not have the requisite number of quarters.

What my second amendment does is allow them to take what they have actually put into the Social Security system through the employee deduction. It will allow them to take that home when they leave the system. We think—I think that is a fair approach for both the person working and also the Social Security system itself, that they would get back what they put in, but they would not be eligible for our Social Security system, which would be much more costly down the road.

In addition, the Medicare deduction which is taken from the employee would also go into a fund which is already a fund in place that now allows compensation for unaccompanied health care to a county hospital or to a health care provider that delivers a baby of an illegal immigrant who cannot pay or does any emergency service for the illegal immigrant who cannot pay. We know many hospitals—I know that in my home State of Texas, my hospitals in my major cities always talk about how much they are having to raise taxes on the taxpayers who live in their districts because there is so much use of the health care facilities by illegal immigrants who cannot pay. So the Medicare deduction would go into a fund that would compensate health care providers for service to foreign workers who would not be able to pay.

Those are the two amendments which I think would assure that the taxpayers of our country and the contributors to the Social Security system would have the right to have that our Social Security system is not also unduly burdened with quarters for illegal workers. We know that in my home State of Texas, my hospitals in my major cities always talk about how much they are having to raise taxes on the taxpayers who live in their districts because there is so much use of the health care facilities by illegal immigrants who cannot pay. So the Medicare deduction would go into a fund that would compensate health care providers for service to foreign workers who would not be able to pay.

Those are the two amendments which I think would assure that the taxpayers of our country and the contributors to the Social Security system would have the right to have that our Social Security system is not also unduly burdened with quarters for illegal workers. We know that in my home State of Texas, my hospitals in my major cities always talk about how much they are having to raise taxes on the taxpayers who live in their districts because there is so much use of the health care facilities by illegal immigrants who cannot pay. So the Medicare deduction would go into a fund that would compensate health care providers for service to foreign workers who would not be able to pay.
what we thought was a starting point that would be the right approach, and the principles we laid down were that we would have a guest worker program which would not include amnesty but would be a fair and workable guest worker program. It would have private sector involvement. It would have border security as our No. 1 goal. It would also preserve the integrity of our Social Security system. Congressman PENCE and I tried to do that last year. Many of the elements in the Hutchinson-Pence plan are in the bill before us.

If we can perfect this bill and take the amnesty out by requiring everyone to apply outside our country—and it can be done in a responsible way mechanically because you would have some amount of time—1 or 2 years—to do it so that it would not be a glut on the system. I regret the argument that you cannot do it. I think we can. I also think we need to make a responsible effort, and that is exactly what I am going to try to do.

I hope all our colleagues will work in a positive way to try to fix the parts that we think are bad, to admit that there are some good parts. The border security and the temporary worker program are very good, and the part about the Social Security protection for fraudulent cards is good. Let’s try to make it better. Let’s try to make it a bill that everyone will accept as fair for American workers and for American workers who help our economy, and keeps our borders secure. That is what we owe the people. I hope to make a contribution in that effort.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, I see my friend from Vermont on his feet. I know from conversation that he wants to modify his amendment. I hope the Chair will recognize him for that purpose.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

AMENDMENT NO. 1231, AS MODIFIED

Mr. SANDERS. Madam President, I have a modification of my amendment at the desk.

The PRESIDING OFFICER. The Senator has the right to modify his amendment. The amendment is so modified. The amendment, as modified, is as follows:

At the end of title VII, insert the following:

Subtitle C—American Competitiveness Scholarship Program

SEC. 711. AMERICAN COMPETITIVENESS SCHOLARSHIP PROGRAM.

(a) Establishment.—The Director of the National Science Foundation (referred to in this section as the ‘‘Director’’) shall award scholarships to eligible individuals to enable such individuals to pursue associate, undergraduate, or graduate level degrees in mathematics, engineering, health care, or computer science.

(b) Eligibility.—To be eligible to receive a scholarship under this section, an individual shall—

(A) be a citizen of the United States, a national of the United States (as defined in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)), an alien admitted for a period of stay of 30 or more days under section 101(a) (8 U.S.C. 1101), or an alien lawfully admitted to the United States for permanent residence;

(B) prepare and submit to the Director an application in the manner described and containing such information as the Director may require; and

(C) certify to the Director that the individual has had an amount received under the scholarship to enroll or continue enrollment at an institution of higher education (as defined in section 101(a) of the Higher Education Act (20 U.S.C. 1001)) in order to pursue an associate, undergraduate, or graduate level degree in mathematics, engineering, computer science, nursing, medicine, or other clinical medical program, or technology, or science program designated by the Director.

(2) ABILITY.—Awards of scholarships under this section shall be made to deserving individuals, shall provide sufficient funds to meet the living expenses of the student, and shall be awarded in a manner that will tend to result in a geographicaly wide distribution throughout the United States of recipients’ places of permanent residence.

(3) FUNDING.—The Director shall carry out the provisions of this section from funds made available under section 286(c) of the Immigration and Nationality Act (as added by section 712) (8 U.S.C. 1356).

(4) FEES.—Fees collected under this paragraph shall be deposited in the Treasury in accordance with section 286(e)(2).

(5) AMOUNT OF SCHOLARSHIP—RENEWAL.—

(A) AMOUNT OF SCHOLARSHIP.—The amount of a scholarship awarded under this section shall be $15,000.

(B) RENEWAL.—The Director may renew a scholarship under this section for an eligible individual for not more than 4 years.

(c) FEDERAL REGISTER.—Not later than 60 days after the date of enactment of this Act, the Director shall publish in the Federal Register a list of eligible programs of study for a scholarship.

SEC. 712. SUPPLEMENTAL H-1B NONIMMIGRANT PETITIONER ACCOUNT.

Section 286 of the Immigration and Nationality Act (8 U.S.C. 1356) (as amended by this Act) is further amended by inserting after the following:

(‘‘X) SUPPLEMENTAL H-1B NONIMMIGRANT PETITIONER ACCOUNT.—

(1) IN GENERAL.—There is established in the general fund a separate account, which shall be known as the ‘‘Supplemental H-1B Nonimmigrant Petitioner Account.’’ Notwithstanding any other section of this Act, there shall be deposited as offsetting receipts into the account all fees collected under section 214(c)(15).

(2) USE OF FEES FOR AMERICAN COMPETITIVENESS SCHOLARSHIP PROGRAM.—

The amounts deposited into the Supplemental H-1B Nonimmigrant Petitioner Account shall remain available to the Director of the National Science Foundation to offset the costs incurred for scholarships described in section 711 of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007 for students not involved in preparing to receive a degree in mathematics, engineering, health care, or computer science.

SEC. 713. SUPPLEMENTAL FEES.

Section 214(c) of the Immigration and Nationality Act (8 U.S.C. 1186c) is amended by adding at the end the following:

‘‘(G) In each case where the Attorney General, the Secretary of Homeland Security, or the Secretary of State is required to impose a fee pursuant to paragraph (9) or (13), the Attorney General, the Secretary of Homeland Security, or the Secretary of State, as appropriate, shall impose a supplemental fee on the employer in addition to any other fee required by such paragraph or any other provision of law, in the amount determined under subparagraph (B).

‘‘(B) The amount of the supplemental fee shall be 5 percent of the fee shall be ½ that amount for any employer with not more than 25 full-time equivalent employees who are employed in the United States (determined by including any affiliate or subsidiary of such employer).

‘‘(C) Fees collected under this paragraph shall be deposited in the Treasury in accordance with section 286(e).’’

Mr. KENNEDY. Madam President, I see my friend and colleague from Illinois here, as well as my colleague from Alabama. I did wish to address the Vitter amendment briefly. We are very hopeful we may be able to accept the Senator’s amendment. We will know that momentarily.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

AMENDMENT NO. 1231 TO AMENDMENT NO. 1150

Mr. DURBIN. Madam President, I wish to first describe what I am going to try to do at this moment so all Senators will know I am asking unanimous consent that we set aside the pending Sanders amendment for the purpose of offering an amendment which I am going to offer and then, after a brief comment of 3 to 5 minutes, I wish to first describe what I am going to do at this moment so all Senators will know I am asking unanimous consent that we set aside the pending Sanders amendment for the purpose of offering an amendment.

The PRESIDING OFFICER. Is there objection?

Mr. SESSIONS. Reserving the right to object, I had understood there would be an opportunity for me to speak after Senator SANDERS and Senator DURBIN. Are we going to be in a situation where I may not be allowed to offer an amendment?

Mr. DURBIN. I say to the Senator from Alabama through the Chair, I will be completed in 3 to 5 minutes, and we will be in exactly the same place we started. The Sanders amendment will be pending with no other requirements under the unanimous consent request.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois (Mr. DURBIN), for himself and Mr. GRASSLEY, proposes an amendment numbered 1231 to amendment No. 1150.
Mr. DURBIN. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To ensure that employers make efforts to recruit American workers before hiring guest workers)

In section 218B(b) of the Immigration and Nationality Act, as added by section 403(a), strike “Except where the Secretary of Labor has determined that there is a shortage of United States workers in the occupation and area of intended employment to which the Y nonimmigrant is sought, each” and insert “Each”.

In section 218B(c)(1)(G) of the Immigration and Nationality Act, as added by section 403(a), strike “Except where the Secretary of Labor has determined that there is a shortage of United States workers in the occupation and area of intended employment for which the Y nonimmigrant is sought” and insert “That”.

Mr. DURBIN. Madam President, I offer this amendment on behalf of myself and Senator GRASSLEY. The new Y guest worker program included in the immigration bill would require employers to recruit Americans before hiring a guest worker. That is our first obligation.

If there is a job opening in America, an American should have the first chance to get it. That is the intent of the bill, but there is one loophole. The loophole allows the Secretary of Labor to declare a labor shortage and the ability of offering the job to an American. We don’t define what a labor shortage is. This amendment removes that right of the Secretary of Labor.

What it means is, as there are job openings for H-1B visas, opportunities for people to come into this country, we turn out that 7 out of the 10 firms that won the right to offer H-1B visas were not American companies trying to fill spots where they couldn’t find Americans. They turned out to be foreign companies that were outsourcing workers to the United States, exactly the opposite of what we had hoped for. We don’t want that to happen with the temporary guest worker program. This amendment would eliminate this jobs shortage exception. It would require that in temporary guest worker positions, the first job offer always be to an American. It is simple. Senator GRASSLEY and I offer it. It is supported by the AFL-CIO and the building trades unions, the laborers, many other organizations. I urge my colleagues, when we return after our Memorial Day recess, to consider this amend-

ment. It is a very important amendment to stand faithful to our first obligation, our people in America who are looking for jobs.

I ask unanimous consent to set my amendment aside and return to the Sanders amendment of the pending amendment before the Senate.

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

The Senator from Pennsylvania.

Mr. DURBIN. Madam President, I think we are in a position to accept the amendment of the Senator from Vermont as modified. What I propose is to speak very briefly on the Vitter amendment, and then it would be my expectation that we would move to Senator SESSIONS to have an opportunity for him to offer his amendment. He has been on the floor a great deal today trying to be recognized. He has been at a markup on Armed Services so he couldn’t.

I have been informed there are some objections to the amendment offered by the Senator from Vermont. We will have to process them and see what we will do. It is that the information given to us is that we can accept and then others come forward. But we will try to work it out.

AMENDMENT NO. S1077

Briefly, Madam President, I oppose the Vitter amendment. The core of the legislation is to provide for border security, employer verification, a guest worker program, and a way to handle the 12 million undocumented immigrants. The Vitter amendment strikes title VI, which provides for the way of handling the 12 million undocumented immigrants, which is, if not the heart of this bill, a vital organ of the bill. Without this provision, the bill doesn’t have the import which is necessary to deal with this more vital problem.

The 12 million undocumented immigrants are going to be in the United States whether we deal with them in a systematic, appropriate way or not. The only question is whether we eliminate them, whether as the expression is often used, living in the shadows, living in fear. If we systematize the approach, they come out of the shadows. They register. We will have an opportunity to identify the criminal element, deport a reasonable number when we identify those who can be, should be deported, and then deal with the balance as the bill provides with the Z visas.

Stated briefly, if you were to accept the Vitter amendment, there would be nothing left but a shell of this bill. The whole bill is an accommodation of border security, employer verification for what we do in the guest worker program, and the 12 million undocumented immigrants. The Senator from Vermont, I vigorously oppose the Vitter amendment.

I believe we are now ready for the Senator from Alabama to offer his amendment.

The PRESIDING OFFICER. The Senator from Alabama to offer his amendment.

Mr. KENNEDY. Madam President, at the request of the leaders, we were in the process of trying to get some votes this afternoon. We were moving along as well because the Appropriations Committee had asked us if we would be finished by 5 o’clock. I see my friend from Alabama who has been extremely patient. He has been in the Armed Services Committee, it would have been earlier in the afternoon. He was diligent there and arrived over here. He has important amendments on the earned-income tax credit and others.

The Senator from Vermont has been here all afternoon. He had good amendments. We had initially, at 2:15, said we would do the Vitter amendment. We were going to come back and do the Feingold amendment, but then we were told we couldn’t vote on that.

We were told we couldn’t vote on Vitter because there were some members of his own party who chose not to do so. But we wanted to vote on the amendment of the Senator from Vermont. Hopefully, he was going to be accepted, but that’s not the case.

I hope we would have the opportunity to vote on that; then after that, to recognize the Senator from Alabama for whatever time he might need for the purpose of debate, rather than for voting. The request of the leadership is to do the supplemental. We give assurance to the Senator from Alabama that we will consider his amendment at the earliest possible time after we return.

Mr. DURBIN. Will the Senator yield for question?

Mr. KENNEDY. Yes.

Mr. DURBIN. May I ask the Senator from Massachusetts and the Senator from Pennsylvania to consider the following—if we could enter into a unanimous consent request that would allow the Senator from Alabama to lay down his amendments, to speak, and then withdraw the amendments, returning to the Sanders amendment, and have unanimous consent at a time certain that we would have a vote on the Sanders amendment; would that be agreeable?

I would like to make that unanimous consent request, if the Senator from Alabama can tell us how much time he would need.

Mr. SESSIONS. Madam President, I would prefer to have a vote on my amendment tonight, if we could do so. I would be reluctant to have another vote if we can’t have a vote on the amendment I will offer.

Mr. DURBIN. Madam President, the Senator from Vermont has been here all day waiting for this opportunity and has patiently waited as several suggested rollcalls have passed by. In fact, one was to be at 5 o’clock. Without prejudicing the Senator from Alabama, I have a pending amendment, too, or had one earlier, which I am willing to wait until after the recess to consider. I think it might be a gesture of fairness to allow the Senator from Vermont to have it.

Mr. SESSIONS. Madam President, I have written the Senator and I have voted this evening, whether the Senator and I get our chance or not. We will be back after Memorial Day.
Mr. SESSIONS. It is a tough life in the pit here. If I desire to have a vote tonight myself, what would be the difficulty with that? We could do that at the same time as the vote on the Sanders amendment.

The PRESIDING OFFICER. The Senator from Massachusetts, Mr. KENNEDY, I think we have had a good debate and discussion on the Sanders amendment. It was the request of the leadership that we have the supplemental, which has been extremely important. There is going to be action on that later this evening. They had initially asked us if we could conclude at 4 o'clock. I have been working to conclude so that Members who want to address the supplemental would be able to address the supplemental. That is basically the reason for that. We have been here, as the Senator from Pennsylvania knows, ready to do business since 9:30 this morning. We were glad to. I had hoped—and I apologize to the Senator from Vermont because we were all set to have a rollcall on that. Then it appears they have not been accepted. I was asked, requested by Senators to hold for a few moments to see whether it could not have been cleared. I could ask unanimous consent that the amendments of the Senator from Alabama be considered on Tuesday at a time agreeable to him.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. DURBIN. Madam President, if I would be allowed to make my two amendments pending and to speak for 15 minutes, I would forgo a request for a vote tonight. The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Madam President, did the Senator say two amendments? Mr. SESSIONS. Madam President, I have two amendments; they are both on the same subject. I would rather offer both. I am not sure which one—I would never ask the Senate to vote on both, but I would like to offer both. Mr. DURBIN. Madam President, I will ask unanimous consent request and see if the Senator from Alabama will find it acceptable.

I ask unanimous consent that Senator Sessions be recognized to offer two amendments and be given up to 15 minutes to speak to those amendments; that following his remarks, the Senate resume consideration of the Sanders amendment and there be 2 minutes of debate prior to a vote in relation to that amendment, equally divided, with no second-degree amendments in order to the Sanders amendment prior to the vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered. Mr. DURBIN. I thank the Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama, Mr. WHITEHOUSE. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I salute the Senator from Illinois for his expertise in extracting that agreement from this confusion.

AMENDMENT NO. 1235 TO AMENDMENT NO. 1190

Mr. President, I ask that the pending amendment be set aside and I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SESSIONS] proposes an amendment numbered 1235 to amendment No. 1190.

Mr. SESSIONS. 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 save American taxpayers up to $24 billion in the 10 years after passage of this Act, by preventing the earned income tax credit, which is, according to the Congressional Research Service, the largest anti-poverty entitlement program of the Federal Government, from being claimed by Y temporary workers or illegal aliens given status by this Act until they adjust to legal permanent resident status.)

At the appropriate place, insert the following:

SEC. 5-YEAR LIMITATION ON CLAIMING EARNED INCOME TAX CREDIT.

Section 40(b)(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613) is amended by inserting ‘‘, including the tax credit provided under section 32 of the Internal Revenue Code (relating to earned income),’’ after ‘‘means-tested public benefit’’.

Mr. SESSIONS. Mr. President, one of the more significant ramifications of the immigration bill that is on the floor today is that it will confer immediately on persons in our country illegally the benefit of the earned-income tax credit. This is not a little bit of money. The earned-income tax credit is the largest aid program for low-wage workers in America. Last year, the earned-income tax credit benefitted over 22 million people. The average recipient who receives a benefit under the earned-income tax credit receives over $1,700 per year—a very generous benefit. Last year, we spent $41.2 billion on the Earned Income Tax Credit.

What this bill would do, for the people who are here illegally, is confer on them a Z status, a legal status, and under the impact of the legislation, these individuals would immediately become eligible for the earned-income tax credit.

Let me tell you why this is not good policy. It is not required by morality, and it certainly is not required of Congress as a matter of law or policy. The earned-income tax credit was created in 1975 to provide extra income to the working poor. Before welfare reform in America. Last year, the earned-income tax credit was created in 1975 to provide extra income to the working poor. Before welfare reform in America. Last year, we spent $41.2 billion on the Earned Income Tax Credit.

Back when President Nixon was President, Republicans—and I guess...
Democrats—moved forward with the earned-income tax credit. It has grown and become a major factor for low-wage working Americans. The whole concept behind the earned-income tax credit was to encourage Americans to work, to affirm their work, to provide aid and a sense of pride to them, up to their ability. It is tied to their work. Now, I have to tell you, I have looked at it, and I do not think it is achieving quite what we want it to do. In fact, I would like to change that and have suggested it over the years but, regardless, that is the deal.

So how is it, then, that we would think we have an obligation to provide, as a reward to someone who came to our country illegally, a benefit they are not now receiving, did not expect to receive when they came to the country, legally or illegally, and then, just as an additional benefit and reward to their legalization, we provide a $1,700-per-year benefit? It does not make good sense.

It is hard to believe, and it has a huge impact on our bottom line in the budget we have to deal with. I also note that in 1996, when we passed the Welfare Reform Act, after much effort and work—President Clinton worked but finally it was an effort—was an effort made to ensure that persons who obtained a green card did not receive means-tested benefits until at least they had a green card for 5 years. In other words, if you were coming to this country as an immigrant, we wanted to be sure you were not coming for welfare benefits, but to work, and that you would not receive means-tested benefits until you had a green card for at least 5 years.

So what happened was, when they wrote that, it did not touch the earned-income tax credit. I guess that is a Finance Committee matter. It is a tax committee matter. It was not considered a normal welfare-type payment, and that was not included in the list of things a person was not allowed to get. But, in my own mind, I say to my colleagues, it is perfectly consistent in philosophy and in principle with that because the earned-income tax credit is a payment from the Federal Government to working Americans. You file a tax return and obtain the Earned Income Tax Credit after a year’s work. When your work shows your income level was below a certain level in America, you are a qualified worker and you get a tax refund of $1,700, $1,000, $2,400, depending on the circumstances of yourself and your family. So that is what happens today for working Americans. The individuals who are in our country illegally at this moment have not been expecting to get that, have not been getting it unless they are filing fraudulently, and they should not get it. They should not get it as an additional benefit to receiving a Z visa, which allows them permanent residence in the United States and a pathway to citizenship.

That Z visa would also allow them to obtain quite a number of other benefits, such as food stamps—which would not be affected by my amendment—health care for children, and, of course, anyone who goes into a hospital who has an emergency need will be treated whether they have insurance or legal status or not. So their children would be eligible for food stamps. All those things would occur. Nothing would impact those things. But it is not correct as a matter of law, as a matter of principle, and certainly it is not a matter of fiscal responsibility for this program. The Earned Income Tax Credit Reform bill that confers another $18 billion to $20 billion in earned-income tax credit on people whom we just rewarded with permanent residence in our country. That is not required. There is no requirement of principle.

The Congressional Research Service describes the EITC in this way:

The earned income tax credit began in 1975 as a temporary program—

Typical of Washington, isn’t it, that we start something that is temporary, and it is $40 billion a year, to return a portion of the Social Security taxes paid by lower-income taxpayers and was made permanent in 1978. In the 1990s the program was transformed into a major component of the American anti-poverty strategy, and is now the largest antipoverty entitlement program.

I bet most Americans did not know that the EITC is the largest entitlement program we promote. Their wages go up, and they do better and better. So I do not think it is a bad program, but it is a very expensive program, and for a number of reasons it could be operated better.

I will again say to my colleagues, I am not of the belief that it is required of us that we should confer on persons who came into our country illegally every single benefit we confer on those who have paid taxes for years and who come to our country legally. I just do not think that is required. One of the things in particular I would suggest not to be conferred—should not be conferred—upon them is the extensive benefits of the earned-income tax credit.

In other words, we do not want to attract people to America on things other than their wages and salary. We have enough people who need help in America. We have a lot of people out there working who, frankly, maybe did not have a good work history. They have not been as reliable as they should have been. Maybe they have gotten in trouble a time or two. We need our American businesses to take a chance on those people. We need to help them get their lives together and establish a good work history and start making some money. The earned-income tax credit comes in as a refundable tax credit on top of that, as a real bonus to a good work history. But it should not be an attraction to draw people into our country because most of the people who come into America as an illegal immigrant, at least in the first years, tend to make the salary levels that they could qualify for the tax credit. So there will be a disproportionately high number of persons who will qualify for that.

I see my time is about up. I will reluctantly accept having a vote, as Senator Kennelly suggested we can do early in the next week when we come back, if that will help move us along tonight. But I want to tell my colleagues to think about this amendment—really think about it. This is not an amendment that says: OK, if you are in our country, just like the 1996 Welfare Reform Act said, and you qualify for the Z visa under this amnesty program, you get the $1,700. However, you would like to call what we have in this bill, you are not automatically eligible for the earned-income tax credit. We absolutely should not allow that to happen. It is not necessary. It is not right to do so.

It is also on the United States. It draws money from people who have paid taxes for years. I would have to note, under the bill that is on the Senate floor, the immigration bill before us, are individuals who have been here illegally, some of whom may have made nice incomes and are absolved from paying a portion of their back taxes. So they don’t even pay all back taxes. Then we are going to give them, immediately, the next year, the earned-income tax credit, which could be a very substantial amount of money, and that comes right out of the taxpayers’ pockets, a billion here and a billion there and a billion here and a billion there. It does add up, and it is significant.

So I would urge my colleagues to consider this and hope that they will.

I also wanted to express my support for Senator Hutchinson for the analysis on Social Security of persons who come into our country illegally and who violate their stays and overstay, that they should not receive the full benefit of Social Security. One of the things you have to have if you are going to have an effective immigration policy is you must have a situation in which you don’t reward people for bad behavior, for heaven’s sake. We certainly are not very good at apprehending people who violate the law, who either come in illegally or overstayed and removed them from the country, but surely we ought to have a system that doesn’t violate the law, the way you come or stay here, you don’t get Federal taxpayer benefits and a reward as a result of
that illegal behavior. If we are not able to make those distinctions and stand with clarity on those kinds of questions, I suggest we are not able to take a stand on most any principle of law. So that worries me.

Senator CORNYN, who spoke earlier and very effectively, asked me to make this note for the record; that his modification corrected—he stated in his remarks that he made a modification to his amendment to correct the page number. He also wanted to make clear that a correction includes a technical correction beyond that, and he didn’t want to mislead anyone. He asked that I clarify that for him so that there would be no dispute about that.

Also, some people have suggested that the CORNYN amendment would amount to an unconstitutional ex post facto rule because of its retroactive application. Now, that is a pretty harsh thing to say about Judge CORNYN. Senator CORNYN served on the Supreme Court of the State of Texas and he would just suggest this: In order for any immigration provision to have immediate effect, it is imperative that they apply to the conduct and convictions that occurred before enactment.

The PRESIDING OFFICER. The Senator has used his 15 minutes.

Mr. SESSIONS. Mr. President, I ask unanimous consent for 1 more minute, and I will wrap up.

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

Mr. SESSIONS. So, also, I would note on behalf of Senator CORNYN’s amendment that if prior conduct and convictions were not covered, you would have an immigration regime that essentially welcomes the following people, and this is not how the immigration system should operate. For example, as recently as 2005—I see my time is up, and I won’t go into that. I will just note that Senator CORNYN’s amendment to the EITC under the Sessions Amendment would result in highly inconsistent treatment of legal immigrant residents, and would drastically increase the amount of tax that many of these families had to pay. They would be subject to income and payroll taxes in the same manner as other workers but would be denied the use of a key element of the Tax Code that is intended to offset the relatively heavy tax burdens that low-income working families with children, otherwise would face.

Most of the EITC is simply a tax credit for the payment of other taxes, especially regressive payroll taxes. The EITC was specifically designed to offset the disproportionate burden on low-income working parents. The Treasury Department has estimated that a large majority of the EITC merely compensates for a portion of the federal income, payroll, and excise taxes paid by the low-income tax filers who qualify to receive it.

A significant share of families that receive the EITC owe federal income tax before the EITC is applied, in addition to paying payroll taxes. Low-income working immigrant families in this category who would be denied the EITC under the Sessions Amendment would consequently face a dramatic increase in their income tax bill, requiring them to pay much higher taxes than other workers with similar earnings.

Other families with even less income would not receive a refund to offset the disproportionately large payroll taxes they paid, unlike other workers with comparable wages and dependents.

To qualify for the EITC, under current law, a taxpayer must satisfy the following criteria: 1., be a US citizen or legal resident; 2., have a valid Social Security number for both the worker and any qualifying children; 3., have earned income from employment or self-employment; 4., have total income that falls below a certain level; and 5., file an income tax return.

Current law already clearly prohibits illegal immigrants from receiving the EITC. No immigrant can receive the earned income tax credit unless he or she is a legal resident who is a low wage worker paying payroll taxes and filing an income tax return. These are men and women who are conscientiously fulfilling their responsibilities to their adopted country and they deserve to be treated like all other workers in America.

This amendment would hurt children. The United States has more children living in poverty than any other industrialized country. We need to help children, not hurt them. And they should not have to pay for the sins of their parents.

SUPPLEMENTAL APPROPRIATIONS

Mr. President, this so-called compromise doesn’t do nearly enough to end the war, and I intend to vote against it. I support our troops. They have fought bravely and with great courage under extraordinarily difficult circumstances. But it is wrong for the President to send our troops to war without a plan to win the peace, and it is wrong for Congress to keep them in harm’s way on the current failed course.

The best way to protect our troops is to bring this war to an end, not to pour more American lives into this endless quagmire in Iraq.

It is wrong for Congress to continue to defer to a Presidential decision that we know is fatally flawed.

The American people know this war is wrong. It is wrong to abdicate our responsibility to end this war to drag on and on and on while our casualties mount higher and higher.

The President was wrong to get us into this war, wrong to conduct it so poorly, wrong to ignore the views of the American people, and wrong to stubbornly refuse to sign legislation requiring a timetable for the orderly and responsible withdrawal of our combat troops from Iraq.

It is time to end this continuing tragic loss of American lives and begin to bring our soldiers home.

For the sake of our troops, we cannot repeat the mistakes of Vietnam and allow this war to drag on long after the American people know it is a profound mistake.

Mr. President, how much time do I have?

The PRESIDING OFFICER. There is 3 minutes 20 seconds.

Mr. KENNEDY. Mr. President, before yielding so we can have a vote on the amendment of the Senator from Vermont, I would like to respond to my friend from Alabama regarding the earned-income tax credit.

The earned-income tax credit is to help children—help poor children. Of all the industrialized nations of the world, we have more children living in poverty than any other Nation in the world. The earned-income tax credit is to help the children. They are not the lawbreakers; the parent burglars, nor the lawbreakers. Yet this amendment will take it out on the children.

We don’t do it for those who have committed murder and gone to prison. We don’t do it for those who have committed aggravated assault. We don’t do it for those who are engaging in white collar or corporate theft, but we are going to do it for those who have been adjusted in terms of their status of being illegal. That is what the
The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) and the Senator from New York (Mr. SCHUMER) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from Utah (Mr. HATCH), the Senator from Nevada (Mr. MCCAIN), and the Senator from Wyoming (Mr. THOMAS).

Further, if present and voting, the Senator form Utah (Mr. HATCH) would have voted: yeas 58, nays 35.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 59, nays 35, as follows:

[Rollcall Vote No. 179 Leg.]

YEAS—59

Akaka
Alexander
Baucus
Brown
Byrd
Cantwell
Cardin
Casey
Clinton
Coermann
Conrad
Dodd
Dorgan
Durbin
Feinstein
Graham
Grassley
Harkin
Hatch
Kennedy
Lugar
Leahy
Lieberman
Reed
Obama
Nelson (FL)
Obama
Byrd
Kohl
Kyl
Levin
Lieberman
Snowe
Stabenow
Stenholm
Stevens
Tester
Webb
Whitehouse
Wyden

NAYS—35

Allard
Bangs
Bayh
Bennett
Bond
Bunning
Burton
Chambliss
Coburn
Collins
Corker
Brownback
Hatch
Baucus
Craig
Crapo
Dole
Durbin
Ensign
Enzi
Gregg
Gregg
Hutchison
Inhofe

NOT VOTING—6

Sessions amendment does. We don't do it for murderers, we don't do it for burglars, we don't do it for those who have committed the most egregious crimes, but we are going to do it in terms of those whose positions we are changing and changing in terms of their adjustment of status.

The people who are affected by it are the children. It doesn't seem to be the way we ought to go. But we will have a longer period of time to debate this at another time.

AMENDMENT NO. 1223

I believe now we are prepared to vote, and I suggest that we get to it as quickly as we can so that we don't have other interference.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. SANDERS. Mr. President, I will be very brief. I thank Senator DURBIN and Senator KENNEDY for their support. This amendment has been modified.

The H-1B program would increase from $1,500 to $5,000, a $3,500 increase. The new revenue, as I mentioned earlier, would be used to establish a scholarship program so we can begin to see young American students get the education they need for these professions so that we do not have to go abroad to bring people in to do the jobs that American workers should be doing.

I would appreciate support for this amendment.

Mr. KENNEDY. I ask unanimous consent for 1 more minute.

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

Mr. KENNEDY. I want to commend the Senator from Vermont for this amendment. I intend to support it. Years ago I thought we ought to have murderers, we don't do it for burglars, we don't do it for those who have committed the most egregious crimes, but we are going to do it in terms of those whose positions we are changing and changing in terms of their adjustment of status.

The people who are affected by it are the children. It doesn't seem to be the way we ought to go. But we will have a longer period of time to debate this at another time.

AMENDMENT NO. 1223

I believe now we are prepared to vote, and I suggest that we get to it as quickly as we can so that we don't have other interference.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. SANDERS. Mr. President, I will be very brief. I thank Senator DURBIN and Senator KENNEDY for their support. This amendment has been modified.

The H-1B program would increase from $1,500 to $5,000, a $3,500 increase. The new revenue, as I mentioned earlier, would be used to establish a scholarship program so we can begin to see young American students get the education they need for these professions so that we do not have to go abroad to bring people in to do the jobs that American workers should be doing.

I would appreciate support for this amendment.

Mr. KENNEDY. I ask unanimous consent for 1 more minute.

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

Mr. KENNEDY. I want to commend the Senator from Vermont for this amendment. I intend to support it. Years ago I thought we ought to have murderers, we don't do it for burglars, we don't do it for those who have committed the most egregious crimes, but we are going to do it in terms of those whose positions we are changing and changing in terms of their adjustment of status.

The people who are affected by it are the children. It doesn't seem to be the way we ought to go. But we will have a longer period of time to debate this at another time.

AMENDMENT NO. 1223

I believe now we are prepared to vote, and I suggest that we get to it as quickly as we can so that we don't have other interference.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. SANDERS. Mr. President, I will be very brief. I thank Senator DURBIN and Senator KENNEDY for their support. This amendment has been modified.

The H-1B program would increase from $1,500 to $5,000, a $3,500 increase. The new revenue, as I mentioned earlier, would be used to establish a scholarship program so we can begin to see young American students get the education they need for these professions so that we do not have to go abroad to bring people in to do the jobs that American workers should be doing.

I would appreciate support for this amendment.

Mr. KENNEDY. I ask unanimous consent for 1 more minute.

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

Mr. KENNEDY. I want to commend the Senator from Vermont for this amendment. I intend to support it. Years ago I thought we ought to have murderers, we don't do it for burglars, we don't do it for those who have committed the most egregious crimes, but we are going to do it in terms of those whose positions we are changing and changing in terms of their adjustment of status.

The people who are affected by it are the children. It doesn't seem to be the way we ought to go. But we will have a longer period of time to debate this at another time.

AMENDMENT NO. 1223

I believe now we are prepared to vote, and I suggest that we get to it as quickly as we can so that we don't have other interference.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. SANDERS. Mr. President, I will be very brief. I thank Senator DURBIN and Senator KENNEDY for their support. This amendment has been modified.

The H-1B program would increase from $1,500 to $5,000, a $3,500 increase. The new revenue, as I mentioned earlier, would be used to establish a scholarship program so we can begin to see young American students get the education they need for these professions so that we do not have to go abroad to bring people in to do the jobs that American workers should be doing.

I would appreciate support for this amendment.

Mr. KENNEDY. I ask unanimous consent for 1 more minute.

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

Mr. KENNEDY. I want to commend the Senator from Vermont for this amendment. I intend to support it. Years ago I thought we ought to have murderers, we don't do it for burglars, we don't do it for those who have committed the most egregious crimes, but we are going to do it in terms of those whose positions we are changing and changing in terms of their adjustment of status.

The people who are affected by it are the children. It doesn't seem to be the way we ought to go. But we will have a longer period of time to debate this at another time.

AMENDMENT NO. 1223

I believe now we are prepared to vote, and I suggest that we get to it as quickly as we can so that we don't have other interference.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. SANDERS. Mr. President, I will be very brief. I thank Senator DURBIN and Senator KENNEDY for their support. This amendment has been modified.

The H-1B program would increase from $1,500 to $5,000, a $3,500 increase. The new revenue, as I mentioned earlier, would be used to establish a scholarship program so we can begin to see young American students get the education they need for these professions so that we do not have to go abroad to bring people in to do the jobs that American workers should be doing.

I would appreciate support for this amendment.

Mr. KENNEDY. I ask unanimous consent for 1 more minute.

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

Mr. KENNEDY. I want to commend the Senator from Vermont for this amendment. I intend to support it. Years ago I thought we ought to have murderers, we don't do it for burglars, we don't do it for those who have committed the most egregious crimes, but we are going to do it in terms of those whose positions we are changing and changing in terms of their adjustment of status.

The people who are affected by it are the children. It doesn't seem to be the way we ought to go. But we will have a longer period of time to debate this at another time.
Mr. KENNEDY. Mr. President, we will have 1 minute each side. This will be the final vote on the immigration bill this week. We have had great cooperation. We are enormously grateful to all the Members.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Mr. President, my amendment is very simple, it is very straightforward, and it is very important. It strikes title VI from that bill, which is the very controversial Z visa provision.

In my opinion, and the opinion of many people, many Americans, this is amnesty purely and simply, and that conclusion is important not because of a brand, not because of the word but because of what it means and what it will create.

It will create a magnet to increase illegal activity into the country, to encourage more of the same, more of the problem, and the problem. That is why we must remove this title from the bill.

The key question in this debate is will this bill fundamentally repeat the horrible mistakes of 1986 when we did not properly enforce. I believe this bill, as it stands now, repeats that horrible mistake.

The PRESIDING OFFICER. The Senator’s time has expired.

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, legalization is good for national security. We need to know the names of everyone living here. That is why the Department of Homeland Security supports earned legalization. All of title VI was written with the close cooperation of Secretary Chertoff and his staff.

Legalization is good for our economic prosperity. We need every worker in this country to join the formal economy and pay their taxes. That’s why the Department of Commerce supports earned legalization. All of title VI was written with the close cooperation of Secretary Gutierrez and his staff.

Legalization is consistent with American family values. Would opponents of legalization deport children and divide families?

More than 1.6 million undocumented children live in the United States.

More than 3.1 million U.S.-citizen children have at least one undocumented parent.

Legalization supports our broader reform effort. We must break America’s cycle of illegality. Enforcement at the worksite and elsewhere will fail if 12 million Americans and 5 percent of U.S. workers remain in the shadows.

The American people support earned legalization. Poll after poll find that large majorities of Americans want undocumented immigrants who have lived and worked in the United States to have a chance to keep their jobs and earn legal status.

This support spans political parties and crosses demographics.

Americans understand that this is a complex problem that requires a comprehensive solution.

Mr. President, this is not 1986; 1986 was amnesty. This is not amnesty. Let’s be very clear about it. Not only do you have to have a background check, but if you pay 5,000, you have to learn English, you have to demonstrate you paid your taxes, you have to work for the next 8 years and demonstrate that you have worked in the past if you ever are going to get a green card. You have to return home in order to get your application for a green card, and you have to go to the back of the line. None of that was 1986.

Legalization is important for our national security. We have to know who is in the United States of America. Legalization is important in terms of our economic prosperity so our economy can function well, and legalization is important for the families. Do we think we are going to deport 3.5 million American children who have parents who are undocumented? Are we going to send those people overseas?

This amendment will undermine the legislation. I hope it will be rejected by the Senate.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 1157. The clerk will call the roll.

The assistant legislative clerk called the roll.

The Senator from South Dakota (Mr. JOHNSON) and the Senator from New York (Mr. SCHUMER) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from Utah (Mr. HATCH), and the Senator from Wyoming (Mr. THOMAS).

The PRESIDING OFFICER (Mr. NELSON of Florida). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 29, nays 66, as follows:

[Rollcall Vote No. 180 Leg.]

YEAS—29

Alexander
Allard
Baucus
Baucus
Baucus
Byrd
Byrd
Cochran
Corker
Crapo
Durbin
Ensign
Feingold
Feinstein
Graham
Gregg
Hagel
Harkin
Hutchison
Inhofe
Johnson
Kennedy
Kerry
Lieberman
Lott
Lugar
Lugar
Mikulski
Mikulski
Murray
Nelson (FL)
Portman
Reid
Richardson
Roberts
Rockefeller
Sessions
Shelby
Sununu
Thune
Vitter
Voinovich
Warner
Wyden

NAYS—66

Akaka
Bayh
Bennett
Bingaman
Boxer
Burr
Cardin
Carper
Cashell
Durbin
Eisenberg
Feinstein
Feinstein
Feinstein
Grassley
Griffith
Hutchison
_Inc.
Isakson
Johnson
Kennedy

...
deployed 4 Unmanned Aerial Vehicles and 370 miles of fencing, and 70 ground-based TROL.

The Secretary submits a written certification to the Congress stating that the conditions necessary for each of the measures described in subsection (a)(3) have been met.

(2) CATCH AND RETURN.

(3) DUTY UNITED STATES MARSHALS.

There are authorized to be appropriated to the Department of Homeland Security, for each of the fiscal years 2008 through 2012 to carry out subsection (a).

(3) NORTHERN BORDER.

There are no recommendations, authorization needed, or significant actions that are being undertaken by the Department to achieve operational control of the northern border of the United States (above the number of such positions for which funds were appropriated for the preceding fiscal year, by not less than—

(a) 2,300 in fiscal year 2008;

(b) 2,400 in fiscal year 2009;

(c) 2,400 in fiscal year 2010;

(d) 2,400 in fiscal year 2011; and

(e) 2,400 in fiscal year 2012.

(c) AUTHORIZATION OF APPROPRIATIONS—There are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2008 through 2012 to carry out this section.

SEC. 102. TECHNOLOGICAL ASSETS.

(b) AUTHORIZATION OF APPROPRIATIONS—There are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2008 through 2012 to carry out this section.

SEC. 103. INFRASTRUCTURE.

(b) AUTHORIZATION OF APPROPRIATIONS—There are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2008 through 2012 to carry out this section.

(2) CUSTOMS AND BORDER PROTECTION PERSONNEL.
SEC. 104. PORTS OF ENTRY.

Section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Division C of Public Law 104-208, as amended by the addition, at the end of that section, of the following new subsection:

(e) CONSTRUCTION AND IMPROVEMENTS.—The Secretary is authorized to:

(1) construct additional ports of entry along the international land borders of the United States, at locations to be determined by the Secretary; and

(2) make necessary improvements to the ports of entry.

Subtitle B—Other Border Security Initiatives

SEC. 111. BIOMETRIC ENTRY–EXIT SYSTEM.

(a) COLLECTION OF BIOMETRIC DATA FROM ALIENS ENTERING AND LEAVING THE UNITED STATES—

Section 215 (8 U.S.C. 1185) is amended—

(1) by inserting at the beginning of the section—

"(a) C OLLECTION OF BIOMETRIC DATA FROM ALIENS ENTERING AND DEPARTING THE UNITED STATES to provide biometric data and other information relating to their immigration status.

(b) INSPECTION OF APPLICANTS FOR ADMISSION—

Section 212 (8 U.S.C. 1182) is amended—

(1) by inserting after subsection (b)(5) the following:—

"(c) The Secretary is authorized to require aliens entering and departing the United States to provide biometric data and other information relating to their immigration status.

(d) AUTHORITY TO COLLECT BIOMETRIC DATA.—In conducting inspections under subsection (a) and (b), immigration officers are authorized to collect biometric data from—

(A) any applicant for admission or any alien who is paroled under section 212(d)(5), seeking to or permitted to land temporarily as an alien crewman, or seeking to or permitted transit through the United States; or

(B) any lawful permanent resident who is entering the United States and who is not regarded as seeking admission pursuant to section 101(a)(13)(C).

(c) COLLECTION OF BIOMETRIC DATA FROM ALIENS ENTERING FROM CONTIGUOUS COUNTRIES—

Section 222 (8 U.S.C. 1222) is amended by adding after the section the following:

"(d) An immigration officer is authorized to collect biometric data from an alien crewman seeking permission to land temporarily in the United States.

(d) GROUNDS OF INADMISSIBILITY.—Section 212 (8 U.S.C. 1182) is amended—

(1) in subsection (a)(7), by adding to the end the following:—

"(C) as follows—

Any alien who fails or has failed to comply with a lawful request for biometric data under section 215(c), 235(d), or 252(d) is inadmissible.

(2) in subsection (d), by inserting after paragraph (1) the following:

"(2) The Secretary may waive the application of paragraph (1) if such an alien or class of aliens.

(e) IMPLEMENTATION.—Section 7206 of the 9/11 Commission Implementation Act of 2004 (8 U.S.C. 1351) is amended—

(1) in subsection (c), by adding at the end the following:

"(3) IMPLEMENTATION.—In fully implementing the fully implemented biometric entry–exit system under this section, the Secretary is not required to comply with the requirements of chapter 5 of title 5; United States Code (commonly referred to as the Administrative Procedure Act) or any other law relating to rulemaking, information collection, or publication in the Federal Register; and

(2) in subsection (1) —

(A) by striking “There are authorized” and inserting instead—

"(1) IN GENERAL.—There are authorized; and

(B) by adding at the end the following:—

"(2) IMPLEMENTATION AT ALL LAND BORDERS PORTS OF ENTRY.—There are authorized to be appropriated such sums as may be necessary for each fiscal year beginning after 2008 to implement the automated biometric entry and exit data system at all land border ports of entry.

SEC. 112. UNLAWFUL FLIGHT FROM IMMIGRATION OR CUSTOMS CONTROLS.

(a) IN GENERAL.—Section 758 of Title 18, United States Code, is amended to read as follows:

"§758. Unlawful Flight from Immigration or Customs Controls

(a) E VADING A CHECKPOINT.—Any person who, while operating a motor vehicle or vessel, knowingly flees or evades a checkpoint operated by the Department of Homeland Security or any other Federal law enforcement agency, and then knowingly or recklessly disregards or disobey the lawful command of any law enforcement agent, shall be fined under this title, imprisoned not more than five years, or both.

(b) F AILURE TO STOP.—Any person who, while operating a motor vehicle, aircraft, or vessel, knowingly or recklessly disregards or disobeys the lawful command of any law enforcement agent, shall be fined under this title, imprisoned not more than two years, or both.

(c) A LTERNATIVE PENALTIES.—Notwithstanding the penalties provided in subsection (a) or (b), any person who violates such subsection shall—

(1) be fined under this title, imprisoned not more than 10 years, or both, if the violation involved the operation of a motor vehicle, aircraft, or vessel;—

(C) in excess of the applicable or posted speed limit;—

(B) in excess of the rated capacity of the motor vehicle, aircraft, or vessel; or—

(C) in an otherwise dangerous or reckless manner;—

(2) be fined under this title, imprisoned not more than 20 years, or both, if the violation created a substantial and foreseeable risk of serious bodily injury or death to any person; or—

(A) the term “check point” includes, but is not limited to, any customs or immigration inspection at a port of entry;—

(b) the term “lawful command” includes, but is not limited to, a command to stop, decrease speed, alter course, or land, whether communicated orally, visually, by means of lights or sirens, or by radio, telephone, or other wire communication;—

(c) any person who, while operating a vessel, vehicle, aircraft, other conveyances, or instrument of international traffic or instrument of international traffic or instrument of international traffic, knowingly or recklessly disregards or disobeys the lawful command of any law enforcement agent, assistant such officer, shall be fined under this title, imprisoned not more than two years, or both.

(d) A LTERNATIVE PENALTIES.—Notwithstanding the penalties provided in subsection (a) or (b), any person who violates such subsection shall—

(1) be fined under this title, imprisoned not more than 20 years, or both, if the violation created a substantial and foreseeable risk of serious bodily injury or death to any person; or—

(2) be fined under this title, imprisoned not more than 30 years, or both, if the violation caused serious bodily injury to any person; or—

(3) be fined under this title, imprisoned for any term of years or life, or both, if the violation resulted in the death of any person;—

(4) AD TENT AND CONSPIRACY.—Any person who attempts or conspires to commit any offense under this section shall be punished in the same manner as a person who completes the offense;—

(e) F ORFEITURE.—Any property, real or personal, constituting or traceable to the gross proceeds of the offense and any property, real or personal, used or intended to be used to commit or facilitate the commission of the offense shall be subject to forfeiture;—

(5) by inserting “vehicle, other conveyances and instruments of international traffic” after the word “vessels” in the provisions of chapter 46 of this title, relating to civil forfeitures, including section 981(d) of such title, except that such duties as are imposed upon the Secretary of the Treasury under the customs laws described in that section shall be performed by such officers, agents, and other persons as may be designated for that purpose by the Secretary of Homeland Security or the Attorney General.

"(g) DEFINITIONS.—For purposes of this section—

(1) the term “checkpoint” includes, but is not limited to, any customs or immigration inspection at a port of entry;—

(2) the term “lawful command” includes, but is not limited to, a command to stop, decrease speed, alter course, or land, whether communicated orally, visually, by means of lights or sirens, or by radio, telephone, or other wire communication;—

(3) the term “law enforcement agent” includes any Federal, State, local or tribal official authorized to enforce criminal law, when acting under Color of State Law and covered under subsection (b) of this section, an air traffic controller;—

(4) the term “motor vehicle” means any motorized or self-propelled means of terrestrial transportation;—

(5) The term “serious bodily injury” has the meaning given in section 211(b) of this title.

SEC. 113. RELEASE OF ALIENS FROM NON-CONTIGUOUS COUNTRIES.

Section 226(a)(2) (8 U.S.C. 1226(a)(2)) is amended—

(1) by striking “on”;—

(2) in subparagraph (A)—

(A) by inserting “except as provided under subparagraph (B), upon the giving of a” before “bond”; and—

(B) by striking “or” at the end;—

(3) by redesigning subparagraph (b) as subparagraph (C); and—

(4) by inserting after subparagraph (A) the following:

"(B) upon the giving of a bond of not less than $5,000 with security approved by, and containing conditions prescribed by, the Secretary or the Attorney General.

"(c) the term “national of a noncontiguous country.”—

(2) has not been admitted or paroled into the United States; and—

(3) was apprehended within 100 miles of the international border of the United States or presents a flight risk, as determined by the Secretary of Homeland Security; or.

SEC. 114. SEIZURE OF CONVEYANCE WITH CONCEALED COMPARTMENT: EXPANDING THE DEFINITION OF CONVEYANCES WITH HIDDEN COMPARTMENTS SUBJECT TO FORFEITURE.

(a) IN GENERAL.—Section 1703 of Title 19, United States Code is amended—

(1) by amending the title of such section to read as follows:

"1703. Seizure and forfeiture of vessels, vehicles, other conveyances and instruments of international traffic;—

(2) by amending the title of subsection (a) to read as follows:

"(a) Vessels, vehicles, other conveyances and instruments of international traffic subject to seizure and forfeiture;—

(3) by amending the title of subsection (b) to read as follows:

"(b) Vessels, vehicles, other conveyances and instruments of international traffic defined;—

(4) by inserting “vehicle, other conveyance or instrument of international traffic” after the word “vessels” wherever it appears in the text of subsections (a) and (b); and—

May 24, 2007
SEC. 121. DEATHS AT UNITED STATES-MEXICO BORDER.

(a) COLLECTION OF STATISTICS.—The Commissioner of the Bureau of Customs and Border Protection shall collect statistics relating to deaths occurring at the border between the United States and Mexico, including—

(1) the causes of the deaths; and

(2) the total number of deaths.

(b) REPORT.—Not later than 90 days after the date of enactment of this Act, and annually thereafter, the Commissioner shall submit to the Committee on Appropriations of the House of Representatives the report required by paragraph (2) of section 1301 of title 5, United States Code.

(c) PREVENTION OF DEATHS.—The Secretary of the Department of Homeland Security shall, as expeditiously as possible and consistent with the safety of the United States, in order to evaluate, for a range of circumstances, the effectiveness of utilizing such technologies to address border threats, including an assessment of the technologies considered best suited to address threats on the land, require and maintain unmanned aerial vehicles, to enhance the security of the international border between the United States and Mexico. The goal of the program shall be continuous monitoring of each mile of each such border.

SEC. 122. BORDER SECURITY ON CERTAIN FEDERAL LAND.

(a) DEFINITIONS.—In this section:

(1) PROTECTED LAND.—The term "protected land" means land under the jurisdiction of the Secretary concerned.

(2) SECRETARY CONCERNED.—The term "Secretary concerned" means—

(A) with respect to land under the jurisdiction of the Secretary of Agriculture, the Secretary of Agriculture;

(B) with respect to land under the jurisdiction of the Secretary of the Interior, the Secretary of the Interior;

(C) with respect to land under the jurisdiction of the Secretary of Homeland Security, the Secretary of Homeland Security;

(D) with respect to land under the jurisdiction of the Forest Service, the Forest Service; and

(E) with respect to land under the jurisdiction of the Fish and Wildlife Service, the Fish and Wildlife Service.

(b) SUPPORT FOR BORDER SECURITY NEEDS.—

(1) IN GENERAL.—To gain operational control over the international land borders of the United States and to prevent the entry of terrorists, unlawful aliens, narcotics, and other contraband into the United States, the Secretary, in cooperation with the Secretary concerned, may—

(A) increase U.S. Customs and Border Protection personnel to secure protected land along the international land borders of the United States;

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary for carry out subsection (a)—

(A) $780,000,000 for fiscal year 2008; and

(B) $276,000,000 for fiscal year 2009.

(2) AVAILABLE OF FUNDS.—Amounts appropriated pursuant to this subsection (b) shall remain available until expended.

SEC. 125. SURVEILLANCE TECHNOLOGIES PROGRAMS.

(a) AERIAL SURVEILLANCE PROGRAM.—

(1) IN GENERAL.—In conjunction with the border surveillance plan developed under section 212(b)(2) of the Implementing antis-Terrorism program to 2004 (Public Law 108–145; 8 U.S.C. 1701 note), the Secretary, not later than 90 days after the date of enactment of this Act, shall—

(A) develop a program to fully integrate and utilize aerial surveillance technologies, including unmanned aerial vehicles, to enhance the security of the international border between the United States and Canada and the international border between the United States and Mexico.

(b) OTHER MEASURES.

(1) DEFINE.—The term "elseaive technology" means—

(A) unmanned aerial vehicle, unmanned ground vehicle, or any other unmanned vehicle or equipment;

(B) data communications, radio communications, cellular communications, or any other form of communication;

(C) sensors of all types; and

(D) any other equipment or technology designed for or modified to enable unmanned or semi-unmanned aerial systems to perform surveillance or border security missions.

(2) REQUIRE.—The Secretary shall require the use of aerial surveillance technologies in order to—

(A) detect and locate targets of interest; and

(B) determine the type of information that can be obtained from aerial surveillance technologies.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out this section—

(A) $14,000,000 for fiscal year 2007;

(B) $14,000,000 for fiscal year 2008; and

(C) $14,000,000 for fiscal year 2009.

(2) AVAILABLE OF FUNDS.—Amounts appropriated pursuant to this subsection (c) shall remain available until expended.

SEC. 126. BORDERS.

(a) SECURITY AT UNITED STATES-GREAT LAKES/BORDERS.

(1) REQUIRE.—The Secretary shall submit to the Committee on Appropriations of the House of Representatives a report—

(A) during the first 60 days after the date of enactment of this Act; and

(B) annually thereafter.

(2) CONTENT.—The report required by paragraph (1) shall—

(A) include a review of the Secretary’s plans and initiatives to enhance security at the Great Lakes border; and

(B) provide a detailed description of the implementation of the border security plan.
additional unmanned aerial vehicles, cameras, poles, sensors, satellites, radar coverage, and other technologies necessary to achieve operational control of the international land and maritime borders of the United States. The Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on a description of any additional steps that the Secretary has taken or plans to take to improve response effectiveness in monitoring, detecting, and responding to international threats.

(f) Environmental Assessment.—Not later than 30 days after such update is developed, the Secretary shall send to the congressional committees provided for in section 103(d) a description of the performance impacts and costs associated with the deployment and operation of surveillance technologies used for border security.

5. Assessment of the most appropriate, practical, and cost-effective means of defending the international land and maritime borders of the United States against threats to national security, including the proliferation of illegal and licentious capacities, equipment, personnel, and training needed to address security vulnerabilities. An assessment of staffing needs for all border security functions, taking into account threat and vulnerability information pertaining to the borders and the impact of new security programs, policies, and technologies.

6. A description of the border security research and development programs of Federal, State, regional, local, and tribal authorities, and recommendations regarding actions the Secretary can take to improve coordination with such authorities to enable border security and enforcement activities to be conducted in a more efficient and effective manner. An assessment of existing efforts and technologies used for border security and the effect of the use of such efforts and technologies on civil rights, personal privacy rights, and national security.

7. An assessment of additional detention facilities and beds that are needed to detain unlawful aliens apprehended at United States ports of entry or along the international land and maritime borders of the United States.

8. A description of ways to ensure that the free flow of travel and commerce is not diminished by efforts, activities, and programs designed to secure the international land and maritime borders of the United States.

9. A description of the performance metrics to be used to ensure accountability by the Department of Homeland Security in implementing such strategies.

(a) Requirement for plan.—The Secretary shall submit to Congress a comprehensive plan for the systematic surveillance of the international land and maritime borders of the United States.

(b) Content.—The plan required by subsection (a) shall include the following:

(1) An assessment of existing technologies employed on the international land and maritime borders of the United States.

(2) A description of the compatibility of new surveillance technologies with existing surveillance technologies in use by the Department of Homeland Security.

(3) A description of the specific surveillance technology to be deployed.

(4) A detailed estimate of all costs associated with such deployment and with continued maintenance of such technologies.

(5) An assessment of the performance impacts and costs associated with the deployment and operation of surveillance technologies used for border security.

(6) An assessment of the sustainability of the surveillance technology and the systems that support it, including the costs of administration, maintenance, and replacement.

(7) An assessment of the compatibility of new surveillance technologies with existing technologies employed on the international land and maritime borders of the United States.

(8) An assessment of the potential for the deployment of surveillance technologies to be conducted in a more efficient and effective manner.

(9) An assessment of the impact of the use of surveillance technologies on civil rights, personal privacy rights, and national security.

(10) An assessment of the feasibility of deploying surveillance technologies on the international land and maritime borders of the United States.

(11) An assessment of the costs associated with deploying surveillance technologies on the international land and maritime borders of the United States.

(12) An assessment of the sustainability of the surveillance technology and the systems that support it, including the costs of administration, maintenance, and replacement.

(13) An assessment of the potential for the deployment of surveillance technologies to be conducted in a more efficient and effective manner.

(14) An assessment of the impact of the use of surveillance technologies on civil rights, personal privacy rights, and national security.

(c) Submission to Congress.—Not later than 6 months after the date of enactment of this Act, the Secretary shall submit to Congress a plan required by this section.

SEC. 126. SURVEILLANCE PLAN.

(a) Requirement for plan.—The Secretary shall submit to Congress a comprehensive plan for the systematic surveillance of the international land and maritime borders of the United States.

(b) Content.—The plan required by subsection (a) shall include the following:

(1) An assessment of existing technologies employed on the international land and maritime borders of the United States.

(2) A description of the compatibility of new surveillance technologies with existing surveillance technologies in use by the Department of Homeland Security.

(3) A description of the specific surveillance technology to be deployed.

(4) A detailed estimate of all costs associated with such deployment and with continued maintenance of such technologies.

(5) An assessment of the performance impacts and costs associated with the deployment and operation of surveillance technologies used for border security.

(6) An assessment of the sustainability of the surveillance technology and the systems that support it, including the costs of administration, maintenance, and replacement.

(7) An assessment of the compatibility of new surveillance technologies with existing technologies employed on the international land and maritime borders of the United States.

(8) An assessment of the potential for the deployment of surveillance technologies to be conducted in a more efficient and effective manner.

(9) An assessment of the impact of the use of surveillance technologies on civil rights, personal privacy rights, and national security.

(10) An assessment of the feasibility of deploying surveillance technologies on the international land and maritime borders of the United States.

(11) An assessment of the costs associated with deploying surveillance technologies on the international land and maritime borders of the United States.

(12) An assessment of the sustainability of the surveillance technology and the systems that support it, including the costs of administration, maintenance, and replacement.

(13) An assessment of the potential for the deployment of surveillance technologies to be conducted in a more efficient and effective manner.

(14) An assessment of the impact of the use of surveillance technologies on civil rights, personal privacy rights, and national security.

(c) Submission to Congress.—Not later than 6 months after the date of enactment of this Act, the Secretary shall submit to Congress a plan required by this section.

SEC. 127. NATIONAL STRATEGY FOR BORDER SECURITY.

(a) Requirement for strategy.—The Secretary, in consultation with the heads of other appropriate Federal agencies, shall develop a National Strategy for Border Security that shall be submitted to the Congress for approval.

(b) Content.—The National Strategy for Border Security shall include the following:

(1) An implementation schedule for the comprehensive plan for systematic surveillance described in section 136.

(2) An assessment of the threat posed by terrorists and terrorist groups that may try to infiltrate the United States at locations along the international land and maritime borders of the United States.

(3) A risk assessment for all United States ports of entry and all portions of the international land and maritime borders of the United States.

(4) A prioritized list of research and development projects that are necessary to achieve operational control over all ports of entry into the United States and the international land and maritime borders of the United States.

(c) Submission to Congress.—Not later than 30 days after such update is developed, the Secretary shall submit to the congressional committees provided for in section 103(d) an updated version of the National Strategy for Border Security.

SEC. 128. IMMEDIATE ACTION.—Nothing in this section or section 111 may be construed to require the Secretary to provide for the systematic surveillance of international land and maritime borders of the United States.
take all actions necessary and appropriate to achieve and maintain operational control over the entire international land and maritime borders of the United States.

SEC. 128. BORDER PATROL TRAINING CAPACITY REVIEW.

(a) In GENERAL.—The Comptroller General of the United States shall conduct a review of the services provided to Border Patrol agents by the Secretary to ensure that such training is provided as efficiently and cost-effectively as possible.

(b) COMPONENTS OF REVIEW.—The review under subsection (a) shall include the following components:

(1) An evaluation of the length and content of the basic training curriculum provided to new Border Patrol agents by the Federal Law Enforcement Training Center, including a description of how such curriculum has changed since September 11, 2001, and an evaluation of language and cultural diversity training programs provided within such curriculum.

(2) A review and a detailed breakdown of the costs incurred by the Bureau of Customs and Border Protection and the Federal Law Enforcement Training Center to train 1 new Border Patrol agent.

(3) A comparison, based on the review and breakdown under paragraph (2), of the costs, effectiveness, scope, and quality, including geographic characteristics, with other similar training programs provided by State and local agencies, nonprofit organizations, universities, and the private sector.

(4) An evaluation of whether utilizing comparable funds for training programs proficiency testing, and long-distance learning programs may affect:

(A) the cost-effectiveness of increasing the number of Border Patrol agents trained per year;

(B) the per agent costs of basic training; and

(C) the scope and quality of basic training needed to fulfill the mission and duties of a Border Patrol agent.

SEC. 129. BIOMETRIC DATA ENHANCEMENTS.

Not later than October 1, 2008, the Secretary shall:

(1) in consultation with the Attorney General, the Department of Homeland Security, the Department of Justice, and the Federal Bureau of Investigation, develop a plan to ensure that the Automated Biometric Fingerprint Identification System (IDENT) of the Department and the Automated Biometric Fingerprint Identification System (LAFIS) of the Federal Bureau of Investigation to ensure more expeditiously the Integrated Automated Fingerprint Identification System (IDENT) of the Department and the Forensic Document Laboratory.

(2) Report to Congress.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall submit to Congress the findings of the assessment required by paragraph (1).

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary for each of fiscal years 2008 through 2012 to carry out this section.

SEC. 130. US-VISIT SYSTEM.

Not later than 6 months after the date of the enactment of this Act, the Secretary, in consultation with the heads of other appropriate Federal agencies, shall submit to Congress a report that:

(1) identifies the ports of entry that are for the purposes provided under this title.

(2) includes the projects identified in the National Land Border Security Plan required in subsection (c) in the order of priority assigned to each project under subsection (c)(3).

(a) REQUIREMENT To UPDATE.—Not later than January 31 of each year, the Administrator of General Services, in consultation with U.S. Customs and Border Protection, shall update the Port of Entry Infrastructure Assessment Study prepared by U.S. Customs and Border Protection in accordance with the National Land Border Security Plan to ensure compliance with the requirements of this section.

SEC. 132. BORDER RELIEF GRANT PROGRAM.

(a) Grants awarded pursuant to subsection (a) may only be used to provide additional resources for an eligible law enforcement agency to address criminal activity occurring along any such border, including:

(1) to obtain equipment;

(2) to hire additional personnel;

(3) to upgrade and maintain law enforcement technology;

(4) to cover operational costs, including overtime and transportation costs; and

(b) Grant amounts authorized under paragraph (1) shall be used to supplement and not supplant other State and local public funds obligated for the purposes provided under this title.

SEC. 133. PORT OF ENTRY INFRASTRUCTURE ASSESSMENT STUDY.

(a) REQUIREMENT To UPDATE.—Not later than January 31 of each year, the Administrator of General Services shall consult with the Director of the Office of Management and Budget, the Secretary, and the Commissioner.

(c) CONTENT.—Each updated study required in subsection (a) shall:

(1) identify port of entry infrastructure and technology improvement projects that would enhance border security and facilitate the flow of legitimate commerce if implemented;

(2) include the projects identified in the National Land Border Security Plan required in subsection (b); and

(3) prioritize the projects described in paragraphs (1) and (2) based on the ability of a project to:

(A) fulfill immediate security requirements; and

(B) facilitate trade across the borders of the United States.

(d) PROJECT IMPLEMENTATION.—The Commissioner shall implement the infrastructure and technology improvement projects described in subsection (c) in the order of priority assigned to each project under subsection (c)(3).
SEC. 35. PORT OF ENTRY TECHNOLOGY DEMONSTRATION PROGRAM.

(a) ESTABLISHMENT. — The Secretary shall carry out a technology demonstration program to—

(1) test and evaluate new port of entry technologies;

(2) refine port of entry technologies and operational concepts; and

(3) train personnel under realistic conditions.

(b) TECHNOLOGY AND FACILITIES. —

(1) TECHNOLOGY TESTING. — Under the technology demonstration program, the Secretary shall test technologies that enhance port of entry operations, including operations related to—

(A) inspections;

(B) communications;

(C) port tracking;

(D) identification of persons and cargo;

(E) security; and

(F) personal detection;

(G) decision support; and

(H) the detection and identification of weapons of mass destruction.

(2) DEVELOPMENT OF FACILITIES. — At a demonstration site selected pursuant to subsection (c)(2), the Secretary shall develop facilities to provide appropriate training to law enforcement personnel who have responsibility for border security, including—

(A) cross-training among agencies;

(B) advanced law enforcement training; and

(C) equipment orientation.

(c) DEMONSTRATION SITES. —

(1) NUMBER. — The Secretary shall carry out the demonstration program at not less than 3 sites and not more than 5 sites.

(2) SELECTION CRITERIA. — To ensure that at least 1 of the facilities selected as a port of entry demonstration site for the demonstration program has the most up-to-date design, contains sufficient space to conduct the demonstration program, has a traffic volume low enough to easily incorporate new technologies without interrupting normal processing activity, and can efficiently carry out demonstrated port of entry operations, at least 1 port of entry selected as a demonstration site shall—

(A) have been established not more than 15 years before the date of the enactment of this Act;

(B) consist of not less than 65 acres, with the possibility of expansion to not less than 25 adjacent acres; and

(C) have served an average of not more than 50,000 vehicles per month during the 1-year period ending on the date of the enactment of this Act.

(d) RELATIONSHIP WITH OTHER AGENCIES. — The Secretary shall permit personnel from the Department of Homeland Security and other appropriate Federal agencies to utilize a demonstration site described in subsection (c) to test technologies that enhance port of entry operations, including technologies developed in subparagraphs (A) through (H) of subsection (b)(1).

(e) REPORT. — Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Secretary shall submit to Congress a report on the activities carried out at each demonstration site under the technology demonstration program established under this section.

SEC. 136. COMBATING HUMAN SMUGGLING.

(a) REQUIREMENT FOR PLAN. — The Secretary shall develop and implement a plan to improve coordination between the U.S. Immigration and Customs Enforcement and the U.S. Customs and Border Protection to assist in conducting a vulnerability assessment of any demonstrated technology for use throughout the U.S. Customs and Border Protection.

(b) CONSTRUCTION OF OR ACQUISITION OF DESTRUCTION FACILITIES.

(1) REQUIREMENT TO CONSTRUCT OR ACQUIRE. — The Secretary shall construct or acquire additional detention facilities in the United States to accommodate aliens beds required by section 5309(a) of the Intelligence Reform and Terrorism Protection Act of 2004, as amended by subsection (a), subject to available appropriations.

(2) USE OF ALTERNATE DETENTION FACILITIES. — Subject to the availability of appropriations, the Secretary shall fully utilize all possible options to cost effectively increase available detention capacities, and shall utilize detention facilities that are owned and operated by the Federal Government if the use of such facilities is cost effective.

(c) VULNERABILITY ASSESSMENT. — The Secretary shall establish and conduct a vulnerability assessment at such port; and

(5) joint measures, with the Secretary of Homeland Security and Homeland Security, to improve efforts to combating human smuggling.

(b) CONTENT. — In developing the plan required by subsection (a), the Secretary shall consider—

(1) the interoperability of databases utilized to prevent human smuggling;

(2) adequate and effective personnel training;

(3) methods and programs to effectively target networks that engage in such smuggling;

(4) effective utilization of—

(A) visas for victims of trafficking and other crimes;

(B) investigatory techniques, equipment, and procedures that prevent, detect, and prosecute international money laundering and other operations that are utilized in smuggling;

(5) joint measures, with the Secretary of State, to enhance intelligence sharing and cooperation with foreign governments whose citizens are preyed on by human smugglers; and

(6) other measures that the Secretary considers appropriate to combating human smuggling.

(c) REPORT. — Not later than 1 year after implementing the plan described in subsection (a), the Secretary shall submit to Congress a report on such plan, including any recommendations for legislative action to improve efforts to combating human smuggling.

(d) SAVINGS PROVISION. — Nothing in this section may be construed to provide additional authority to any other entity to enforce Federal immigration laws.

SEC. 137. INCREASE OF FEDERAL DETENTION SPACE AND THE USE OF EXISTING CAPACITIES FOR CIVILIAN PRETRIAL OR CLOSURES AS A RESULT OF THE DEFENSE BASE CLOSURE REALIGNMENT ACT OR CONSTRUCTION OR ACQUISITION OF DETENTION FACILITIES.

(a) CONSTRUCTION OR ACQUISITION OF DETENTION FACILITIES. —
(A) The Governors of the States of California, New Mexico, Arizona, and Texas shall each appoint 4 voting members of whom—
(i) 1 shall be a local elected official from the State;
(ii) 1 shall be a local law enforcement official from the State’s border region; and
(iii) 2 shall be members of the same political party.
(B) 2 nonvoting members, of whom—
(i) 1 shall be appointed by the Secretary;
(ii) 1 shall be appointed by the Attorney General; and
(iii) 1 shall be appointed by the Secretary of State.

(2) IN GENERAL.—Members of the Commission shall—
(i) individuals with expertise in migration, border enforcement and protection, civil and human rights, community relations, cross-border trade and commerce or other pertinent qualifications or experience; and
(ii) representative of a broad cross section of perspective from the region along the international border between the United States and Mexico.

(B) POLITICAL AFFILIATION.—Not more than 2 members of the Commission appointed by each of the officers of the Commission set forth in paragraph (1)(A) may be members of the same political party.

(C) NONGOVERNMENTAL APPOINTMENTS.—An individual appointed voting member to the Commission may not be an officer or employee of the Federal Government.

(5) DEADLINE FOR APPOINTMENT.—All members of the Commission shall be appointed not later than 6 months after the enactment of this Act. If any member of the Commission described in paragraph (3)(A) is not appointed by the date specified in such paragraph, the Commission shall carry out its duties under this section without the participation of such member.

(6) TERM OF SERVICE.—The term of office for members shall be for the life of the Commission.

(7) VACANCIES.—Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(8) MEETINGS.—
(A) INITIAL MEETING.—The Commission shall meet and begin the operations of the Commission as soon as practicable.
(B) SUBSEQUENT MEETINGS.—After its initial meeting, the Commission shall meet upon the call of the chairman or a majority of its members.

(9) QUORUM.—Nine members of the Commission shall constitute a quorum.

(10) CHAIR AND VICE CHAIR.—The voting members of the Commission shall elect a Chairman and Vice Chairman from among its members. The term of office shall be for the life of the Commission.

(b) DUTIES.—The Commission shall review, examine, and make recommendations regarding border enforcement policies, strategies, and programs, including recommendations regarding—
(1) the protection of human and civil rights of community residents and migrants along the international border between the United States and Mexico;
(2) the adequacy and effectiveness of human and civil rights training of enforcement personnel on such border;
(3) the adequacy of the complaint process within the Department and programs of the Department that are employed when an individual files a grievance;
(4) the impact of the operations, technology, and enforcement infrastructure along such border on the—
(A) environment;
(B) illegal trade and traffic; and
(C) the quality of life of border communities;
(5) local law enforcement involvement in the enforcement of Federal immigration law; and
(6) any other matters regarding border enforcement policies, strategies, and programs the Commission determines appropriate.

(c) INFORMATION AND ASSISTANCE FROM FEDERAL AGENCIES.—
(1) INFORMATION FROM FEDERAL AGENCIES.—The Commission may seek directly from any department or agency of the United States such information, including suggestions, estimates, and statistics, as allowed by law and as the Commission considers necessary to carry out the provisions of this section. Upon receipt of such information, the head of such department or agency shall furnish such information to the Commission.

(2) ASSISTANCE FROM FEDERAL AGENCIES.—The Administrator of the Immigration and Naturalization Service shall, on a reimbursable basis, provide the Commission with administrative support and other services for the performance of the Commission’s functions as to whether the Commission should continue to exist after the date of termination described in subsection (g), and if so, a description of the purposes and duties recommended to be carried out by the Commission after such date.

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

(e) REPORT.—Not later than 2 years after the date of the first meeting called pursuant to (a)(8)(A), the Commission shall submit a report to the President and Congress that contains—
(1) findings with respect to the duties of the Commission;
(2) recommendations regarding border enforcement policies, strategies, and programs;
(3) suggestions for the implementation of the Commission’s recommendations; and
(4) a recommendation as to whether the Commission should continue to exist after the date of termination described in subsection (g), and if so, a description of the purposes and duties recommended to be carried out by the Commission after such date.

(f) REIMBURSEMENT OF EXPENSES.—All members of the Commission shall be reimbursed for necessary expenses incurred by them in the performance of their duties.

(g) SUNSET.—Unless the Commission is reauthorized by Congress, the Commission shall terminate on the date that is 90 days after the date of the first meeting called pursuant to (a)(8)(A), the Commission shall submit a report to the President and Congress that contains—
(1) recommendations; and
(2) any other matters regarding border enforcement policies, strategies, and programs the Commission determines appropriate.

TITIE II—INTERIOR ENFORCEMENT

SEC. 201. ADDITIONAL IMMIGRATION PERSONNEL

(a) DEPARTMENT OF HOMELAND SECURITY.—
(1) TRIAL ATTORNEYS.—In each of the fiscal years 2008 through 2012, the Secretary, subject to the availability of appropriations for such purpose, shall increase the number of positions for attorneys in the Office of General Counsel of the Department who represent the Department in immigration matters by not less than 100 compared to the number of such positions for which funds were made available during the preceding fiscal year.

(2) USCIS ADJUDICATORS.—In each of the fiscal years 2008 through 2012, the Secretary, subject to the availability of appropriations for such purpose, shall increase the number of positions for adjudicators in the United States Citizenship and Immigration Service by not less than 100 compared to the number of such positions for which funds were made available during the preceding fiscal year.

(b) DEPARTMENT OF JUSTICE.—
(1) JUDICIAL CLERKS.—The Attorney General shall, subject to the availability of appropriations for such purpose, increase the number of positions for judicial clerks at the Immigration and Naturalization Service not later than 50 compared to the number of such positions which were made available during the preceding fiscal year.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for each of the fiscal years 2008 through 2012 such sums as may be necessary to carry out paragraphs (2) and (3).

(4) STAFF ATTORNEYS.—The Attorney General shall, subject to the availability of appropriations for such purpose, increase the number of positions for attorneys in the Office of Immigration Litigation by not less than 50 compared to the number of such positions which were made available during the preceding fiscal year.

(5) BOARD OF IMMIGRATION APPEALS MEMBERS.—The Attorney General shall, subject to the availability of appropriations, increase by 10 the number of members of the Board of Immigration Appeals over the number of members serving on the date of enactment of this Act.

(6) STAFF ATTORNEYS.—In each of the fiscal years 2008 through 2012, the Attorney General shall, subject to the availability of appropriations for such purpose,—
(A) increase by not less than 20 the number of full-time immigration judges compared to the number of such positions for which funds were made available during the preceding fiscal year; and
(B) increase by not less than 80 the number of positions for personnel to support the Immigration Judges described in subparagraph (A) compared to the number of such positions for which funds were made available during the preceding fiscal year.

(7) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General for each of the fiscal years 2008 through 2012 such sums as may be necessary to carry out this section, including the hiring of necessary support staff.

(c) ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS.—In each of the fiscal years 2008 through 2012, the Director of the Administrative Office of the United States Courts, subject to the availability of appropriations, shall increase the number of positions in the Federal Defender Program who litigate immigration cases described in subparagraph (A) compared to the number of such positions in the Federal courts by not less than 50 compared to the number of such positions which were made available during the preceding fiscal year.
were made available during the preceding fiscal year.

(d) LEGAL ORIENTATION PROGRAM.—

(1) CONTINUED OPERATION.—The Director of the Executive Office for Immigration Review shall continue to operate a legal orientation program to provide basic information about immigration court procedures for immigration officers, and expand the legal orientation program to provide such information on a nationwide basis.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out such legal orientation program.

SEC. 202. DETENTION AND REMOVAL OF ALIENS ORDERED REMOVED.

(a) IN GENERAL.—

(1) AMENDMENTS.—Section 241(a) (8 U.S.C. 1221(a)) is amended by—

(A) inserting “Attorney General” the first place it appears, except for the first reference in clause (a)(4)(B)(i), and inserting “Secretary of Homeland Security”;

(B) by striking “Attorney General” any other place it appears and inserting “Secretary”;

(C) in paragraph (1)—

(i) in subparagraph (B), by amending clause (ii) to read as follows:

‘‘(ii) If a court, the Board of Immigration Appeals, or an immigration judge orders a stay of the removal of the alien, the expiration date of the stay of removal;’’;

(ii) by amending subparagraph (C) to read as follows:

‘‘(C) EXTENSION OF PERIOD.—The removal period shall be extended beyond a period of 90 days if the alien may remain in detention during such extended period if the alien fails or refuses to—

‘‘(i) make all reasonable efforts to comply with the removal order; or

‘‘(ii) fully cooperate with the Secretary’s efforts to establish the alien’s identity and carry out the removal order, including failing to make timely application in good faith for travel or other documents necessary to the alien’s departure, or conspiring or acting to prevent the alien’s removal;’’;

and

(iii) by adding at the end the following:

‘‘(D) TOLLING OF PERIOD.—If, at the time described in subparagraph (B), the alien is not in the custody of the Secretary under the authority of a court, the removal period shall not begin until the alien is taken into such custody. If the Secretary lawfully transfers custody of the alien during the removal period to another Federal agency or to a State or local government agency in connection with the official duties of such agency, the removal period shall be tolled, and shall commence on the date in which the alien is returned to the custody of the Secretary.’’;

(D) in paragraph (2), by adding at the end the following:

‘‘(D) in paragraph (2), by adding at the end the following:

‘‘The Secretary, in the exercise of the discretion of detention under paragraph (C), may detain an alien pending a determination under subparagraph (E), the alien may be released if the Attorney General determines that the alien should be released, then the Secretary shall release the alien pursuant to subparagraph (I). The Attorney General, in consultation with the Secretary, shall promulgate regulations governing review under this paragraph.

(G) ADMINISTRATIVE REVIEW PROCESS.—The Secretary, without any limitations other than those specified in this section, may detain an alien pending a determination under subparagraph (E)(ii), if the Secretary determines that the alien is a danger to national security information, and regardless of the grounds upon which the alien was sentenced to an aggregate term of imprisonment of not less than 1 year.

(H) RENEWAL AND DELEGATION OF CERTIFICATION.—

(I) RENEWAL.—The Secretary may renew a certification under subparagraph (E)(ii) every 6 months, without limitation, after providing the alien with an opportunity to request reconsideration of the certification and to submit documents or other evidence in support of that request. If the Secretary does not renew such certification, the Secretary shall release the alien pursuant to subparagraph (I). If the Secretary authorizes an extension of detention under paragraph (E), the alien may seek review of that determination before the Attorney General. If the Attorney General concludes that the alien should be released, then the Secretary shall release the alien pursuant to subparagraph (I).

(ii) DELEGATION.—Notwithstanding any other provision of law, the Secretary may delegate the authority to make or renew such certifications described in subparagraph (I), (II), (III), or (V) of subparagraph (E)(ii) below the level of the Assistant Secretary for Immigration and Customs Enforcement.

The Attorney General may request that the Attorney General, or a designee of the Attorney General, provide for a
SEC. 203. AGGRAVATED FELONY.

(a) DEFINITION OF AGGRAVATED FELONY.—
Section 101(a)(43) (8 U.S.C. 1101(a)(43)) is amended—
(1) by striking “The term ‘aggravated felony’ means” and inserting “Notwithstanding any other provision of law, the term ‘aggravated felony’ applies to an offense described in this subsection if—
(A) the offense is an offense specified in subsection (B), (C), or (D), or the reoffender is an alien who has previously been removed from custody if—
(i) the alien fails to comply with the conditions of release;
(ii) the alien fails to continue to satisfy the conditions described in subparagraph (B); or
(iii) upon reconsideration, the Secretary determines that the alien can be detained under subparagraph (C); or
(B) in subsection (D), by striking “or” and inserting “and”;
(C) by inserting “or” after “as described in section 237(a)(2)(B) of the Act,” and inserting “and”; and
(D) by striking “and” after “subsection (B) or (C),” and inserting “(ii) shall be available to the alien as a right.”

(b) APPLICABILITY.—This paragraph and paragraphs (6) and (7) shall apply to any alien returned to custody under subparagraph (a) if as if the removal period terminated on the day of the rendition.

(c) CONTESTED REVIEW PROCESS FOR ALIENS WHO HAVE EFFECTED AN ENTRY AND FAIL TO COOPERATE WITH REMOVAL.—The Secretary shall detain an alien until the alien agrees to comply with a removal order and to cooperate fully with the Secretary’s efforts, if the alien—
(i) has effected an entry into the United States;
(ii) and the alien faces a significant likelihood that the alien will be removed in the reasonably foreseeable future, or would have been removed if the alien had not—
(aa) failed or refused to make all reasonable efforts to comply with a removal order;
(bb) refused to fully cooperate with the Secretary’s efforts to establish the alien’s identity and carry out the removal order, including the failure to make timely application for a travel document or other documents necessary to the alien’s departure; or
(bb) conspired or acted to prevent removal; or
(ii) the alien is a fugitive.

(d) CONTESTED REVIEW PROCESS FOR ALIENS WHO HAVE NOT EFFECTED AN ENTRY.—
(1) IN GENERAL.—The amendments made by subsection (a) shall—
(A) take effect on the date of the enactment of this Act; and
(B) apply to any conviction that occurred on or after the date of the enactment of this Act.

(e) APPLICATION OF IRAQI AMENDMENTS.—

SEC. 205. INCREASED CRIMINAL PENALTIES RELATED TO GANG VIOLENCE AND RENGED AliENS.

(a) DEFINITION OF CRIMINAL GANG.—
Section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)) is amended by inserting after subparagraph (A) the following:

(9) The term criminal gang—
(A) means an ongoing group, club, organization, or association of 5 or more persons—
(i) who have engaged in an activity of that group, club, organization, or association, in a continuing series of offenses described in subsection (b); and
(ii) that has as one of its primary purposes the commission of 1 or more of the criminal offenses described in subsection (b); and
(B) the members of which engage, or have engaged during the last 5 years, in a continuing series of offenses described in subsection (b).

(b) Offenses described in this section, whether in violation of Federal or State law or in violation of the law of a foreign country, and regardless of whether charged, are—
(1) a felony drug offense (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));
(2) a felony involving firearms or explosives (as defined in section 922 of title 18, relating to possession of a firearm by a convicted felon); and
(3) an offense under section 1951 of title 18 (relating to racketeering enterprises), section 1952 of title 18 (relating to conspiring in interstate or foreign travel and transportation in aid of racketeering enterprises), section 1956 of title 18 (relating to laundering of money), section 2316 of title 18 (relating to engaging in monetary transactions in property derived from specified unlawful activity), or section 2317 of title 18 (relating to receiving stolen motor vehicles or stolen property); and
(4) a money laundering offense (as defined in section 1956 of title 18).

(c) CONTESTED REVIEW PROCESS FOR ALIENS WHO HAVE EFFECTED AN ENTRY AND FAIL TO COOPERATE WITH REMOVAL.—The amendments made by section 321 of the Illegal Immigration Reform and Responsibility Act of 1996 (division C of Public Law 104-281; 110 Stat. 3009-627) shall continue to apply, whether the conviction entered before, on, or after September 30, 1996.

SEC. 206. TEMPORARY PROTECTED STATUS.—
Section 244 (8 U.S.C. 1254a) is amended—
(1) by striking “Secretary of Homeland Security” and inserting “Secretary of Homeland Security or the Attorney General”;
(2) in subparagraph (c)(2)(B), by adding at the end thereof the following:

“F” ALIENS ASSOCIATED WITH CRIMINAL GANGS.—Any alien, in or admitted to the United States, who at any time has participated in a criminal gang (as defined in section 101(a)(42)), knowing or having reason to know that such participation promoted, furthered, aided, or supported the illegal activity of the criminal gang, is inadmissible.

(3) in subsection (d), by adding at the end thereof the following:

“G” ALIENS ASSOCIATED WITH CRIMINAL GANGS.—Any alien, in or admitted to the United States, who—

(1) is an alien who is an alien removed, deported, or excluded if the alien—
(A) was removed before, on, or after the date of enactment of this Act;
(B) has been removed if the alien had not—
(aa) failed or refused to make all reasonable efforts to comply with a removal order;
(bb) refused to fully cooperate with the Secretary’s efforts to establish the alien’s identity and carry out the removal order, including the failure to make timely application for a travel document or other documents necessary to the alien’s departure; or
(bb) conspired or acted to prevent removal; or
(ii) has a criminal record.

(2) has been removed before, on, or after the date of enactment of this Act;

(3) has been removed if the alien had not—
(aa) failed or refused to make all reasonable efforts to comply with a removal order;
(bb) refused to fully cooperate with the Secretary’s efforts to establish the alien’s identity and carry out the removal order, including the failure to make timely application for a travel document or other documents necessary to the alien’s departure; or
(ii) has a criminal record.

(4) has been removed if the alien had not—
(aa) failed or refused to make all reasonable efforts to comply with a removal order;
(bb) refused to fully cooperate with the Secretary’s efforts to establish the alien’s identity and carry out the removal order, including the failure to make timely application for a travel document or other documents necessary to the alien’s departure; or
(ii) has a criminal record.

(5) has been removed if the alien had not—
(aa) failed or refused to make all reasonable efforts to comply with a removal order;
(bb) refused to fully cooperate with the Secretary’s efforts to establish the alien’s identity and carry out the removal order, including the failure to make timely application for a travel document or other documents necessary to the alien’s departure; or
(ii) has a criminal record.

(6) has been removed if the alien had not—
(aa) failed or refused to make all reasonable efforts to comply with a removal order;
(bb) refused to fully cooperate with the Secretary’s efforts to establish the alien’s identity and carry out the removal order, including the failure to make timely application for a travel document or other documents necessary to the alien’s departure; or
(ii) has a criminal record.
(ii) by striking "or both;"
(2) in subsection (b), by striking "not more than $1000 or imprisoned for not more than one year, or both" and inserting "under title 18, United States Code, and imprisoned for not more than 5 years (or for not more than 10 years if the alien is a member of any of the classes described in paragraphs (1)(E), (2), (3), and (4) of section 237(a), "; and
(3) by adding at the end the following:

"(B) in subparagraph (A), by inserting "alien smuggling crime," after "any crime of violence";

(B) in subparagraph (A), by inserting "alien smuggling crime," after "crime of violence";

(C) in subparagraph (D)(ii), by inserting "alien smuggling crime," after "crime of violence"; and

(2) by striking at the end the following:

"(6) For purposes of this subsection, the term "alien smuggling crime" means any felony punishable under section 274(a), 277, or 278 of title 8, United States Code and Nationality Act (8 U.S.C. 1324(a), 1327, and 1325)."

SEC. 206. ILLEGAL ENTRY.

(a) In General.—Section 275 (8 U.S.C. 1325) is amended to read as follows:

"SEC. 275. ILLEGAL ENTRY.

(1) CRIMINAL OFFENSES.—An alien shall be subject to the penalties set forth in paragraph (2) if the alien:

(A) knowingly enters or crosses the border into the United States at any time or place other than as designated by the Secretary of Homeland Security;

(B) knowingly eludes examination or inspection by an immigration officer (including failing to stop at the command of such officer), or a customs or agriculture inspection at a port of entry; or

(C) knowingly enters or crosses the border to the United States by means of a knowingly false or misleading representation or the knowing concealment of a material fact (including such representation or concealment in the context of arrival, reporting, entry or the clearance requirements of the customs laws, immigration laws, agriculture laws, or shipping laws).

(2) CRIMINAL PENALTIES.—Any alien who violates any provision under paragraph (1) shall:

(A) be fined not more than $50 or more than $250 for each such entry, crossing, attempted entry, or attempted crossing; or

(B) twice the amount specified in paragraph (1) if the alien had previously been subject to a civil penalty under this subsection.

(b) CLERICAL AMENDMENT.—The table of contents is amended by striking the item relating to section 275 and inserting the following:

"Sec. 275. Illegal entry.

(c) EFFECTIVE DATE.—Subsection (a)(4) of section 275 of the Immigration and Nationality Act, as created by this Act, shall apply only to violations of subsection (a)(1) of Section 275 committed on or after the date of enactment of this Act.

SEC. 207. ILLEGAL REENTRY.

Section 276(8 U.S.C. 1326) is amended to read as follows:

"SEC. 276. REENTRY OF REMOVED ALIEN.

(a) REENTRY AFTER REMOVAL.—Any alien who has been removed pursuant to section 241(a)(4) of title 8, United States Code, imprisoned not more than 6 months, or both;

(b) shall, for a second or subsequent violation, or following an order of voluntary departure, be fined under such title, imprisoned not more than 2 years, or both;

(c) if the violation occurred after the alien had been convicted of 3 or more misdemeanors or any felony for the first violation, be fined under title 18, United States Code, imprisoned not more than 5 years, or both;

(d) if the violation occurred after the alien was convicted of a felony for which the alien received a term of imprisonment of not less than 30 months, shall be fined under such title, imprisoned not more than 10 years, or both;

(2) if the violation occurred after the alien was convicted of a felony for which the alien received a term of imprisonment of not less than 30 months, shall be fined under such title, imprisoned not more than 15 years, or both; and

(3) if the violation occurred after the alien had been convicted of a felony for which the alien received a term of imprisonment of not less than 60 months, such alien shall be fined under such title, imprisoned not more than 20 years, or both;

"(3) PRIOR CONVICTIONS.—The prior convictions described in subparagraphs (C) through (E) of paragraph (2) are elements of the offenses described in that paragraph and the penalties in such subparagraphs shall apply only in cases in which the conviction or convictions that form the basis for the additional penalties are elements of the crimes described in subsection (b), the penalties in that subsection shall be punished in the same manner as for a completion of such offense.

(b) "(2) IMPROPER TIME OR PLACE: CRIMINAL PENALTIES.—Any alien who is apprehended while entering, attempting to enter, or knowingly crossing or attempting to cross the border to the United States at a time or place other than as designated by immigration officers shall be subject to a civil penalty. In addition to any criminal or other civil penalties that may be imposed under any other provision of law, in an amount equal to—

(1) not less than $50 or more than $250 for each such entry, crossing, attempted entry, or attempted crossing; or

(2) twice the amount specified in paragraph (1) if the alien had previously been subject to a civil penalty under this subsection.

"(c) CLERICAL AMENDMENT.—The table of contents is amended by striking the item relating to section 276 and inserting the following:

"Sec. 276. Illegal reentry.

SEC. 277. DURATION OF OFFENSES.

Whoever attempts to commit an offense under this Act, and inserts the following:

"(A) was or who has been convicted of a felony or an attempt to commit a felony offense as described in section 277 committed on or after the date of enactment of this Act.

(c) PROOF OF PRIOR CONVICTIONS.—The prior convictions described in subsection (b) are elements of the crimes described in that subsection, and the penalties in that subsection shall apply only in cases in which the conviction or convictions that form the basis for the additional penalty are—

"(1) alleged in the indictment or information; and

"(2) proven beyond a reasonable doubt at trial or admitted by the defendant.

"(e) AFFIRMATIVE DEFENSES.—It shall be an affirmative defense to a violation of this section that—

(1) prior to the alleged violation, the alien had sought and received the express consent of the Secretary of Homeland Security to request admission into the United States;

(2) with respect to an alien previously denied admission and readmitted to the United States under section 212(a)(1) of title 8, United States Code, imprisoned not more than 10 years, or both;

(3) if the time of the prior exclusion, deportation, or denial of admission alleged in the violation, the alien—

(A) was under the age of eighteen, and

(B) had not been convicted of a crime or adjudicated a delinquent minor by a court of the United States, or a court of a state or territory, for conduct that would constitute a felony if committed by an adult.

(f) LIMITATION ON COLLATERAL ATTACK ON UNDERLYING REMOVAL ORDER.—In a criminal proceeding under this section, an alien may not challenge the validity of any prior removal order concerning the alien unless the alien demonstrates by clear and convincing evidence that—

(1) the alien exhausted all administrative remedies that may have been available to seek relief against the order;

(2) the removal proceedings at which the order was issued improperly deprived the alien of the opportunity for judicial review; and

(3) the entry of the order was fundamentally unfair.

(g) REENTRY OF ALIEN REMOVED PRIOR TO COMPLETION OF TERM OF IMPRISONMENT.—Any alien removed pursuant to section 241(a)(4) who enters, attempts to enter, crosses the border to, attempts to cross the border to, or is at any time found in the United States shall be incarcerated for the remainder of the sentence of imprisonment which was
pending at the time of deportation without any reduction for parole or supervised release unless the alien affirmatively demonstrates that the Secretary of Homeland Security has not concurred to the alien’s reentry. Such alien shall be subject to such other penalties relating to the reentry of removed aliens as may be available under this section or any other provision of law.

“(b) LIMITATION.—It is not aiding and abetting a violation of this section for an individual to provide an alien with emergency medical care and food, or to transport the alien to a location where such assistance can be rendered without compensation or the expectation of compensation.

“(1) DEFINITIONS.—In this section:

“(1) FELONY.—The term ‘felony’ means any criminal offense punishable by a term of imprisonment of not more than 1 year under the applicable laws of the United States, any State, or a foreign government.

“(2) MISDEMEANOR.—The term ‘misdemeanor’ means any criminal offense punishable by a term of imprisonment of more than 1 year under applicable laws of the United States, any State, or a foreign government.

“(3) REMOVAL.—The term ‘removal’ includes any denial of admission, exclusion, deportation, or removal, or any agreement by which an alien stipulates or agrees to exclusion, deportation, or removal.

“(4) STATE.—The term ‘State’ means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.”.

SEC. 208. REFORM OF PASSPORT, VISA, AND IMMIGRATION FRAUD OFFENSES.

(a) PASSPORT, VISA, AND IMMIGRATION FRAUD.—

(1) IN GENERAL.—Chapter 75 of title 18, United States Code, is amended to read as follows:

“CHAPTER 75—PASSPORT, VISA, AND IMMIGRATION FRAUD

“Sec.

“1541. Trafficking in passports.

1542. False statement in an application for a passport.

1543. Forgery and unlawful production of a passport.

1544. Misuse of a passport.

1545. Schemes to defraud aliens.

1546. Immigration and visa fraud.

1547. Marriage fraud.

1548. Attempt to perjure or tamper with immigration documents.

1549. Alternative penalties for certain offenses.

1550. Seizure and forfeiture.

1551. Additional jurisdiction.

1552. Definitions.

1553. Authorized law enforcement activity.

§ 1541. Trafficking in passports

“(a) MULTIPLE PASSPORTS.—Any person who, during any period of 3 years or less, knowingly—

“(1) and without lawful authority produces, issues, or transfers 10 or more passports;

“(2) forges, counterfeits, alters, or falsely makes 10 or more passports;

“(3) secures, possesses, uses, receives, buys, sells, or distributes 10 or more passports, knowing the passports to be forged, counterfeited, altered, falsely made, stolen, procured by fraud, or produced or issued without lawful authority; or

“(4) completes, mails, prepares, presents, signs, or submits 10 or more applications for a United States passport, knowing the applications to contain any false statement or representation, shall be fined under this title, imprisoned not more than 20 years, or both.

“(b) PASSPORT MATERIALS.—Any person who knowingly and without lawful authority produces, buys, sells, or uses any official material (or counterfeit of any official material) used to make a passport, including any distinctive paper, seal, hologram, image, text, symbol, stamp, engraving, or plate, shall be fined under this title, imprisoned not more than 20 years, or both.

§ 1542. False statement in an application for a passport

“(a) IN GENERAL.—Any person who knowingly makes any false statement or representation in an application for a United States passport or mails, prepares, presents, or signs an application for a United States passport knowing the application to contain any false statement or representation, shall be fined under this title, imprisoned not more than 15 years, or both.

“(b) VENUE.—An offense under subsection (a) may be prosecuted in any district,

“(A) in which the false statement or representation was made or the application for a United States passport was prepared or signed;

“(B) in which or to which the application was mailed or presented.

“(2) An offense under subsection (a) involving an application prepared and adjudicated outside the United States may be prosecuted in any district in which or to which the resultant passport was or would have been produced.

“(c) SAVINGS CLAUSE.—Nothing in this section may be construed to limit the venue otherwise available under sections 3237 and 3238 of this title.

§ 1543. Forgery and unlawful production of a passport

“(a) FORGERY.—Any person who—

“(1) knowingly forges, counterfeits, alters, or falsely makes any passport; or

“(2) knowingly transfers any passport knowing it to be forged, counterfeited, altered, falsely made, stolen, or have been produced or issued without lawful authority, shall be fined under this title, imprisoned not more than 15 years, or both.

“(b) UNLAWFUL PRODUCTION.—Any person who knowingly and without lawful authority—

“(1) produces, issues, authorizes, or verifies a passport in violation of the laws, regulations, or rules governing the issuance of the passport;

“(2) produces, issues, authorizes, or verifies a United States passport or to any person, knowing or in reckless disregard of the fact that such person is not entitled to receive a passport; or

“(3) transfers or furnishes a passport to any person for use by any person other than the person for whom the passport was issued or designed.

shall be fined under this title, imprisoned not more than 15 years, or both.

§ 1544. Misuse of a passport

“(a) Any person who—

“(1) uses any passport issued or designed for the use of another;

“(2) forges, counterfeits, alters, or falsely makes any immigration document; or

“(3) completes, mails, prepares, presents, signs, or submits any immigration document knowing it to contain any materially false statement or representation;

“(4) transfers, possesses, or uses, transfers, receives, buys, sells, or distributes any immigration document knowing it to be forged, counterfeited, altered, falsely made, stolen, procured by fraud, or produced or issued without lawful authority;

“(5) adopts or uses a false or fictitious name to evade or to attempt to evade the immigration laws; or

“(6) transfers or furnishes, without lawful authority, an immigration document to another person for use by a person other than the person for whom the immigration document was issued or designed.

shall be fined under this title, imprisoned not more than 15 years, or both.

“(b) Any person who, during any period of 3 years or less, knowingly—

“(1) and without lawful authority produces, issues, or transfers 10 or more immigration documents;

“(2) forges, counterfeits, alters, or falsely makes 10 or more immigration documents;

“(3) secures, possesses, uses, buys, sells, or distributes 10 or more immigration documents, knowing the immigration documents to be forged, counterfeited, altered, stolen, falsely made, procured by fraud, or produced or issued without lawful authority; or

“(4) completes, mails, prepares, presents, signs, or submits 10 or more immigration documents knowing the documents to contain any materially false statement or representation, shall be fined under this title, imprisoned not more than 20 years, or both.

“(c) IMMIGRATION DOCUMENT MATERIALS.—Any person who knowingly and without lawful authority produces buys, sells, or possesses any official material (or counterfeit of any official material) used to make an immigration document, including any distinctive paper, seal, hologram, image, text, symbol, stamp, engraving, or plate, shall be fined under this title, imprisoned not more than 20 years, or both.

“(d) EMPLOYMENT DOCUMENTS.—Whoever uses-
§ 1547. Marriage fraud

(a) Evasion or Misrepresentation.—Any person who—

(1) knowingly enters into a marriage for the purpose of evading any provision of the immigration laws; or

(2) knowingly misrepresents the existence or circumstances of a marriage—

(A) in an application or document authorized by the immigration laws; or

(B) during any immigration proceeding conducted by an administrative adjudicator (including an immigration examiner, a consular officer, an immigration judge, or a member of the Board of Immigration Appeals),

shall be fined under this title, imprisoned not more than 20 years, or both.

(b) MULTIPLE MARRIAGES.—Any person who—

(1) knowingly enters into 2 or more marriages for the purpose of evading any immigration law; or

(2) knowingly arranges, supports, or facilitates 2 or more marriages designed or intended to evade any immigration law,

shall be fined under this title, imprisoned not more than 20 years, or both.

(c) COMMERCIAL ENTERPRISE.—Any person who knowingly establishes a commercial enterprise for the purpose of evading any provision of the immigration laws shall be fined under this title, imprisoned for not more than 10 years, or both.

(d) DURATION OF OFFENSE.—

(1) IN GENERAL.—An offense under subsection (a) or (b) continues until the fraudulently induced marriage or marriages is discovered by an immigration officer.

(2) COMMERCIAL ENTERPRISE.—An offense under subsection (c) continues until the fraudulently induced marriage or commercial enterprise is discovered by an immigration officer or other law enforcement officer.

§ 1548. Attempts and conspiracies

Any person who attempts or conspires to violate any section of this chapter shall be punished in the same manner as a person who completed a violation of that section.

§ 1549. Alternative penalties for certain offenses

Notwithstanding any other provision of this title, the maximum term of imprisonment that may be imposed for an offense under this chapter—

(1) if committed to facilitate a drug trafficking crime (as defined in section 920a) is 20 years; and

(2) if committed to facilitate an act of international terrorism (as defined in section 2331) is 20 years.

§ 1550. Seizure and forfeiture

(a) FORFEITURE.—Any property, real or personal, used to commit or facilitate the commission of a violation of any section of this chapter or of any provision of such violation, and any property traceable to such property or proceeds, shall be subject to forfeiture.

(b) APPLICABLE LAW.—Seizures and forfeitures under this section shall be governed by the provisions of chapter 46 relating to civil forfeitures, except that such duties as are imposed upon the Secretary of the Treasury under the customs laws described in section 981(d) shall be performed by such officers, agents, and officers or subordinate officers as may be designated for that purpose by the Secretary of Homeland Security, the Secretary of State, or the Attorney General.

§ 1551. Additional jurisdiction

(a) In General.—Any person who commits an offense under this chapter shall be punished under this chapter if—

(1) the offense involves a United States passport or immigration document (or any document purporting to be such a document) or any matter, right, or benefit arising under or authorized by Federal immigration laws;

(2) the offense is in or affects foreign commerce;

(3) the offense affects, jeopardizes, or poses a significant risk to the lawful administration of Federal immigration laws, or the national security of the United States;

(4) the offense is committed to facilitate an act of international terrorism (as defined in section 2331) or a drug trafficking crime (as defined in section 920a) that affects or would affect the national security of the United States;

(5) the offender is a national of the United States or an alien lawfully admitted for permanent residence in the United States (as those terms are defined in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26)); or

(6) the offender is a stateless person whose habitual residence is in the United States.

§ 1552. Definitions

As used in this chapter—

(1) The term ‘falsey make’ means to prepare or complete an immigration document with knowledge or in reckless disregard of the fact that the document—

(A) contains a statement or representation that is false, fictitious, or fraudulent;

(B) has no basis in fact or law; or

(C) otherwise fails to state a fact which is material to the purpose for which the document was designed, intended, or submitted.

(2) The term ‘application for a United States passport’ includes any document, photograph, or other piece of evidence attached to or submitted in support of the application.

(3) The term ‘false statement or representation’ includes a personation or an omission.

(4) The term ‘immigration document’—

(A) means any application, petition, affidavit, declaration, attestation, form, visa, identification card, alien registration document, employment authorization document, border crossing card, certificate, permit, order, license, patent, or other document granting authority, or other official document, arising under or authorized by the immigration laws of the United States; and

(B) includes any other person, photograph, or other piece of evidence attached to or submitted in support of an immigration document.

(5) The term ‘immigration laws’ includes—

(A) the laws described in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17));

(B) the laws relating to the issuance and use of passports; and

(C) the laws described in subparagraph (A).

§ 1553. Authorized law enforcement activity

Nothing in this chapter shall prohibit any lawfully authorized investigatory, protective, or intelligence activity of a law enforcement agency of the United States, a State, or a political subdivision of a State, or an intelligence agency of the United States, or any activity authorized under title V of the Organized Crime Control Act of 1970, title II of the Intelligence Reform and Terrorism Prevention Act of 2004, or any other matter within the jurisdiction of the Federal government or of a State government.

§ 1555. Authorized law enforcement activities

Section 1553 of this title does not apply in the case of any prosecution for an offense described in section 1324(a)(1)(A) of title 8, United States Code, committed by a person in the United States who is not an alien.

§ 209. INADMISSIBILITY OF PERSONS FOR PASSPORT AND IMMIGRATION FRAUD OFFENSES

(a) INADMISSIBILITY.—Section 212(a)(2)(A)(i) of title 8, United States Code, applies in the case of any person—

(1) in subclause (I), by striking ‘, or’ at the end and inserting a semicolon;

(2) in subclause (II), by striking ‘, or’ at the end and inserting a semicolon;
(2) in subclause (II), by striking the comma at the end and inserting ‘or’; and
(3) by inserting after subclause (II) the following:

“(III) a violation of (or a conspiracy or attempt to violate) section 1541, 1545, sub-section (b) of section 1546, or subsection (b) of section 1547 of title 18, United States Code,

(b) REMOVAL.—Section 237(a)(3)(B)(iii) (8 U.S.C. 1227(a)(3)(B)(iii)) is amended to read as follows:

“(III) a violation of (or a conspiracy or attempt to violate) section 1541, 1545, 1546, or subsection (b) of section 1547 of title 18, United States Code.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply to proceedings pending on or after the date of the enactment of this Act, with respect to conduct occurring on or after that date.

SEC. 210. INCARCERATION OF CRIMINAL ALIENS.

(a) INSTITUTIONAL REMOVAL PROGRAM.—

(1) CONTINUATION.—The Secretary shall continue to operate the Institutional Removal Program (referred to in this section as the “Program”) or shall develop and implement another program to—

(A) incarcerate criminal aliens in Federal and State correctional facilities;

(B) ensure that such aliens are not released into the community; and

(C) report to Congress.

(2) EXPANSION.—The Secretary may expand the scope of the Program to all States.

(b) TECHNOLOGY USAGE.—Technology, such as videoconferencing, shall be used to the maximum extent practicable to make the Program more efficient, to allow remote locations to have secure access to Federal databases of aliens, such as IDENT, and live scan technology shall be used to the maximum extent practicable to allow these resources available to State and local law enforcement agencies in remote locations.

(c) REPORT TO CONGRESS.—Not later than 6 months after the date of the enactment of this Act, and annually thereafter, the Secretary shall submit a report to Congress on the participation of States in the Program and in any other program authorized under subsection (a).

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums necessary to carry out this section for each of the fiscal years 2008 through 2012 to carry out the Program.

SEC. 211. ENCOURAGING ALIENS TO DEPART VOLUNTARILY.

(a) IN GENERAL.—Section 240B (8 U.S.C. 1229c) is amended—

(1) in subsection (a)—

(A) by amending paragraph (1) to read as follows:

“(1) INSTEAD OF REMOVAL PROCEEDINGS.—If an alien is not described in paragraph (2)(A) or (B) of section 240B (8 U.S.C. 1229c) the Secretary of Homeland Security or the Attorney General may permit the alien to voluntarily depart the United States at the alien’s own expense under this section instead of being subject to removal proceedings under section 240B;”;

(B) by striking paragraph (3);

(C) by redesignating paragraph (2) as paragraph (3);

(D) by adding after paragraph (1) the following:

“(2) BEFORE THE CONCLUSION OF REMOVAL PROCEEDINGS.—If an alien agrees to voluntary departure under this section and fails to depart the United States within the time allowed for voluntary departure or fails to comply with any other terms of the agreement (including failure to timely post any required bond), the alien is—

(A) ineligible for the benefits of the agreement;

(B) subject to the penalties described in subsection (d); and

(C) subject to an alternate order of removal if voluntary departure was granted under subsection (a) or (b);

(4) by amending subsection (d) to read as follows:

“(d) PENALTIES FOR FAILURE TO DEPART.—If an alien is permitted to voluntarily depart under this section and fails to depart from the United States within the time period specified or otherwise violates the terms of a voluntary departure agreement the alien will be subject to the following penalties:

(1) CIVIL PENALTY.—The alien shall be liable for a civil penalty of $3,000. The order allowing voluntary departure shall specify the amount of the penalty, which shall be acknowledged by the alien on the record. If the Secretary thereafter establishes that the alien failed to depart voluntarily within the time allowed, no further procedure will be necessary to establish the amount of the penalty. The Secretary may collect the civil penalty at any time thereafter and by whatever means provided by law. An alien will be ineligible for any benefits under this chapter until this civil penalty has been paid.

(2) INELIGIBILITY FOR RELIEF.—The alien shall be ineligible during the time the alien remains in the United States and for a period of 2 years after the alien’s departure for any further relief under this section and sections 208, 243, 244, and 245. The order permitting the alien to depart voluntarily shall inform the alien of the conditions for voluntary departure, during the period described in paragraph (2).

This paragraph does not preclude a motion to reopen to seek withholding of removal under section 208(b)(1)(C) or protection against torture, if the motion—

(A) presents material evidence of changed country conditions arising after the date of the order granting voluntary departure in the country to which the alien would be removed; and

(B) makes a sufficient showing to the satisfaction of the Attorney General that the alien is otherwise eligible for such protection; and

(5) by amending subsection (e) to read as follows:

“(E) ELIGIBILITY.—

(1) PRIOR GRANT OF VOLUNTARY DEPARTURE.—An alien shall not be permitted to voluntarily depart under this section if the Secretary of Homeland Security or the Attorney General previously permitted the alien to depart voluntarily.

(2) RULEMAKING.—The Secretary may promulgate regulations to limit eligibility or impose additional conditions for voluntary departure under subsection (a) or (b) of this section for any class or classes of aliens.

and

(6) in subsection (f), by adding at the end the following:

“(f) of this Act, sections 1361, 1651, 2201 of title 28, United States Code, any other habeas corpus provision, and any other provision under subsections (a) or (b) of this section for any class or classes of aliens; and

(2) by amending paragraph (1) to read as follows:

“(1) the consequences of a voluntary departure agreement before accepting such agreement.

(4) FAILURE TO COMPLY WITH AGREEMENT.—If an alien agrees to voluntary departure under this section and fails to depart the United States within the time allowed for voluntary departure or fails to comply with the
allowed for voluntary departure under this section.’’.

(b) RULEMAKING.—The Secretary shall pro-
mulgate regulations to provide for the impo-
sition of sanctions on collection of penalties for
departure under section 240B(d) of the Im-
migration and Nationality Act (8 U.S.C. 1229c(d)).

(c) EFFECTIVE DATES.—
(1) IN GENERAL.—As excepted as provided in
paragraph (2), the amendments made by this
section shall apply with respect to all orders granting voluntary departure under section
240B of the Immigration and Nationality Act
(8 U.S.C. 1229c) made on or after the date that
is 30 days after the enactment of this Act.

(2) EXCEPTION.—The amendment made by
subsection (a)(6) shall take effect on the date of
the enactment of this Act and shall apply
with respect to any petition for review which
is filed on or after such date.

SEC. 212. DETERRING ALIENS ORDERED REMOVED FROM REMAINING IN THE UNITED STATES UNLAWFULLY.

(a) INADMISSIBLE ALIENS.—Section 212(a)(9)(A) (8 U.S.C. 1182(a)(9)(A)) is amended—
(1) in clause (i), by striking ‘‘seeks admission
within 5 years of the date of such removal
(180 days after the enactment of this Act, and shall apply
with respect to any petition for removal which
is filed on or after such date.

SEC. 214. UNIFORM STATUTE OF LIMITATIONS FOR THE PURPOSE OF IMPEachment, PASS-
PORT, AND NATURALIZATION OFFENSES.

(a) IN GENERAL.—Section 3291 of title 18, United States Code, is amended to read as
follows:
‘‘§ 3291. IMMIGRATION, PASSPORT, AND NATU-
RALIZATION OFFENSES.

‘‘(a) No person shall be prosecuted, tried, or
punished for a violation of any section of
chapters 68 (relating to nationality and citi-
zenship offenses), 75 (relating to passport,
visa, and immigration offenses), or for a viola-
tion of any criminal provision under sec-
tion 241(i)(5) (8 U.S.C. 1231(i)) is amended to read
as follows:
‘‘(1) conduct investigations concerning—
(A) illegal passport or visa issuance or use;
(B) identity theft or document fraud af-
curring or relating to the programs, func-
tions, and authorities of the Department of
Immigration and Nationality Act and shall apply
with respect to any petition for removal which
is filed on or after such date.

SEC. 216. STREAMLINED PROCESSING OF BACK-
GROUND CHECKS CONDUCTED FOR VISAS.

(a) INFORMATION SHARING; INTERAGENCY TASK FORCE.—Section 106 (8 U.S.C. 1106) is amended by adding at the end the following:
‘‘(e) Interagency Task Force—
(1) IN GENERAL.—The Secretary of Home-
land Security and the Attorney General
shall establish an interagency task force to
resolve cases in which an application or peti-
tion for an immigration benefit conferred
under this Act has been denied due to the
existence of insights conducted background
check investigation for more than 2 years after the date on which
such application or petition was initially filed.

(b) MEMBERSHIP.—The interagency task
force established under paragraph (1) shall
include representatives from Federal agen-
cies with immigration, law enforcement, or
national security responsibilities under this Act.’’.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Federal Bureau of Investiga-
tion such sums as are necessary for each fiscal
year, 2008 through 2012 for enhance-
ments to existing systems for conducting background and security checks necessary to
support immigration security and orderly
processing of applications.

(c) REPORT ON BACKGROUND AND SECURITY
CHECKS.

(1) IN GENERAL.—Not later than 180 days
after the date of the enactment of this Act,
the Director of the Federal Bureau of Investiga-
tion shall submit to the Committees on the
Judiciary of the Senate and the Com-
mitee on the Judiciary of the House of Rep-
resentatives a report on the background and
security checks conducted by the Federal
Bureau of Investigation on behalf of United
States Citizenship and Immigration Serv-
ces.

(2) CONTENT.—The report required under
paragraph (1) shall include—
(A) a description of the background and
security check program;
(B) a statistical breakdown of the back-
ground and security check delays associated with different types of immigration applica-
tions;
(C) a statistical breakdown of the back-
ground and security check delays by appli-
cant country of origin; and
(D) the steps that the Director of the Fed-
eral Bureau of Investigation is taking to ex-
pedite background and security checks that
have been pending for more than 180 days.

SEC. 217. STATE CRIMINAL ALIEN ASSISTANCE PROGRAM.

(a) REIMBURSEMENT FOR COSTS ASSOCIATED
WITH PROCESSING CRIMINAL ILLEGAL ALIENS.—The Secretary may reimburse the State and local units of govern-
ment for costs associated with processing undoc-
umented criminal aliens through the criminal
justice system, including—
(1) indigent defense;
(2) criminal prosecution;
(3) autopsies;
(4) translators and interpreters; and
(5) courts costs.

(b) AUTHORIZATION OF APPROPRIATIONS.—
(1) PROCESSING CRIMINAL ILLEGAL ALIENS.—There are authorized to be appropriated $500,000,000 for the each of the fiscal years 2008 through 2013 to carry out subsection (a).

(2) COMPENSATION UPON REQUEST.—Section
241(i)(5) (8 U.S.C. 1231(i)) is amended to read as follows—
‘‘(5) There are authorized to be appro-
priated to carry this subsection—
(A) such sums as may be necessary for fis-
cal year 2009;
(B) $750,000,000 for fiscal year 2009;
(C) $850,000,000 for fiscal year 2010; and
(D) $500,000,000 for each of the fiscal years
2011 through 2013.’’.

(c) TECHNICAL AMENDMENT.—Section 501 of
the Immigration Reform and Control Act of
1986 (8 U.S.C. 1365) is amended by striking
subsection (f) and designating the following as
subsection (f):
‘‘(f) INTERAGENCY TASK FORCE—’’.

Reports.
SEC. 218. TRANSPORTATION AND PROCESSING OF ILLEGAL ALIENS-APPRÉHENDÉS BY STATE AND LOCAL LAW ENFORCEMENT OFFICERS.
(a) IN GENERAL.—The Secretary may provide sufficient transportation and officers to take illegal aliens apprehended by State and local law enforcement officers into custody for processing at a detention facility operated by the Department.
(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for each of fiscal years 2008 through 2012 to carry out this section.

SEC. 219. REDUCING ILLEGAL IMMIGRATION AND ALIEN SMUGGLING ON TRIBAL LANDS.
(a) GRANTS AUTHORIZED.—The Secretary may award grants to Indian tribes with lands adjacent to an international border of the United States that have been adversely affected by illegal immigration.
(b) USE OF FUNDS.—Grants awarded under subsection (a) may be used for—
(1) law enforcement activities;
(2) health care services;
(3) environmental restoration; and
(4) the preservation of cultural resources.
(c) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that—
(1) describes the level of access of Border Patrol agents on tribal lands;
(2) describes the extent to which enforcement of immigration laws may be improved by enhanced access to tribal lands;
(3) contains a strategy for improving such access through cooperation with tribal authorities; and
(4) identifies grants provided by the Department for Indian tribes, either directly or through State or local grants, relating to border security expenses.
(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2008 through 2012 to carry out this section.

SEC. 220. ALTERNATIVES TO DETENTION.
The Secretary shall conduct a study of—
(1) the effectiveness of alternatives to detention, including electronic monitoring devices and intensive supervision programs, in ensuring alien appearance at court and compliance with immigration orders; and
(2) the effectiveness of the Intensive Supervision Appearance Program and the costs and benefits of expanding that program to all States; and
(3) other alternatives to detention, including—
(A) release on an order of recognizance;
(B) appearance bonds; and
(C) electronic monitoring devices.

SEC. 221. STATE AND LOCAL ENFORCEMENT OF IMMIGRATION LAW.
(a) IN GENERAL.—Section 237(g) (8 U.S.C. 1357(g)) is amended—
(1) in paragraph (2), by adding at the end the following:
‘‘If such training is provided by a State or political subdivision of a State to an officer or employee of such - State or political subdivision law enforcement agency of such State or local law enforcement agency of such subdivision, the cost of such training (including applicable overtime costs) shall be reimbursed by the Secretary of Homeland Security.”; and
(2) in paragraph (4), by adding at the end the following:
‘‘The cost of any equipment required to be purchased under such written agreement and necessary for the functions under this subsection shall be reimbursed by the Secretary of Homeland Security.”;
(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this section and the amendments made by this section.

SEC. 222. PROTECTING IMMIGRANTS FROM CONVICTED SEX OFFENDERS.
(a) IMMIGRANTS.—Section 203(a)(1) (8 U.S.C. 1154a(a)(1)), as amended by—
(1) in subparagraph (A), by amending clause (vii) to read as follows:
‘‘(vii) This clause (i) shall not apply to a citizen of the United States who has been convicted of an offense described in subparagraph (A), (I), or (K) of section 101(a)(3), unless the Secretary of Homeland Security, in the case of an alien lawfully admitted for permanent residence, determines that the citizen poses no risk to the alien with respect to whom a petition described in clause (i) is filed,”; and
(2) in subparagraph (B), by amending clause (II) to read as follows:
‘‘(II) Subclause (I) shall not apply in the case of an alien admitted for permanent residence who has been convicted of an offense described in subparagraph (A), (I), or (K) of section 101(a)(3), unless the Secretary of Homeland Security in the alien’s sole and unreviewable discretion, determines that the alien lawfully admitted for permanent residence poses no risk to the alien with respect to whom a petition described in subclause (i) is filed.”;
(b) NONIMMIGRANTS.—Section 101(a)(15)(K) (8 U.S.C. 1101(a)(15)(K)), as amended by inserting “(other than as described in section 203(a)(1)(A)(viii))” after “citizen of the United States” each place that phrase appears.

SEC. 223. LAW ENFORCEMENT AUTHORITY OF STATES AND POLITICAL SUBDIVISIONS AND TRANSFER TO FEDERAL CUSTODY.
(a) IN GENERAL.—Title II (8 U.S.C. 1151 et seq.) is amended by adding after section 240C the following new section:

SEC. 240D. LAW ENFORCEMENT AUTHORITY OF STATES AND POLITICAL SUBDIVISIONS AND TRANSFER OF ALIENS TO FEDERAL CUSTODY.
(a) TRANSFER AUTHORITY.—The Secretary may transfer an alien described in subsection (c) to the custody of the Attorney General.
(b) REQUIREMENT FOR SCHEDULE.—The Secretary shall ensure that—
(1) aliens incarcerated in a Federal facility pursuant to this section are held in facilities which provide an appropriate level of security; and
(2) if practicable, aliens detained solely for civil violations of Federal immigration law are separated within a facility or facilities.
(c) REQUIREMENT FOR SCHEDULE.—In carrying out this section, the Secretary of Homeland Security shall establish a regular circuit and schedule for the prompt transportation of apprehended aliens from the custody of those States, and political subdivisions of States, which routinely submit requests described in subsection (c), into Federal custody.

SEC. 224. LAUNDERING OF MONETARY INSTRUMENT.
Section 1956(c)(7)(D) of title 18, United States Code, is amended—
(1) by inserting “section 1590 (relating to trafficking with respect to peonage, slavery, involuntary servitude, or forced labor),” after “section 1363 (relating to destruction of property with special maritime and territorial jurisdiction),” and
(2) by inserting “section 274(a) of the Immigration and Nationality Act (8 U.S.C. 1324(a))” after “section 509 of the Tariff Act of 1930 (19 U.S.C. 1590) (relating to avtiation smuggling),”.

SEC. 225. COLLECTIVE ENFORCEMENT PROGRAMS.
Not later than 2 years after the date of the enactment of this Act, the Attorney General shall issue a directive to expand the Justice Prisoner and Alien Transfer System (JPATS) so that it also provides additional services with respect to aliens who are illegally present in the United States. Such expansion should include—
(1) increasing the daily operations of such System with buses and air hubs in 3 geographic regions;
(2) allocating a set number of seats for such System for each metropolitan area;
(3) allowing metropolitan areas to trade or otherwise violate any section of the INA for a period of two years
(4) by inserting “section 1324a (relating to Special Maritime and
(5) by inserting “other than the visa described in paragraph (1) issued in a consular office located in the country of the alien’s nationality” and inserting “other than a visa described in paragraph (1) issued in a consular office located in the country of the alien’s nationality or foreign residence”. TITLE III—WORKSITE ENFORCEMENT

SEC. 301. PURPOSES.

(a) To continue to prohibit the hiring, recruitment, or referral of unauthorized aliens;
(b) To require that each employer take reasonable steps to verify the identity and work authorization status of all its employees, without regard to national origin and citizenship status;
(c) To authorize the Secretary of Homeland Security to access records of other Federal agencies for the purposes of confirming identity, authenticating lawful presence and preventing identity theft and fraud related to unlawful employment;
(d) To ensure that the Commissioner of Social Security has the necessary authority to provide information to the Secretary of Homeland Security that would assist in the enforcement of the immigration laws.
(e) To authorize the Secretary of Homeland Security to confirm issuance of state identity documents, including driver’s licenses, and to obtain and transmit individual photographic images held by states for identity authentication purposes.
(f) To collect information on employee hires.
(g) To electronically secure a social security number in the Employment Eligibility Verification System (EVEVS) at the request of an individual who has been confirmed to be the holder of that number, and to prevent fraudulent use of the number by others.
(h) To provide for record retention of EVEVS inquiries, to prevent identity fraud and employment authorization fraud.
(i) To employ fast track regulatory and procedural measures to expedite implementation of this Title and pertinent sections of the INA for a period of two years from enactment date.
(j) To establish the following:
(1) To establish the following:
(i) A document verification process requiring employers to inspect, copy, and retain identity and work authorization documents;
(ii) an EVES requiring employers to obtain confirmation of an individual’s identity and work authorization;
(III) procedures for employers to register for the EVES and to confirm work eligibility through the EVES;
(iv) a streamlined enforcement procedure to ensure efficient adjudication of violations of this Title;
(v) a system for the imposition of civil penalties and their enforcement, remission or mitigation;
(vi) an enhancement of criminal and civil penalties;
(vii) increased coordination of information and enforcement between the Internal Revenue Service and the Department of Homeland Security regarding employers who have violated provisions related to the employment of unauthorized aliens;
(viii) increased penalties under the Internal Revenue Code for employers who have violated provisions related to the employment of unauthorized aliens.

SEC. 302. UNLAWFUL EMPLOYMENT OF ALIENS.

(a) Section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a) is amended to read as follows:
“(a) MAKING EMPLOYMENT OF UNAUTHORIZED ALIENS UNLAWFUL.—
(B) to establish a defense, the employer must also be in compliance with any additional requirements that may be promulgated by regulation pursuant to subsections (c), (d), and (k).

SHARE THIS"
“(6) An employer is presumed to have acted with knowledge or reckless disregard if the employer fails to comply with written standards, procedures or instructions issued by the Secretary or such other personal identifying information as may be prescribed by the Secretary, and if the employer fails to verify the individual, the document and the individual by examining: (a) an alien lawfully admitted for permanent residence; or (b) an alien or a document described in subparagraph (B)(i), (B)(ii), or (C)(i).

(7) Nothing in this paragraph (c)(l)(F) shall have no effect on paragraphs (c)(l)(B), (c)(l)(C)(i), (c)(l)(C)(iv), or (c)(l)(D).

(8) INFORMATION REGARDING EMPLOYMENT AUTHORIZATION.—In the case of an individual who is not lawfully employed, the Secretary may require that certain documentation be presented by the individual and that the Secretary retain a copy of that documentation. The Secretary may require that the documentation include a Social Security account number or other document prescribed by the Secretary. In the event that the individual is unable to provide documentation of employment authorization, the Secretary may require that the individual provide a signed statement certifying that the individual is not lawfully employed. The Secretary may require that the statement include a description of the steps taken to verify the identity of the individual and the steps taken to verify the employment authorization.

(b) DEFINITION OF AUTHORIZED ALIEN.—As used in this section, the term ‘authorized alien’ means an alien lawfully admitted for permanent residence, or by the Secretary to be so employed by this Act or by the Secretary.

(2) DEFINITION OF EMPLOYER.—For purposes of this section, the term ‘employer’ means any person or entity hiring, recruiting, or referring an individual for employment in the United States.

(c) DOCUMENT VERIFICATION REQUIREMENTS.—Any employer hiring, recruiting, or referring an individual for employment in the United States shall be objective and non-discretionary in verifying the individual’s identity and work authorization and shall be required to verify the individual by examining:

(1) Attestation after examination of documentation.

(A) GENERAL.—The employer shall verify, under penalty of perjury and on a form prescribed by the Secretary, that it has verified the identity and work authorization status of the individual by examining:

(i) a document described in subparagraph (B); or

(ii) a document described in subparagraph (C) and a document described in subparagraph (D).

Such attestation may be manifested by a handwritten or electronic signature. An employer may not use the requirements of this paragraph with respect to examination of documentation if the employer has followed applicable regulations and any written procedures or instructions provided by the Secretary and if a reasonable person would conclude that the documentation is genuine and that the employer has undertaken a reasonable and authorization to work, taking into account any information provided to the employer by the Secretary, including photographs.

(B) DOCUMENTS ESTABLISHING BOTH EMPLOYMENT AUTHORIZATION AND IDENTITY.—A document described in this subparagraph is an individual’s

(i) a United States passport, or passport card issued pursuant to the Secretary of State’s authority under 22 U.S.C. 211a;

(ii) permanent resident card or other documentation issued by the Secretary or Secretary of State to aliens authorized to work in the United States, if the document—

(I) contains a photograph of the individual identified by the document, and records be kept or that additional documents become effective; and

(II) contains such security features as are sufficient for the purposes of this subsection;

(III) contains security features that make it resistant to tampering, counterfeiting, and fraudulent use; or

(IV) contains security features that make it resistant to tampering, counterfeiting, and fraudulent use; or

(v) a document described in this subparagraph is an individual’s

(i) an alien’s drivers license or identity card issued by a State, the Commonwealth of the Northern Mariana Islands, or an outlying possession of the United States, if the document is authorized to work and has been certified to the Secretary of Homeland Security that it is in compliance with the minimum standards required under section 202 of the REAL ID Act of 2005 (49 U.S.C. 30301 note) and implementing regulations issued by the Secretary of Homeland Security once those requirements become effective; or

(ii) a document described in subparagraph (B)(i), (B)(ii), or (C)(i).

(c) RETENTION OF VERIFICATION FORM.—After completion of such form in accordance with paragraphs (1) and (2), the employer must retain a paper, microfilm, microfiche, or electronic version of the form and make it available for inspection by officers of the Department of Homeland Security or persons designated by the Secretary of State, the Special Counsel for Immigration-Related Unfair Employment Practices, or the Department of Labor during a period beginning on the date of completion of the form, and ending seven years after the date of such hiring; or

(ii) two years after the date the individual’s employment is terminated, whichever is earlier.

(4) Copying of documentation and recordkeeping required.

(A) Notwithstanding any other provision of law, the employer shall copy all documents presented by an individual pursuant to this subsection and shall retain a paper, microfilm, microfiche, or electronic copy as prescribed in paragraph (3), but only (except as otherwise permitted under law) for the purposes of complying with the requirements of this subsection. Such attestation may effectuate the signatures of the employer and the employee, as well as the date of receipt.

(B) The employer shall also maintain records of Social Security Administration correspondence regarding name and number mismatches or no-matches and the steps taken to resolve such issues.

(C) The employer shall maintain records of all actions and copies of any correspondence or action taken by the employer to clarify or resolve any issue that raises reasonable doubt as to the identity of the alien’s identity or work authorization.

(D) The employer shall maintain such records for a period prescribed by the Secretary. The Secretary may prescribe the manner of recordkeeping and may require that additional records be kept or that additional documents be copied and maintained. The Secretary may require that these documents be transmitted electronically, and may develop automated capabilities to request such documents.

(5) PENALTIES.—An employer that fails to comply with any requirement of this subsection shall be penalized under subsection (e).

(6) NO AUTHORIZATION OF NATIONAL IDENTIFICATION CARDS.—Nothing in this section shall be construed to authorize, directly or indirectly, the use of national identification cards or the establishment of national identification card.
"(7) The employer shall use the procedures for document verification set forth in this paragraph for all employees without regard to national origin or citizenship status.

"(8) Employment Eligibility Verification System—(1) In general.—The Secretary, in cooperation with the Commissioner of Social Security, and the states, shall implement and specify the procedures for EEVS. The participating employers shall timely register with EEVS and shall use EEVS as described in subsection (d)(5).

"(2) Implementation schedule.—

"(A) As of the date of enactment of this section, the Secretary shall require employers to participate in EEVS and specify the procedures for EEVS. The requirement shall be applied to both newly hired and current employees. The Secretary shall notify employers subject to this requirement of the procedures for EEVS.

"(B) No later than 6 months after the date of enactment of this section, the Secretary shall require additional employers or industries to participate in EEVS. The requirement shall be applied to both newly hired and current employees, and the individual whose identity and work eligibility are verified under the EEVS shall require additional employers or industries to participate in EEVS must register in the EEVS with respect to newly hired employees and current employees subject to verification because of expiring work authorization documentation or expiration of immigration status.

"(D) No later than 3 years after the date of enactment of this section, the Secretary shall require additional employers or industries to participate in EEVS with respect to newly hired employees and current employees subject to verification because of expiring work authorization documentation or expiration of immigration status.

"(3) The Secretary shall, within ten business days from the date of registration, issue an employment authorization document.

"(4) CONSEQUENCE OF FAILURE TO PARTICIPATE.—If an employer is required under this subsection to participate in the EEVS and fails to comply with the requirements of such subsection, such employer shall be subject to criminal penalties.

"(A) such failure shall be treated as a violation of subsection (a)(1)(B) of this section with respect to that individual, and

"(B) a rebuttable presumption is created that the employer has violated subsection (a)(1)(A) or (a)(2) of this section.

"(5) PROCEDURES FOR PARTICIPANTS IN THE EEVS.—(A) In general.—An employer participating in the EEVS must register in the EEVS and conform to the following procedures and the employer shall require the employer to provide confirmation or further action notice upon the initial inquiry of an individual whose identity and work eligibility under the EEVS, the employer shall record the confirmation in such manner as the Secretary may specify.

"(B) Seeking Confirmation.—(1) The employer shall use the EEVS to provide to the Secretary all required information in order to obtain confirmation of the identity and employment eligibility of any individual, no earlier than on the first day of employment, or recruitment, or referral. The employer shall use the EEVS to provide the fingerprints of the individual to the Department of Homeland Security, in order to obtain confirmation of the identity and employment eligibility.

"(2) For reverification of an employee with a limited period of work authorization (including Z card holder), all required verification procedures must be complete on or before the employee's work expiration.

"(B) Procedure for registering employers with EEVS and the employer shall utilize, as part of EEVS, a method of notifying employers and current employees in a timely manner of the verification that the employer is subject to the employment eligibility verification system, all required procedures must be complete on such date as the Secretary shall specify in accordance with subparagraph (a)(1)(B).

"(2) No Contest.—(a) The employer shall provide the Secretary with the information required by the Secretary.

"(b) The information provided must include the information required by the Secretary to determine the appropriateness of the confirmation or nonconfirmation and any further action notice.

"(c) The Secretary shall issue a final confirmation or nonconfirmation notice in accordance with the Secretary's procedures and the information provided.

"(d) The employer shall provide the Secretary with the information required by the Secretary.

"(e) The information provided must include the information required by the Secretary to determine the appropriateness of the confirmation or nonconfirmation notice.

"(f) The Secretary shall issue a final confirmation or nonconfirmation notice in accordance with the Secretary's procedures and the information provided.

"(2) No contest.—(a) The employer shall provide the Secretary with the information required by the Secretary.

"(b) The information provided must include the information required by the Secretary to determine the appropriateness of the confirmation or nonconfirmation notice.

"(2) No contest.—(a) The employer shall provide the Secretary with the information required by the Secretary.

"(b) The information provided must include the information required by the Secretary to determine the appropriateness of the confirmation or nonconfirmation notice.

"(2) No contest.—(a) The employer shall provide the Secretary with the information required by the Secretary.

"(b) The information provided must include the information required by the Secretary to determine the appropriateness of the confirmation or nonconfirmation notice.

"(2) No contest.—(a) The employer shall provide the Secretary with the information required by the Secretary.

"(b) The information provided must include the information required by the Secretary to determine the appropriateness of the confirmation or nonconfirmation notice.

"(2) No contest.—(a) The employer shall provide the Secretary with the information required by the Secretary.

"(b) The information provided must include the information required by the Secretary to determine the appropriateness of the confirmation or nonconfirmation notice.

"(2) No contest.—(a) The employer shall provide the Secretary with the information required by the Secretary.

"(b) The information provided must include the information required by the Secretary to determine the appropriateness of the confirmation or nonconfirmation notice.

"(2) No contest.—(a) The employer shall provide the Secretary with the information required by the Secretary.

"(b) The information provided must include the information required by the Secretary to determine the appropriateness of the confirmation or nonconfirmation notice.

"(2) No contest.—(a) The employer shall provide the Secretary with the information required by the Secretary.

"(b) The information provided must include the information required by the Secretary to determine the appropriateness of the confirmation or nonconfirmation notice.

"(2) No contest.—(a) The employer shall provide the Secretary with the information required by the Secretary.

"(b) The information provided must include the information required by the Secretary to determine the appropriateness of the confirmation or nonconfirmation notice.

"(2) No contest.—(a) The employer shall provide the Secretary with the information required by the Secretary.

"(b) The information provided must include the information required by the Secretary to determine the appropriateness of the confirmation or nonconfirmation notice.

"(2) No contest.—(a) The employer shall provide the Secretary with the information required by the Secretary.

"(b) The information provided must include the information required by the Secretary to determine the appropriateness of the confirmation or nonconfirmation notice.

"(2) No contest.—(a) The employer shall provide the Secretary with the information required by the Secretary.

"(b) The information provided must include the information required by the Secretary to determine the appropriateness of the confirmation or nonconfirmation notice.

"(2) No contest.—(a) The employer shall provide the Secretary with the information required by the Secretary.

"(b) The information provided must include the information required by the Secretary to determine the appropriateness of the confirmation or nonconfirmation notice.

"(2) No contest.—(a) The employer shall provide the Secretary with the information required by the Secretary.

"(b) The information provided must include the information required by the Secretary to determine the appropriateness of the confirmation or nonconfirmation notice.

"(2) No contest.—(a) The employer shall provide the Secretary with the information required by the Secretary.

"(b) The information provided must include the information required by the Secretary to determine the appropriateness of the confirmation or nonconfirmation notice.

"(2) No contest.—(a) The employer shall provide the Secretary with the information required by the Secretary.

"(b) The information provided must include the information required by the Secretary to determine the appropriateness of the confirmation or nonconfirmation notice.

"(2) No contest.—(a) The employer shall provide the Secretary with the information required by the Secretary.

"(b) The information provided must include the information required by the Secretary to determine the appropriateness of the confirmation or nonconfirmation notice.

"(2) No contest.—(a) The employer shall provide the Secretary with the information required by the Secretary.

"(b) The information provided must include the information required by the Secretary to determine the appropriateness of the confirmation or nonconfirmation notice.

"(2) No contest.—(a) The employer shall provide the Secretary with the information required by the Secretary.

"(b) The information provided must include the information required by the Secretary to determine the appropriateness of the confirmation or nonconfirmation notice.

"(2) No contest.—(a) The employer shall provide the Secretary with the information required by the Secretary.

"(b) The information provided must include the information required by the Secretary to determine the appropriateness of the confirmation or nonconfirmation notice.

"(2) No contest.—(a) The employer shall provide the Secretary with the information required by the Secretary.

"(b) The information provided must include the information required by the Secretary to determine the appropriateness of the confirmation or nonconfirmation notice.

"(2) No contest.—(a) The employer shall provide the Secretary with the information required by the Secretary.

"(b) The information provided must include the information required by the Secretary to determine the appropriateness of the confirmation or nonconfirmation notice.

"(2) No contest.—(a) The employer shall provide the Secretary with the information required by the Secretary.

"(b) The information provided must include the information required by the Secretary to determine the appropriateness of the confirmation or nonconfirmation notice.

"(2) No contest.—(a) The employer shall provide the Secretary with the information required by the Secretary.

"(b) The information provided must include the information required by the Secretary to determine the appropriateness of the confirmation or nonconfirmation notice.

"(2) No contest.—(a) The employer shall provide the Secretary with the information required by the Secretary.

"(b) The information provided must include the information required by the Secretary to determine the appropriateness of the confirmation or nonconfirmation notice.

"(2) No contest.—(a) The employer shall provide the Secretary with the information required by the Secretary.

"(b) The information provided must include the information required by the Secretary to determine the appropriateness of the confirmation or nonconfirmation notice.

"(2) No contest.—(a) The employer shall provide the Secretary with the information required by the Secretary.

"(b) The information provided must include the information required by the Secretary to determine the appropriateness of the confirmation or nonconfirmation notice.

"(2) No contest.—(a) The employer shall provide the Secretary with the information required by the Secretary.

"(b) The information provided must include the information required by the Secretary to determine the appropriateness of the confirmation or nonconfirmation notice.

"(2) No contest.—(a) The employer shall provide the Secretary with the information required by the Secretary.

"(b) The information provided must include the information required by the Secretary to determine the appropriateness of the confirmation or nonconfirmation notice.

"(2) No contest.—(a) The employer shall provide the Secretary with the information required by the Secretary.

"(b) The information provided must include the information required by the Secretary to determine the appropriateness of the confirmation or nonconfirmation notice.

"(2) No contest.—(a) The employer shall provide the Secretary with the information required by the Secretary.

"(b) The information provided must include the information required by the Secretary to determine the appropriateness of the confirmation or nonconfirmation notice.

"(2) No contest.—(a) The employer shall provide the Secretary with the information required by the Secretary.

"(b) The information provided must include the information required by the Secretary to determine the appropriateness of the confirmation or nonconfirmation notice.

"(2) No contest.—(a) The employer shall provide the Secretary with the information required by the Secretary.

"(b) The information provided must include the information required by the Secretary to determine the appropriateness of the confirmation or nonconfirmation notice.
requirement for further actions and shall record the date and manner of such communication. The individual must acknowledge in writing the receipt of this communication and, if the individual fails to communicate such a requirement is a violation of section (a)(1)(B).

(iii) The Secretary is authorized, with notice, to issue the policy of the Federal Register, to implement, clarify, and supplement the requirements of this paragraph. In order to facilitate the functioning of the EEVS or to protect fraud or identity theft in the use of the EEVS.

(iv) Impermissible Use of the EEVS.—An employer may verify an individual prior to extending to the individual an offer of employment. An employer may not require an individual to verify employment eligibility through the EEVS as a condition of extending to that individual an offer of employment. Nothing in this paragraph shall be construed to prevent an employer from encouraging an employee or a prospective employee from verifying the employee's or a prospective employee's own employment eligibility by obtaining employment pursuant to paragraph (5)(H).

(iii) An employer may not terminate an individual's employment solely because that individual has been issued a further action notice.

(iv) An employer may not take the following actions solely because an individual has been issued a further action notice:

1. reduce salary, bonuses or other compensation due to the employee;

2. suspend the employee without pay;

3. reduce the hours that the employee is required to work if such reduction is accompanied by a reduction in salary, bonuses or other compensation due to the employee, except that, with the agreement of the employee, an employer may provide an employee with reasonable time off without pay in order to contest and resolve the further action notice received by the employee; or

4. deny the employee the training necessary to perform the employment duties for which the employee has been hired.

(v) An employer may not, in the course of utilizing the procedures for document verification set forth in subsection (c), require that a document be supplemented with additional documents or different documents than those prescribed under that subsection.

(vi) The Secretary of Homeland Security shall develop policies and procedures to monitor employers' use of the EEVS and their compliance with the requirements set forth in this section. Employers are required to comply with requests from the Secretary for information related to any monitoring, audit or investigation undertaken pursuant to this paragraph.

(vii) The Secretary of Homeland Security, in consultation with the Secretary of Labor, shall establish and maintain a process by which any employer (or any prospective employer who was previously hired) who has reason to believe that an employer has violated subparagraphs (i)–(v) may file a complaint against the employer.

(viii) Any employer found to have violated subparagraphs (i)–(v) shall pay civil penalty of up to $10,000 for each violation.

(ix) This paragraph is not intended to, and does not, create any right, benefit, trust, or responsibility, whether substantive or procedural, enforceable at law or equity by a party other than the United States, its departments, agencies, instrumentalities, entities, offices, employers, or agents, or any person, nor does it create any right of review in a judicial proceeding.

(x) No later than 3 months after the date of enactment of this section, the Secretary of Homeland Security, in cooperation with the Secretary of Labor and the Administrator of the Small Business Administration, shall conduct a campaign to disseminate information regarding final confirmations based on the information that the individual has provided, including any additional evidence that the individual or employer may provide. Such campaign shall be aimed at increasing the knowledge of employers, employees, and the general public concerning employer and employee rights, responsibilities and remedies under this section.

(ii) In order to carry out the campaign under this paragraph, the Secretary of Homeland Security may, to the extent deemed appropriate and subject to the availability of appropriations, make grants to public and private organizations for outreach activities under the campaign.

(iii) There are authorized to be appropriated to carry this paragraph $40,000,000 for each fiscal year 2007 through 2009.

(iv) Based on a regular review of the EEVS and the document verification procedures to identify fraudulent use and to assess the security of the documents being used to verify employment eligibility, the Secretary in consultation with the Commissioner of Social Security may modify by Notice published in the Federal Register the process for providing information to the employer, the information that must be provided to EEVS by the employer, and the procedures that must be followed by employers to verify an individual's employment eligibility prior to obtaining or changing employment, to contact the appropriate agency and, in a timely manner, correct or update the information used by the EEVS.

(v) Protection from Liability for Actions Taken on the Basis of Information Provided by the Confirmation System.—No employer participating in the EEVS shall be liable under any law for any employment-related action taken by the employer in good faith reliance on information provided through the confirmation system.

(vi) Administrative Review.—In general.—An individual who receives a final nonconfirmation notice may, not later than 15 days after the date that such notice is received, file an administrative appeal of such final notice. An individual who did not timely contest a further action notice may not avail himself of this paragraph. Unless the Secretary of Homeland Security, in consultation with the Commissioner of Social Security, specifies otherwise, all administrative appeals shall be filed and acted upon by the appropriate agency.

(i) Nationals of the United States.—An individual claiming to be a national of the United States shall file the administrative appeal with the Commissioner of Social Security.

(ii) Aliens.—An individual claiming to be an alien authorized to work in the United States shall file the administrative appeal with the Secretary.

(A) Review for error.—The Secretary and the Commissioner shall each develop procedures for resolving administrative appeals regarding final nonconfirmations based on the information that the individual has provided, including any additional evidence that the individual or employer may provide. Such appeals shall be resolved within 30 days after the individual has submitted all evidence relevant
to the appeal. The Secretary and the Commissioner may, on a case by case basis for good cause, extend this period in order to ensure accurate resolution of an appeal before him, at the same time notifying the person filing the nonconfirmation notice. The Secretary (7) shall be limited to whether the final nonconfirmation notice is supported by the weight of the evidence.

(C) EXHAUSTION OF ADMINISTRATIVE REMEDIES.—The relief available under this paragraph (7) is limited to the administrative order upholding, reversing, modifying, amending, or setting aside the final nonconfirmation notice. The Secretary or the Commissioner shall stay the final nonconfirmation notice pending the resolution of the administrative appeal unless the Commissioner determines that the administrative appeal is frivolous, unlikely to succeed on the merits, or filed for purposes of delay and terminates the stay.

(D) DAMAGES, FEES AND COSTS.—No money damages, fees or costs may be awarded in the administrative review process, and no court shall have jurisdiction to award any damages, fees or costs relating to such administrative review under the Equal Access to Justice Act (28 U.S.C. 2412).

(8) JUDICIAL REVIEW.

(A) EXCLUSIVE PROCEDURE.—Notwithstanding any other provision of law (statutory or nonstatutory) including sections 1331, 1332, 1333, 1334, 1335, 1336, 1337, 1338, 1339, 1341, 1342, 1343, 1651 of title 28, no court shall have jurisdiction to consider any claim against the United States, or any of its agencies, officers, or employees, or any citizen, or otherwise challenging or otherwise seeking to have the Secretary or the Commissioner determine that the administrative appeal is frivolous, unlikely to succeed on the merits, or filed for purposes of delay.

(B) REQUIREMENTS FOR REVIEW OF A FINAL NONCONFIRMATION NOTICE.—With respect to review of a final nonconfirmation notice under subsection (a), the following requirements apply:

(i) DEADLINE.—The petition for review must be filed no later than 30 days after the date of the completion of the administrative appeal.

(ii) VENUE AND FORMS.—The petition for review shall be filed with the United States Court of Appeals for the judicial circuit where the nonconfirmation notice was issued. The record and briefs do not have to be printed. The court of appeals shall review the proceeding on a typewritten record and briefs.

(iii) SERVICE.—The respondent is either the Secretary of Homeland Security or the Commissioner of Social Security, but not both, depending upon who issued (or affirmed) the final nonconfirmation notice. In addition to serving the respondent, the petitioners must also serve the Attorney General.

(iv) PETITIONER'S BRIEF.—The petition shall serve and file a brief in connection with a petition for review not later than 40 days after the date on which the administrative record is available, and may serve and file a reply brief not later than 14 days after service of the brief of the respondent, and the court may not extend these deadlines, except for good cause shown. If a petitioner fails to file a brief within the time provided in this paragraph, the court shall dismiss the appeal unless a manifest injustice would result. The court of appeals may set an expedited briefing schedule.

(V) JUDICIAL REVIEW.—The court of appeals shall decide the petition only on the administrative record on which the final nonconfirmation order is based. The burden of proof in the petition is on the petitioner. The court shall dismiss the appeal if it determines that the final nonconfirmation decision was arbitrary, capricious, not supported by substantial evidence, or otherwise not in accordance with law. Administrative findings of fact are conclusive unless any reasonable adjudicator would be compelled to conclude to the contrary.

(VI) STAY.—The court of appeals shall stay the final nonconfirmation notice pending its decision on the petition for review unless the court determines that the administrative appeal is frivolous, unlikely to succeed on the merits, or filed for purposes of delay.

(9) MANAGEMENT OF EMPLOYMENT ELIGIBILITY VERIFICATION SYSTEM.

(A) IN GENERAL.—The Secretary is authorized to establish, manage and modify an employment eligibility verification system, or any combination thereof, any combination thereof to be established, modified, maintained and operated—

(i) to maximize its reliability and ease of use by employers consistent with insulating and protecting the privacy and security of the underlying information;

(ii) to respond accurately to all inquiries made by employers on whether individuals are authorized to be employed and to register any time when the system is unable to receive inquiries;

(iii) to maintain appropriate administrative, technical, and physical safeguards to prevent unauthorized disclosure of personal information;

(iv) to allow for auditing use of the system to detect fraud and identity theft, and to preserve the security of the information in all of the system, including but not limited to the following:

(1) to develop and use algorithms to detect potential identity theft, such as multiple uses of the same identifying information or documents;

(2) to develop and use algorithms to detect misuse of the system by employers and employees;

(3) to develop capabilities to detect anomalies of the system that may indicate potential fraud or misuse of the system; and

(4) to confirm identity of personnel, including authority to conduct interviews with employers and employees; and

(5) to confirm identity authorization through verification of records maintained by the Secretary, other federal departments, states, the Commonwealth of the Northern Mariana Islands, and any other United States jurisdiction, as determined necessary by the Secretary, including:

(i) records maintained by the Social Security Administration, or any other Federal department or agency, including any state department of motor vehicles; and

(ii) birth and death records maintained by vital statistics agencies of any state or other United States jurisdiction;

(iii) passport and visa records (including photographs) maintained by the United States Department of State; and

(iv) driver's license or identity card information (including photographs) maintained by State department of motor vehicles; and

(vi) to confirm electronically the issuance of the employment authorization or identity document and to display the digital photograph that the issuer placed on the document so that the employer can verify the photograph displayed on the document presented by the employee. If in exceptional cases a photograph is not transmitted from the Secretary to the employer, the Secretary shall specify a temporary alternative procedure for confirming the authenticity of the document.

(B) REQUIREMENTS FOR REVIEW OF A FINAL NONCONFIRMATION NOTICE.—The petition for review shall be filed with the United States Court of Appeals for the judicial circuit where the nonconfirmation notice is issued. Administrative review under this paragraph and subparagraph (B) shall be limited to whether the administrative appeal is frivolous, unlikely to succeed on the merits, or filed for purposes of delay, and terminates the stay.

(C) LIMIT ON INJUNCTIVE RELIEF.—Regardless of the nature of the action or claim or of the issue of law involved in the action, no court (other than the Supreme Court) shall have jurisdiction or authority to enjoin or restrain the operation of the provisions from the application of such provisions to an individual petitioner.

(D) ACCESS TO INFORMATION.

(i) Notwithstanding any other provision of law, the Secretary of Homeland Security shall have access to relevant records described at paragraph (9)(8)(v), for the purposes of preventing identity theft and fraud in the use of the EEVS and enforcing the provisions of this section governing employment verification. State or other non-federal governments shall not provide such access unless specifically authorized by the Secretary.

(9) MANAGEMENT OF EMPLOYMENT ELIGIBILITY VERIFICATION SYSTEM.

(A) IN GENERAL.—The Secretary is authorized to establish, manage and modify an employment eligibility verification system, or any combination thereof, any combination thereof to be established, modified, maintained and operated—

(i) to maximize its reliability and ease of use by employers consistent with insulating and protecting the privacy and security of the underlying information;

(ii) to respond accurately to all inquiries made by employers on whether individuals are authorized to be employed and to register any time when the system is unable to receive inquiries;

(iii) to maintain appropriate administrative, technical, and physical safeguards to prevent unauthorized disclosure of personal information;

(iv) to allow for auditing use of the system to detect fraud and identity theft, and to preserve the security of the information in all of the system, including but not limited to the following:

(1) to develop and use algorithms to detect potential identity theft, such as multiple uses of the same identifying information or documents;

(2) to develop and use algorithms to detect misuse of the system by employers and employees;

(3) to develop capabilities to detect anomalies of the system that may indicate potential fraud or misuse of the system; and

(4) to confirm identity of personnel, including authority to conduct interviews with employers and employees; and

(5) to confirm identity authorization through verification of records maintained by the Secretary, other federal departments, states, the Commonwealth of the Northern Mariana Islands, and any other United States jurisdiction, as determined necessary by the Secretary, including:

(i) records maintained by the Social Security Administration, or any other Federal department or agency, including any state department of motor vehicles; and

(ii) birth and death records maintained by vital statistics agencies of any state or other United States jurisdiction;

(iii) passport and visa records (including photographs) maintained by the United States Department of State; and

(iv) driver's license or identity card information (including photographs) maintained by State department of motor vehicles; and

(v) to confirm electronically the issuance of the employment authorization or identity document and to display the digital photograph that the issuer placed on the document so that the employer can verify the photograph displayed on the document presented by the employee. If in exceptional cases a photograph is not transmitted from the Secretary to the employer, the Secretary shall specify a temporary alternative procedure for confirming the authenticity of the document.

(C) The Secretary is authorized, with notice to the public provided in the Federal Register, to issue regulations concerning operational and technical aspects of the EEVS and the efficiency, accuracy, and security of the EEVS.

(D) ACCESS TO INFORMATION.

(i) Notwithstanding any other provision of law, the Secretary of Homeland Security shall have access to relevant records described at paragraph (9)(8)(v), for the purposes of preventing identity theft and fraud in the use of the EEVS and enforcing the provisions of this section governing employment verification. State or other non-federal governments shall not provide such access unless specifically authorized by the Secretary.

(E) RESPONSIBILITIES OF THE SECRETARY.

(i) As part of the EEVS, the Secretary shall establish reliable, secure method,
which, operating through the EEVS and within the time periods specified, compares the name, alien identification or authorization number, or other relevant information provided under the migration records maintained or accessed by the Secretary in order to confirm (or not confirm) the validity of the information provided, the corresponding name and number, and shall notify the employer being investigated of such finding of fact and conclusion of law. The employer may request a hearing to contest the finding of fact and conclusion of law within 15 days of receipt of a written notice.

(16) The employer shall use the procedures specified in this section for any purpose other than for the enforcement of immigration laws, and shall be fined $10,000 for each unauthorized alien with respect to which a violation of subsection (a)(1)(A) occurred, and $25,000 for each unauthorized alien with respect to which a violation of subsection (a)(1)(A) or (a)(2) occurred.

(a) FUNDING.—In addition to any appropriated funds, the Secretary is authorized to use funds provided in sections 286(m) and (n), for the maintenance and operation of the EEVS, and any other project or activity relating to immigration adjudication service for purposes of sections 286(m) and (n).

(14) The employer shall use the procedures specified in this section for any purpose other than for the enforcement of immigration laws, and shall be fined $10,000 for each unauthorized alien with respect to which a violation of subsection (a)(1)(A) occurred, and $25,000 for each unauthorized alien with respect to which a violation of subsection (a)(1)(A) or (a)(2) occurred.

(13) FUNDING.—In addition to any appropriated funds, the Secretary is authorized to use funds provided in sections 286(m) and (n), for the maintenance and operation of the EEVS, and any other project or activity relating to immigration adjudication service for purposes of sections 286(m) and (n).

(12) The employer shall use the procedures specified in this section for any purpose other than for the enforcement of immigration laws, and shall be fined $10,000 for each unauthorized alien with respect to which a violation of subsection (a)(1)(A) occurred, and $25,000 for each unauthorized alien with respect to which a violation of subsection (a)(1)(A) or (a)(2) occurred.

(11) The employer shall use the procedures specified in this section for any purpose other than for the enforcement of immigration laws, and shall be fined $10,000 for each unauthorized alien with respect to which a violation of subsection (a)(1)(A) or (a)(2) occurred.

(10) The employer shall use the procedures specified in this section for any purpose other than for the enforcement of immigration laws, and shall be fined $10,000 for each unauthorized alien with respect to which a violation of subsection (a)(1)(A) occurred, and $25,000 for each unauthorized alien with respect to which a violation of subsection (a)(1)(A) or (a)(2) occurred.

(9) The employer shall use the procedures specified in this section for any purpose other than for the enforcement of immigration laws, and shall be fined $10,000 for each unauthorized alien with respect to which a violation of subsection (a)(1)(A) occurred, and $25,000 for each unauthorized alien with respect to which a violation of subsection (a)(1)(A) or (a)(2) occurred.

(8) The employer shall use the procedures specified in this section for any purpose other than for the enforcement of immigration laws, and shall be fined $10,000 for each unauthorized alien with respect to which a violation of subsection (a)(1)(A) occurred, and $25,000 for each unauthorized alien with respect to which a violation of subsection (a)(1)(A) or (a)(2) occurred.

(7) The employer shall use the procedures specified in this section for any purpose other than for the enforcement of immigration laws, and shall be fined $10,000 for each unauthorized alien with respect to which a violation of subsection (a)(1)(A) occurred, and $25,000 for each unauthorized alien with respect to which a violation of subsection (a)(1)(A) or (a)(2) occurred.

(6) The employer shall use the procedures specified in this section for any purpose other than for the enforcement of immigration laws, and shall be fined $10,000 for each unauthorized alien with respect to which a violation of subsection (a)(1)(A) occurred, and $25,000 for each unauthorized alien with respect to which a violation of subsection (a)(1)(A) or (a)(2) occurred.

(5) The employer shall use the procedures specified in this section for any purpose other than for the enforcement of immigration laws, and shall be fined $10,000 for each unauthorized alien with respect to which a violation of subsection (a)(1)(A) occurred, and $25,000 for each unauthorized alien with respect to which a violation of subsection (a)(1)(A) or (a)(2) occurred.

(4) The employer shall use the procedures specified in this section for any purpose other than for the enforcement of immigration laws, and shall be fined $10,000 for each unauthorized alien with respect to which a violation of subsection (a)(1)(A) occurred, and $25,000 for each unauthorized alien with respect to which a violation of subsection (a)(1)(A) or (a)(2) occurred.

(3) The employer shall use the procedures specified in this section for any purpose other than for the enforcement of immigration laws, and shall be fined $10,000 for each unauthorized alien with respect to which a violation of subsection (a)(1)(A) occurred, and $25,000 for each unauthorized alien with respect to which a violation of subsection (a)(1)(A) or (a)(2) occurred.

(2) The employer shall use the procedures specified in this section for any purpose other than for the enforcement of immigration laws, and shall be fined $10,000 for each unauthorized alien with respect to which a violation of subsection (a)(1)(A) occurred, and $25,000 for each unauthorized alien with respect to which a violation of subsection (a)(1)(A) or (a)(2) occurred.

(1) The employer shall use the procedures specified in this section for any purpose other than for the enforcement of immigration laws, and shall be fined $10,000 for each unauthorized alien with respect to which a violation of subsection (a)(1)(A) occurred, and $25,000 for each unauthorized alien with respect to which a violation of subsection (a)(1)(A) or (a)(2) occurred.

This subparagraph shall not apply to an employer who is found to be in violation of subsection (a)(1)(A) or (a)(2) if it can establish, to the Secretary’s reasonable satisfaction, good faith compliance and participation in, the EEVS, if the Secretary determines to be appropriate.

(2) Authority to investigate; and (3) Authority to subpoena. The Secretary may issue a subpoena, and any failure to obey such order may be punished by a fine of not more than $1,000 or imprisonment for not more than 30 days, exclusive of any penalty for contempt.

The Secretary may compel attendance of witnesses and the production of evidence at any designated place in any district court of the United States or in the District Court of any territory of the United States, over the voice of a party or a privilege claimed, on notice served in the manner prescribed by the Federal Rules of Civil Procedure, and on application therefor made by the Secretary to the court on an affidavit showing the facts upon which the application is based. No such subpoena may be served at any place outside the district in which the United States is sued unless the court, on motion of the party or an interested person and after notice to the government, finding that the case may be tried elsewhere with less inconvenience, orders such service. Subpoenas issued under this paragraph may be served anywhere within the United States and any adjacent possession, and the United States may join in such action. The Secretary may by order specially signified require the attendance of witnesses and the production of evidence at any designated place, and on application therefor made by the Secretary to the court on an affidavit showing the facts upon which the application is based.

The Secretary is authorized to use funds provided in sections 286(m) and (n), for the maintenance and operation of the EEVS, and any other project or activity relating to immigration adjudication service for purposes of sections 286(m) and (n).
with a previously issued and final order under this section shall be fined $15,000 for each violation.

(3) OTHER PENALTIES.—The Secretary may impose additional penalties for violations, including cease and desist orders, specially designed compliance plans to prevent further violations, and fines to the extent that such effect in the event of a further violation, and in appropriate cases, the remedy provided by paragraph (g)(2). All penalties in this section may be assessed and collected for up to four years to account for inflation as provided by law.

(4) DUE PROCESS.—The Secretary is authorized to reduce or mitigate penalties imposed upon employers, including fines, by any means authorized, but not limited to, the employer’s hiring volume, compliance history, good-faith implementation of a compliance program, participation in temporary worker programs, and voluntary disclosure of violations of this subsection to the Secretary.

(5) ORDER OF INTERNAL REVIEW AND CERTIFICATION OF COMPLIANCE.—

If the Secretary has reasonable cause to believe an employer has failed to comply with this section, the Secretary is authorized, at any time, to require that the employer certify that it is in compliance with the requirements of (d)(1), and with any subsections in this section, other than with respect to (d) of section 6323 of the Internal Revenue Code of 1986 for which a notice of tax lien was filed in the manner in which a notice of tax lien would be filed under section 6323(f)(1) and (2) of the Internal Revenue Code of 1986 for which a notice of tax lien was filed.
§6647

May 24, 2007

CONGRESSIONAL RECORD—SENATE

Secretory or the Attorney General shall advise the Administrator of General Services of any such debarment, and the Administrator of General Services shall list the employer on the List of Parties Excluded from Federal Procurement and Nonprocurement Programs for the period of the debarment. The Administrator of General Services, in consultation with the Secretary and Attorney General, may waive operation of this subsection or may limit the duration or scope of the debarment.

"(2) CONTRACTORS AND RECIPIENTS.—Whenever an employer who holds Federal contracts, grants, or cooperative agreements is determined by the Secretary to be a violator of this section or is convicted of a crime under this section, the employer shall be subject to debarment from the receipt of Federal contracts, grants, or cooperative agreements for a period of up to two years in accordance with the procedures and standards prescribed by the Federal Acquisition Regulation.

Prior to debarring the employer, the Secretary, in cooperation with the Administrator of General Services, shall advise all agencies holding contracts, grants, or cooperative agreements with the employer of the proceedings to debar the employer from the receipt of new Federal contracts, grants, or cooperative agreements for a period of up to two years. After consideration of the views of agencies holding contracts, grants, or cooperative agreements and the Administrator of General Services, in lieu of proceedings to debar the employer from the receipt of new Federal contracts, grants, or cooperative agreements for a period of up to two years, the Secretary may waive operation of this subsection, limit the duration or scope of the proposed debarment, or may refer to an appropriate lead agency the decision of whether such a waiver should be made. The decision to discontinue debarment under this section shall be considered a cause for suspension under the procedures and standards for suspension prescribed by the Federal Acquisition Regulation. Any proposed debarment predicated on an administrative determination of liability for civil penalty by the Secretary or the Attorney General shall not be reviewable in any debarment proceeding.

"(3) Indictments for violations of this section or adequate evidence of actions that could form the basis for indictment under this section shall be considered a cause for suspension under the procedures and standards prescribed by the Federal Acquisition Regulation.

"(4) Inadvertent violations of record-keeping or verification requirements, in the absence of any other violations of section 6051, shall not be a basis for determining that an employer is a repeat violator for purposes of this subsection;

"(1) MISCELLANEOUS PROVISIONS.—

"(1) DOCUMENTATION.—In providing documentation or endorsement of authorization of aliens (other than those lawfully admitted for permanent residence) authorized to be employed in the United States, the Secretary shall provide that any limitations with respect to type or duration of employment or employer shall be conspicuously stated on the documentation or endorsement.

"(2) PREEMPTION.—The provisions of this section preempt any State or local law that requires the use of the EEVs in fashion that conflicts with federal policies, procedures, or timetables that involve civil or criminal sanctions (other than through licensing and similar laws) upon those who employ, or recur to the Service for fee for employment, unauthorized aliens.

"(3) DEPOSIT OF AMOUNTS RECEIVED.—Except as otherwise specified, civil penalties collected shall be deposited with the Secretary into the general fund of the Treasury.

"(4) DISCLOSURE OF CERTAIN TAXPAYER IDENTIFICATION INFORMATION TO ASSIST IN IMMIGRATION ENFORCEMENT. (a) DISCLOSURE OF CERTAIN TAXPAYER IDENTITY INFORMATION.—(1) IN GENERAL.—Section 6101 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

"(B) whether such regulation issued to implement this section, violates the Constitution of the United States;

"(2) whether such regulation issued by or under the authority of the Secretary to implement this section, is contrary to applicable provisions of this section or was issued in violation of title 5, chapter 5, United States Code.

"(2) DEADLINES FOR BRINGING ACTIONS.—Any action instituted under this paragraph must be filed no later than 90 days after the date the challenged section or regulation described in clause (1) or (2) of subparagraph (A) is first implemented.

"(C) CLASS ACTIONS.—The court may not certify a class under Rule 23 of the Federal Rules of Civil Procedure in any action under this section.

"(2) RULE OF CONSTRUCTION.—In determining whether the Secretary's interpretation or regulation is contrary to law, a court shall accord to such interpretation or regulation the maximum deference permissible under the Constitution.

"(5) NO ATTORNEYS' FEES.—Notwithstanding any other provision of law, the court shall not award fees or other expenses to any person or entity based upon any action relating to this Title brought pursuant to this section unless the court determines that no jurisdiction exists.
SEC. 305. INCREASING SECURITY AND INTEGRITY OF SOCIAL SECURITY CARDS.

(a) FLAIGHT RESISTANT AND WEAR-RESISTANT SOCIAL SECURITY CARDS.—

(1) ISSUANCE. — The Commissioner of Social Security shall issue a social security card to each individual at the time of issuance of a social security account number to such individual.

(b) COMPLETION.—Not later than two years after the date of enactment of this title, the Commissioner of Social Security shall issue a social security card to each individual at the time of issuance of a social security account number to such individual.

(c) AUTHORIZATION OF APPROPRIATIONS.—

There are authorized to be appropriated $1,000,000,000 for each of fiscal years 2007 through 2011.

SEC. 306. INCREASING SECURITY AND INTEGRITY OF IDENTITY DOCUMENTS.

(a) PURCHASE AND USE OF BIOMETRICS.—The Secretary of Homeland Security, shall establish the State Records Improvement Grant Program (referred to in this section as the ‘‘Program’’), under which the Secretary may award grants to States for the purpose of advancing the purposes of this Act and of issuing or implementing plans to issue driver’s license and identity cards that can be used for purposes of verifying identity under this Title and that comply with the state license requirements in section 414 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208; 8 U.S.C. 1360 note).

(b) MULITIPLE CARDS. —

(1) IN GENERAL.—The Secretary shall only maintain information as the Secretary may reasonably determine to be essential to verify identity under this Title and that comply with the state license requirements in section 414 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208; 8 U.S.C. 1360 note).

(2) USE.—Any State that issues more than one type of driver’s license or identity card under this Title shall only maintain information as the Secretary may reasonably determine to be essential to verify identity under this Title and that comply with the state license requirements in section 414 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208; 8 U.S.C. 1360 note).

(c) NECESSARY COSTS.—

(1) The Secretary shall only maintain information as the Secretary may reasonably determine to be essential to verify identity under this Title and that comply with the state license requirements in section 414 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208; 8 U.S.C. 1360 note).

(d) AUTHORIZATION OF APPROPRIATIONS.—

There are authorized to be appropriated $200,000,000 for each of fiscal years 2007 through 2011.

SEC. 307. VOLUNTARY ADVANCED VERIFICATION PROGRAM TO COMBAT IDENTITY THEFT.

(a) VOLUNTARY ADVANCED VERIFICATION PROGRAM.—The Secretary shall establish and make available a voluntary program allowing employers to verify an employee’s fingerprints for purposes of determining the identity and work authorization of the employee.

(b) IMPLEMENTATION.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary shall implement the voluntary advanced verification program and make it available to employers willing to volunteer in the program.

(2) VOLUNTARY PARTICIPATION.—The fingerprints of an employee participating in the voluntary advanced verification program is voluntary; employers are not required to participate in it.

(3) BUDGET. —

(a) Funding. — The Secretary shall only maintain fingerprint records of U.S. Citizen that were submitted by an employer through the EEVs.
technology to identify any deficiencies and discrepancies related to name, birth date, citizenship status, or death records of the social security accounts and social security account numbers maintained by a government or fraudulant use of documents, or identity theft, or to affect the proper functioning of the EEVS and shall correct any identified errors. The Commission shall establish a system for identifying and correcting such deficiencies and discrepancies is adopted to ensure the accuracy of the Social Security Administration’s database.

([iii]) Notification to ‘freeze’ use of social security number. —The Commissioner of Social Security in consultation with the Secretary of State shall establish a secure process whereby an individual may request that the EEVS preclude any confirmation under the EEVS based on that individual’s Social Security number until it is reactivated by that individual.

SEC. 309. IMMIGRATION ENFORCEMENT SUPPORT BY THE INTERNAL REVENUE SERVICE AND THE SOCIAL SECURITY ADMINISTRATION. 

(a) Tightening Requirements for the Provision of Social Security Numbers on Form W-2 Wage and Tax Statements.—

Section 6724 of the Internal Revenue Code of 1986 (relating to waiver; definitions and special rules) is amended by adding at the end thereof the following subsection:

(1) Special rules with respect to social security numbers on withholding exemption certificates

(2) Exception. — (A) In general.—Except as provided in subparagraph (B), paragraph (1) shall not apply in any case in which the employer—

(i) receives confirmation that the discrepancy described in section 205(c)(2)(1) of the Social Security Act has been resolved, or

(ii) corrects a clerical error made by the employer with respect to the social security account number of an employee furnished under section 6851(a)(2).

(B) Verification of social security account number. —The Commissioner of Social Security shall, subject to the provisions of section 205(c)(2)(1) of the Social Security Act, verify Employment Identification Numbers in the Social Security Administration database by comparing the name, social security account number of an employee furnished under section 6851(a)(2) with the social security account number contained in wage records provided by the employer to the Social Security Administration by such employer with respect to the employee does not match the social security account number of the employee contained in relevant records otherwise maintained by the Social Security Administration.

(c) Exception not applicable to frequent offenders. — Subparagraph (A) shall not apply—

(1) in any case in which not less than 50 of the statements required to be made by an employer into the system are not valid for employment of individuals who are not authorized to work in the United States.

(2) Special agents; support staff. — The Secretary of the Treasury shall assign to the internal revenue service a number of full-time special agents and necessary support staff and is authorized to employ up to 200 full time special agents for this unit based on investigative requirements and workload.

(3) Reports. — During each of the first five calendar years following the establishment of such unit and biennially thereafter, the Secretary shall transmit to Congress a report that describes its activities and includes the number of investigations and cases referred for prosecution.

SEC. 310. PENALTY ON EMPLOYER FAILING TO FILE CORRECT INFORMATION RETURNS. — Section 6721 of such Code (relating to failure to correct information returns) is amended as follows:

(1) in subsection (a)(1)—

(A) by striking ‘$50’ and inserting ‘$200’, and

(B) by striking ‘$250,000’ and inserting ‘$1,000,000’.

(2) in subsection (b)(1)(A), by striking ‘$15’ in lieu of ‘$50’ and inserting ‘$60 in lieu of $200’.

(3) in subsection (b)(1)(B), by striking ‘$75,000’ and inserting ‘$300,000’.

(4) in subsection (b)(2), by striking ‘$30 in lieu of $50’ and inserting ‘$120 in lieu of $200’.

(5) in subsection (b)(2)(B), by striking ‘$150,000’ and inserting ‘$600,000’.

(6) in subsection (d)(A) in paragraph (1)—

(1) by striking ‘$100,000’ for ‘$250,000’ and inserting ‘$1,000,000’ for ‘$1,000,000’ in subparagraph (A),

(2) by striking ‘$25,000’ for ‘$75,000’ and inserting ‘$100,000’ for ‘$300,000’ in subparagraph (B),

(3) by striking ‘$50,000’ for ‘$150,000’ and inserting ‘$200,000’ for ‘$600,000’ in subparagraph (C),

(4) by striking ‘$5,000,000’ and inserting ‘$2,000,000’, and

(C) in the heading, by striking ‘$5,000,000’ and inserting ‘$2,000,000’.

(7) in subsection (e)(2)—

(A) by striking ‘$100’ and inserting ‘$400’,

(B) by striking ‘$25,000’ and inserting ‘$100,000’ in subparagraph (C),

(C) by striking ‘$100,000’ and inserting ‘$400,000’ in subparagraph (C),

(d) Effective date. — The amendments made by subsection (b) and (c) shall apply to failures occurring after December 31, 2006.

SEC. 311. AUTHORIZATION OF APPROPRIATIONS. — (a) There are authorized to be appropriated to the Secretary of Homeland Security such sums as may be necessary for the prosecution of this Act, and the amendments made by this Act, including the following appropriations:

(1) In each of the five years beginning on the date of the enactment of this Act, the appropriations necessary to increase to a level not less than 4500 the number of personnel of the Department of Homeland Security assigned exclusively or principally to an office or offices dedicated to monitoring and enforcing compliance with sections 274A and 274C of the Immigration and Nationality Act (8 U.S.C. 1324a and 1324c), including compliance with the requirements of the EEVS.

(b) The Secretary shall report to the Congress with respect to the number of employees participating in the EEVS.

(2) By verify compliance of employers participating in the EEVS with the provisions of this Act, and the amendments made by this Act, including the following abbimations:

(a) Verification of social security account numbers participating in the EEVS.

(b) By verify compliance of employers participating in the EEVS with the provisions of this Act, and the amendments made by this Act, including the following appropriations:

(a) The Secretary of the Treasury shall certify to the Congress with respect to the number of persons participating in the EEVS.

(b) By verify compliance of employers participating in the EEVS with the provisions of this Act, and the amendments made by this Act, including the following appropriations:

(a) The Secretary of the Treasury shall certify to the Congress with respect to the number of persons participating in the EEVS.
Subtitle A—Securities and Exchange Commission with respect to the Securities and the U.S. Immigration and Customs Enforcement with respect to the necessary enforcement actions; through local facilitation and undertake the necessary enforcement actions; or access to fraudulent documents necessary enforcement actions; or (ii) as the spouse or child of an alien described in clause (i) or (ii) of this subparagraph.

(b) References.—All references in the immigration laws as amended by this Title to section 101(a)(15)(H)(ii)(B) of the Immigration and Nationality Act shall be considered reference to both that section of the Act and to section (a)(15)(Y)(ii) of the Act.

(c) Effective Date.—The effective date of the amendment made by subparagraph (A) of subsection (a) of section 101 of this title, shall be the date on which the Secretary of Homeland Security makes the certification described in section (a) of this Act.

SEC. 402. ADMISSION OF NONIMMIGRANT WORKERS.

(a) New Workers.—Chapter 2 of title II of the Act (8 U.S.C. 1181 et seq.) is amended by striking section 218 and inserting the following:

"Sec. 218A. Admission of Nonimmigrants.

(a) Application Procedures.—(1) Labor Certification.—The Secretary of Labor shall prescribe by regulation the procedures for a United States employer to obtain a labor certification of a job opportunity under the terms set forth in section 218B.

(2) Petition.—The Secretary of Homeland Security shall prescribe by regulation the procedures for a United States employer to petition to the Secretary of Homeland Security for authorization to employ an alien as a Y nonimmigrant worker and violence for such an alien on the terms set forth in subsection (c).

(b) Y Nonimmigrant Visa.—The Secretary of State and the Secretary of Homeland Security shall prescribe by regulation the procedures for an alien to apply for a Y nonimmigrant visa and the evidence required to demonstrate eligibility for such a visa under the terms set forth in subsection (e).

(c) Regulations.—The regulations referred to in paragraphs (1), (2), and (3) shall be revised to provide that the petition is otherwise not approved.

(A) The procedures for collection and verification of biometric data from an alien seeking a Y nonimmigrant visa or admission as a Y nonimmigrant worker, shall, with respect to any specific opening that the employer seeks to fill with such a Y nonimmigrant, submit an application for labor certification of the job opportunity in accordance with the procedures established by section 218B.

(B) Application for Certification of Job Opportunity Offered to Y Nonimmigrant Workers.—An employer desiring to employ a Y nonimmigrant worker, shall, with respect to a specific opening that the employer seeks to fill with such a Y nonimmigrant, submit an application for labor certification of the job opportunity in accordance with the procedures established by section 218B.

(C) Appeal to Petition Denying Nonimmigrant Workers.—An employer that seeks authorization to employ a Y nonimmigrant worker must file a petition with the Secretary of Homeland Security. The petition must be accompanied by—

(A) evidence that the employer has obtained certification under section 218B from the Secretary of Labor for the position sought to be filled by a Y nonimmigrant worker and that such certification remains valid;

(B) an evidentiary record that the job offer was and remains valid;

(C) the name and other biographical information of the alien beneficiary and any accompanying spouse or children of the alien beneficiary;

(D) any biometrics from the beneficiary that the Secretary of Homeland Security may require by regulation.

(2) Timing of Filing.—A petition under this subsection must be filed with the Secretary of Homeland Security within 180 days of the date of certification under section 218B by the Secretary of Labor for the job opportunity.

(3) Expiration of Certification.—If a labor certification is not filed in support of a petition under this subsection with the Secretary of Labor within 180 days of the date of certification by the Secretary of Labor, then the certification expires and no longer supports a Y nonimmigrant petition or the basis for nonimmigrant visa issuance.

(4) Ability to Request Documentation.—The Secretary of Homeland Security may request information to verify the attestations the employer made during the labor certification process, and any other facts relevant to the adjudication of the petition.

(5) Adjudication of Petition.—(A) Post-Adjudication Action.—After a review of the petition, if the Secretary—

(I) finds that the petition is not otherwise not approved by the Secretary, then the petition shall be dismissed;

(II) finds that the employer is not eligible or that the petition is otherwise not approved by the Secretary, then the petition shall be dismissed;

(III) issues a request for documentation of the attestations or any other information requested by the Secretary; or

(IV) issues an order what other means of documentation are necessary to support a Y nonimmigrant petition or the basis for nonimmigrant visa issuance.

(6) Denial of an Application.—The Secretary shall issue a final decision on the petition in writing, including a request for documentation of the attestations or any other information requested by the Secretary; or

(7) Appeal.—An employer who is denied the denial on the petition may appeal to the Secretary of Labor or to a United States court of appeals, whichever is appropriate.
“(ii) when he or the Secretary of Labor makes a finding of fraud or misrepresentation concerning the facts on the petition or any other representation made by the employer or the Secretary of Labor or Secretary of Homeland Security.

“(C) ADMINISTRATIVE REVIEW.—The Secretary of State shall have the authority to make a first level of administrative review with the United States Citizenship and Immigration Services Administrative Appeals Office of a petition denial or termination.

“(d) AUTHORIZATION TO GRANT Y NONIMMIGRANT VISAS.—

(I) IN GENERAL.—Consular officer may grant a temporary nonimmigrant visa to a Y nonimmigrant who demonstrates an intent to perform labor or services in the United States (other than in an occupation or service described in section 101(a)(15)(H), subparagraph (D), (E), (I), (L), (O), (P), or (Q) of section 101(a)(15) of the Immigration and Nationality Act, (United States workers who are able, willing, and qualified to perform such labor or services cannot be found in the United States).

(II) APPLICANTS FROM CANADA.—Notwithstanding any waivers of the visa requirement under section 212(a)(7)(B)(i)(II), a national of Canada seeking admission as a Y nonimmigrant visa will be inadmissible if not in possession of—

(I) a valid Y nonimmigrant visa; or

(II) a United States Alien Registration status, as described in subsection (m).

(III) REQUIREMENTS FOR ADMISSION.—An alien shall be eligible for nonimmigrant status if the alien meets the following requirements:

(1) ELIGIBILITY TO WORK.—The alien shall establish that the alien is capable of performing the labor or services required for the occupation described in section 101(a)(15)(Y)(i) or (Y)(ii).

(2) EVIDENCE OF EMPLOYMENT OFFER.—The alien’s evidence of employment shall be provided in accordance with the requirements issued by the Secretary of State, in consultation with the Secretary of Labor. In carrying out this paragraph, the Secretary may consider evidence from employers, employer associations, and labor representatives.

(A) PROCESSING FEES.—An alien making an application for a Y nonimmigrant visa shall be required to pay, in addition to any fees of any other immigration regulations, a processing fee in an amount sufficient to recover the full cost to the Secretary of Immigration and Naturalization Services for processing and adjudicating such visa application, a processing fee in an amount sufficient to recover the full cost to the Secretary of Security for administration and other expenses associated with processing the alien’s participation in the Y nonimmigrant program, including the costs of production of documentation of evidence under subsection (m).

(B) STATE IMPACT FEE.—Aliens making an application for a Y-1 nonimmigrant visa shall pay a state impact fee of $500 and an additional $250 for each dependent accompanying or following to join the alien, not to exceed $1,000 for the alien and each family member in Y nonimmigrant status.

(C) DEPOSIT AND SPENDING OF FEES.—The processing fees under subparagraph (A) shall be deposited and remain available until expended as provided by section 286(e) and (n).

(D) DEPOSIT AND DISPOSITION OF STATE IMPACT FEE ASSISTANCE FUNDS.—The funds described in subparagraph (B) shall be deposited and remain available as provided by section 286(x).

(3) INSTRUCTION.—Nothing in this paragraph shall be construed to affect consular procedures for collection of machine-readable visa fees or reciprocal fees for the issuance of ancillary visas.

(4) MEDICAL EXAMINATION.—The alien shall undergo a medical examination (including a determination of immunization status), at the alien’s expense, that conforms to generally accepted standards of medical practice.

(5) APPLICATION CONTENT AND WAIVER.—

(A) APPLICATION FORM.—The alien shall submit to the Secretary of State a completed application, which contains evidence that the requirements under paragraphs (1) and (2) have been met.

(B) CONTENT.—In addition to any other information that the Secretary requires to determine an alien’s eligibility for Y nonimmigrant status, the Secretary of State shall require an alien to provide information concerning—

(i) physical and mental health;

(ii) criminal history, including all arrests and dispositions, and gang membership;

(iii) labor or services described in clauses (i)(b), (i)(b1), (i)(c), or (iii) of section 101(a)(15)(H), subparagraph (D), (E), (I), (L), (O), (P), or (Q) of section 101(a)(15) of the Immigration and Nationality Act (United States workers who are able, willing, and qualified to perform such labor or services cannot be found in the United States).

(6) IMMIGRATION SERVICES ADMINISTRATIVE APPEALS OFFICE.—The Immigration Services Administrative Appeals Office of the United States Citizenship and Immigration Services shall be required to pay, in addition to any other immigration regulations, a processing fee in an amount sufficient to recover the full cost to the Immigration Services Division of the Department of Homeland Security.

(II) CONSTRUCTION.—Nothing in this paragraph shall be construed to limit the applicability of any provisions of the Immigration and Nationality Act to the period of authorized admission.

(A) PENDING ADMISSION.—Pending a petition for admission on the right to be admitted or the period of authorized admission shall be halted.

(B) PERIOD OF AUTHORIZED ADMISSION.—The period of authorized admission shall be extended to the period of authorized admission plus any period of authorized extension.

(C) TERMINATION OF PERIOD.—Any period of authorized admission may be terminated by the Secretary of Homeland Security.

(D) SUSPENSION.—The period of authorized admission may be suspended for any period during which the alien is out of the United States.

(E) CONSTRUCTION.—Nothing in this paragraph shall be construed to limit the applicability of any provisions of the Immigration and Nationality Act to the period of authorized admission.

(7) COST OF MEDICAL CARE.—An alien certifies that the total cost of medical care is not more than 150 percent of the Federal poverty level for a household size equal in size to that of the principal alien (including the principal alien, the spouse or child of the principal alien, and the spouse or child of the principal alien who is a child), or the principal Y nonimmigrant is a child and the Y nonimmigrant is a child and the Y nonimmigrant must demonstrate, in addition to satisfaction of the requirements of paragraphs (2) through (6)—

(A) that the annual wage of the principal Y nonimmigrant paid by the principal nonimmigrant is not less than the annual wage paid by the principal Y nonimmigrant’s spouse where the Y-3 nonimmigrant is a child and the Y nonimmigrant is a child and the Y nonimmigrant’s spouse is the principal Y nonimmigrant’s child, is equal to or greater than 150 percent of the Federal poverty level for a household size in each of the two preceding years, as determined in accordance with section 610(d)(1)(A), (D), (E), (F), or (G) of the Title of Act.

(B) that the total cost of medical care is not more than 150 percent of the Federal poverty level for a household size equal in size to that of the principal alien (including all dependents, family members supported by the principal alien, and the spouse or child seeking to accompany or join the principal alien), as determined in accordance with section 610(d)(1)(A), (D), (E), (F), or (G) of the Title of Act.

(8) IMMIGRATION SERVICES ADMINISTRATIVE APPEALS OFFICE.—The Immigration Services Administrative Appeals Office of the United States Citizenship and Immigration Services shall be required to pay, in addition to any other immigration regulations, a processing fee in an amount sufficient to recover the full cost to the Immigration Services Division of the Department of Homeland Security.

(III) CONSTRUCTION.—Nothing in this paragraph shall be construed to limit the applicability of any provisions of the Immigration and Nationality Act to the period of authorized admission.

(A) PENDING ADMISSION.—Pending a petition for admission on the right to be admitted or the period of authorized admission shall be halted.

(B) PERIOD OF AUTHORIZED ADMISSION.—The period of authorized admission shall be extended to the period of authorized admission plus any period of authorized extension.

(C) TERMINATION OF PERIOD.—Any period of authorized admission may be terminated by the Secretary of Homeland Security.

(D) SUSPENSION.—The period of authorized admission may be suspended for any period during which the alien is out of the United States.

(E) CONSTRUCTION.—Nothing in this paragraph shall be construed to limit the applicability of any provisions of the Immigration and Nationality Act to the period of authorized admission.

(9) BACKGROUND CHECKS.—The Secretary of Homeland Security shall not admit, and the Secretary of State shall not issue a visa to, an alien making an application for a Y nonimmigrant status unless all appropriate background checks have been completed to the satisfaction of the Secretaries of State and Homeland Security.

(III) CONSTRUCTION.—Nothing in this paragraph shall be construed to limit the applicability of any provisions of the Immigration and Nationality Act to the period of authorized admission.
(A) In General.—The periods of authorized admission described in paragraph (1) may not, except as provided in subparagraph (C)(2) of paragraph (1), be extended beyond the maximum period of admission set forth in that paragraph.

(B) Extension of Y-1 Nonimmigrant Status.—Any alien described in paragraph (1)(A) who has spent 24 months in the United States in Y-1 nonimmigrant status may not seek extension or be readmitted to the United States in Y-1 nonimmigrant status unless the alien has resided and been physically present outside the United States for the immediate prior 12 months.

(C) Extension of Admission.—

(1) Y-1 Nonimmigrants.—An alien who has been admitted to the United States in Y-1 nonimmigrant status for a period of more than 2 years, or in conjunction with the Y-3 nonimmigrant spouse or child of such Y-1 nonimmigrant, may not be readmitted to the United States as Y-1 or Y-3 nonimmigrant after expiration of such period of authorized admission, regardless of whether the alien was employed or present in the United States for all or part of that period.

(2) Y-2B Nonimmigrants.—An alien who has been admitted to the United States in Y-2B nonimmigrant status may not, after expiration of the period of authorized admission, be readmitted to the United States as Y nonimmigrant after expiration of the alien’s period of authorized admission, regardless of whether the alien was employed or present in the United States for all or only part of such period, unless the alien has resided and been physically present outside the United States for the immediately preceding two months.

(D) Readmission with New Employment.—Nothing in this paragraph shall be construed to prevent an alien, whose period of authorized admission has not yet expired or been terminated under subsection (i), and who leaves the United States in a timely fashion after completion of the employment described in the petition of the non-immigrant’s most recent employer, from re-entering the United States as a non-immigrant to work for a new employer, if the alien and the new employer have complied with all applicable requirements of this section and section 214(b).

(E) International Commuters.—An alien who maintains actual residence and place of abode outside the United States and commutes regularly into the United States to work as Y-1 nonimmigrant, shall be granted an authorized period of admission of three years. The limitations described in paragraphs (3) and (4) shall not apply to commuters described in this paragraph.

(**i**) Termination.—

(1) In General.—The period of authorized admission of a Y nonimmigrant shall terminate immediately if:

(A) The Secretary of Homeland Security determines that the alien was not eligible for such Y nonimmigrant status at the time of visa application or admission;

(B) the alien commits an act that makes the alien removable from the United States 2317;

(ii) the alien becomes inadmissible under section 212 (except as provided in subsection (f)); or

(iii) the alien becomes ineligible under subsection (m) for unlawful or fraudulent purposes;

(2) Subject to paragraph (2), the alien is unemployed within the United States for—

(i) six consecutive days;

(ii) in the case of a Y-1 nonimmigrant, an aggregate period of 120 days, provided that the alien’s 14-day period to lawfully depart the United States shall not be considered to begin until the date that the alien has been provided notice of the termination;

(iii) in the case of a Y-2B nonimmigrant, an aggregate period of 30 days, provided that the alien’s 14-day period to lawfully depart the United States shall not be considered to begin until the date that the alien has been provided notice of the termination;

(3) EFFECT ON PERIOD OF AUTHORIZED ADMISSION.

(B) Y-2B Nonimmigrants.—An alien who leaves the United States in a timely fashion after completion of the employment described in the petition of the non-immigrant to work for a new employer, if the alien and the new employer have complied with all applicable requirements of this section and section 214(b), may not be readmitted to the United States as a non-immigrant, except for those grounds previously waived under subsection (f); or

(C) the granting of such status would allow the alien to remain in the United States in Y-1 status described in subsection (i).

(3) RETURN TO FOREIGN RESIDENCE.—Any alien whose period of authorized admission terminates under paragraph (1) shall be required to leave the United States immediately and register such departure at a designated port of entry in a manner to be prescribed by the Secretary.

(D) INVALIDATION OF DOCUMENTATION.—Any documentation that is issued by the Secretary of Homeland Security under subsection (m) to any alien, whose period of authorized admission terminates under paragraph (1), shall automatically be rendered invalid for any purpose except departure.

(4) Bar to Readmission.—Any alien who remains in the United States beyond his or her initial authorized period of admission is permanently barred from any future benefits under the immigration laws, except:

(A) applies for asylum under section 208(a);

(B) withholding of removal, under section 241(b)(3); or

(C) a provision of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984.

(5) PERMANENT BARS FOR OVERSTAYS.—

(1) In General.—Any Y nonimmigrant who remains beyond his or her authorized period of admission is permanently barred from any future benefits under the immigration laws, except:

(A) a provision of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984.

(2) Bar to Readmission.—Any alien who after the date of the enactment of this section, unlawfully enters, attempts to enter, or crosses the border, and is physically present in the United States after such date in violation of the immigration laws, is barred permanently from any future benefits under the immigration laws, except as provided in paragraph (3) or (4).

(2) OVERSTAY.—Any alien, other than a Y nonimmigrant, who, after the enactment of this section remains unlawfully in the United States beyond the period of authorized admission, is barred for a period of ten years from any future benefits under the immigration laws, except as provided in paragraph (3) or (4).

(3) RELIEF.—Notwithstanding the bar in paragraph (1) or (2), an alien may apply for:

(A) applies for asylum under section 208(a);

(B) withholding of removal under section 241(b)(3); or

(C) a provision of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984.

(4) Exception.—The period of authorized admission may be excused in
the discretion of the Secretary where it is demonstrated that:

(1) the position of overstay was due to extraordinary circumstances beyond the control of the alien and did not involve the period commensurate with the circumstances;

(B) the alien has not otherwise violated his nonimmigrant status.

(3) the subsequent employer has notified the Secretary of Homeland Security under subsection (q) of the Y nonimmigrant's change of employment.

(4) CHANGE OF ADDRESS.—A Y nonimmigrant worker on whose behalf the employer has filed a petition under this subsection that has been approved by the Secretary of Homeland Security has failed to report for work within three days of the employment start date agreed upon between the employer and the Y nonimmigrant.

(5) USE OF FUNDS.—An employer shall provide upon request of the Secretary of Homeland Security verification that an alien who has been granted admission as a Y nonimmigrant worker has terminated or changed jobs under subsection (r) and started employment with a new employer.

(2) USE OF FUNDS.—Amounts deposited into the Temporary Worker Program Account shall remain available until expended as follows:

(A) for the administration of the Standing Commission on Immigration and Labor Markets, established under section 409 of the [Insert title of Act];

(B) after amounts needed by the Standing Commission on Immigration and Labor Markets have been expended, for the Secretaries of Labor and Homeland Security, as follows:

(i) one-third to the Secretary of Labor to carry out such functions and responsibilities, including enforcement of labor standards under sections 218A, 218B, and 218F, and under applicable labor laws in accordance with section 501 of the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.) and the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.). Such activities shall include random audits of employers that participate in the Y visa program; and

(ii) two-thirds to the Secretary of Homeland Security to improve immigration services and enforcement.

(C) STATE IMPACT ASSISTANCE ACCOUNT.—

(i) IN GENERAL.—There is established in the [Insert title of Act] a separate account to be known as the "State Impact Assistance Account".

(ii) SOURCES OF FUNDS.—The amounts deposited into the State Impact Assistance Account shall be distributed by the Secretary of Health and Human Services, in consultation with the Secretary of Education, to establish State Impact Assistance Grant Program referred to in this subsection as the "Program"); upon the request of and in consultation with the Attorney General, the Secretary shall establish this Program to provide legal assistance and education services to noncitizens in accordance with this paragraph.

(D) STATE ALLOCATIONS.—The Secretary of Health and Human Services shall annually allocate the amounts available in the State Impact Assistance Account among the States as follows:

(i) NONCITIZEN POPULATION.—Eighty percent of such amounts shall be allocated so that each State receives the greater of—

(1) $1,000,000; or

(2) any amount equal to 20 percent of the amount distributed under this paragraph that is equal to the noncitizen resident population of the State divided by the noncitizen resident population of all States, based on the most recent data available from the Bureau of the Census.

(ii) HIGH GROWTH RATES.—Twenty percent of such amounts shall be allocated among the 20 States with the largest growth rates in noncitizen resident population, as determined by the Secretary of Health and Human Services, so that each such State receives the percentage of the amount distributed under this clause that is equal to the noncitizen growth rate of the State divided by the noncitizen resident population of all States, based on the most recent 3-year period for which data is available from the Bureau of the Census; divided by

(II) the average growth rate in noncitizen resident population for the 20 States during such 3-year period.

(iii) LEGISLATIVE APPROPRIATIONS.—The use of grant funds allocated to States under this paragraph shall be subject to appropriation by the legislatures of States in accordance with the terms and conditions under this paragraph.

(iv) UNEXPENDED FUNDS.—Any grant funds not used by the Secretary shall be distributed to units of local government in the same manner as under this paragraph.

(v) USAGE.—There shall be established under or in furtherance of this Program an entity to carry out the activities described in subparagraph (D) in the State, the State, or the States not subject to clause (ii).

(vi) UNEXPENDED FUNDS.—Any grant funds not used by the Secretary shall be distributed to units of local government in the same manner as under this paragraph.

(vii) USE OF FUNDS.—Any grant funds not used by the Secretary shall be distributed to units of local government in the same manner as under this paragraph.

(2) C HANGE OF STATUS.

(A) ESTABLISHMENT.—The Secretary of Health and Human Services, in consultation with the Secretary of Education, shall establish the State Impact Assistance Grant Program referred to in this subsection as the "Program"); upon the request of and in consultation with the Attorney General, the Secretary shall establish this Program to provide legal assistance and education services to noncitizens in accordance with this paragraph.

(B) STATE ALLOCATIONS.—The Secretary of Health and Human Services shall annually allocate the amounts available in the State Impact Assistance Account among the States as follows:

(i) NONCITIZEN POPULATION.—Eighty percent of such amounts shall be allocated so that each State receives the greater of—

(1) $1,000,000; or

(2) any amount equal to 20 percent of the amount distributed under this paragraph that is equal to the noncitizen resident population of the State divided by the noncitizen resident population of all States, based on the most recent data available from the Bureau of the Census.

(ii) HIGH GROWTH RATES.—Twenty percent of such amounts shall be allocated among the 20 States with the largest growth rates in noncitizen resident population, as determined by the Secretary of Health and Human Services, so that each such State receives the percentage of the amount distributed under this clause that is equal to the noncitizen growth rate of the State divided by the noncitizen resident population of all States, based on the most recent 3-year period for which data is available from the Bureau of the Census; divided by

(II) the average growth rate in noncitizen resident population for the 20 States during such 3-year period.

(iii) LEGISLATIVE APPROPRIATIONS.—The use of grant funds allocated to States under this paragraph shall be subject to appropriation by the legislatures of States in accordance with the terms and conditions under this paragraph.

(iv) UNEXPENDED FUNDS.—Any grant funds not used by the Secretary shall be distributed to units of local government in the same manner as under this paragraph.

(v) USAGE.—There shall be established under or in furtherance of this Program an entity to carry out the activities described in subparagraph (D) in the State, the State, or the States not subject to clause (ii).

(vi) UNEXPENDED FUNDS.—Any grant funds not used by the Secretary shall be distributed to units of local government in the same manner as under this paragraph.

(vii) USE OF FUNDS.—Any grant funds not used by the Secretary shall be distributed to units of local government in the same manner as under this paragraph.
provide the Secretary of Health and Human Services with a certificate that the State’s proposed uses of the fund are consistent with (D).

(G) ANNUAL REPORT.—The Secretary of Health and Human Services shall inform the States annually of the amount of funds available to each State under the Program.

(c) requiring the filing of the following contents Immigration and Nationality Act (8 U. S. C. 1101 et seq.) is amended by inserting after the item relating to section 218 the following:

"Sec. 218A. Admission of Y nonimmigrants.

SEC. 403. GENERAL Y NONIMMIGRANT EMPLOYER OBLIGATIONS.

(a) In general. Title II (8 U. S. C. 1201 et seq.) is amended by inserting after section 218A of the Immigration and Nationality Act, as added by section 402, the following:

"SEC. 218A. Admission of Y nonimmigrants.

" SEC. 218B. GENERAL Y NONIMMIGRANT EMPLOYER OBLIGATIONS.

"(a) GENERAL REQUIREMENTS.—Each employer who seeks to employ a Y nonimmigrant shall—

"(1) file in accordance with subsection (b) an application for labor certification of the position that the employer seeks to fill with a Y nonimmigrant that contains—

"(A) an attestation described in subsection (c);

"(B) a description of the nature and location of the work to be performed;

"(C) the anticipated period (expected beginning and ending dates) for which the workers will be needed; and

"(D) the number of job opportunities in which the employer seeks to employ the workers;

"(2) include with the application filed under paragraph (1) a copy of the job offer describing the wages and other terms and conditions of employment and the bona fide occupational qualifications that shall be possessed by a worker to be employed in the job opportunity in question; and

"(3) be required to pay, with respect to an application to employ a Y-1 worker—

"(A) an application processing fee for each alien, in an amount sufficient to recover the full cost to the Secretary of Labor of administering and other expenses associated with adjudications; and

"(B) a secondary fee, to be deposited in the Treasury in accordance with section 286(c), of—

"(i) $500, in the case of an employer employing 25 employees or less;

"(ii) $750, in the case of an employer employing between 26 and 150 employees;

"(iii) $1000, in the case of an employer employing between 151 and 500 employees; or

"(iv) $1,250, in the case of an employer employing more than 500 employees;

"provided that an employer who provides a Y nonimmigrant health insurance coverage shall not be required to pay the impact fee.

(b) REQUIRED PROCEDURE.—Except where the Secretary of Labor has determined that there is a shortage of United States workers in the occupation and area of intended employment to which the Y nonimmigrant is sought, each employer seeking to employ a Y nonimmigrant shall comply with the following requirements:

"(1) EFFORTS TO RECRUIT UNITED STATES WORKERS.—At least 90 days before the date on which an application is filed under subsection (a)(1) submitting a copy of the job opportunity, including a description of the wages and other terms and conditions of employment and the minimum education, training, experience and other requirements of the job, to the designated state agency and—

"(i) authorizing the designated state agency to post the job opportunity on the Internet or in the best information available at the time of the filing of the application.

"(ii) calculation.—The wage levels under subparagraph (A) shall be calculated based on the best information available at the time of the filing of the application.

"(III) PREVAILING COMPETITIVE WAGE LEVEL.—For purposes of subclause (i)(II), the prevailing competitive wage level shall be determined as follows:

"(I) If the job opportunity is covered by a collective bargaining agreement between a union and the employer, the prevailing competitive wage shall be the wage rate set forth in the collective bargaining agreement.

"(II) If the job opportunity is not covered by such an agreement and it is on a project that is covered by a wage determination under a provision of subchapter IV of chapter 31 of title 48, United States Code, or the Service Contract Act of 1965 (41 U. S. C. 351 et seq.), the prevailing competitive wage level shall be the statutory wage.

"(III) If the job opportunity is not covered by such an agreement and it is on a project that is covered by a wage determination under a provision of subchapter IV of chapter 31 of title 48, United States Code, or the Service Contract Act of 1965 (41 U. S. C. 351 et seq.), the prevailing competitive wage level shall be the statutory wage.

"(b) Such regulations shall require, among other things, that such surveys are statistically valid and recently conducted.

"(D) LABOR DISPUTE.—There is not a strike, lockout, or work stoppage in the course of a labor dispute in the occupation at the place of employment at which the Y nonimmigrant will be employed. If such strike, lockout, or work stoppage occurs following submission of the application, the employer shall provide written notice to the Secretary of Labor with regulations promulgated by the Secretary of Labor.

"(E) PROVIDING OF INSURANCE.—If the position for which the Y nonimmigrant is sought is not covered by the State workers’ compensation law, the employer will provide, at no cost to the Y nonimmigrant, insurance covering injury and disease arising out of, and in the course of, the worker’s employment, which will provide benefits at least equal to those provided under the State workers’ compensation law for comparable employment.

"(F) NOTICE TO EMPLOYER.—The employer has provided notice to the filing of the application to the bargaining representative of the employer’s employees in the occupational classification and area of employment for which the Y nonimmigrant is sought;

"(G) REQUIREMENT.—Except where the Secretary of Labor has determined that there is
A shortage of United States workers in the occupation and area of intended employment for which the Y nonimmigrant is sought—

(i) there are not sufficient workers who are able, willing, and qualified, and who will be available at the time and place needed, to perform the labor or services described in the application; and

(ii) good faith efforts have been taken to recruit United States workers, in accordance with regulations promulgated by the Secretary of Labor, which efforts included—

(I) notification upon separation from or transfer of employment—The employer shall notify the Secretary of Labor and the Secretary of Homeland Security of a Y nonimmigrant’s separation from employment or transfer to another employer not more than 3 business days after the date of such separation.

(II) provision of recruitment during the period beginning on the day that is 90 days before the date on which the application was received by the Department of Labor and ending on the date that is 14 days before such filing date; and

(III) the wages that the employer would be required by law to provide for the Y nonimmigrant were used in conducting recruitment.

(H) INELIGIBILITY — The employer is not currently ineligible from using the Y nonimmigrant program described in this section.

(i) bona fide offer of employment — The job for which the Y nonimmigrant is sought is a bona fide job;

(ii) for which the employer needs labor or services;

(iii) which has been and is clearly open to any United States worker; and

(iv) for which the employer will be able to place the Y nonimmigrant on the payroll.

(J) JUDICIAL AND RECORDS RETENTION—A copy of each application filed under this section and documentation supporting each attestation, in accordance with regulations promulgated by the Secretary of Labor, will—

(i) be provided to every Y nonimmigrant employed under the petition or application;

(ii) be made available for public examination at the employer’s place of business or work site;

(iii) be made available to the Secretary of Labor during any audit; and

(iv) remain available for examination for 5 years after the date on which the application is filed.

(K) NOTIFICATION UPON SEPARATION FROM OR TRANSFER OF EMPLOYMENT —The employer will notify the Secretary of Labor and the Secretary of Homeland Security of a Y nonimmigrant’s separation from employment or transfer to another employer not more than 3 business days after the date of such separation.

(1) AUDITS AUTHORIZED —The Secretary of Labor may audit any approved petition or application for a labor certification under any immigrant or nonimmigrant program if the Secretary of Labor determines, after reasonable opportunity for a hearing, that the employer submitting such document—

(A) has, with respect to the application required under subsection (a), including attestations required under subsection (b)—

(i) misrepresented a material fact;

(ii) made a false statement; or

(iii) failed to comply with the terms of such attestations; or

(B) failed to cooperate in the audit process in accordance with regulations promulgated by the Secretary of Labor;

(C) has been convicted of any of the offenses contained in Chapter 77 of Title 18 of the United States Code (slave labor) or any conspiracy to commit such offenses, or any human trafficking offense under state or territorial law;

(D) has, within three years prior to the date of application—

(i) committed any hazardous occupation orders violations resulting in injury or death under the child labor provisions contained in section 12 of the Fair Labor Standards Act; or

(ii) been assessed a civil money penalty for any repeated or willful violation of the minimum wage provisions of section 6 of the Fair Labor Standards Act; or

(iii) assessed a civil money penalty for any repeated or willful violation of the overtime provisions of section 7 of the Fair Labor Standards Act; or

(iv) remain available for examination for 5 consecutive days under the rules and conditions pursuant to any United States worker; and

(v) demonstrating a violation of the Immigration and Nationalization Act, the Social Security Act, the Internal Revenue Code, or any other provision of Federal, State, or local tax and revenue laws.

(2) AUDITS AUTHORIZED —The Secretary of Labor may audit any approved petition or application for a labor certification under any immigrant or nonimmigrant program if the Secretary of Labor determines, after reasonable opportunity for a hearing, that the employer submitting such document—

(A) has, with respect to the application required under subsection (a), including attestations required under subsection (b)—

(i) misrepresented a material fact;

(ii) made a false statement; or

(iii) failed to comply with the terms of such attestations; or

(B) failed to cooperate in the audit process in accordance with regulations promulgated by the Secretary of Labor;

(C) has been convicted of any of the offenses contained in Chapter 77 of Title 18 of the United States Code (slave labor) or any conspiracy to commit such offenses, or any human trafficking offense under state or territorial law;

(D) has, within three years prior to the date of application—

(i) committed any hazardous occupation orders violations resulting in injury or death under the child labor provisions contained in section 12 of the Fair Labor Standards Act; or

(ii) been assessed a civil money penalty for any repeated or willful violation of the overtime provisions of section 7 of the Fair Labor Standards Act; or

(iii) been assessed a civil money penalty for any repeated or willful violation of the minimum wage provisions of section 6 of the Fair Labor Standards Act; or

(iii) assessed a civil money penalty for any repeated or willful violation of the overtime provisions of section 7 of the Fair Labor Standards Act; or

(iv) remain available for examination for 5 consecutive days under the rules and conditions pursuant to any United States worker; and

(V) THE EFFECTS OF AUDITS — The Secretary of Labor may treat a Y nonimmigrant to intimidate, threaten, restrain, coerce, retaliate, discharge, or in any other manner, discriminate against an employee or former employee because the employee or former employee—

(A) discloses information to the employer or any other person that the employee or former employee reasonably believes demonstrates a violation of this Act or [title of bill]; or

(B) cooperates or seeks to cooperate in an investigation or other proceeding concerning any violation of this Act or [title of bill]; or

(2) RULEMAKING — The Secretary of Labor shall promulgate regulations that establish a process by which a nonimmigrant alien described in section 101(a)(15)(Y) or 101(a)(15)(H) who files a frivolous complaint (as defined by the Federal Rules of Civil Procedure) regarding a violation of this Act, [title of bill] or any other Federal labor or employment law, or any other rule or regulation promulgated thereunder, may be subject to investigation or other proceeding concerning such complaint or any other provision of law.

(3) EMPLOYERS IN HIGH UNEMPLOYMENT AREAS —The Secretary may not approve any employer’s application under subsection (b) if the work to be performed by the Y nonimmigrant is not agriculture based and the average unemployment rate during the most recently completed year is more than 7 percent. An employer in a high unemployment area may petition the Secretary of Labor to waive this limitation. The Secretary shall promulgate regulations for the expeditious review of such waivers, which shall specify that the employer must satisfy the requirements of subsection (b) above and in addition must provide documentation of its recruitment efforts, including proof that it has advertised the position in accordance with regulations promulgated by the Secretary of Labor.

(4) INELIGIBILITY FOR PETITIONS —

(A) A Y nonimmigrant is prohibited from being treated as an independent contractor under any federal or state law; and

(B) no person who is an employer or labor contractor and any persons who are affiliated with or contract with an employer or labor contractor, may treat a Y nonimmigrant as an independent contractor; and

(C) this provision shall not be construed to prevent employers or any independent contractors from employing Y nonimmigrants as employees.

(5) APPLICATION OF LAWS — A Y nonimmigrant shall not be treated in any right or any remedy under Federal, State, or local labor or employment law that would be applicable to a United States worker employed in a similar position with the same employer because of the alien’s status as a nonimmigrant worker.

(TAX RESPONSIBILITIES) — With respect to each employed Y nonimmigrant, an employer shall comply with all applicable Federal, State, and local tax and revenue laws.

(7) WHISTLEBLOWER PROTECTION.—With respect to each employed Y nonimmigrant, an employer shall comply with all applicable Federal, State, and local tax and revenue laws.

(8) PROHIBITED ACTIVITIES.—It shall be unlawful for an employer or labor contractor of a Y nonimmigrant to intimidate, threaten, restrain, coerce, retaliate, discharge, or in any other manner, discriminate against an employee or former employee because the employee or former employee—

(A) discloses information to the employer or any other person that the employee or former employee reasonably believes demonstrates a violation of this Act or [title of bill]; or

(B) cooperates or seeks to cooperate in an investigation or other proceeding concerning such violation.

(9) RULEMAKING.—The Secretary of Labor shall promulgate regulations that establish a process by which a nonimmigrant alien described in section 101(a)(15)(Y) or 101(a)(15)(H) who files a frivolous complaint (as defined by the Federal Rules of Civil Procedure) regarding a violation of this Act, [title of bill] or any other Federal labor or employment law, or any other rule or regulation promulgated thereunder, may be subject to investigation or other proceeding concerning such complaint or any other provision of law.
(1) IN GENERAL.—Each employer that engages in foreign labor contracting activity and each foreign labor contractor shall ascertain and disclose, to each such worker who is employed, prior to the time of the worker’s recruitment—

(A) the place of employment;

(B) the compensation for the employment;

(C) a description of employment activities;

(D) the period of employment;

(E) any other employee benefit to be provided or required, including any travel or transportation expenses to be assessed;

(F) the existence of any labor organizing effort, strike, lockout, or other labor dispute at the place of employment;

(G) the existence of any arrangement with any owner, employer, foreign contractor, or its agent where such person receives a commission from the provision of items or services to workers;

(H) the manner in which such person is compensated, whether by the private insurance, or otherwise for injuries or death, including—

(i) the extent to which workers will be compensated through workers’ compensation, private insurance, or otherwise for injuries or death;

(ii) work related injuries and death during the period of employment;

(iii) the name and the telephone number of the State workers’ compensation insurance carrier or the name of the policyholder of the private insurance;

(iv) the time period within which notice must be given;

(J) any education or training to be provided or required, including—

(i) the nature and cost of such training;

(ii) the entity that will pay such costs; and

(iii) whether the training is a condition of employment, continued employment, or future employment; and

(K) a statement, in a form specified by the Secretary of Labor, describing the provisions of this Act and of the Trafficking Victims Protection Act of 2000, P.L. 106-386, for workers recruited abroad.

(2) FALSE OR MISLEADING INFORMATION.—No foreign labor contractor or employer who engages in foreign labor contracting activity shall knowingly provide materially false or misleading information to any worker concerning any matter required to be disclosed in paragraphs (1), (4), and (5) of section 102 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1912).

(3) LANGUAGES.—The information required to be disclosed under paragraph (1) shall be provided in writing in English or, as necessary and reasonable, in Spanish, and other languages, as necessary and reasonable, in the language of the worker being recruited. The Secretary of Labor shall make forms available in English, Spanish, and other languages, as necessary and reasonable, which may be used in providing workers with information required under this section.

(4) LIGHTHOUSE, BRIGHT LIGHT, OR LUMINOS BOAT.—If a person conducting a foreign labor contracting activity shall not assess any fee to a worker for such foreign labor contracting activity.

(5) TERMS.—No employer or foreign labor contractor shall, without justification, violate any fee to a worker for such foreign labor contracting activity.

(6) TRAVEL COSTS.—If the foreign labor contractor or employer charges the employee for transportation, such transportation costs shall be reasonable.

(7) OTHER WORKER PROTECTIONS.—

(A) NOTIFICATION.—Not less than 30 days before hiring each employee the employer shall notify the Secretary of Labor of the identity of any foreign labor contractor engaged by the employer in any foreign labor contractor activity for, or on behalf of, the employer.

(B) REGISTRATION OF FOREIGN LABOR CONTRACTORS.—

(1) IN GENERAL.—No person shall engage in foreign labor recruiting activity unless such person has a certificate of registration from the Secretary of Labor specifying the activity that the person is authorized to perform. An employer who retains the services of a foreign labor contractor shall only use those foreign labor contractors who are registered under this subparagraph.

(2) ISSUANCE.—The Secretary shall promulgate regulations to establish an efficient electronic system for the investigation and approval of an application for certificate of registration of foreign labor contractors not later than 14 days after such application is filed, including—

(I) requirements under paragraphs (1), (4), and (5) of section 102 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1912);

(II) an expeditious means to update registrations and renew certificates; and

(III) any other requirements that the Secretary may prescribe.

(C) TERM.—Unless suspended or revoked a certificate under this subparagraph shall be valid for 2 years.

(D) REQUIREMENTS TO ISSUE; REVOKE; SUSPEND.—In accordance with regulations promulgated by the Secretary of Labor, the Secretary may refuse to issue or renew, or may suspend or revoke, a certificate of registration under this subparagraph if—

(1) the application or holder of the certificate has knowingly made a material misrepresentation in the application for such certificate;

(2) the applicant for, or holder of, the certificate has not complied with the requirements under paragraphs (1), (4), and (5) of section 102 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1912); or

(3) the existence of any arrangement with any owner, employer, foreign contractor, or its agent where such person receives a commission from the provision of items or services to workers.

(E) ATTORNEY GENERAL.—If the Secretary determines if there is reasonable basis to believe that a violation of this section has occurred. The process established under this subsection shall provide that, not later than 30 days after a complaint is filed, the Secretary shall determine whether there is reasonable cause to find such a violation.

(F) NOTICE AND HEARING.—

(1) IN GENERAL.—Not later than 60 days after a complaint is filed, the Secretary shall, in accordance with section 556 of title 5, United States Code.

(2) COMPLAINT.—If the Secretary of Labor, after receiving complaint under this subsection, does not notify the aggrieved person or organization an opportunity for a hearing under subparagraph (A), the Secretary shall notify the aggrieved person or organization of such determination and the aggrieved person or organization may seek a hearing on the complaint under procedures established by the Secretary which comply with the requirements of section 556 of title 5, United States Code.

(3) HEARING.—Not later than 60 days after the date of the hearing under this paragraph, the Secretary of Labor shall make a finding on the matter in accordance with paragraph (5).

(4) DECISION.—If the Secretary of Labor shall make an award of reasonable attorney’s fees and costs.

(5) ATTORNEY’S FEES.—The Secretary shall notify the aggrieved person or organization of such determination and the aggrieved person or organization may seek a hearing on the complaint under procedures established by the Secretary which comply with the requirements of section 556 of title 5, United States Code.

(6) RIGHT OF PERSON.—If any person conducting a foreign labor contracting activity shall not assess any fee to a worker for such foreign labor contracting activity.

(7) EFFECTIVE DATE.—Except as provided in section 556 of title 5, United States Code, the Solicitor of Labor shall appear and represent the Secretary of Labor in any civil litigation brought under this subsection. All actions shall be subject to the direction and control of the Attorney General.

(8) EFFECTIVE DATE.—The provisions in addition to other rights of employees.—The rights and remedies provided to workers under this section are in addition to any other contractual or statutory rights of such workers, and are not intended to alter or affect such rights and remedies.
‘(k) PENALTIES.—With respect to violations of the provisions of this section relating to the employment of Y-1 or Y-2B nonimmigrants:

(1) IN GENERAL.—If, after notice and an opportunity for a hearing, the Secretary of Labor finds a violation of this section, the Secretary may impose administrative remedies and penalties, including—

(A) back wages;

(B) benefits; and

(C) civil monetary penalties.

(2) CAUSATION.—(The Secretary of Labor may impose, as civil penalty—

(A) for a violation of subsections (b) through (f) of this section—

(i) a fine in an amount not more than $5,000 per violation per affected worker and $1,000 per violation per affected worker for each subsequent violation;

(ii) a fine in an amount not more than $5,000 per violation per affected worker and $1,000 per violation per affected worker for each subsequent violation;

(iii) if the violation was willful, a fine in an amount not more than $5,000 per violation per affected worker;

(iv) if the violation was willful and if in the course of such violation a United States worker was harmed, a fine in an amount not more than $25,000 per violation per affected worker;

(B) for a violation of subsection (h)—

(i) a fine in an amount not less than $500 and not more than $4,000 per violation per affected worker;

(ii) if the violation was willful, a fine in an amount not less than $2,000 and not more than $5,000 per violation per affected worker; and

(iii) if the violation was willful and if in the course of such violation a United States worker was harmed, a fine in an amount not less than $6,000 and not more than $35,000 per violation per affected worker.

(c) For knowingly or recklessly failing to comply with the terms of representations made in petitions, applications, certifications, or attestations under any immigrant or nonimmigrant program, or with representations made in materials required by section (h) (concerning labor recruiters) or section 218A (concerning labor recruiters) a criminal violation of this section, in addition to any civil penalties the violation of this section, the Secretary of Labor shall refer the violation to the Attorney General for possible criminal prosecution.

(3) USE OF CIVIL PENALTIES.—All penalties collected under this section shall be deposited in the Treasury in accordance with section 286(w).

(4) CRIMINAL PENALTIES.—If a willful and knowing violation of subsection (c) causes extreme physical or financial harm to an individual, the person in violation of such subsection may be imprisoned for not more than 6 months and fined in an amount not more than $35,000, or both.

(1) Definitions.—Unless otherwise provided, in this section—

(A) aggrieved person means a person adversely affected by an alleged violation of this section, including—

(i) a worker whose job, wages, or working conditions are adversely affected by the violation; and

(ii) a representative authorized by a worker whose job, wages, or working conditions are adversely affected by the violation who brings a complaint on behalf of such worker.

(B) Area of Employment.—The terms ‘area of employment’ and ‘area of intended employment’ mean the area within normal commuting distance of the worksite or physical location of the work such that the worker is or will be performed. If such worksite or location is within a Metropolitan Sta-

tical Area, any place within such area is deemed to be within the area of employment.

(3) CONVENTION AGAINST TORTURE.—The term ‘Convention Against Torture’ shall refer to the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, subject to any reservations, understandings, declarations, or formal understandings contained in the United States Senate resolution of ratification of the Convention, as implemented by section 2292 of the Foreign Affairs Reform and Restructuring Act of 1996 (Pub. L. 104–277, 112 Stat. 2591, 2681–921).

(4) DERIVATIVE Y NONIMMIGRANT.—The term ‘derivative Y nonimmigrant’ means an alien described at paragraph (Y)(iii) of subsection 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1132(a)(15)), if that alien—

(a) is a United States citizen or national;

(b) is the spouse or child of such nonimmigrant;

(c) is the parent of such nonimmigrant; or

(d) is any other individual granted the derivative status in section 245A.

(5) ELIGIBLE; ELIGIBLE INDIVIDUAL.—The term ‘eligible’ means an individual, and the term ‘eligible individual’ means an individual who is not an unauthorized alien (as defined in section 274A) with respect to that employment.


(7) FELONY.—The term ‘felony’, with regard to a conviction in a foreign jurisdiction, means a crime for which sentence of one year or longer in prison may be imposed.

(8) FORCE MAJEURE EVENT.—The term ‘force majeure event’ shall mean an event that is beyond the control of either party, including, without limitation, limitation, hurricanes, earthquakes, act of terrorism, war, fire, civil disorder or other events of a similar or different kind.

(9) FOREIGN LABOR CONTRACTOR.—The term ‘foreign labor contractor’ means any person who for any compensation or other valuable consideration paid or promised to be paid, performs any foreign labor contract activity.

(10) FOREIGN LABOR CONTRACTING ACTIVITY.—The term ‘foreign labor contracting activity’ means recruiting, soliciting, hiring, employing, or furnishing, an individual who resides outside of the United States for employment in the United States as a nonimmigrant alien described in section 101(a)(15)(H)(ii)(c).

(11) FULL TIME.—The term ‘full time,’ with respect to a job in agricultural labor or services, means any job in which the individual is employed at least 50 work-hours per week; and for any job, any period of authorized admission or portion of such period, employment or study for at least 90% of the total number of work-hours in such period, calculated at a rate of 1,575 work-hours per year (1,438 work-hours per year for agricultural employment). Each credit-hour of study shall be counted as the equivalent of 50 work-hours.

(12) JOB OPPORTUNITY.—The term ‘job opportunity’ means an opening for temporary or seasonal full-time employment at a place in the United States to which United States workers can be referred.

(B) STATUTORY CONSTRUCTION.—Nothing in this paragraph is intended to limit an employee’s rights under a collective bargaining agreement or other employment contract.

(C) MISDemeanor, with regard to a conviction in a foreign jurisdiction, means a crime for which a sentence of no more than 365 days in prison may be imposed.

(15) REGULATORY DROUGHT.—The term ‘regulatory drought’ means a decision subsequent to the filing of the application under section 212(b)(6) by the employer to the control of the employer making such filing which restricts the employer’s access to water for irrigation purposes and reduces or limits the employer’s ability to produce an agricultural commodity, thereby reducing the need for labor.

(b) SEASONAL.—Labor is performed on a ‘seasonal’ basis if—

(A) ordinarily, it pertains to or is of the kind exclusively performed at certain seasons or periods of the year;

(1) SECRETARY.—Except as otherwise provided, the term ‘Secretary’ means the Secretary of Homeland Security.

(18) SEPARATION FROM EMPLOYMENT.—The term ‘separation from employment’ means the worker’s loss of employment, other than through a discharge for inadequate performance, violation of workplace rules, cause, voluntary departure, voluntary retirement, or the expiration of a grant or contract. The term does not include any situation in which the worker is offered, as an alternative to a loss of employment, a similar employment opportunity with the same employer at equivalent or higher compensation and benefits than the position from which the employee was discharged, regardless of whether the employee accepts the offer. Nothing in this paragraph shall limit an employee’s rights under a collective bargaining agreement or other employment contract.

(19) UNITED STATES WORKER.—The term ‘United States worker’ means an employee who is—

(A) a citizen or national of the United States; or

(B) an alien who is—

(i) lawfully admitted for permanent residence;

(ii) admitted as a refugee under section 203(b);

(iii) granted asylum under section 208; or

(iv) otherwise authorized, under this Act or by the Secretary of Homeland Security, to be employed in the United States.

(20) Y NONIMMIGRANT; Y NONIMMIGRANT WORKER.—

(A) The term ‘Y nonimmigrant’ means an alien admitted to the United States under paragraph (Y)(i) or (Y)(ii) of subsection 101(a)(15), or the spouse or child of such nonimmigrant in derivative status under (Y)(ii).

(B) The term ‘Y nonimmigrant worker’ means an alien admitted to the United States under paragraph (Y)(i) or (Y)(ii) of subsection 101(a)(15), or the spouse or child of such nonimmigrant in derivative status under (Y)(ii).

(C) The term ‘Y-2B nonimmigrant’ means an alien admitted to the United States under paragraph (Y)(i) or (Y)(ii) of subsection 101(a)(15).

(D) The term ‘Y-2B nonimmigrant worker’ means an alien admitted to the United States under paragraph (Y)(i) or (Y)(ii) of subsection 101(a)(15).

(E) The term ‘Y-2B nonimmigrant’ or ‘Y-2B worker’ means an alien admitted to the United States under paragraph (Y)(i) or (Y)(ii) of subsection 101(a)(15).
‘‘(1) IN GENERAL.—No alien may be admitted to the United States as an H-2A worker, or otherwise provided status as an H-2A worker, unless the employer has filed with the Secretary of Labor an application containing—

‘‘(A) the assurances described in subsection (b);

‘‘(B) description of the nature and location of the work to be performed;

‘‘(C) the anticipated period (expected beginning and ending dates) for which the work is to be performed;

‘‘(D) the number of job opportunities in which the employer seeks to employ the workers; and

‘‘(2) ACCOMPANIED BY JOB OFFER.—Each application filed under paragraph (1) shall be accompanied by a copy of the job offer described in subsection (b) and other terms and conditions of employment and the bona fide occupational qualifications that shall be possessed by a worker to be employed in the job opportunity in question.

‘‘(b) ASSURANCES FOR INCLUSION IN APPLICATIONS.—The assurances referred to in subsection (a)(1) are the following:

‘‘(1) JOB OPPORTUNITIES COVERED BY COLLECTIVE BARGAINING AGREEMENTS.—With respect to job opportunity that is covered under a collective bargaining agreement.

‘‘(2) ACCOMPANYING JOB OFFER.—The job opportunity is accompanied by a job offer that specifies the specific job opportunity for which the employer is requesting an H-2A worker is not vacant because the former occupant is on strike or being locked out in the course of a labor dispute.

‘‘(C) NOTIFICATION OF BARGAINING REPRESENTATIVES.—The employer at the time of filing the application, has provided notice of the filing under this paragraph to the bargaining representatives of the employer’s employees in the occupational classification at the place or places of employment for which aliens are sought.

‘‘(D) TEMPORARY OR SEASONAL JOB OPPORTUNITIES.—The job opportunity is temporary or seasonal.

‘‘(E) OFFERS TO UNITED STATES WORKERS.—The employer has offered or will offer the job to any eligible United States worker before the arrival of an H-2A worker.

‘‘(F) PROVISION OF INSURANCE.—If the job opportunity is not covered by the State workers’ compensation law, the employer will provide, at no cost to the worker, insurance covering injury and disease arising out of, and in the course of, the worker’s employment which will provide benefits at least equal to those provided under the State’s workers’ compensation law for comparable employment.

‘‘(G) PLACEMENT OF UNITED STATES WORKERS.—Before referring a United States worker to an H-2A job, the employer shall make reasonable efforts to place the United States worker in a job acceptable to the United States worker.

‘‘(H) RECRUITMENT.—The employer has taken or will take the following steps to recruit United States workers for the job opportunities for which the H-2A nonimmigrant is, or H-2ANonimmigrants are, sought:

‘‘(I) CONTACTING FORMER WORKERS.—The employer shall make reasonable efforts through the sending of a letter by United States Postal Service mail, or otherwise, to contact any United States worker the employer employed in a job in the previous season in the occupation at the place of intended employment for which the employer is applying for workers and has made the availability of job opportunities in the occupation at the place of intended employment known to such previous workers, unless the worker was terminated from employment by the employer or for a lawful job-related reason or abandoned the job before the worker completed the period of employment of the job opportunity for which the worker was employed.

‘‘(J) FILING A JOB OFFER WITH THE LOCAL OFFICE OF THE STATE EMPLOYMENT SECURITY AGENCY.—Not later than 28 days before the date on which the employer desires to employ an H-2A worker in a temporary or seasonal agricultural job opportunity, the employer shall submit a copy of the job offer described in subparagraph (I) to the local office of the employment security agency of the State where the employer’s base of operations is located.

‘‘(K) REQUIREMENTS FOR PLACEMENT OF THE NONIMMIGRANT WITH OTHER EMPLOYERS.—The employer seeks approval to employ the nonimmigrant with another employer unless:

‘‘(i) the nonimmigrant performs duties in whole or in part at 1 or more worksites owned, controlled, or operated by such other employer;

‘‘(ii) there are indica of an employment relationship between the nonimmigrant and such other employer; and

‘‘(iii) the employer has inquired of the other employer as to whether, and has no actual knowledge or notice that, during the period of employment and for a period of 30 days preceding the period of employment, the other employer has displaced or intends to displace a United States worker employed in the occupation at the place of employment for which the employer seeks approval to employ H-2A workers.

‘‘(L) STATEMENT OF LIABILITY.—The application form shall include a clear statement explaining the liability under subparagraph (I) of an employer if the other employer described in such subparagraph displaces a United States worker as described in such subparagraph.

‘‘(M) PROVISION OF INSURANCE.—If the job opportunity is not covered by the State workers’ compensation law, the employer will provide, at no cost to the worker, insurance covering injury and disease arising out of and in the course of the worker’s employment which will provide benefits at least equal to those provided under the State’s workers’ compensation law for comparable employment.

‘‘(N) UNITED STATES WORKER.—The employer did not displace or will not place the nonimmigrant with an employer that the employer members that the association certifies in its application has or have agreed in authorize the posting of the job opportunity on its electronic job registry, except that nothing in this subparagraph shall require the employer to file an interstate job order application under section 603 of title 20, Code of Federal Regulations.

‘‘(O) ADVERTISING OF JOB OPPORTUNITIES.—Not later than 14 days prior to the date on which the employer desires to employ an H-2A worker in a temporary or seasonal agricultural job opportunity, the employer shall advertise the availability of the job opportunities for which the employer is seeking workers in a publication in the local labor market that is likely to be patronized by potential farm workers.

‘‘(P) EMERGENCY PROCEDURES.—The Secretary of Labor shall, by regulation, provide a procedure for acceptance of applications in which the employer has not complied with the provisions of this subparagraph because the employer’s need for H-2A workers could not reasonably have been foreseen.

‘‘(Q) JOBS OFFERS.—The employer has offered or will offer the job to any eligible United States worker who applies and is equally or better qualified for the job for which the nonimmigrant is, or nonimmigrants are, displaced.

‘‘(R) EFFECTS OF VIOLATION.—Nothing in this subclause shall require the employer to take any action as a result of a violation of paragraph (1) of this subparagraph.

‘‘(S) REFERENCE TO SUBPARAGRAPH (I) IN THE APPLICATION.—The employer may file an application under subsection (a) on behalf of 1 or more of its employers.

‘‘(T) APPLICATIONS BY ASSOCIATIONS ON BEHALF OF EMPLOYERS.—Before referring 1 or more H-2A workers to an employer in order to force the hiring of United States workers under this clause.

‘‘(U) COMPLAINTS.—Upon receipt of a complaint by an employer that a violation of subclause (I) has occurred, the Secretary of Labor shall immediately investigate. The Secretary of Labor shall, within 36 hours of the receipt of the complaint, issue findings concerning the alleged violation. If the Secretary of Labor finds that a violation has occurred, the Secretary of Labor shall immediately suspend the application of this clause with respect to that certification for that date.

‘‘(V) PLACEMENT OF UNITED STATES WORKERS.—Before referring a United States worker to an employer described in the matter preceding subclause (I), the Secretary of Labor shall make all reasonable efforts to place the United States worker in an open job acceptable to the worker, if there are other job offers pending with the job service that offer similar job opportunities in the area of intended employment.

‘‘(W) STATUTORY CONSTRUCTION.—Nothing in this subparagraph shall be construed to prohibit an employer from using such legitimate selection criteria to exclude a type of job that are normal or customary to the job type of job involved so long as such criteria are applied in a nondiscriminatory manner.

‘‘(X) UNITED STATES WORKER.—For purpose of this subparagraph, the term ‘United States worker’ means an alien described in section 1924(14) excluding any otherwise provided status under section 10a(a)(15)(2).

‘‘(Y) CONTEXT.—The provisions of this clause apply by reason of section 1024 of the Act to the labor certification and job placement activities of associations on behalf of employers.

‘‘(1) IN GENERAL.—An agricultural association may file an application under subsection (a) on behalf of an employer members that the association certifies in its application has or have agreed in
writing to comply with the requirements of this section and sections 218E, 218F, and 218G.

(2) TREATMENT OF ASSOCIATION ACTING AS EMPLOYER.—If an association acting as an employer under paragraph (1) is a joint or sole employer of the temporary or seasonal agricultural workers, the employer is offering, intends to offer, or will offer to such workers no less than the same benefits, wages, and working conditions that the employer is offering, intends to offer, or will provide to H-2A workers. Conversely, no job offer may impose on United States workers any restrictions or obligations which will not be imposed on the employer’s H-2A workers.

(b) Minimum Benefits, Wages, and Working Conditions.—Except in cases where higher benefits, wages, or working conditions are authorized under paragraph (a), in order to protect similarly employed United States workers from adverse effects with respect to benefits, wages, and working conditions, employment opportunities for which such an application may be filed under section 218(b)(2) shall include each of the following benefits, wages, and working condition provisions:

(1) Requirement to Provide Housing or Housing Allowance.—

(A) In General.—An employer applying under section 218(b)(2) for H-2A workers shall offer to provide housing at no cost to all workers in job opportunities for which the employer has applied under that section and to all other workers in the same occupation at the place of employment, whose place of residence is beyond normal commuting distance.

(B) Type of Housing.—In complying with subparagraph (A), an employer may, at the employer’s election, provide housing that meets applicable local standards for temporary labor camps or secure housing that meets applicable local standards for rental or public accommodation housing or other substantially similar class of habitation, or in the absence of applicable local standards, Federal temporary labor camp standards shall apply.

(C) Family Housing.—If it is the prevailing practice and are intended to provide family housing, family housing shall be offered to workers with families who request it.

(D) Workers Engaged in the Range Production of Livestock.—The Secretary of Labor shall set rules and regulations that address the specific requirement for the provision of housing to workers engaged in the range production of livestock.

(E) Limitation.—Nothing in this paragraph shall be construed to require an employer to provide or secure housing for persons who were not entitled to such housing under the temporary labor camp standards which were met or to the extent that the employer was not required to meet such standards.

(F) Charges for Housing.—(i) Charges for Public Housing.—If public housing is provided to migrant agricultural workers, such charges shall be paid by the employer directly to the appropriate individual or entity affiliated with the housing’s management.

(ii) Deposit Charges.—In the form of deposits for bedding or other similar incidentals related to housing shall not be levied upon workers who provide housing for their workers. An employer may require a worker found to have been responsible for damage to such housing which is not the result of normal wear and tear related to habitation to reimburse the employer for the reasonable cost of repair of such damage.

(G) Housing Allowance as Alternative.—If an employer or association deems it impracticable to provide housing for the workers involved, the employer shall make a good faith effort to assist the worker in identifying and locating housing in the area of intended employment. The employer may make an arrangement with a worker to either offer to provide housing to a worker, or assist a worker in locating housing which the worker occupies, pursuant to this clause shall not be deemed a housing allowance under this section and the State that certifies to the Secretary of Labor that there is adequate housing available in the area of intended employment for migrant farm workers and H-2A workers who are seeking temporary housing while employed in agricultural work. Such certification shall expire after 3 years unless renewed by the Governor of the State.

(ii) Certification.—The requirement that the certification is satisfied by the State certifies to the Secretary of Labor that there is adequate housing available in the area of intended employment for migrant farm workers and H-2A workers who are seeking temporary housing while employed in agricultural work. Such certification shall expire after 3 years unless renewed by the Governor of the State.

(iii) Amount of Allowance.—(I) Nonmetropolitan Counties.—If the place of employment of the workers provided an allowance under this subparagraph is a nonmetropolitan county, the amount of the housing allowance under this subparagraph shall be equal to the statewide average fair market rental for existing housing for nonmetropolitan counties for the State, as established by the Secretary of Housing and Urban Development pursuant to section 8(c) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)), based on a 2-bedroom dwelling unit and an assumption of 2 persons per bedroom.

(II) Metropolitan Counties.—If the place of employment of the workers provided an allowance under this subparagraph is a metropolitan county, the amount of the housing allowance under this subparagraph shall be equal to the statewide average fair market rental for existing housing for metropolitan counties for the State, as established by the Secretary of Housing and Urban Development pursuant to section 8(c) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)), based on a 2-bedroom dwelling unit and an assumption of 2 persons per bedroom.

(iv) Place of Employment.—(A) To Place of Employment.—A worker who completes 50 percent of the period of employment of the job opportunity for which the worker was hired shall be reimbursed by the employer for the cost of the worker’s transportation and subsistence from the place of employment to the place from which the worker came to work for the employer or to the place of employment, if the worker traveled from such place to the place of employment.

(B) From Place of Employment.—A worker who completes the period of employment for the job opportunity involved shall be reimbursed by the employer for the cost of the worker’s transportation and subsistence from the place of employment to the place from which the worker, disregarding intervening employment, came to work for the employer or to the place of employment, if the worker has contracted with a subsequent employer who has not agreed to provide or pay for the worker’s transportation and subsistence from the place of employment to the subsequent employer’s place of employment.

(v) Limitation.—(A) Exception.—Except as provided in clause (i), the amount of reimbursement provided under subparagraph (A) or (B) to a worker or alien shall not exceed the lesser of—

(1) the actual cost to the worker or alien of the transportation and subsistence involved; or

(2) the most economical and reasonable common carrier transportation charges and subsistence costs for the distance involved.

SEC. 218D. H-2A Employment Requirements.

(a) Preferential Treatment of Alien Workers Prohibited.—Employers seeking to hire United States workers shall offer the United States workers the same benefits, wages, and working conditions that the employer is offering, intends to offer, or will provide to H-2A workers. Conversely, no job offer may impose on United States workers any restrictions or obligations which will not be imposed on the employer’s H-2A workers.

(b) Minimum Benefits, Wages, and Working Conditions.—In cases where higher benefits, wages, or working conditions are authorized under paragraph (a), in order to protect similarly employed United States workers from adverse effects with respect to benefits, wages, and working conditions, employment opportunities for which such an application may be filed under section 218(b)(2) shall include each of the following benefits, wages, and working condition provisions:

(1) Requirement to Provide Housing or Housing Allowance.—

(A) In General.—An employer applying under section 218(b)(2) for H-2A workers shall offer to provide housing at no cost to all workers in job opportunities for which the employer has applied under that section and to all other workers in the same occupation at the place of employment, whose place of residence is beyond normal commuting distance.

(B) Type of Housing.—In complying with subparagraph (A), an employer may, at the employer’s election, provide housing that meets applicable local standards for temporary labor camps or secure housing that meets applicable local standards for rental or public accommodation housing or other substantially similar class of habitation, or in the absence of applicable local standards, Federal temporary labor camp standards shall apply.

(C) Family Housing.—If the prevailing practice and are intended to provide family housing, family housing shall be offered to workers with families who request it.

(D) Workers Engaged in the Range Production of Livestock.—The Secretary of Labor shall set rules and regulations that address the specific requirement for the provision of housing to workers engaged in the range production of livestock.

(E) Limitation.—Nothing in this paragraph shall be construed to require an employer to provide or secure housing for persons who were not entitled to such housing under the temporary labor camp standards which were met or to the extent that the employer was not required to meet such standards.

(F) Charges for Housing.—(i) Charges for Public Housing.—If public housing is provided to migrant agricultural workers, such charges shall be paid by the employer directly to the appropriate individual or entity affiliated with the housing’s management.

(ii) Deposit Charges.—In the form of deposits for bedding or other similar incidentals related to housing shall not be levied upon workers who provide housing for their workers. An employer may require a worker found to have been responsible for damage to such housing which is not the result of normal wear and tear related to habitation to reimburse the employer for the reasonable cost of repair of such damage.

(G) Housing Allowance as Alternative.—If an employer or association deems it impracticable to provide housing for the workers involved, the employer shall make a good faith effort to assist the worker in identifying and locating housing in the area of intended employment. The employer may make an arrangement with a worker to either offer to provide housing to a worker, or assist a worker in locating housing which the worker occupies, pursuant to this clause shall not be deemed a housing allowance under this section and the State that certifies to the Secretary of Labor that there is adequate housing available in the area of intended employment for migrant farm workers and H-2A workers who are seeking temporary housing while employed in agricultural work. Such certification shall expire after 3 years unless renewed by the Governor of the State.

(ii) Certification.—The requirement that the certification is satisfied by the State certifies to the Secretary of Labor that there is adequate housing available in the area of intended employment for migrant farm workers and H-2A workers who are seeking temporary housing while employed in agricultural work. Such certification shall expire after 3 years unless renewed by the Governor of the State.

(iii) Amount of Allowance.—(I) Nonmetropolitan Counties.—If the place of employment of the workers provided an allowance under this subparagraph is a nonmetropolitan county, the amount of the housing allowance under this subparagraph shall be equal to the statewide average fair market rental for existing housing for nonmetropolitan counties for the State, as established by the Secretary of Housing and Urban Development pursuant to section 8(c) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)), based on a 2-bedroom dwelling unit and an assumption of 2 persons per bedroom.

(II) Metropolitan Counties.—If the place of employment of the workers provided an allowance under this subparagraph is a metropolitan county, the amount of the housing allowance under this subparagraph shall be equal to the statewide average fair market rental for existing housing for metropolitan counties for the State, as established by the Secretary of Housing and Urban Development pursuant to section 8(c) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)), based on a 2-bedroom dwelling unit and an assumption of 2 persons per bedroom.

(iv) Place of Employment.—(A) To Place of Employment.—A worker who completes 50 percent of the period of employment of the job opportunity for which the worker was hired shall be reimbursed by the employer for the cost of the worker’s transportation and subsistence from the place of employment to the place from which the worker came to work for the employer or to the place of employment, if the worker traveled from such place to the place of employment.

(B) From Place of Employment.—A worker who completes the period of employment for the job opportunity involved shall be reimbursed by the employer for the cost of the worker’s transportation and subsistence from the place of employment to the place from which the worker, disregarding intervening employment, came to work for the employer or to the place of employment, if the worker has contracted with a subsequent employer who has not agreed to provide or pay for the worker’s transportation and subsistence from the place of employment to the subsequent employer’s place of employment.

(v) Limitation.—(A) Exception.—Except as provided in clause (i), the amount of reimbursement provided under subparagraph (A) or (B) to a worker or alien shall not exceed the lesser of—

(1) the actual cost to the worker or alien of the transportation and subsistence involved; or

(2) the most economical and reasonable common carrier transportation charges and subsistence costs for the distance involved.
“(ii) Distance traveled.—No reimbursement under subparagraph (A) or (B) shall be required if the distance traveled is 100 miles or less, or the worker is not residing in employment area or housing area when required by an allowance as provided in paragraph (1)(G).

“(D) Early termination.—If the worker is laid off or employed is terminated for contract impossibility (as described in paragraph (4)(D)) before the anticipated ending date of employment, the employer shall provide transportation and subsistence required by subparagraph (B) and, notwithstanding whether the worker has completed 30 percent of the period of employment, shall provide the transportation and subsistence reimbursement required by subparagraph (A).

“(E) TRANSPORTATION BETWEEN LIVING QUARTERS AND WORKSITE.—The employer shall provide transportation between the worker’s living quarters and the employer’s worksite without cost to the worker, and such transportation will be in accordance with applicable laws and regulations.

“(3) REQUIRED WAGES.—

“(A) IN GENERAL.—An employer applying for section 21C(a) shall offer to pay, and shall pay, all workers in the occupation for which the employer has applied for workers, not less (and is not required to pay more) than the greater of the prevailing wage in the occupation in the area of intended employment or the adverse effect wage rate. No worker shall be paid less than the greater of the prevailing wage prescribed under section 655.107 of title 20, Code of Federal Regulations, or the prevailing wage rate established by section 201 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) or the applicable State minimum wage.

“(B) 2A EFFECTIVE DATE.—Effective on the date of the enactment of the Agricultural Job Opportunities, Benefits, and Security Act of 2007 and continuing for 3 years thereafter, no adverse effect wage rate for a State may be more than the adverse effect wage rate for that State in effect on January 1, 2003, as established by section 616.107 of title 20, Code of Federal Regulations.

“(C) REQUIRED WAGES AFTER 3-YEAR FREEZE.—

“(I) FIRST ADJUSTMENT.—If Congress does not set a new wage standard applicable to this section before the first March 1 that is not less than 3 years after the date of enactment, the adverse effect wage rate for each State beginning with the first work day of March 1 of March 1 of the third year after the adverse effect wage rate then in effect for each State beginning on such March 1 shall be the wage rate that would have resulted if the adverse effect wage rate in effect on March 1, 2003, had been annually adjusted, beginning on March 1, 2006, by the lesser of—

“(i) the 12-month percentage change in the Consumer Price Index for All Urban Consumers between December of the second preceding year and December of the preceding year; and

“(ii) 4 percent.

“(II) SUBSEQUENT ANNUAL ADJUSTMENTS.—Beginning on the first March 1 that is not less than 4 years after the date of enactment of this Act and each March 1 thereafter, the adverse effect wage rate then in effect for each State shall be adjusted by the lesser of—

“(i) the 12-month percentage change in the Consumer Price Index for All Urban Consumers between December of the second preceding year and December of the preceding year; and

“(ii) 4 percent.

“(D) DEDUCTIONS.—The employer shall make all deductions from the worker’s wages that are authorized by law or are reasonable and customary in the occupation and area of employment. The job offer shall specify all deductions not required by law which the employer will make from the worker’s wages.

“(E) FREQUENCY OF PAY.—The employer shall pay the worker not less frequently than twice monthly, or in accordance with the prevailing practice in the area of employment, whichever is more frequent.

“(F) HOURS AND EARNINGS STATEMENTS.—The employer shall furnish to the worker, on or before each payday, in 1 or more written statements—

“(i) the worker’s total earnings for the pay period;

“(ii) the worker’s hourly rate of pay, piece rate of pay, or both;

“(iii) the hours of employment which have been offered to the worker (broken out by hours offered in accordance with and over and above the 4% guarantee described in paragraph (4));

“(iv) the hours actually worked by the worker;

“(v) an itemization of the deductions made from the worker’s wages; and

“(vi) if piece rates of pay are used, the units produced daily.

“(G) REPORT ON WAGE PROTECTIONS.—Not later than December 31, 2009, the Commissioner of the Agricultural Wage and Standards under the H-2A program (in this subparagraph referred to as the ‘Commission’), shall issue an interim report, published in the Federal Register, with opportunity and comment, for a period of at least 90 days.

“(H) FINAL REPORT.—After considering recommendations from interested persons (including an opportunity for comment from the public and affected States), the Commissioner shall submit a report to the Congress which the findings and recommendations for future wage protection under this section.

“(I) TERMINATION DATE.—The Commissioner shall issue a final report, published in the Federal Register, with opportunity and comment, for a period of at least 90 days.

“(4) GUARANTY OF EMPLOYMENT.—

“(A) OFFER TO WORKER.—The employer shall guarantee to offer the worker employment for the hourly equivalent of at least 4/5 of the number of hours per week of the worker during the current week and for the period of employment, beginning with the date of arrival of the worker at the place of employment and ending on the expiration date specified in the job offer. For purposes of this subparagraph, the hourly equivalent means the number of hours in the work days as stated in the job offer and shall exclude the worker’s Sabbath and Federal holidays.

“(B) FARM WORKER.—Any hours which the worker fails to work, up to a maximum of 10% of the number of hours specified in the job offer for a work day, when the worker has been offered an opportunity to do so, and all hours of work actually performed (including voluntary work in excess of the number of hours specified in the job offer for a work day, on the worker’s Sabbath, or on Federal holidays, may be counted by the employer in calculating whether the period of guaranteed employment has been met.

“(C) CONTRACT IMPOSSIBILITY.—If, before the expiration of the period of employment specified in the job offer, the services of the worker are no longer required for reasons beyond the control of the employer due to any form of natural disaster, including a flood, hurricane, earthquake, freeze, drought, plant or animal disease or pest infestation, or regulatory drought, before the guarantee of employment has been met.

“(D) ELECTRONIC REPORTING.—The employer shall submit reports of hours worked and earnings through an electronic or other means as the Secretary of Labor may require. In the event of such termination, the employer shall fulfill the employment guarantee in
subparagraph (A) for the work days that have elapsed from the first work day after the arrival of the worker to the termination of employment. In such cases, the employer will transfer the worker to another States worker to other comparable employment acceptable to the worker. If such transfer is not effected, the employer shall provide incidental transportation made by an H-2A worker, unless the employer specifically requests transportation, or arranged such transportation, the employee to an H-2A worker at the request or direction of an H-2A employer; and

(ii) does not apply to—

(A) transportation provided, or transportation arrangements made, by an H-2A worker, unless the employer specifically requests transportation, or arranged such transportation; 

(b) transportation arrangements made by H-2A workers themselves, using 1 of the workers’ own vehicles, unless specifically requested by the employer directly or through a farm labor contractor.

(iii) Clarification.—Providing a job offer to an H-2A worker that causes the worker to travel, or from the place of employment, or the payment or reimbursement of the transportation costs of an H-2A worker by an H-2A employer, shall not constitute an arrangement of, or participation in, such transportation.

(iv) Agricultural machinery and equipment excluded.—Subparagraph (b) of section 102 of the Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.), which—

(A) instead of a passport and visa if the alien is a national of a foreign territory consistent to the United States; and

(B) in conjunction with a valid passport, or admission to the United States after the date of the initial waiver of ineligibility pursuant to subparagraph (A).

(ii) shall remain provided an initial waiver of ineligibility pursuant to subparagraph (A) shall remain provided an initial waiver of ineligibility pursuant to subparagraph (A). Pursuant to subparagraph (A) shall remain provided an initial waiver of ineligibility pursuant to subparagraph (A) shall remain provided an initial waiver of ineligibility pursuant to subparagraph (A). Pursuant to subparagraph (A) shall remain provided an initial waiver of ineligibility pursuant to subparagraph (A).

(b) in conjunction with a valid passport, and shall be machine-readable, tamper-resistant, and shall contain a digitized photograph and biometric identifiers that can be authenticated; or

shall, during the alien’s authorized period of admission to the United States, the alien may apply from abroad for H-2A status, but may be granted that status in the United States.

(c) Maintenance of waiver.—An alien provided an initial waiver of ineligibility pursuant to subparagraph (b) is not eligible for such waiver unless the alien violates the terms of this section or again becomes ineligible under section 212(a)(9)(B) by virtue of unlawful presence in the United States after the date of the initial waiver of ineligibility pursuant to subparagraph (A).

(d) Period of Admission.—An alien shall be admitted for the period of employment in the application certified by the Secretary of Labor pursuant to section 218C(e)(a)(3), to not exceed 18 months except paragraphs (a) and (b) of this section.
any other provision of law, an alien being admitted to perform agricultural non-seasonal work may, at the employer’s option, be admitted for the period and pursuant to the terms specified in Section 218(a)(1)(B), including the rules and limitations specified in Section 218(a)(2)(1), (3), (4), and (5). The spouse and children of an alien admitted pursuant to the paragraph may be admitted only in accordance with the terms set forth in Section 218(e)(8).

(3) REMOVAL BY THE SECRETARY.—Notwithstanding any other provision of law, an alien admitted to perform agricultural non-seasonal work as a sheep herder, goat herder, horse worker, pack worker, or dairy worker, or any other person admitted at the option of the employer, be admitted for a period not to exceed three years. An alien admitted pursuant to the terms of this paragraph may not be accompanied or subsequently joined by dependents, including a spouse or child in derivative nonimmigrant status.

(4) CONSTRUCTION.—Nothing in this subsection shall limit the authority of the Secretary to extend the stay of the alien under any other provision of this Act.

(5) ABANDONMENT OF EMPLOYMENT.—(1) IN GENERAL.—An alien admitted or provided status under section 101(a)(15)(H)(i)(i)(a) who abandons the employment for which such status was originally obtained shall be considered to have failed to maintain the nonimmigrant status as an H-2A worker and shall depart the United States or be subject to removal under section 237(a)(1)(C)(i).

(2) REPORT BY EMPLOYER.—The employer, or association acting as agent for the employer, shall notify the Secretary not later than 7 days after an H-2A worker prematurely abandons employment.

(3) REMOVAL BY THE SECRETARY.—The Secretary shall promptly remove from the United States any H-2A worker who violates any term or condition of the worker’s nonimmigrant status.

(4) VOLUNTARY TERMINATION.—Notwithstanding paragraph (1), an alien may voluntarily terminate his or her employment if the alien is a public employee or the alien departs the United States upon termination of such employment.

(5) REPLACEMENT OF ALIEN.—(1) IN GENERAL.—Upon presentation of the notice required by subsection (e)(2), the Secretary of State shall promptly issue a visa to, and the Secretary shall admit into the United States, an eligible alien designated by the employer to replace an H-2A worker.

(A) who abandons or prematurely terminates employment;

(B) whose employment is terminated after a United States worker is employed pursuant to section 218(c)(2)(H)(i)(ii), if the United States worker voluntarily departs before the end of the period of intended employment or if the employment termination is for a lawful job-related reason.

(2) CONSTRUCTION.—Nothing in this subsection is intended to limit any preference required to be accorded United States workers under any other provision of this Act.

(6) IDENTIFICATION.—(1) IN GENERAL.—Each alien authorized to be admitted under section 101(a)(15)(H)(i)(i)(a) shall be provided, before admission, with employment eligibility documentation to verify eligibility for employment in the United States and verify the alien’s identity.

(2) CONSTRUCTION.—Notwithstanding the identification and employment eligibility documentation may be issued which does not meet the following required features:

(A) The document shall be capable of reliably determining whether—

(i) the individual with the identification and employment eligibility documentation is the alien whose eligibility is being verified is in fact eligible for employment;

(ii) the individual whose eligibility is being verified is claiming the identity of another person; and

(iii) the individual whose eligibility is being verified is claiming the identity of an individual whose eligibility is being verified;

(B) be comparable to the other databases of the Secretary for the purpose of excluding aliens from benefits for which they are not eligible and determining whether the alien is unlawful in the United States; and

(ii) be compatible with law enforcement databases to determine if the alien has been convicted of criminal offenses.

(B) EFFECTIVE DATE.—STAY OF H-2A ALIENS IN THE UNITED STATES.

(1) EXTENSION OF STAY.—If an employer seeks approval to employ an H-2A alien who is lawfully present in the United States, the petition filed by the employer or an association pursuant to subsection (a), shall request an extension of the alien’s stay and a change in the alien’s status.

(2) LIMITATION ON FILING A PETITION FOR EXTENSION OF STAY.—A petition may not be filed for an extension of an alien’s stay to exceed 180 days, or 10 months after the date of the alien’s last admission to the United States under this section.

(3) WORK AUTHORIZATION UPON FILING A PETITION FOR EXTENSION OF STAY.—(A) IN GENERAL.—An alien who is lawfully present in the United States may commence employment described in a petition under paragraph (1) on the date on which the petition is filed.

(B) DEFINITION.—For purposes of subparagraph (A), the term “employ” means sending the petition by certified mail via the United States Postal Service, return receipt requested, or delivered by guaranteed commercial delivery which will provide the employer with a documented acknowledgment of the date of receipt of the petition.

(4) HANDLING OF PETITION.—The employer shall provide a copy of the employer’s petition to the alien, who shall keep the petition with the alien’s identification and employment eligibility document as evidence that the alien is lawfully present in the United States.

(5) LIMITATION ON FILING A PETITION FOR EXTENSION OF STAY.—(A) REQUIREMENT TO REMAIN OUTSIDE THE UNITED STATES.—(i) IN GENERAL.—Subject to clause (ii), in the case of an alien outside the United States whose period of authorized status as an H-2A worker (including any extensions), other than an alien admitted pursuant to subsection (d)(2), is 10 months.

(ii) REQUIREMENT TO REMAIN OUTSIDE THE UNITED STATES.—Subject to clause (ii), in the case of an alien outside the United States whose period of authorized status as an H-2A worker (including any extensions), other than an alien may not again apply for admission to the United States as an H-2A worker unless the alien has remained outside the United States for a continuous period equal to at least 1/5 the duration of the alien’s previous period of authorized status as an H-2A worker (including any extensions).

(iii) EXCEPTION.—Clause (i) shall not apply in the case of an alien if the alien’s period of authorized status as an H-2A worker (including any extensions) was for a period of not more than 10 months and such alien has been outside the United States for at least 2 months during the 12 months preceding the date the alien is applying for admission to the United States as an H-2A worker.

SEC. 218F. WORKER PROTECTIONS AND LABOR STANDARDS ENFORCEMENT.

(1) INVESTIGATION OF COMPLAINTS.—(A) AGGRAVATED PERSON OR THIRD-PARTY COMPLAINTS.—The Secretary shall establish a process for the receipt, investigation, and disposition of complaints respecting—

(i) a violation of section 218C(b)(1) or of subsection (c) or (e) of section 218C(c), or of subsection (s) of section 218C(d), or any material misrepresentation of material facts in an application under section 218C(a). Complaints may be filed by any aggrieved person or organization (including bargaining representatives).

(ii) any other provision of this Act.

(2) CONSTRUCTION.—Nothing in this section is intended to limit any preference required to be accorded United States workers under any other provision of this Act.

(3) WORK AUTHORIZATION UPON FILING A PETITION FOR EXTENSION OF STAY.—(A) IN GENERAL.—An alien who is lawfully present in the United States may commence employment described in a petition under paragraph (1) on the date on which the petition is filed.

(B) DEFINITION.—For purposes of subparagraph (A), the term “employ” means sending the petition by certified mail via the United States Postal Service, return receipt requested, or delivered by guaranteed commercial delivery which will provide the employer with a documented acknowledgment of the date of receipt of the petition.

(C) HANDLING OF PETITION.—The employer shall provide a copy of the employer’s petition to the alien, who shall keep the petition with the alien’s identification and employment eligibility document as evidence that the alien is lawfully present in the United States.

(4) LIMITATION ON FILING A PETITION FOR EXTENSION OF STAY.—(A) REQUIREMENT TO REMAIN OUTSIDE THE UNITED STATES.—(i) IN GENERAL.—Subject to clause (ii), in the case of an alien outside the United States whose period of authorized status as an H-2A worker (including any extensions), other than an alien admitted pursuant to subsection (d)(2), is 10 months.

(ii) REQUIREMENT TO REMAIN OUTSIDE THE UNITED STATES.—Subject to clause (ii), in the case of an alien outside the United States whose period of authorized status as an H-2A worker (including any extensions), other than an alien may not again apply for admission to the United States as an H-2A worker unless the alien has remained outside the United States for a continuous period equal to at least 1/5 the duration of the alien’s previous period of authorized status as an H-2A worker (including any extensions).

(iii) EXCEPTION.—Clause (i) shall not apply in the case of an alien if the alien’s period of authorized status as an H-2A worker (including any extensions) was for a period of not more than 10 months and such alien has been outside the United States for at least 2 months during the 12 months preceding the date the alien is applying for admission to the United States as an H-2A worker.
(i) the Secretary of Labor may seek appropriate legal or equitable relief to effectuate the purposes of subsection (d)(1); and

(ii) the Secretary of Labor may disqualify the employee from the employment of H-2A workers for a period of 2 years.

(E) DISPLACEMENT OF UNITED STATES WORKERS.—If the Secretary of Labor finds, after an opportunity for hearing, that the willful failure to meet a condition of section 218(c)(b)(ii) or a willful misrepresentation of a material fact in an application under section 218(c)(a)(ii), or of which failure or misrepresentation the employer was aware, will result in the displacement of a United States worker employed by the employer in the specific employment in question. The employer of the displaced United States worker employed by the employer in the course of which failure or misrepresentation occurred shall be subject to the same consequences as the Secretary of Labor determines to be appropriate; and

(ii) the Secretary may disqualify the employee from the employment of H-2A workers for a period of 3 years.

(F) LIMITATIONS ON CIVIL MONEY PENALTIES.—The Secretary of Labor shall not impose any civil money penalties with respect to an application under section 218(c) in excess of $90,000.

(G) FAILURES TO PAY WAGES OR REQUIRED BENEFITS.—The Secretary of Labor, after notice and an opportunity for a hearing, may, if the employer has failed to pay the wages, or provide the housing allowance, transportation, subsistence reimbursement, or guarantee of employment, required under section 218(b), assess a civil penalty with respect to an application under section 218(c)(a) in excess of $90,000.

(H) Failures to Pay Wages or Required Benefits.—The Secretary of Labor, after notice and an opportunity for a hearing, may, if the employer has failed to pay the wages, or provide the housing allowance, transportation, subsistence reimbursement, or guarantee of employment, required under section 218(c), assess a civil penalty with respect to an application under section 218(c)(a) in excess of $90,000.

(I) RIGHTS ENFORCEABLE BY PRIVATE RIGHT OF ACTION.—H-2A workers may enforce the following rights through the private right of action provided in subsection (c), and no other right of action shall exist under Federal or State law to enforce such rights:

(1) The providing of housing or a housing allowance as required under section 218(b)(1).

(2) The reimbursement of transportation as required under section 218(b)(2).

(3) The payment of wages required under section 218(b)(3) when due.

(4) The providing of food, shelter, material terms and conditions of employment expressly provided in the job offer described in section 218(a)(2), not including the insurance to comply with any general, State, or local labor laws provided in section 218(c), in accordance with the requirements for foreign laborer under section 218(b)(2).

(5) The guarantee of employment required under section 218(b)(4).

(6) The motor vehicle safety requirements under section 218(b)(5).

(7) The prohibition of discrimination under subsection (d)(2).

(C) PRIVATE RIGHT OF ACTION.—

(1) MEDIATION.—Upon the filing of a complaint by an H-2A worker aggrieved by a violation of rights enforceable under subsection (b), and without prejudice to the exercise of any other right or remedy provided by law, the Secretary of Labor may attempt to assist the parties in reaching a satisfactory resolution of all issues involving all parties to the dispute. Upon a filing of such request and a giving of such notice, no parties shall attempt mediation within the period specified in subparagraph (B).

(2) MEDIATION SERVICES.—The Federal Mediation and Conciliation Service may conduct mediation services for an H-2A worker and agricultural employer without charge to the parties.

(3) 90-DAY LIMIT.—The Federal Mediation and Conciliation Service may conduct mediation services for an H-2A worker and agricultural employer without charge to the parties for a period not to exceed 90 days beginning on the date on which the Federal Mediation and Conciliation Service receives regard to the amounts in controversy, the parties agree to an extension of this period of time.

(4) AUTHORIZATION.—In determining whether to subject to clause (1), there are authorized to be appropriated to the Federal Mediation and Conciliation Service $500,000 for each fiscal year to carry out this section.

(5) MEDIATION.—Notwithstanding any other provision of law, the Director of the Federal Mediation and Conciliation Service is authorized to conduct mediation or other dispute resolution activities for any other appropriated funds available to the Director and to reimburse such appropriated funds with the funds appropriated pursuant to this authorization, such reimbursements to be credited to appropriations currently available for such purpose.

(6) MAINTENANCE OF CIVIL ACTION IN DISTRICT COURT BY AGGRIEVED PERSON.—An H-2A worker aggrieved by a violation of rights enforceable under subsection (b) by an agricultural employer or other person may file suit in any district court of the United States having jurisdiction over the parties, without regard to the citizenship of the parties, and without regard to the exhaustion of any other alternative administrative remedies under this Act, not later than 3 years after the date the violation occurs.

(7) ELECTION.—An H-2A worker who has filed an application with the Secretary of Labor may not maintain a civil action under paragraph (2) unless a complaint based on the same violation filed with the Secretary of Labor under subsection (a)(1) is withdrawn before the filing of such action, in which case the rights and remedies available under this subsection shall be exclusive.

(8) PREEMPTION OF STATE CONTRACT RIGHTS.—Nothing in this Act shall be construed to diminish the rights and remedies of an H-2A worker under any Federal or State law or regulation or under any collective bargaining agreement, except that no court or administrative action shall be available under any State contract law to enforce the rights created by this Act.

(9) WAIVER OF RIGHTS PROHIBITED.—Agreements by an H-2A worker to waive or modify their rights under this Act shall be void as contrary to public policy, except that a waiver or modification of the rights or obligations of an H-2A worker under State law shall be valid for purposes of the enforcement of this Act. The preceding sentence may not be construed to prohibit agreements to settle pending civil actions.

(10) AWARD OF DAMAGES OR OTHER EQUITABLE RELIEF.—

(A) If the court finds that the respondent has intentionally violated any of the rights enforceable under subsection (b), it shall award actual damages, if any, or equitable relief.

(B) Any civil action brought under this section shall be subject to appeal as provided in title 28, United States Code, except any proceeding be decided in the district court before the resort to litigation.

(C) If the Secretary of Labor finds, after an opportunity for a hearing, that the violation occurred.

(D) ELECTION.—In determining the amount of damages to be awarded under subparagraph (A), the court is authorized to consider whether an agreement was made in the course of dispute before the resort to litigation.

(E) WORKERS’ COMPENSATION BENEFITS.—The exclusive remedy prescribed in subparagraph (A) applies to workers’ compensation benefits provided for to an H-2A worker and the exclusive remedy for the loss of such H-2A worker under this section in the case of bodily injury or death in accordance with such State workers’ compensation law.

(F) WORKERS’ COMPENSATION BENEFITS.—The exclusive remedy prescribed in subparagraph (A) applies to workers’ compensation benefits provided for to an H-2A worker and the exclusive remedy for the loss of such H-2A worker under this section in the case of bodily injury or death in accordance with such State workers’ compensation law.

(G) RELATIONSHIP TO OTHER RELIEF.—The exclusive remedy prescribed in subparagraph (A) applies to workers’ compensation benefits provided for to an H-2A worker and the exclusive remedy for the loss of such H-2A worker under this section in the case of bodily injury or death in accordance with such State workers’ compensation law.

(H) WORKERS’ COMPENSATION BENEFITS.—The exclusive remedy prescribed in subparagraph (A) applies to workers’ compensation benefits provided for to an H-2A worker and the exclusive remedy for the loss of such H-2A worker under this section in the case of bodily injury or death in accordance with such State workers’ compensation law.

(I) CONSIDERATIONS.—In determining the amount of damages to be awarded under subparagraph (A), the court may consider whether an attempt was made to resolve the issues in dispute prior to resorting to litigation.

(J) TOLLING OF STATUTE OF LIMITATIONS.—In determining the amount of damages to be awarded under subparagraph (A) and without regard to the exhaustion of any other provision of law, the Director of the Federal Mediation and Conciliation Service may conduct mediation or other dispute resolution activities for any other appropriated funds available to the Director and to reimburse such appropriated funds with the funds appropriated pursuant to this authorization, such reimbursements to be credited to appropriations currently available for such purpose.

(K) RELATIONSHIP TO OTHER RELIEF.—The exclusive remedy prescribed in subparagraph (A) applies to workers’ compensation benefits provided for to an H-2A worker and the exclusive remedy for the loss of such H-2A worker under this section in the case of bodily injury or death in accordance with such State workers’ compensation law.

(L) RELATIONSHIP TO OTHER RELIEF.—The exclusive remedy prescribed in subparagraph (A) applies to workers’ compensation benefits provided for to an H-2A worker and the exclusive remedy for the loss of such H-2A worker under this section in the case of bodily injury or death in accordance with such State workers’ compensation law.

(M) RELATIONSHIP TO OTHER RELIEF.—The exclusive remedy prescribed in subparagraph (A) applies to workers’ compensation benefits provided for to an H-2A worker and the exclusive remedy for the loss of such H-2A worker under this section in the case of bodily injury or death in accordance with such State workers’ compensation law.

(N) RELATIONSHIP TO OTHER RELIEF.—The exclusive remedy prescribed in subparagraph (A) applies to workers’ compensation benefits provided for to an H-2A worker and the exclusive remedy for the loss of such H-2A worker under this section in the case of bodily injury or death in accordance with such State workers’ compensation law.

(O) RELATIONSHIP TO OTHER RELIEF.—The exclusive remedy prescribed in subparagraph (A) applies to workers’ compensation benefits provided for to an H-2A worker and the exclusive remedy for the loss of such H-2A worker under this section in the case of bodily injury or death in accordance with such State workers’ compensation law.

(P) RELATIONSHIP TO OTHER RELIEF.—The exclusive remedy prescribed in subparagraph (A) applies to workers’ compensation benefits provided for to an H-2A worker and the exclusive remedy for the loss of such H-2A worker under this section in the case of bodily injury or death in accordance with such State workers’ compensation law.
any other person, that the employee reasonably believes evidences a violation of section 218C or 218D or any rule or regulation pertaining to section 218C or 218D, or because the employer or its agents or representatives in an investigation or other proceeding concerning the employer's compliance with the requirements of section 218C or 218D or any rule or regulation pertaining to either of such sections.

(2) DISCRIMINATION AGAINST H-2A WORKERS.—It is a violation of this subsection for any person on whose behalf an application is filed under section 218C(a), to intimidate, threaten, restrain, coerce, misrepresent, or discriminate in any manner with respect to an H-2A employee or worker has, with just cause, filed a complaint with the Secretary of Labor regarding a denial of the rights enumerated and enforceable under subsection (b) or, or has testifies or is about to testify in any court proceeding brought under subsection (c).

(e) AUTHORIZATION TO SEEK OTHER APPROPRIATE RELIEF.—The Secretary of Labor or the Secretary of Homeland Security shall have authority to take any other action authorized or required by law for the protection of workers from an employer who has violated section 218C(b)(2)(E) of the Immigration and Nationality Act, as amended by section 404 of this Act, in violation of the immigration and national law, or any regulation or order issued thereunder, as determined by the Secretary.

(f) ROLES OF THE SECRETARY.—

(1) VIOLATION BY A MEMBER OF AN ASSOCIATION.—An employer on whose behalf an application is filed under section 218C(b)(2)(E), and is otherwise eligible to remain as an employer under section 101(a)(15)(H)(ii)(a), is subject to a determination by the Secretary that the association did not violate section 218C(b)(2)(E).

(2) VIOLATIONS BY AN ASSOCIATION ACTING AS AN EMPLOYER.—If an association acting as an employer on whose behalf an application is filed under section 218C(b)(2)(E), and is otherwise eligible to remain as an employer under section 101(a)(15)(H)(ii)(a), is subject to a determination by the Secretary that the association did not violate section 218C(b)(2)(E).
Labor under this Act and the amendments made by this Act.

(d) DEADLINE FOR ISSUANCE OF REGULATIONS.—All regulations to implement the duties of the Secretary of State, and the Secretary of Labor created under sections 212C, 218D, 218E, 218F, and 218G of the Immigration and Nationality Act, as amended by section 401 of this Act, shall take effect on the effective date of section 404 and shall be issued not later than two years after the date of enactment of this Act, or the date such regulations are promulgated, whichever is sooner.

SEC. 407. REPORTS TO CONGRESS.
(a) ANNUAL REPORT.—Not later than October 1 of each year, the Secretary shall submit to Congress a report identifying, for the previous year:

(1) the number of job opportunities approved for employment of aliens admitted under section 101(a)(15)(H)(i)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(i)(a)), and the number of workers actually admitted, disaggregated by State and by occupation;

(2) the number of such aliens reported to have abandoned employment pursuant to subsection (c) of such Act;

(3) the number of such aliens who departed the United States within the period specified in subsection (d) of such Act;

(4) the number of aliens who applied for adjustment of status pursuant to section 623;

(5) the number of such aliens whose status was adjusted under section 623;

(6) the number of such aliens who applied for permanent residence pursuant to section 214A(j) of the Immigration and Nationality Act, as amended by section 218D(b); and

(7) the number of such aliens who were approved for permanent residence pursuant to section 214A(j) of the Immigration and Nationality Act, as amended by section 218D(b).

(b) IMPLEMENTATION REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall prepare and submit to Congress a report that describes the measures being taken and the progress made in implementing this Act.

SEC. 408. EFFECTIVE DATE.
Except as otherwise provided, sections 404 and 405 take effect one year after the date of enactment of this Act, or the date such regulations are promulgated, whichever is sooner.

SEC. 409. NUMERICAL LIMITATIONS.
Section 214(g) of the Act (8 U.S.C. 1184(g)) is amended—

(1) in paragraph (1)—

(A) by striking ‘‘beginning with fiscal year’’

(B) by striking paragraph (B) and inserting the following:

 ‘‘(B) under section 101(a)(15)(Y)(i), may not exceed

‘‘(i) 400,000 for the first fiscal year in which the program is implemented;

‘‘(ii) the subsequent fiscal year, subject to clause (ii), the number for the previous fiscal year as adjusted in accordance with the method set forth in paragraph (2); and

‘‘(iii) 170,000 for any fiscal year’’;

and

(2) by renumbering paragraph (2) as paragraph (3), and renumbering all subsequent paragraphs accordingly, and inserting the following as paragraph (2):

‘‘(2) MAINTENANCE OF LIMITATION.—With respect to the numerical limitation set in subsection (a)(ii), if the total number of visas allocated for any fiscal year exceeds the amount for such fiscal year, the Secretary of State may allocate, to the extent permitted by paragraphs (5) and (10), an additional number of visas for any fiscal year.

‘‘(3) LIMITATION ON NUMERICAL LIMIT.

‘‘(A) the number of visas allocated for any fiscal year shall not exceed

(i) 400,000 for the first fiscal year in which the program is implemented;

(ii) the subsequent fiscal year, subject to clause (ii), the number for the previous fiscal year as adjusted in accordance with the method set forth in paragraph (2); and

(iii) 200,000 for any fiscal year’’;

and

(4) to renumber paragraph (1)(B)(ii) as paragraph (2)(B)(ii), and renumbering all subsequent paragraphs accordingly, and inserting the following as paragraph (1)(B)(ii):

‘‘(B) to study the allocation of immigrant visas to countries that meet the requirements, and to meet and begin carrying out the duties required under subsection (b) of section 101(a)(15)(H)(i)(a), may not exceed

(i) 170,000 for any fiscal year;

(ii) the number for the previous fiscal year as adjusted in accordance with the method set forth in paragraph (2); and

(iii) 200,000 for any fiscal year’’;

and

(5) to renumber paragraph (2)(B)(i) as paragraph (1)(B)(i), and renumbering all subsequent paragraphs accordingly, and inserting the following as paragraph (2)(B)(i):

‘‘(B) the new limitation on the number of visas allocated for any fiscal year shall not exceed

(i) 170,000 for any fiscal year;

(ii) the number for the previous fiscal year as adjusted in accordance with the method set forth in paragraph (2); and

(iii) 200,000 for any fiscal year’’;

and

(6) to renumber paragraph (4)(B) as paragraph (5)(B), and renumbering all subsequent paragraphs accordingly, and inserting the following as paragraph (4)(B):

‘‘(B) the number of visas allocated for any fiscal year shall not exceed

(i) 200,000 for any fiscal year;

(ii) the number for the previous fiscal year as adjusted in accordance with the method set forth in paragraph (2); and

(iii) 200,000 for any fiscal year’’.

SEC. 410. REQUIREMENTS FOR PARTICIPATING NATIONALS.
(a) IN GENERAL.—The Secretary of State, in cooperation with the Attorney General, and the Attorney General, in cooperation with the Secretary of State, shall meet and begin carrying out the duties required under section 101(a)(15)(H)(i)(a) for each fiscal year, subject to the following:

(i) The Secretary of Labor, subject to the availability of appropriations for such purpose, shall increase, by not less than 200 per year for each of the five fiscal years after the date of enactment of [name of bill], the number of immigration enforcement officers and attorneys dedicated to the enforcement of labor standards, including those contained in sections 212A, 218B, and 218C, the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.), and the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.) in geographic and occupational areas in which a high percentage of workers are Y non-immigrants.

(b) VACANCIES.—Any vacancy in the Commission shall be filled in the same manner as the original appointment.

SEC. 411. COMPLIANCE INVESTIGATORS.
(a) Establishment of Commission.—(1) Establishment of Commission.—There is established an independent Federal agency within the Executive Branch to be known as the Standing Commission on Immigration and Labor Markets (referred to in this section as the ‘‘Commission’’).

(2) Purposes.—The purposes of the Commission are—

(A) to study nonimmigrant programs and the numerical limits imposed by law on admissions of nonimmigrants;

(B) to study the numerical limits imposed by law on immigrant visas;

(C) to study the allocation of immigrant visas through the merit-based system;

(D) to make recommendations to the President and Congress with respect to such programs.

(b) Membership.—The Commission shall be composed of—

(1) the Secretary;

(2) the Attorney General; and

(3) nine non-voting Members, including—

(i) one United States Senator, not later than 6 months after the establishment of the Commission;

(ii) one United States Representative, not later than 6 months after the establishment of the Commission;

(iii) the Secretary of Labor; and

(iv) the Secretary of Health and Human Services;

(c) Quorum.—A majority of Members of the Commission constitutes a quorum.

(d) Meetings.—(1) Initial Meeting.—The Commission shall meet and begin carrying out the duties described in subsection (a) as soon as practicable after the expiration of the 108th Congress.

(2) Subsequent Meetings.—After its initial meeting, the Commission shall meet at least once per quarter upon the call of the Chair.

(3) Quorum.—Four voting members of the Commission shall constitute a quorum.
(b) DUTIES OF THE COMMISSION.—The Commission shall—
(1) examine and analyze—
(A) the development and implementation of the Enhanced Border Patrols Act of 2006; and
(B) the criteria for the admission of non-immigrant workers;
(C) the formulae for determining the annual numerical limitations of nonimmigrant workers;
(D) the impact of nonimmigrant workers on immigration volumes;
(E) the impact of nonimmigrant workers on the economy, unemployment rate, wages, workforce, and businesses of the United States;
(F) the numerical limits imposed by law on immigrant visas and its effect on the economy, unemployment rate, wages, workforce, and businesses of the United States;
(G) the allocation of immigrant visas through the evaluation system established by Title V of this Act; and
(F) any other matters regarding the programs that the Commission considers appropriate.
(2) Not later than 18 months after the date of enactment, and every year thereafter, submit a report to the President and Congress that—
(A) contains the findings of the analysis conducted under paragraph (1);
(B) makes recommendations regarding the necessary adjustments to the programs studied to meet the labor market needs of the United States; and
(C) makes other recommendations regarding the expansion of the Executive action, that the Commission determines to be in the national interest.
(c) INFORMATION AND ASSISTANCE FROM FEDERAL AGENCIES.—
(1) INFORMATION.—The head of any Federal department or agency that receives a request from the Commission for information, including suggestions, estimates, and statistics, as the Commission considers necessary to carry out the provisions of this section, shall furnish such information to the Commission, to the extent allowed by law.
(2) ASSISTANCE.—
(A) General services administration.—The Administrator of General Services shall, on a reimbursable basis, provide the Commission with administrative support and other services for the performance of the Commission’s functions.
(B) OTHER FEDERAL AGENCIES.—The departments and agencies of the United States may provide, at the request of the Commission and at the expense of the United States, funds, facilities, staff, and other support services as the heads of such departments and agencies determine advisable and authorized by law.
(d) PERSONNEL MATTERS.—
(1) STAFF.—
(A) APPOINTMENT AND COMPENSATION.—The Chair, in accordance with rules agreed upon by the Commission, may appoint and fix the compensation of a staff director and such other personnel as may be necessary to enable the Commission to carry out its functions.
(B) FEDERAL EMPLOYEES.—
(i) In general.—Except as provided under clause (ii), the executive director and any personnel of the Commission who are employees shall be considered to be employees under section 8331 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, and 90 of such title.
(ii) COMMISSION MEMBERS.—Clause (i) shall not apply to members of the Commission.
(e) DETAIL.—Any employee of the Federal Government may be detailed to the Commission without reimbursement from the Commission, and such detail shall remain in the rights, status, and privileges of his or her regular employment without interruption.
(f) COMPENSATION AND TRAVEL EXPENSES.—
(1) COMMISSION MEMBERS.—Each voting member of the Commission may be compensated at a rate not to exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Partnership for Prosperity.
(2) TRAVEL EXPENSES.—Members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, under section 286(b) of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.
(g) FUNDING.—
(1) Fines and fees.—The head of any Federal department or agency shall, upon receiving a request for assistance, as defined in paragraph (2), of the Partnership for Prosperity, transmit such assistance to the headquarters of the Partnership for Prosperity, to the extent allowed by law.
(2) ENFORCEMENT.—The head of any Federal department or agency that receives a request for assistance, as defined in paragraph (2), of the Partnership for Prosperity, to the extent allowed by law.
(h) CONSULTANT SERVICES.—The Commission may procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, at rates not to exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that consultant is engaged in the actual performance of the duties of the Partnership for Prosperity.
(i) INFORMATION AND ASSISTANCE FROM FEDERAL AGENCIES.—
(1) INFORMATION.—The head of any Federal department or agency that receives a request from the Commission for information, including suggestions, estimates, and statistics, as the Commission considers necessary to carry out the provisions of this section, shall furnish such information to the Commission, to the extent allowed by law.
(2) ASSISTANCE.—
(A) General services administration.—The Administrator of General Services shall, on a reimbursable basis, provide the Commission with administrative support and other services for the performance of the Commission’s functions.
(B) OTHER FEDERAL AGENCIES.—The departments and agencies of the United States may provide, at the request of the Commission and at the expense of the United States, funds, facilities, staff, and other support services as the heads of such departments and agencies determine advisable and authorized by law.
(3) PERSONNEL MATTERS.—
(1) STAFF.—
(A) APPOINTMENT AND COMPENSATION.—The Chair, in accordance with rules agreed upon by the Commission, may appoint and fix the compensation of a staff director and such other personnel as may be necessary to enable the Commission to carry out its functions.
(B) FEDERAL EMPLOYEES.—
(i) In general.—Except as provided under clause (ii), the executive director and any personnel of the Commission who are employees shall be considered to be employees under section 8331 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, and 90 of such title.
(ii) COMMISSION MEMBERS.—Clause (i) shall not apply to members of the Commission.
(e) DETAIL.—Any employee of the Federal Government may be detailed to the Commission without reimbursement from the Commission, and such detail shall remain in the rights, status, and privileges of his or her regular employment without interruption.
(f) COMPENSATION AND TRAVEL EXPENSES.—
(1) COMMISSION MEMBERS.—Each voting member of the Commission may be compensated at a rate not to exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Partnership for Prosperity.
(2) TRAVEL EXPENSES.—Members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, under section 286(b) of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.
(g) FUNDING.—
(1) Fines and fees.—The head of any Federal department or agency shall, upon receiving a request for assistance, as defined in paragraph (2), of the Partnership for Prosperity, transmit such assistance to the headquarters of the Partnership for Prosperity, to the extent allowed by law.
(2) ENFORCEMENT.—The head of any Federal department or agency that receives a request for assistance, as defined in paragraph (2), of the Partnership for Prosperity, to the extent allowed by law.
(h) CONSULTANT SERVICES.—The Commission may procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, at rates not to exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that consultant is engaged in the actual performance of the duties of the Partnership for Prosperity.
(i) INFORMATION AND ASSISTANCE FROM FEDERAL AGENCIES.—
(1) INFORMATION.—The head of any Federal department or agency that receives a request from the Commission for information, including suggestions, estimates, and statistics, as the Commission considers necessary to carry out the provisions of this section, shall furnish such information to the Commission, to the extent allowed by law.
(2) ASSISTANCE.—
(A) General services administration.—The Administrator of General Services shall, on a reimbursable basis, provide the Commission with administrative support and other services for the performance of the Commission’s functions.
(B) OTHER FEDERAL AGENCIES.—The departments and agencies of the United States may provide, at the request of the Commission and at the expense of the United States, funds, facilities, staff, and other support services as the heads of such departments and agencies determine advisable and authorized by law.
(3) PERSONNEL MATTERS.—
(1) STAFF.—
(A) APPOINTMENT AND COMPENSATION.—The Chair, in accordance with rules agreed upon by the Commission, may appoint and fix the compensation of a staff director and such other personnel as may be necessary to enable the Commission to carry out its functions.
(B) FEDERAL EMPLOYEES.—
(i) In general.—Except as provided under clause (ii), the executive director and any personnel of the Commission who are employees shall be considered to be employees under section 8331 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, and 90 of such title.
(ii) COMMISSION MEMBERS.—Clause (i) shall not apply to members of the Commission.
(e) DETAIL.—Any employee of the Federal Government may be detailed to the Commission without reimbursement from the Commission, and such detail shall remain in the rights, status, and privileges of his or her regular employment without interruption.
to cover the health care needs of Mexican nationals temporarily employed in the United States.

SEC. 414. WILLING WORKER-WILLING EMPLOYER ELECTRONIC DATABASE.
(a) ELECTRONIC JOB REGISTRY LINK.—
(1) The Secretary of Labor shall establish a publicly accessible Web page on the Internet website of the Department of Labor that provides a single Internet link to each State workforce agency's statewide electronic registry of jobs available throughout the United States for federal employees and any other current law governing federal workers.

(b) ELECTRONIC REGISTRY OF CERTIFIED APPLICANTS.—
(1) The Secretary of Labor shall compile, on a current basis, a registry of applicants for any job opportunity advertised on the electronic job registry established under section (a) that appear accessible—
(A) by the State workforce agencies, which may further disseminate job opportunity information to interested parties; and,
(B) through the Internet, for access by workers, employers, labor organizations and other interested parties.

(2) The Secretary of Labor may work with private companies and nonprofit organizations in the development and operation of the electronic job registry link and system under paragraph (1).

(3) The Secretary of Labor shall ensure that job opportunities advertised on a State workforce agency statewide electronic job registry established under this section are accessible—
(A) by the State workforce agencies, which may further disseminate job opportunity information to interested parties; and,
(B) through the Internet, for access by workers, employers, labor organizations and other interested parties.

(4) The Secretary of Labor may consult with private companies and nonprofit organizations in the development and operation of the electronic job registry link and system under paragraph (1).

SEC. 415. ENUMERATION OF SOCIAL SECURITY APPLICATIONS.
(a) ELECTRONIC JOB REGISTRY LINK.—
(1) The Secretary of Labor shall compile, on a current basis, a registry of applicants for any job opportunity advertised on the electronic job registry established under this subsection that appear accessible—
(A) by the State workforce agencies, which may further disseminate job opportunity information to interested parties; and,
(B) through the Internet, for access by workers, employers, labor organizations and other interested parties.

(b) ELECTRONIC REGISTRY OF CERTIFIED APPLICANTS.—
(1) The Secretary of Labor shall compile, on a current basis, a registry of applicants for any job opportunity advertised on the electronic job registry established under this subsection that appear accessible—
(A) by the State workforce agencies, which may further disseminate job opportunity information to interested parties; and,
(B) through the Internet, for access by workers, employers, labor organizations and other interested parties.

SEC. 416. CONTRACTING.
(a) The Secretary of Labor shall establish a system to allow for the prompt enumeration of Social Security applications filed under this program. Such registry shall include the wage rate, number of workers sought, period of intended employment, and date of need. The Secretary of Labor shall make the Social Security Registry available through an Internet website.

(b) The Secretary of Labor may consult with the Secretary of Homeland Security, and others as appropriate, in the establishment of the registry described in paragraph (1) to ensure its compatibility with any system designed to track nonimmigrant employment that is operated and maintained by the Secretary of Homeland Security.

(c) The Secretary of Labor shall ensure that the data from the electronic job registry established under this subsection are accessible by the State workforce agencies, which may further disseminate job opportunity information to interested parties.

SEC. 417. FEDERAL RULEMAKING REQUIREMENTS.
(a) The Secretaries of Labor and Homeland Security shall each issue an interim final rule within six months of the date of enactment of this title and the amendments made by this title, that is subject to public-private competition.

(b) The exemption provided under subsection (a) shall sunset no later than two years after the date of enactment of this title, provided that the exemption shall not be construed to impose any requirements on, or affect the validity of, any rule issued or other action taken by either Secretary under such exemption.

Title C—Nonimmigrant Visa Reform
SEC. 418. STUDENT VISAS.
(a) In General.—Section 101(a)(15)(F) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(F)) is amended—
(1) in clause (i)—
(A) by striking "who is—" and inserting "Who is—;
(B) by striking "consistent with section 214(i) and inserting "consistent with section 214(m);
(C) by striking the comma at the end and inserting a semicolon;
(II) the prevailing wage level for the occupation at the place of employment; or
(II) the prevailing wage level for the occupation in the area of employment, and
(C) the alien will not be employed more than
(i) 20 hours per week during the academic term;
or
(ii) 40 hours per week during vacation periods and between academic terms.

(b) Disqualification.—If the Secretary of Labor determines that an employer has provided an attestation under paragraph (1)(B) that is materially false or has failed to pay wages in accordance with the attestation, the employer, after notice and opportunity for hearing, may be disqualified for a period of no more than 5 years from employing an alien student under paragraph (1).

(2) The Secretary of Labor may consult with the Secretary of Homeland Security, and other agencies, which may further disseminate job opportunity information to interested parties.

(b) O FF CAMPUS WORK AUTHORIZATION FOR NONIMMIGRANT STUDENTS.—
(1) In General.—Section 101(a)(15)(F) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(F)) is amended—
(1) by inserting "who is—" and inserting "Who is—;
(II) the prevailing wage level for the occupation at the place of employment; or
(II) the prevailing wage level for the occupation in the area of employment, and
(C) the alien will not be employed more than
(i) 20 hours per week during the academic term;
or
(ii) 40 hours per week during vacation periods and between academic terms.

(b) Disqualification.—If the Secretary of Labor determines that an employer has provided an attestation under paragraph (1)(B) that is materially false or has failed to pay wages in accordance with the attestation, the employer, after notice and opportunity for hearing, may be disqualified for a period of no more than 5 years from employing an alien student under paragraph (1).

(2) The Secretary of Labor may consult with the Secretary of Homeland Security, and other agencies, which may further disseminate job opportunity information to interested parties.

(c) CLARIFYING THE IMMIGRANT INTENT PROVISION.—Subsection (b) of section 214 of the Immigration and Nationality Act (8 U.S.C. 1184(b)) is amended—
(1) by striking the parenthetical phrase "other than nonimmigrant described in subsection (a)(15)(F)," and
(2) by striking "following subsection (a)(15)(F):" and inserting in its place "the following:

(d) GRANTING DUAL INTENT TO CERTAIN NONIMMIGRANT STUDENTS.—Subsection (h) of section 214 of the Immigration and Nationality Act (8 U.S.C. 1184(h)(4)(B)) is amended—
(1) by inserting "(F)(iv)",
(II) the prevailing wage level for the occupation at the place of employment; or
(II) the prevailing wage level for the occupation in the area of employment, and
(C) the alien will not be employed more than
(i) 20 hours per week during the academic term;
or
(ii) 40 hours per week during vacation periods and between academic terms.

(e) The Secretary of Labor may consult with the Secretary of Homeland Security, and other agencies, which may further disseminate job opportunity information to interested parties.

(f) The Secretary of Labor may consult with the Secretary of Homeland Security, and other agencies, which may further disseminate job opportunity information to interested parties.

(g) The Secretary of Labor may consult with the Secretary of Homeland Security, and other agencies, which may further disseminate job opportunity information to interested parties.
fiscal year as adjusted in accordance with the method set forth in paragraph (2); and

"(iii) 180,000 for any fiscal year; or"

(2) in paragraph (9), as renumbered by Section 421 of the Immigration and Nationality Act (8 U.S.C. 1182(c)(4)) is amended—

(A) by striking “The annual numerical limits described in clause (1) shall not exceed from subsection (ii) of paragraph (B) and inserting: "With respect to the annual numerical limits described in clause (1), the Secretary may issue a visa or otherwise grant nonimmigrant status pursuant to section 214(i)(3)(B)(ii) in the following quantities:"

(B) by striking subparagraphs (B)(iv); and

(C) by striking paragraph (D).

(d) SAFEGUARDS AGAINST FRAUD AND MISREPRESENTATION IN APPLICATION REVIEW—Paragraph (2) of section 214(g)(1) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)), as amended by subsection (a), is further amended—

(1) by inserting "and as amended by subsection (d)(1), the following:

(1) If the employer employs not less than 50 employees in the United States, not more than 10 percent of such employees are H–1B nonimmigrants."

SEC. 421. H–1B EMPLOYER REQUIREMENTS—Section 212(n) of the Immigration and Nationality Act (8 U.S.C. 1182(n))—

(A) in subparagraph (E), by striking "if an H–1B-dependent employer and inserting "if an employer that employs H–1B nonimmigrants"; and

(B) in subparagraph (F), by striking "the preceding sentence shall apply to an employer regardless of whether or not the employer is an H–1B-dependent employer," and (C) by striking paragraph (3).

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to applications filed on or after the date of the enactment of this Act.

(B) NONDISPLACEMENT REQUIREMENT.—Paragraph (2) of section 212(n)(2) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(2))—

(A) in subparagraph (B), by striking "180 days" and inserting "180 days after the date on which a complaint is filed under section 2(d)(2), is amended—

(B) in clause (ii), by striking "and all that follows through "and inserting the following: (The employer will in place the nonimmigrant with another employer if—); and

(C) in subparagraph (G), by striking "the case of an application described in subparagraph (D), the Secretary may issue a visa or otherwise grant nonimmigrant status pursuant to section 214(i)(3)(B)(ii) in the following quantities:"

(d) EXTENSION OF H–1B STATUS FOR MERRIT-BASED ADJUSTMENT APPLICANTS—Section 214(g)(4) of the Immigration and Nationality Act (8 U.S.C. 1182(g)(4)) is amended by inserting before the period: "Provided that, this provision does not apply to such a nonimmigrant who has filed a petition for admission pursuant to section 214(i)(3)(B)(ii), unless the Secretary of Homeland Security may in his discretion specify, with respect to such nonimmigrant, that the Secretary of Homeland Security may extend the stay of an alien in one-year increments until such time as a final decision is made on the alien’s lawful permanent residence."
(iv) A brochure outlining the employer's obligations and the employee's rights under Federal law, including labor and wage protections; and

(iv) The contact information for Federal agencies that can offer more information or assistance in clarifying employer obligations and workers' rights.

SEC. 422. LAW ENFORCEMENT AND FRAUD AND ABUSE PROTECTIONS

(a) IN GENERAL.—Section 214(c)(2) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(2)) is amended—

(1) by striking “Attorney General” each place it appears and inserting “Secretary of Homeland Security”;

(2) in subparagraph (E), by striking “in a case of an alien spouse admitted under section 101(a)(15)(L), who” and inserting “except as provided in subparagraph (F), an alien

spouse admitted under section 101(a)(15)(L)”; and

(3) by adding at the end the following:

(4) if the beneficiary of a petition under this subsection is coming to the United States to open, or be employed in, a new facility, the petition may be approved for up to 12 months only if the employer operating the new facility has—

(i) evidence that the employer meets the requirements under section 101(a)(15)(L); and

(ii) by adding at the end the following:

(2) P ENALTIES.

(a) A investigation described in such clause, to provide the information in writing on a form developed and provided by the Secretary of Homeland Security and completed by or on behalf of the person.

(b) An extension of the approval period under clause (i) may not be granted unless the employing employer submits an application to the Secretary that contains—

(i) evidence that the importing employer meets the requirements under section 101(a)(15)(L); and

(ii) a statement summarizing the original petition;

(c) If the Secretary of Homeland Security finds that a reasonable basis exists to make a finding, the Secretary shall inform an employer in writing of the intent to conduct an investigation into the employer's compliance or (ii), based on an investigation conducted with respect to information about a failure to comply with the requirements under this subsection, the Secretary shall inform the employer of the findings of the investigation and the remedies available to the employer.

(d) The Secretary may establish a procedure for any person desiring to conduct an investigation into the existence in the United States of any alien classified under section 101(a)(15)(L) with regard to the employer’s compliance with the requirements of this subsection.

(e) If the Secretary of Homeland Security receives specific credible information from a source who is likely to have knowledge of an employer's practices, employment conditions, or compliance with the requirements under this subsection, the Secretary may conduct an investigation into the employer's compliance with the requirements of this subsection.

(f) A determination by the Secretary of Homeland Security that a reasonable basis exists to make a finding, the Secretary shall provide interested parties with notice of such determination and an opportunity for a hearing in accordance with subsection (d). A determination by the Secretary that a reasonable basis exists to make a finding concerning the matter of noncompliance under this subparagraph.

(g) An investigation described in such clause, to provide the information in writing on a form developed and provided by the Secretary of Homeland Security and completed by or on behalf of the person.

(h) If the Secretary of Homeland Security finds that a reasonable basis exists to make a finding, the Secretary shall inform an employer in writing of the intent to conduct an investigation into the employer's compliance.
(2) AUDITS.—Section 214(c)(2)(I) of such Act, as added by paragraph (1), is amended by adding at the end the following:

"(viii) The Secretary of Homeland Security may conduct annual surveys of employers that employ nonimmigrants. The Secretary shall conduct annual compliance audits of employers that employ nonimmigrants. The Secretary may impose such other administrative remedies as the Secretary determines to be appropriate; and"

(3) REPORTING REQUIREMENT.—Section 214(c)(2) of such Act, as amended by this section, is further amended by adding at the end the following:

"(J) The Secretary of Homeland Security may impose such other administrative remedies as the Secretary determines to be appropriate; and"

SEC. 424. LIMITATIONS ON APPROVAL OF L-1 PETITIONS FOR START-UP COMPANIES

Section 214(c)(2) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(2)) is amended—

(a) by striking "Attorney General" each place it appears and inserting "Secretary of Homeland Security";

(b) in subparagraph (E), by striking "In the case of a new office, including the number of employees and the types of positions held by the beneficiary if the employer has filled in the most recent fiscal year; and"

"(ii) the Secretary of Homeland Security may conduct surveys of the degree to which employers comply with the requirements under this section and may conduct annual compliance audits of employers that employ nonimmigrants. The Secretary shall conduct annual compliance audits of employers that employ nonimmigrants in an amount not to exceed 10,000 per violator.

(4) PERMANENT AUTHORIZATION OF THE CONRAD PROGRAM.—Section 221(c) of the Immigration and Nationality Act (8 U.S.C. 1184a(c)) is amended—

(a) by striking "five years" and inserting "six years";

(b) by striking clause (I) and inserting the following:

"(I) an employer that violates this subsection, or any rule or regulation pertaining to this subsection; or"

SEC. 425. MEDICAL SERVICES IN UNDERSERVED AREAS

(a) PERMANENT AUTHORIZATION OF THE CONRAD PROGRAM.—Section 221(c) of the Immigration and Nationality Act (8 U.S.C. 1184a(c)) is amended—

(b) by adding (1) after (A) and (2) after (B) of paragraph (1):
“(1) the minimum guaranteed number of waivers under section 212(e) in health professional shortage areas in the most recent fiscal year;

“(II) agreed to waive the right to receive the minimum guaranteed number of such waivers.

“(C) in this paragraph:

“(i) the term ‘health professional shortage area’ has the meaning given the term in section 332(a)(1) of the Public Health Service Act (42 U.S.C. 254f(a)(1));

“(ii) The term ‘nominally designated rural State’ means a State with at least 30 counties with a population density of not more than 10 people per square mile, based on the latest available decennial census conducted by the Bureau of Census.

“(iii) The term ‘minimum guaranteed number for the second fiscal year’ means the sum of—

(a) the minimum guaranteed number for the second fiscal year; and

(b) 3, if any State received additional waivers under this paragraph in the first fiscal year; and

“(III) for each subsequent fiscal year, the sum of—

(aa) the minimum guaranteed number for the second fiscal year; and

(bb) 3, if any State received additional waivers under this paragraph in the first fiscal year.

“(E) the term ‘minimum guaranteed number’ means a State with at least 30 counties with a population density of not more than 10 people per square mile, based on the latest available decennial census conducted by the Bureau of Census.

“(F) The term ‘minimum guaranteed number for the second fiscal year’ means the sum of—

(aa) the minimum guaranteed number for the second fiscal year; and

(bb) 3, if any State received additional waivers under this paragraph in the first fiscal year.

“(G) the term ‘minimum guaranteed number for the second fiscal year’ means the sum of—

(aa) the minimum guaranteed number for the second fiscal year; and

(bb) 3, if any State received additional waivers under this paragraph in the first fiscal year.

“(H) the term ‘minimum guaranteed number for the second fiscal year’ means the sum of—

(aa) the minimum guaranteed number for the second fiscal year; and

(bb) 3, if any State received additional waivers under this paragraph in the first fiscal year.

“(I) the term ‘minimum guaranteed number for the second fiscal year’ means the sum of—

(aa) the minimum guaranteed number for the second fiscal year; and

(bb) 3, if any State received additional waivers under this paragraph in the first fiscal year.

“(J) the term ‘minimum guaranteed number for the second fiscal year’ means the sum of—

(aa) the minimum guaranteed number for the second fiscal year; and

(bb) 3, if any State received additional waivers under this paragraph in the first fiscal year.

“405 and amended by Section 719(c), is further amended to read—

“(i) at least 10,000 will be for exceptional aliens in nonimmigrant status under section 101(a)(15)(Y); and

(ii) no more than 90,000 will be for aliens who were the beneficiaries of an application that was pending or approved at the time of the effective date of this section, per Section 502(d) of the Insert Title of Act.

“(B) The Secretary of Homeland Security may accept as properly recommended in accordance with subparagraph (A) an application to sponsor an alien to the United States to receive graduate medical education or training, after the Secretary of Homeland Security has the meaning given the term in section 214(l)(1)(E) and who has practiced primary or specialty care in a medically underserved community for a continuous period of 5 years.”

“SEC. 426. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this title, and the amendments made by this title.

TITLE V—IMMIGRATION BENEFITS

SEC. 501. REBALANCING OF IMMIGRANT VISAS ALLOCATION.

“(a) FAMILY-SUPPORTED IMMIGRANTS.—Section 201(c) of the Immigration and Nationality Act (8 U.S.C. 1151(c)) is amended to read as follows:

“(b) Worldwide Level of Family-Sponsored Immigrants.—

“(1) For each fiscal year until visas needed for petitions for classification under section 203(a)(2) of the Immigration Act become available, the worldwide level of family-sponsored immigrants under this subsection is 567,000 for petitions for classifications under 203(a), plus any immigrant visas not required for the class specified in (b).

“(2) Except as provided in paragraph (1), the worldwide level of family-sponsored immigrants under this subsection is 567,000 for petitions for classifications under 203(a), plus any immigrant visas not required for the class specified in (d).

“SEC. 502. FAMILY-SUPPORTED IMMIGRANTS.—

“(a) TEMPORARY SUPPLEMENTAL ALLOCATION.

“(1) No more than 60,000 additional visas may be issued for the classes specified in subsection (b) for fiscal year 2005, plus any immigrant visas not required for the class specified in (c), of which:

“(A) at least 10,000 will be for exceptional aliens in nonimmigrant status under section 101(a)(15)(Y); and

“(B) no more than 90,000 will be for aliens who were the beneficiaries of an application that was pending or approved at the time of the effective date of this section, per Section 502(d) of the Insert Title of Act.

“(2) The temporary supplemental allocation of additional visas described in paragraph (1) for nonimmigrants described in section 203(b) of this Act for fiscal year 2005, plus any immigrant visas not required for the class specified in (c), of which:

“(A) at least 10,000 will be for exceptional aliens in nonimmigrant status under section 101(a)(15)(Y); and

“(B) no more than 90,000 will be for aliens who were the beneficiaries of an application that was pending or approved at the time of the effective date of this section, per Section 502(d) of the Insert Title of Act.

“(b) FAMILY-SUPPORTED IMMIGRANTS.—

“SEC. 504. MUDIOCRITY EXPERIENCE.

“(a) TEMPORARY SUPPLEMENTAL ALLOCATION.

“(1) No more than 60,000 additional visas may be issued for the classes specified in subsection (b) for fiscal year 2005, plus any immigrant visas not required for the class specified in (c), of which:

“(A) at least 10,000 will be for exceptional aliens in nonimmigrant status under section 101(a)(15)(Y); and

“(B) no more than 90,000 will be for aliens who were the beneficiaries of an application that was pending or approved at the time of the effective date of this section, per Section 502(d) of the Insert Title of Act.

“SEC. 505. FAMILY-SUPPORTED IMMIGRANTS.—

“(a) TEMPORARY SUPPLEMENTAL ALLOCATION.

“(1) No more than 60,000 additional visas may be issued for the classes specified in subsection (b) for fiscal year 2005, plus any immigrant visas not required for the class specified in (c), of which:

“(A) at least 10,000 will be for exceptional aliens in nonimmigrant status under section 101(a)(15)(Y); and

“(B) no more than 90,000 will be for aliens who were the beneficiaries of an application that was pending or approved at the time of the effective date of this section, per Section 502(d) of the Insert Title of Act.

“(b) FAMILY-SUPPORTED IMMIGRANTS.—

“SEC. 506. MUDIOCRITY EXPERIENCE.

“(a) TEMPORARY SUPPLEMENTAL ALLOCATION.

“(1) No more than 60,000 additional visas may be issued for the classes specified in subsection (b) for fiscal year 2005, plus any immigrant visas not required for the class specified in (c), of which:

“(A) at least 10,000 will be for exceptional aliens in nonimmigrant status under section 101(a)(15)(Y); and

“(B) no more than 90,000 will be for aliens who were the beneficiaries of an application that was pending or approved at the time of the effective date of this section, per Section 502(d) of the Insert Title of Act.

“SEC. 507. MADIOCRITY EXPERIENCE.

“(a) TEMPORARY SUPPLEMENTAL ALLOCATION.

“(1) No more than 60,000 additional visas may be issued for the classes specified in subsection (b) for fiscal year 2005, plus any immigrant visas not required for the class specified in (c), of which:

“(A) at least 10,000 will be for exceptional aliens in nonimmigrant status under section 101(a)(15)(Y); and

“(B) no more than 90,000 will be for aliens who were the beneficiaries of an application that was pending or approved at the time of the effective date of this section, per Section 502(d) of the Insert Title of Act.

“SEC. 508. MADIOCRITY EXPERIENCE.

“(a) TEMPORARY SUPPLEMENTAL ALLOCATION.

“(1) No more than 60,000 additional visas may be issued for the classes specified in subsection (b) for fiscal year 2005, plus any immigrant visas not required for the class specified in (c), of which:

“(A) at least 10,000 will be for exceptional aliens in nonimmigrant status under section 101(a)(15)(Y); and

“(B) no more than 90,000 will be for aliens who were the beneficiaries of an application that was pending or approved at the time of the effective date of this section, per Section 502(d) of the Insert Title of Act.

“(b) FAMILY-SUPPORTED IMMIGRANTS.—

“(1) No more than 60,000 additional visas may be issued for the classes specified in subsection (b) for fiscal year 2005, plus any immigrant visas not required for the class specified in (c), of which:

“(A) at least 10,000 will be for exceptional aliens in nonimmigrant status under section 101(a)(15)(Y); and

“(B) no more than 90,000 will be for aliens who were the beneficiaries of an application that was pending or approved at the time of the effective date of this section, per Section 502(d) of the Insert Title of Act.

“(b) FAMILY-SUPPORTED IMMIGRANTS.—

“(1) No more than 60,000 additional visas may be issued for the classes specified in subsection (b) for fiscal year 2005, plus any immigrant visas not required for the class specified in (c), of which: 
this Act are eligible for an immigrant visa, the number calculated pursuant to section 503(f)(3) of [Insert title of Act];

(5) in the sixth fiscal year in which aliens described in section 101(a)(15)(Z) of this Act are eligible for an immigrant visa, the number equal to the number of Z nonimmigrants who became aliens admitted for permanent residence based on the merit-based evaluation system in the prior fiscal year until no further Z nonimmigrants adjudicated for permanent residence are approved for initial entry into the United States.

(3) TERMINATION OF TEMPORARY SUPPLEMENTAL ALLOCATION. The temporary supplemental allocation of visas shall terminate when the number of visas calculated pursuant to paragraph (2)(C) is zero.

(4) LIMITATION. The temporary supplemental visas in paragraph (2) shall not be awarded to any individual other than an individual described in section 101(a)(15)(Z).

SEC. 502. INCREASING AMERICAN COMPETITIVENESS THROUGH A MERIT-BASED EVALUATION SYSTEM FOR IMMIGRANTS

(a) SENSE OF CONGRESS. — It is the sense of Congress that the United States benefits from a workforce that has diverse skills, experience, and training.

(b) CREATION OF MERIT-BASED EVALUATION SYSTEM FOR IMMIGRANTS AND REALLOCATION OF VISAS. — Section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b)) is amended by—

(1) striking paragraphs (1), (2), and (3) and inserting the following:

(1) MERIT-BASED IMMIGRANTS. — Visas shall first be available in a number not to exceed 55 percent of such worldwide level, plus any visas not required for the classes in paragraphs (2) and (3), to qualified immigrants selected through a merit-based evaluation system.

(A) The merit-based evaluation system shall initially consist of the following criteria and weights:

<table>
<thead>
<tr>
<th>Category</th>
<th>Description</th>
<th>Max pts</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employment</td>
<td>U.S. employment in Specialty Occupation (DOL definition)—20 pts</td>
<td>47</td>
</tr>
<tr>
<td></td>
<td>U.S. employment in High Demand Occupation (BLS largest 10 yr growth, top 16 pts)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>U.S. employment in STEM or health occupations—5 pts</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Years in a U.S. firm—2 pts (max 10 pts)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Medical Insurance—5 yrs, 18 yrs with employer—1 pt</td>
<td></td>
</tr>
</tbody>
</table>

(B) The Secretary of Homeland Security, after consultation with the Secretary of Commerce and Labor, shall establish procedures for adjudicating petitions filed pursuant to the merit-based evaluation system. The Secretary may establish a time period in the fiscal year in which such petitions must be submitted.

(2) The Standing Commission on Immigration and Labor Markets established pursuant to Section 407 of the [Insert title of Act] shall submit recommendations to Congress concerning the establishment of procedures for modifying the selection criteria and relative weights accorded such criteria in order to ensure that the merit-based evaluation system corresponds to the current needs of the United States economy and the national interest.

(3) No modifications to the selection criteria and relative weights accorded such criteria that are established by the [Insert title of Act] should be made by the Secretary of Homeland Security

(4) The amendments made by this section shall take effect on the first day of the fiscal year subsequent to the fiscal year of enactment.

(c) EFFECTIVE DATE. — The amendments made by this section shall take effect on the first day of the fiscal year after the date of enactment, in which case the amendments shall take effect on the first day of the following fiscal year.

(d) PENDING AND APPROVED PETITIONS AND APPLICATIONS. — Petitions and applications for an employment-based visa filed for classification under section 203(b)(1), (2), or (3) of the Immigration and Nationality Act (as such provisions existed prior to the enactment of this section) that were filed prior to the date of the introduction of the [Insert title of Act] and were pending or approved at the time of the effective date of this section, shall be treated as if such provision remained effective and an approved petition may serve as the basis for issuance of an immigrant visa.

(1) Subject to paragraph (2), the amendments made by this section shall take effect on the first day of the fiscal year subsequent to the fiscal year of enactment, unless such date is less than 270 days after the date of enactment, in which case the amendments shall take effect on the first day of the following fiscal year.

(2) The amendments made by this section shall be treated as if such provision remained effective and an approved petition may serve as the basis for issuance of an immigrant visa. Aliens with applications for labor certification pursuant to section 212(a)(5)(A) of the Immigration and Nationality Act shall be treated as if such provision remained effective and an approved petition may serve as the basis for issuance of an immigrant visa. Aliens with applications for labor certification pursuant to section 212(a)(5)(A) of the Immigration and Nationality Act shall be treated as if such provision remained effective and an approved petition may serve as the basis for issuance of an immigrant visa. Aliens with applications for labor certification pursuant to section 212(a)(5)(A) of the Immigration and Nationality Act shall be treated as if such provision remained effective and an approved petition may serve as the basis for issuance of an immigrant visa. Aliens with applications for labor certification pursuant to section 212(a)(5)(A) of the Immigration and Nationality Act shall be treated as if such provision remained effective and an approved petition may serve as the basis for issuance of an immigrant visa.
(C) striking “employment based” and inserting “paragraph (1)” in subparagraph (6)(B)(iii).

(4) Section 212(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(4)) is amended by striking subparagraph (D).

(5) Section 213(a)(f) of the Immigration and Nationality Act (8 U.S.C. 1183a(a)) is amended by—

(A) striking subparagraph (4);

(B) striking subparagraph (5) and inserting the following:

“(5) The Secretary will determine the total number of qualified applicants who have followed the procedures set forth in this section. The number calculated pursuant to this paragraph shall be 20 percent of the total number of qualified applicants. The Secretary will calculate the number of visas needed per year.

“(B) Qualified immigrants who are the un-married sons or un-married daughters of an alien lawfully admitted for permanent residence, shall be allocated visas totaling 40,000 immigrant visas, plus any visas not required for the class specified in (A).

“(C) Qualified immigrants who are the married sons or married daughters of citizens of the United States shall be allocated a total of 180,200 immigrant visas, plus any visas not required for the class specified in (A).

“(D) Qualified immigrants who are the brothers or sisters of citizens of the United States, if such citizens are at least 21 years of age, shall be allocated visas totaling 74,000 immigrant visas, plus any visas not required for the class specified in (A).

“(E) By striking paragraph (4).”
an application for adjustment of status within the fiscal year in which the visa becomes available, or at such reasonable time as the Secretary may specify after the end of the fiscal year in which the application was approved in the last quarter of the fiscal year.

"(2) All petitions for an immigrant visa under this section shall be automatically terminated if the petitioner fails to satisfy the requirements of this sub-section in any year.

"(3) The Secretary may reserve up to 2,500 of the immigrant visas for adjustment of status for use in the period between March 31 and September 30 of fiscal year.

"(d) Decisions whether an alien qualifies for an immigrant visa under this section are in the discretion of the Secretary.

SEC. 565. ELIMINATION OF DIVERSITY VISA PROGRAM

(a) Section 201 of the Immigration and Nationality Act (8 U.S.C. 1151(a)(15)(A)) is amended by inserting "198(b)(2)(A)" in section

(b) Section 203 of the Immigration and Nationality Act (8 U.S.C. 1151(a)(15)(B) is amended by striking "198(b)(2)(A)" and inserting "198(b)(2)(B)"

(c) The secretary may reserve up to 2,500 of the immigrant visas for adjustment of status for use in the period between March 31 and September 30 of fiscal year.

(d) Decisions whether an alien qualifies for an immigrant visa under this section are in the discretion of the Secretary.

SEC. 203A. ELIMINATION OF DIVERSITY VISA PROGRAM

(a) In general.—The Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by adding a new section 203A as follows:

(b) The secretary may reserve up to 2,500 of the immigrant visas for adjustment of status for use in the period between March 31 and September 30 of fiscal year.

(c) Decisions whether an alien qualifies for an immigrant visa under this section are in the discretion of the Secretary.

SEC. 205. CREATION OF PROCESS FOR IMMIGRATION OF FAMILY MEMBERS IN HARDSHIP CASES.

(a) In general.—The Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(A)) is amended by striking paragraphs (3)(A) and (3)(B) and inserting paragraphs (3)(C) and (3)(D)

(b) The secretary may reserve up to 2,500 of the immigrant visas for adjustment of status for use in the period between March 31 and September 30 of fiscal year.

(c) Decisions whether an alien qualifies for an immigrant visa under this section are in the discretion of the Secretary.

SEC. 205A. ELIMINATION OF DIVERSITY VISA PROGRAM

(a) Section 201 of the Immigration and Nationality Act (8 U.S.C. 1151(a)(15)(A)) is amended by inserting "198(b)(2)(A)" and inserting "198(b)(2)(B)"

(b) The secretary may reserve up to 2,500 of the immigrant visas for adjustment of status for use in the period between March 31 and September 30 of fiscal year.

(c) Decisions whether an alien qualifies for an immigrant visa under this section are in the discretion of the Secretary.

SEC. 205B. ELIMINATION OF DIVERSITY VISA PROGRAM

(a) Section 201 of the Immigration and Nationality Act (8 U.S.C. 1151(a)(15)(A)) is amended by inserting "198(b)(2)(A)" and inserting "198(b)(2)(B)"

(b) The secretary may reserve up to 2,500 of the immigrant visas for adjustment of status for use in the period between March 31 and September 30 of fiscal year.

(c) Decisions whether an alien qualifies for an immigrant visa under this section are in the discretion of the Secretary.

SEC. 205C. ELIMINATION OF DIVERSITY VISA PROGRAM

(a) Section 201 of the Immigration and Nationality Act (8 U.S.C. 1151(a)(15)(A)) is amended by inserting "198(b)(2)(A)" and inserting "198(b)(2)(B)"

(b) The secretary may reserve up to 2,500 of the immigrant visas for adjustment of status for use in the period between March 31 and September 30 of fiscal year.

(c) Decisions whether an alien qualifies for an immigrant visa under this section are in the discretion of the Secretary.
authorized admission under this subsection exceeds 7% and the percentage is not significantly affected by countries whose nationals have a disproportionately high rate of aliens overstaying their period of authorized admission, the Secretary may, in his discretion, determine that no more visas may be issued under this subsection as of the date of the Secretary’s report described in subparagraph (A) finding an overstay rate in excess of 7%.

(D) EFFECT ON EXISTING VISAS.—In the event of such a determination, to that no more visas shall be issued under subparagraphs (B) or (C); all visas previously issued under this subsection and still valid on the date of the Secretary’s report described in subparagraph (A) finding an overstay rate in excess of 7% shall expire on the visa’s date of expiration or 12 months after the date of the determination, whichever is sooner.

(5) PERMANENT BARS FOR OVERSTAYS.—

(A) IN GENERAL.—Any alien admitted as visitor for pleasure under the terms and conditions of this subsection who remains in the United States beyond his or her authorized period of admission is permanently barred from returning to the United States for automatic benefits under the immigration laws, except:

(i) asylum under section 208(a);

(ii) withholding of removal under section 241(b)(4);

(iii) protection under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done December 10, 1984.

(B) EXCEPTION.—Overstay of the authorized period of admission granted to aliens admitted as visitors for pleasure under the terms and conditions of this subsection may be excused in the discretion of the Secretary where it is demonstrated that:

(i) the period of overstay was due to extraordinary circumstances beyond the control of the applicant, and the Secretary finds the period commensurate with the circumstances; and

(ii) the alien has not otherwise violated his or her nonimmigrant status.

(6) BAR ON SPONSOR OF OVERSTAY.—The United States citizen or alien nonimmigrant sponsor of an alien—

(A) admitted as visitor for pleasure under the terms and conditions of this subsection, and

(B) who remains in the United States beyond his or her authorized period of admission, shall be permanently barred from sponsoring that alien or any other alien for admission as a visitor for pleasure under the terms and conditions of this subsection, and, in the case of a Y-1 nonimmigrant sponsor, shall have his Y-1 nonimmigrant status terminated.

(7) CONSTRUCTION.—Nothing in this subsection shall be construed, except as provided in this subsection, to make inapplicable the requirements for admissibility and eligibility, as well as the terms and conditions of admission, of any nonimmigrant under section 101(a)(15)(B).

SEC. 507. PREVENTION OF VISA FRAUD.

(a) Section 204 of the Immigration and Nationality Act (8 U.S.C. 1153(a)) is amended by adding at the end the following:

'(h) FRAUD PREVENTION.—The Secretary of Homeland Security may audit and evaluate the information furnished as part of the applications filed under subsection (a) and refer evidence of fraud to appropriate law enforcement agencies based on the audit information.'

(b) Sections 286(v)(2)(B) and (C) of the Immigration and Nationality Act (8 U.S.C. 1356(v)(2)(B), (C)) are amended to read as follows:

'(B) SECRETARY OF HOMELAND SECURITY.—

One-third of the amounts deposited into the Fraud Prevention and Detection Account shall remain available to the Secretary of Homeland Security until expended for programs and activities to prevent and detect fraud; and the amount so limited to fraud with respect to petitions under paragraph (1) or (2) of section 214(c) to grant an alien nonimmigrant status described in subparagraph (H)(i), (H)(ii), or (L) of section 101(a)(15).

'(C) SECRETARY OF LABOR.—One third of the amounts deposited into the Fraud Prevention and Detection Account shall remain available to the Secretary of Labor until expended for enforcement programs, and activities described in section 212(n), and for fraud detection and prevention activities not otherwise authorized under section 212(n), to be conducted by the Secretary of Labor that focus on industries likely to employ nonimmigrants.'

SEC. 508. INCREASES PER-COUNTRY LIMITS FOR FAMILY-BASED AND EMPLOYMENT-BASED IMMIGRANTS.

(a) Section 202(a) of the Immigration and Nationality Act (8 U.S.C. 1152(a) is amended by adding paragraph (2) to read as follows:

'(2) PER COUNTRY LEVELS FOR FAMILY-SPOUSE AND DEPENDENTS.

Subject to paragraphs (3), (4), (5), (6), and (7), the total number of immigrant visas made available to aliens for the current fiscal year for the state or independent area under subsections (a) and (b) of section 203 in any fiscal year may not exceed 10 percent (in the case of a single fiscal year, the case of the temporary area) of the total number of such visas made available under such subsections in that fiscal year;

(b) Section 603(a) of the Immigration and Nationality Act (8 U.S.C. 1152(a) is amended by adding at the end the following:

'(6) RULES FOR CERTAIN FAMILY-BASED PETITION FILING REQUIREMENTS.—In the event that the per country levels in paragraph (2) prevent the use of otherwise available visas described in section 201(c)(1)(B), then the per country level will not apply for such visas.

'(7) EXCEPTION FOR Z NONIMMIGRANTS.—

Paragraph (2) shall not apply to aliens who are nonimmigrants described in section 101(a)(15)(Z) who are eligible to seek lawful permanent resident status based on a petition for classification under section 203(b)(1) of this Act.

TITLE VI—IMMIGRANTS IN THE UNITED STATES PREVIOUSLY IN UNLAWFUL STATUS

SEC. 601. (a) IN GENERAL.—Notwithstanding any other provision of law, including section 244(b) of the Immigration and Nationality Act (hereinafter ‘‘the Act’’) (8 U.S.C. 1254a(h)), the Secretary may permit an alien, with the permission of the Attorney General, to remain lawfully in the United States under the conditions set forth in this Title.

(b) DEFINITION OF NONIMMIGRANTS.—Section 101(a)(15) of the Act (8 U.S.C. 1101(a)(15)) is amended by inserting at the end the following new subparagraph—

'(Z) Subparagraphs (A) through (V) of the [insert title of Act], an alien who—

'(i) is physically present in the United States, has maintained continuous physical presence in the United States since January 1, 2007, is employed, and seeks to continue performing labor, services or education;

'(ii) is physically present in the United States since January 1, 2007, and

'(D) the alien has been physically removed from the United States and if the alien demonstrates that his departure from
the United States would result in extreme hardship to the alien or the alien’s spouse, parent or child.

(2) Grounds of inadmissibility.

(A) Determining an alien’s admissibility under paragraph (1)(A)—

(i) paragraphs (6)(A)(i) (with respect to an alien present in the United States without being lawfully paroled before the date of application, but not with respect to an alien who has arrived in the United States on or after January 1, 2007); (6)(B), (6)(C)(i), (6)(C)(ii), (6)(D), (6)(F), (6)(G), (7), (9)(B), (9)(C)(i)(I), and (10)(B) of section 212(a) of the Act shall not apply, but only with respect to conduct occurring or arising before the date of application;

(ii) the Secretary may not waive—

(I) subparagraph (A), (B), (C), (D)(ii), (E), (F), (G), (H), or (I) of section 212(a)(2) of the Act (relating to crimes;)

(II) section 212(a)(3) of the Act (relating to security and related grounds;)

(III) with respect to an application for Z nonimmigrant status, section 212(a)(6)(i) of the Act;

(IV) paragraph (6)(A)(i) of section 212(a) of the Act (with respect to any entries occurring on or after January 1, 2007);

(V) section 212(a)(9)(C)(i)(I); and

(VI) subparagraph (A), (C), or (D) of section 212(a)(9)(C)(ii), relating to polygamists, child abusers, and unlawful voters;

(b) The Secretary may in his discretion waive—

(iii) the Secretary may, in his discretion, waive any provision of any provision of this section (212(a) of the Act) not listed in subparagraph (B) on behalf of an individual alien for humanitarian purposes, to ensure family unity, or if such waiver is otherwise in the public interest; and

(B) Construction.

Nothing in this paragraph shall be construed as affecting the authority of the Secretary other than under this paragraph to waive the provisions of section 212(a) of the Act.

(e) Eligibility requirements.

To be eligible for Z nonimmigrant status an alien shall meet the following and any other applicable requirements set forth in this section:

(1) Eligibility.

— The alien must not fall within a class of aliens ineligible for Z nonimmigrant status listed under subsection (d)(1).

(2) Admissibility.

— The alien must not be inadmissible for any purpose to the United States under section 212, except as provided in subsection (d)(2), regardless of whether the alien has previously been admitted to the United States.

(3) Presence.

— To be eligible for Z-1 or Z-2 nonimmigrant status, or for nonimmigrant status under section 101(a)(15)(Z)(iii)(I), the alien must—

(A) have been physically present in the United States before January 1, 2007, and have maintained continuous physical presence in the United States until the date of filing of the application for Z-1 or Z-2 nonimmigrant status.

(B) be physically present in the United States on the date of application for Z nonimmigrant status; and

(C) be physically present in the United States on the date of application for Z-1 nonimmigrant status, not present in lawful status in the United States under any classification described in section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) or any other immigration status made available under a treaty or other multilateral agreement that has been ratified by the Senate.

(4) Employment.

— An alien seeking Z-1 nonimmigrant status must be employed in the United States on the date of filing of the application for Z-1 nonimmigrant status.

(6) Fees and penalties.

(1) Processing fees.

— Any alien applying for Z nonimmigrant status shall be required to pay a processing fee in an amount sufficient to recover the full cost of adjudicating the application; but no more than $1,500 for single Z nonimmigrant.

(2) Penalties.

— An alien applying for extension of his Z nonimmigrant status shall be required to pay a processing fee in an amount sufficient to cover administrative and other expenses associated with processing the extension application; but no more than $1,500 for single Z nonimmigrant.

(3) Penalties.

— An alien making an initial application for Z-1 nonimmigrant status shall be required to pay, in addition to the processing fee in subparagraph (A), a penalty of $1,000, unless the alien is a qualifying relative, as described in section 212(a)(6)(i) of the Act.

— The Secretary may in his discretion extend the period in which an alien may pay the penalty set forth in subparagraph (A) if the alien demonstrates good cause for the delay.

— Nothing in this paragraph shall be interpreted to provide an alien with a basis for remaining in the United States under section 212(a)(6)(i) of the Act.

(6) Deposit and spending of fees.

— The penalty described in paragraph (5)(B) shall be deposited and remain available until expended as provided by sections 286(m) and (n).

— Deposit, allocation, and spending of penalties.

— (1) Deposit of penalties.

— The penalty described in paragraph (5)(B) shall be deposited and remain available as provided by section 286(w).

— (2) Deposit of state impact assistance funds.

— The funds under subparagraph (C) shall be deposited and remain available as provided by section 286(x).

— (3) Interview.

— An applicant for Z nonimmigrant status must appear to be interviewed.

— Military selective service.

— The alien shall establish that if the alien is with¬ing the age period required under the Military Selective Service Act (50 U.S.C. App. 451 et seq.) that such alien has registered under that Act.

— Application procedures.

— (1) In general.

— The Secretary of Homeland Security shall prescribe by notice in the Federal Register, in accordance with the procedures described in section 610 of the [NAME OF THIS ACT], the procedures for an alien in the United States to apply for Z nonimmigrant status and the evidence required to demonstrate eligibility for such status.

— (2) Initial receipt of applications.

— The Secretary of Homeland Security, or such other entity as is authorized by the Secretary to accept applications under the procedures established under this subsection, shall accept applications from aliens for nonimmigrant status for a period of one year starting the first day of the first month beginning no more than 180 days after the date of enactment of this section.

— If, during the one-year initial period for the receipt of applications for Z nonimmigrant status, the Secretary of Homeland Security determines that additional time is required to register all aliens who applied during the initial period, the Secretary may in his discretion extend the period for accepting applications by up to 12 months.

— Biometric data.

— Each alien applying for Z nonimmigrant status must submit biometric data in accordance with procedures established by the Secretary of Homeland Security.

(7) Content of application filed by alien.

— Application form.

— The Secretary of Homeland Security shall create an application form that an alien shall be required to complete as a condition of obtaining Z nonimmigrant status.

(2) Application information.

— In general.

— The application form shall request such information as the Secretary deems necessary and appropriate, including but not limited to, information concerning the alien’s physical and mental condition, including but not limited to, history of all arrests and dispositions; gang membership, renunciation of gang affiliation; immigration history; employment history; and charity to the United States.

(3) Security and law enforcement background checks.

— Submission of fingerprints.

— The Secretary may not accord Z nonimmigrant status unless the alien submits fingerprints and other biometric data in accordance with procedures established by the Secretary.

— Background checks.

The Secretary shall utilize fingerprints and other biometric data provided by the alien to conduct appropriate background checks of such alien to determine whether the alien is a threat to national security, the alien’s criminal history, or other law enforcement actions that would render the alien ineligible for classification under this section.

(b) Treatment of applicants.

— In general.

— An alien who files an application for Z nonimmigrant status shall be accorded a reasonable opportunity to appear in accordance with any evidence required under paragraphs (f) and (g) and after the Secretary has conducted appropriate background checks, to include name and fingerprint checks, that have not been completed by the end of the next business day produce information rendering the applicant ineligible.

— (A) May be granted probationary benefits in the form of employment authorization pending the final adjudication of the alien’s application;

— (B) May in the Secretary’s discretion receive advance permission to re-enter the United States pursuant to existing regulations governing advance parole;

— (C) May not be detained for immigration purposes, determined inadmissible or deportable; and

— (D) May not be considered an unauthorized alien (as defined in section 374A(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1324a(a)(3))) unless employment authorization under subparagraph (A) is denied.

(2) Timing of probationary benefits.

— No probationary benefits shall be issued to an alien until the alien has completed appropriate background checks or the end of the next business day, whichever is sooner.

— Construction.

— Nothing in this section shall be construed to require the Secretary’s authority to conduct any appropriate background and security checks subsequent to issuance of evidence of probationary benefits under paragraph (4).

(4) Probationary authorization document.

— The Secretary shall provide each alien described in paragraph (1) with a non¬

— (A) Identifying this document as probationary;

— (B) May in the Secretary’s discretion extend the period for accepting applications by up to 12 months.

— Biometric data.

— Each alien applying for Z nonimmigrant status must submit biometric data in accordance with procedures established by the Secretary of Homeland Security.
to approve applications for Z nonimmigrant status.

(5) BEFORE APPLICATION PERIOD.—If an alien is apprehended between the date of enactment and the date on which the period for initial registration closes under subsection (f)(2), and the alien can establish prima facie eligibility for Z nonimmigrant status, the Secretary may authorize the alien with a reasonable opportunity to file an application under this section after such regulations are promulgated.

(6) DURING CERTAIN PROCEEDINGS.—Notwithstanding any provision of the Act, if the Secretary determines that an alien who is in removal proceedings is prima facie eligible for Z nonimmigrant status, then the Secretary shall affirmatively communicate such determination to the immigration judge. The immigration judge shall then terminate or administratively close such proceedings and permit the alien a reasonable opportunity to apply for such classification.

(ADJUDICATION OF APPLICATION FILED BY ALIEN.)

(1) IN GENERAL.—The Secretary may approve the issuance of documentation of status, as described in subsection (i), to an applicant for a Z nonimmigrant visa who satisfies the requirements of this section.

(2) EVIDENCE OF CONTINUOUS PHYSICAL PRESENCE AND EDUCATION.—

(A) PRESUMPTIVE DOCUMENTS.—A Z nonimmigrant or an applicant for Z nonimmigrant status may presumptively establish such status or renew such period of presence, employment, or study by submitting records to the Secretary that demonstrate such presence, employment, or study, and the Secretary verifies have been maintained by the Social Security Administration, the Internal Revenue Service, or any other Federal, State, or local government agency.

(B) VERIFICATION.—Each Federal agency, and each State or local government agency, as a condition of receipt of any funds under Section 296(c), shall within 90 days of enactment ensure that procedures are in place under which such agency shall—

(i) consistent with all other applicable laws, including but not limited to laws governing privacy, provide documentation to an alien upon request to satisfy the documentation requirements of this paragraph; or

(ii) any other applicable laws and regulations of law, including section 6103 of title 26, United States Code, provide verification to the Secretary of documentation offered by an alien as evidence;

(i) presence or employment required under this section, or

(ii) a requirement for any other benefit under the immigration laws.

(C) OTHER DOCUMENTS.—A Z nonimmigrant or an applicant for Z nonimmigrant status who fails to obtain the documents described in subparagraph (i) may establish satisfaction of each required period of presence, employment, or study by submitting to the Secretary Z-1 nonimmigrant status or where such status expired or terminated may be excused in the discretion of the Secretary, with any extension granted.

(i) the delay was due to extraordinary circumstances beyond the control of the applicant or the Secretary; and

(ii) the alien has not otherwise violated his Z nonimmigrant status.

(B) SECURITY AND LAW ENFORCEMENT BACKGROUND CHECKS.—An alien applying for extension of Z nonimmigrant status may be required to submit to a renewed security and law enforcement background check that may be completed to the satisfaction of the Secretary of Homeland Security before such extension may be granted.

(FEE.)—The alien must pay processing fee in an amount sufficient to recover the full cost of adjudicating the application, but in no case more than $1,500 for a single Z nonimmigrant.

(C) SECURITY AND LAW ENFORCEMENT BACKGROUND CHECKS.—An alien applying for extension of Z nonimmigrant status may be required to submit to a renewed security and law enforcement background check that may be completed to the satisfaction of the Secretary of Homeland Security before such extension may be granted.

(TIMELY FILING AND MAINTENANCE OF STATUS.)

(1) IN GENERAL.—An extension of stay under this paragraph, or a change of status to another nonimmigrant status under subsection (I), may not be approved for an applicant who failed to maintain Z nonimmigrant status or where such status expired or terminated before the approval; and

(ii) the alien has not otherwise violated his Z nonimmigrant status.

(II) the penalty provisions of section 125(a)(1) and (2); and

(III) employment requirements.—An alien demonstrating extraordinary circumstances under clause (ii), including the spouse of a Z-1 nonimmigrant who has been battered or has been the subject of extreme cruelty perpetrated by the Z-1 nonimmigrant, and who is changing to Z-1 nonimmigrant status, may be approved by the secretary at the secretary's discretion, from—

(I) the requirements under subsection (m) for periods of up to 90 days; and

(ii) the penalty provisions of section (e)(6)(B)(iii), except that the alien may pay the penalty under section (e)(6)(B) at the time of application for the first extension of Z-1 nonimmigrant status.
immigrants shall be authorized to work in the United States; and
(iii) the alien is not subject to the bars on extension described in subsection (k)(2)(E).
(2) ADMISSION.—On seeking readmission to the United States after travel outside the United States an alien granted Z nonimmigrant status may be admitted if the alien is inadmissible under section 214A(j)(1)(C) of the Immigration and Nationality Act.
(3) Employment.—When and Z immigrant status is evidenced by the submission by the alien of an application for Z nonimmigrant status and that satisfies the conditions set forth in section (j); and
(3) Effect of Period of Authorized Admission.—Time spent outside the United States under paragraph (1) shall not extend the most recent period of authorized admission in the United States under subsection (k).
(o) TERMINATION OF BENEFITS.—
(1) IN GENERAL.—Any benefit provided to a Z nonimmigrant, the alien or an applicant for Z nonimmigrant status under this section shall terminate if—
(A) the Secretary determines that the alien is ineligible for such classification and all review procedures under section 603 of the [Insert title of Act] have been exhausted or waived by the Secretary;
(B)(i) the alien is found removable from the United States under section 237 of the Immigration and Nationality Act (8 U.S.C. 1227);
(ii) the alien becomes inadmissible under section 212 (except as provided in subsection (d)(2));
(iii) the alien is inadmissible under subsection (d)(1);
(C) the alien has used documentation issued under this section for unlawful or fraudulent purposes;
(D) in the case of the spouse or child of an alien applying for a Z nonimmigrant visa or classified as a Z nonimmigrant under this section, the benefits for the principal alien are terminated;
(E) with respect to a Z-1 or Z-3 nonimmigrant, the employment or study requirements under subsection (m) have been violated; or
(F) with respect to probationary benefits, the alien’s application for Z nonimmigrant status is denied.
(2) DENIAL OF IMMIGRANT VISA OR ADJUSTMENT OF STATUS.—
(A) Lawful Permanent Residence.—An application for an immigrant visa or adjustment of status to lawful permanent resident status made under this section by an alien whose Z nonimmigrant status is terminated under paragraph (1) shall be denied.
(B) DEPARTURE FROM THE UNITED STATES.—Any alien whose period of authorized admission or probationary benefits is terminated or for whom the alien is inadmissible under paragraph (1), as well as the alien’s Z-1 or Z-3 nonimmigrant dependents, shall depart the United States immediately.
(C) REVOCATION.—If, at any time after an alien has obtained status under section 601 of the [Insert title of Act] but not yet adjusted such status to that of an alien lawfully admitted for permanent residence under section 602, the Secretary, for good and sufficient cause, if it appears that the alien was not a principal alien under section 601, revoke the alien’s status following appropriate notice to the alien.
(q) DISSEMINATION OF INFORMATION ON Z PROGRAM.—During the 2 year period immediately after the issuance of regulations implementing this title, the Secretary, in cooperation with entities approved by the Secretary, shall broadly disseminate information respecting Z classification under this section and the requirements to be satisfied thereof. Such classification and protections available to them and to workers who file applications under this section. Such information shall be broadly disseminated, in no fewer than the top five principal languages, as determined by the Secretary, in his discretion, to aliens who would qualify for classification under this section, including to television, radio, and print media to which such aliens would have access.
(2) DEFINITIONS.—In this title and section 214A of the Immigration and Nationality Act:
(1) Z NONIMMIGRANT; Z NONIMMIGRANT WORKER.—The term ‘Z nonimmigrant worker’ means an alien admitted to the United States under paragraph (i) of subsection 101(a)(15)(Z).
(2) Z-1 NONIMMIGRANT; Z-1 WORKER.—The term ‘Z-1 nonimmigrant’ or ‘Z-1 worker’ means an alien admitted to the United States under paragraph (i)(I) of subsection 101(a)(15)(Z).
(3) Z-3 NONIMMIGRANT; Z-3 WORKER.—The term ‘Z-3 nonimmigrant’ or ‘Z-3 worker’ means an alien admitted to the United States under paragraph (i)(II) of subsection 101(a)(15)(Z).
(3) Z-3 nonimmigrant status means an alien admitted to the United States under paragraph (i)(II) of subsection 101(a)(15)(Z).
(4) Z-3 nonimmigrant status means an alien admitted to the United States under paragraph (i)(II) of subsection 101(a)(15)(Z).
(4) Z-3 nonimmigrant status means an alien admitted to the United States under paragraph (i)(II) of subsection 101(a)(15)(Z).
(5) Z-3 nonimmigrant status means an alien admitted to the United States under paragraph (i)(II) of subsection 101(a)(15)(Z).
(6) SEC. 602. EARNED ADJUSTMENT FOR Z STATUS ALIENS.
(a) LAWFUL PERMANENT RESIDENCE.—
(1) Z-1 NONIMMIGRANTS.—
(A) PROHIBITION ON IMMIGRANT VISA.—A Z-1 nonimmigrant may not be issued an immigrant visa or admitted to the United States under sections 286(b)(1)(A) and 281.
(B) ADJUSTMENT.—Notwithstanding sections 235(a) and (c), the status of any Z-1 nonimmigrant may be adjusted by the Secretary of Homeland Security to that of an alien lawfully admitted for permanent residence.
(2) Z-3 NONIMMIGRANT; Z-3 WORKER.—The term ‘Z-3 nonimmigrant’ or ‘Z-3 worker’ means an alien admitted to the United States under paragraph (i)(II) of subsection 101(a)(15)(Z).
(3) Z-3 nonimmigrant status means an alien admitted to the United States under paragraph (i)(II) of subsection 101(a)(15)(Z).

SEC. 602. EARNED ADJUSTMENT FOR Z STATUS ALIENS.

(a) LAWFUL PERMANENT RESIDENCE.—
(1) Z-1 NONIMMIGRANTS.—
(A) PROHIBITION ON IMMIGRANT VISA.—A Z-1 nonimmigrant may not be issued an immigrant visa or admitted to the United States under sections 286(b)(1)(A) and 281.
(B) ADJUSTMENT.—Notwithstanding sections 235(a) and (c), the status of any Z-1 nonimmigrant may be adjusted by the Secretary of Homeland Security to that of an alien lawfully admitted for permanent residence.
(2) Z-3 NONIMMIGRANT; Z-3 WORKER.—The term ‘Z-3 nonimmigrant’ or ‘Z-3 worker’ means an alien admitted to the United States under paragraph (i)(II) of subsection 101(a)(15)(Z).

SEC. 602. EARNED ADJUSTMENT FOR Z STATUS ALIENS.

(a) LAWFUL PERMANENT RESIDENCE.—
(1) Z-1 NONIMMIGRANTS.—
(A) PROHIBITION ON IMMIGRANT VISA.—A Z-1 nonimmigrant may not be issued an immigrant visa or admitted to the United States under sections 286(b)(1)(A) and 281.
(B) ADJUSTMENT.—Notwithstanding sections 235(a) and (c), the status of any Z-1 nonimmigrant may be adjusted by the Secretary of Homeland Security to that of an alien lawfully admitted for permanent residence.
(2) Z-3 NONIMMIGRANT; Z-3 WORKER.—The term ‘Z-3 nonimmigrant’ or ‘Z-3 worker’ means an alien admitted to the United States under paragraph (i)(II) of subsection 101(a)(15)(Z).

SEC. 602. EARNED ADJUSTMENT FOR Z STATUS ALIENS.

(a) LAWFUL PERMANENT RESIDENCE.—
(1) Z-1 NONIMMIGRANTS.—
(A) PROHIBITION ON IMMIGRANT VISA.—A Z-1 nonimmigrant may not be issued an immigrant visa or admitted to the United States under sections 286(b)(1)(A) and 281.
(B) ADJUSTMENT.—Notwithstanding sections 235(a) and (c), the status of any Z-1 nonimmigrant may be adjusted by the Secretary of Homeland Security to that of an alien lawfully admitted for permanent residence.
(2) Z-3 NONIMMIGRANT; Z-3 WORKER.—The term ‘Z-3 nonimmigrant’ or ‘Z-3 worker’ means an alien admitted to the United States under paragraph (i)(II) of subsection 101(a)(15)(Z).

SEC. 602. EARNED ADJUSTMENT FOR Z STATUS ALIENS.

(a) LAWFUL PERMANENT RESIDENCE.—
(1) Z-1 NONIMMIGRANTS.—
(A) PROHIBITION ON IMMIGRANT VISA.—A Z-1 nonimmigrant may not be issued an immigrant visa or admitted to the United States under sections 286(b)(1)(A) and 281.
(B) ADJUSTMENT.—Notwithstanding sections 235(a) and (c), the status of any Z-1 nonimmigrant may be adjusted by the Secretary of Homeland Security to that of an alien lawfully admitted for permanent residence.
(2) Z-3 NONIMMIGRANT; Z-3 WORKER.—The term ‘Z-3 nonimmigrant’ or ‘Z-3 worker’ means an alien admitted to the United States under paragraph (i)(II) of subsection 101(a)(15)(Z).
country of origin may as a matter of discre-

tion, or shall at the direction of the Sec-

retary of State, accept an application for ad-

justment of status from such an alien.

(2) ELIGIBILITY.—An alien admitted for per-

manent residence may file an application for ad-

justment of status provided that

(A) the provisions under section 204(a)(3)(C)

of the Immigration and Nationality Act (8

U.S.C. 1154(a)(3)(C)); and

(B) the protections, prohibitions, and pen-

alties under section 204(f)(3) of the Immigra-

tion and Nationality Act (8 U.S.C. 1154(f)(3))

shall not be applied.

(3) MAINTENANCE OF WAIVERS OF INADMIS-

sibility.—The alien must meet the alien eligibility criteria for

section (d)(2).

(4) ADJUSTMENT.—Notwithstanding sec-

tions 248(a) and (c), the status of any Z-2 or

Z-3 nonimmigrant may be adjusted by the

Secretary of Homeland Security to that of an

alien lawfully admitted for permanent re-

sidence.

(iv) AMENDMENT.—(A) The alien must file an

application for adjustment of status under

section 245 of the Act; and

(B) the protections, prohibitions, and pen-

alties under section 204(f)(3) of the Immigra-

tion and Nationality Act (8 U.S.C. 1154(f)(3))

shall not be applied.

(5) RESUSPENSION.—Notwithstanding

sections 248(a) and (c), the status of any Z-2 or

Z-3 nonimmigrant may be adjusted by the

Secretary of Homeland Security to that of an

alien lawfully admitted for permanent re-

sidence.

(vi) AMENDMENT.—(A) The alien must file an

application for adjustment of status under

section 245 of the Act; and

(B) the protections, prohibitions, and pen-

alties under section 204(f)(3) of the Immigra-

tion and Nationality Act (8 U.S.C. 1154(f)(3))

shall not be applied.

(6) ADJUSTMENT.—Notwithstanding sec-

tions 248(a) and (c), the status of any Z-2 or

Z-3 nonimmigrant may be adjusted by the

Secretary of Homeland Security to that of an

alien lawfully admitted for permanent re-

sidence.

(vii) AMENDMENT.—(A) The alien must file an

application for adjustment of status under

section 245 of the Act; and

(B) the protections, prohibitions, and pen-

alties under section 204(f)(3) of the Immigra-

tion and Nationality Act (8 U.S.C. 1154(f)(3))

shall not be applied.

(7) ADJUSTMENT.—Notwithstanding sec-

tions 248(a) and (c), the status of any Z-2 or

Z-3 nonimmigrant may be adjusted by the

Secretary of Homeland Security to that of an

alien lawfully admitted for permanent re-

sidence.

(viii) AMENDMENT.—(A) The alien must file an

application for adjustment of status under

section 245 of the Act; and

(B) the protections, prohibitions, and pen-

alties under section 204(f)(3) of the Immigra-

tion and Nationality Act (8 U.S.C. 1154(f)(3))

shall not be applied.

(8) ADJUSTMENT.—Notwithstanding sec-

tions 248(a) and (c), the status of any Z-2 or

Z-3 nonimmigrant may be adjusted by the

Secretary of Homeland Security to that of an

alien lawfully admitted for permanent re-

sidence.

(ix) AMENDMENT.—(A) The alien must file an

application for adjustment of status under

section 245 of the Act; and

(B) the protections, prohibitions, and pen-

alties under section 204(f)(3) of the Immigra-

tion and Nationality Act (8 U.S.C. 1154(f)(3))

shall not be applied.

(9) ADJUSTMENT.—Notwithstanding sec-

tions 248(a) and (c), the status of any Z-2 or

Z-3 nonimmigrant may be adjusted by the

Secretary of Homeland Security to that of an

alien lawfully admitted for permanent re-

sidence.

(x) AMENDMENT.—(A) The alien must file an

application for adjustment of status under

section 245 of the Act; and

(B) the protections, prohibitions, and pen-

alties under section 204(f)(3) of the Immigra-

tion and Nationality Act (8 U.S.C. 1154(f)(3))

shall not be applied.

(10) ADJUSTMENT.—Notwithstanding sec-

tions 248(a) and (c), the status of any Z-2 or

Z-3 nonimmigrant may be adjusted by the

Secretary of Homeland Security to that of an

alien lawfully admitted for permanent re-

sidence.

(xii) AMENDMENT.—(A) The alien must file an

application for adjustment of status under

section 245 of the Act; and

(B) the protections, prohibitions, and pen-

alties under section 204(f)(3) of the Immigra-

tion and Nationality Act (8 U.S.C. 1154(f)(3))

shall not be applied.

(11) ADJUSTMENT.—Notwithstanding sec-

tions 248(a) and (c), the status of any Z-2 or

Z-3 nonimmigrant may be adjusted by the

Secretary of Homeland Security to that of an

alien lawfully admitted for permanent re-

sidence.

(xiii) AMENDMENT.—(A) The alien must file an

application for adjustment of status under

section 245 of the Act; and

(B) the protections, prohibitions, and pen-

alties under section 204(f)(3) of the Immigra-

tion and Nationality Act (8 U.S.C. 1154(f)(3))

shall not be applied.

(12) ADJUSTMENT.—Notwithstanding sec-

tions 248(a) and (c), the status of any Z-2 or

Z-3 nonimmigrant may be adjusted by the

Secretary of Homeland Security to that of an

alien lawfully admitted for permanent re-

sidence.

(xiv) AMENDMENT.—(A) The alien must file an

application for adjustment of status under

section 245 of the Act; and

(B) the protections, prohibitions, and pen-

alties under section 204(f)(3) of the Immigra-

tion and Nationality Act (8 U.S.C. 1154(f)(3))

shall not be applied.

(13) ADJUSTMENT.—Notwithstanding sec-

tions 248(a) and (c), the status of any Z-2 or

Z-3 nonimmigrant may be adjusted by the

Secretary of Homeland Security to that of an

alien lawfully admitted for permanent re-

sidence.

(xv) AMENDMENT.—(A) The alien must file an

application for adjustment of status under

section 245 of the Act; and

(B) the protections, prohibitions, and pen-

alties under section 204(f)(3) of the Immigra-

tion and Nationality Act (8 U.S.C. 1154(f)(3))

shall not be applied.

(14) ADJUSTMENT.—Notwithstanding sec-

tions 248(a) and (c), the status of any Z-2 or

Z-3 nonimmigrant may be adjusted by the

Secretary of Homeland Security to that of an

alien lawfully admitted for permanent re-

sidence.

(xvi) AMENDMENT.—(A) The alien must file an

application for adjustment of status under

section 245 of the Act; and

(B) the protections, prohibitions, and pen-

alties under section 204(f)(3) of the Immigra-

tion and Nationality Act (8 U.S.C. 1154(f)(3))

shall not be applied.

(15) ADJUSTMENT.—Notwithstanding sec-

tions 248(a) and (c), the status of any Z-2 or

Z-3 nonimmigrant may be adjusted by the

Secretary of Homeland Security to that of an

alien lawfully admitted for permanent re-

sidence.

(xvii) AMENDMENT.—(A) The alien must file an

application for adjustment of status under

section 245 of the Act; and

(B) the protections, prohibitions, and pen-

alties under section 204(f)(3) of the Immigra-

tion and Nationality Act (8 U.S.C. 1154(f)(3))

shall not be applied.

(16) ADJUSTMENT.—Notwithstanding sec-

tions 248(a) and (c), the status of any Z-2 or

Z-3 nonimmigrant may be adjusted by the

Secretary of Homeland Security to that of an

alien lawfully admitted for permanent re-

sidence.

(xviii) AMENDMENT.—(A) The alien must file an

application for adjustment of status under

section 245 of the Act; and

(B) the protections, prohibitions, and pen-

alties under section 204(f)(3) of the Immigra-

tion and Nationality Act (8 U.S.C. 1154(f)(3))

shall not be applied.
"(b) Judicial review of eligibility determinations relating to status under Title VI of [this Act].

(1) Exclusive review.—Notwithstanding any other provision of law (statutory or non-statutory), including section 2241 of title 28, or any other habeas corpus provision, and sections 1361 and 1651 of such title, and except as provided in this section, no court shall have jurisdiction to review a determination respecting an application for status under title VI of [this Act], including, without limitation, denial, termination, or rescission of such status.

(2) No review for late filings.—An alien may file an application in subsection 601 of title VI of [this Act] only in conjunction with the judicial review of an order of removal under this section, provided that:

(A) the venue provision set forth in subsection 602(a) of [this Act] shall not apply; and

(B) the deadline for filing the petition for review in subsection (b)(1) shall control.

(C) the alien has exhausted all administrative remedies available to the alien as of right, including but not limited to the time-limiting filing of an administrative appeal pursuant to subsection 603(a) of [this Act].

(D) the court shall decide a challenge to the denial of status only on the administrative record on which the Secretary’s denial, termination, or rescission was based.

(E) Limitation on review.—Notwithstanding any other provision of law (statutory or non-statutory), including section 2241 of title 28, the final disposition of an application for status under any other section of [this Act] and sections 1361 and 1651 of such title, no court reviewing denial, termination, or rescission of status under Title VI of [this Act] may review any discretionary decision or action of the Secretary regarding any application or rescission of any application or rescission of status; and

(2) Exclusion of motions to reopen and reconsider.—The alien may file not more than one motion to reopen or to reconsider in proceedings brought under this section.

(4) Exhaustion of administrative review.—The Secretary shall have no authority to stay proceedings initiated under this section, or the Secretary to commence removal proceedings against an alien who has been denied, terminated, or revoked based on the Secretary’s finding that the alien is inadmissible or deportable.

(5) Challenges on validity of the system.—(A) In general.—Any claim that title VI of [this Act], or any regulation, written policy, or written directive issued or written policy or practice initiated by or under the authority of the Secretary of Homeland Security to implement that title, violates the Constitution of the United States or is otherwise in violation of law is available exclusively in an action instituted in the United States District Court for the District of Columbia in accordance with the procedures prescribed in this paragraph. Nothing in this subparagraph shall preclude an applicant for status under any other section of [this Act] from asserting that an action taken or decision made by the Secretary with respect to his status under that title was contrary to law in proceeding under section 603 of [this Act] and paragraph (b)(2) of this section.

(B) Deadlines for bringing actions.—(i) must, if it asserts a claim that title VI of [this Act] or any regulation, written policy, or written directive issued or written policy or practice initiated by or under the authority of the Secretary to implement that title violates the Constitution or is otherwise unlawful, be filed no later than one year after the date of publication of the challenged regulation, policy or directive or, in cases challenging the validity of the Act, within one year of enactment; and

(ii) must, if it asserts a claim that an unwritten policy or practice initiated by or under the authority of the Secretary violates the Constitution or is otherwise unlawful, be filed no later than one year after the plaintiff knew or reasonably should have known of the unwritten policy or practice.

(C) Class actions.—Any claim described in subparagraph (A) that is brought as a class action under section 1341 of title 28, the Federal Rules of Civil Procedure.

(3) Review of a denial, termination, or rescission of status under Title VI of [this Act].—A denial, termination, or rescission of status under subsection 601 of [this Act] only in violation of law is available exclusively to the alien as of right, including any application to extend such status under section 602 of [this Act].

(4) Exhaustion and stay of proceedings.—No claim brought under this paragraph shall preclusive of any such claim asserted in a subsequent proceeding under subsection 603 of [this Act].

(5) Exhaustion and stay of proceedings.—Any action instituted under this paragraph, or any other habeas corpus provision, and sections 1361 and 1651 of such title, may not be brought in conformity with Public Law 109-2 and the Federal Rules of Civil Procedure.

(6) Preclusive effect.—The final disposition of any claim brought under subparagraph (A) shall be preclusive of any such claim asserted in a subsequent proceeding under subsection 603 of [this Act].

(7) Exhaustion and stay of proceedings.—Any action instituted under this paragraph, or any other habeas corpus provision, and sections 1361 and 1651 of such title, may not file an application for status under section 602 of such Act, for purposes of identifying a deceased individual, whether or not the death of such individual resulted from a crime.

(8) Auditing and evaluation of information.—The Secretary may audit and evaluate information furnished as part of any application for status under sections 601 and 602 of [this Act], or any application to extend such status under section 601(k) of such Act, or any application to adjust status to that of an alien lawfully admitted for temporary residence under section 602 of such Act, for purposes of identifying fraud or fraud schemes, and may use any evidence detected by means of audits and evaluations for purposes of investigating, prosecuting or referring for prosecution, denying, or terminating immigration benefit(s).
under section 247(a) (8 U.S.C. 1234a) or the tax laws of the United States for the prior unlawful employment of that alien, regardless of the adjudication of such application or reconsideration proceeding. Section 214(d) shall not provide for any alien’s prima facie eligibility determination.

(b) Applicability of Other Law.—Nothing in this section may be used to shield an employer from liability under section 274A or the Immigration and Nationality Act (8 U.S.C. 1324b) or any other labor or employment law.

SEC. 606. ENUMERATION OF SOCIAL SECURITY NUMBER.
The Secretary of Homeland Security, in coordination with the Commissioner of the Social Security Administration, shall implement a system to allow for the prompt enumeration of a Social Security number after the Secretary of Homeland Security has granted an alien Z nonimmigrant status or any probationary benefits based upon application for such status.

SEC. 607. PRECISION OF SOCIAL SECURITY CREDITS FOR YEARS PRIOR TO ENUMERATION.

(a) Insured Status.—Section 214 of the Social Security Act (42 U.S.C. 614) is amended by:

(1) amending subsection (c) by deleting “For” and inserting “Except as provided in subsection (e), for”; and

(2) at the end the following new subsections:

“(d)(l) Except as provided in paragraph (2) and subsection (e), for purposes of this section and for purposes of determining a qualifying quarter of coverage under 8 U.S.C. 1612(b)(2)(B), no quarter of coverage shall be credited if, with respect to any individual who is assigned a Social Security account number after 2007, such quarter of coverage is earned prior to the year in which such social security account number is assigned.

“(d)(2) Except as provided in paragraph (1) and subsection (e), a quarter of coverage earned by an individual who satisfies the criterion specified in subsection (c)(2).

“(e) Subsection (d) shall not apply with respect to a determination under subsection (a) or (b) for a deceased individual in the case of a child who is a United States citizen and was living with his child’s insurance benefits under section 202(d) based on the wages and self-employment income of such deceased individual.

(b) Accuracy of Determination.—Section 215(e) of such Act (42 U.S.C. 615d) is amended—

(1) by striking “and” at the end of paragraph (1)

(2) by striking the period at the end of paragraph (2) and inserting “; and”;

(3) by adding at the end the following new paragraph:

“(3) In computing the average indexed monthly earnings of an individual, there shall not be counted any wages or self-employment income for any period for which no quarter of coverage may be credited to such individual as a result of the application of section 214(d);

(c) Effective Date.—The amendment made by subsection (a) that provides for a new section 214(e) of the Social Security Act shall be effective with respect to applications for benefits filed after the sixth month following the month this Act is enacted.

SEC. 608. PAYMENT OF PENALTIES AND USE OF PENALTIES COLLECTED.

(a) The Secretary shall by regulation establish procedures allowing for the payment of 80 percent of the penalties described in Section 60(e)(6)(B) and Section 602(a)(1)(C)(v) through an installment payment plan.

(b) Any penalties received under this title with respect to an application for Z-1 nonimmigrant status shall be used in the following order of priority:

(1) shall be credited as offsetting collections to appropriations provided pursuant to section 611 for the fiscal year in which this Act is enacted and the subsequent fiscal year;

(2) shall be deposited and remain available as otherwise provided under this title.

SEC. 609. LIMITATIONS ON ELIGIBILITY.

(a) In General.—An alien is not ineligible for any immigration benefit under any provision of this title, or any amendment made by this title, solely on the basis that the alien violated section 1543, 1544, or 1546 of such title 18, United States Code, or any amendments made by the [NAME OF THIS ACT], during the period beginning on the date of the enactment of such Act and ending on the date on which the alien applies for any benefits under this title, except with respect to any forgery, fraud or misrepresentation on the application for Z nonimmigrant status filed by the alien.

(b) Prosecution.—An alien who commits a violation of section 1.543, 1544, or 1546 of such title 18, or any amendment made by the [NAME OF THIS ACT], shall be subject to the [NAME OF THIS ACT].

(c) Enforcement.—The interim final rule shall become effective immediately upon publication in the Federal Register. The interim final rule shall sunset two years after issuance unless the Secretary issues a final rule within two years of the issuance of the interim final rule.

(d) The exemption provided under this section shall cease no later than two years after the date of enactment of this subtitle to implement this title and the amendments made by this title. The interim final rule shall become effective immediately upon publication in the Federal Register.

(e) Availability of Funds.—Funds appropriated pursuant to paragraph (a) shall remain available until expended.

(f) Sense of Congress.—It is the sense of the Congress that actions taken by the Secretary under such exemptions.

SEC. 610. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—There are authorized to be appropriated pursuant to subsection (a) such sums as may be necessary to carry out the provisions of this Act, or any amendments made by the [NAME OF THIS ACT], during the period beginning on the date of the enactment of such Act and ending on the date on which the alien applies for eligibility for such benefit.

(b) Authorization.—An alien who commits a violation of section 1.543, 1544, or 1546 of such title 18, or any amendment made by the [NAME OF THIS ACT], shall be subject to the [NAME OF THIS ACT].

(c) Enforcement.—The interim final rule shall become effective immediately upon publication in the Federal Register.

SEC. 611. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—There are authorized to be appropriated pursuant to subsection (a) such sums as may be necessary to carry out the provisions of this Act, or any amendments made by the [NAME OF THIS ACT], during the period beginning on the date of the enactment of such Act and ending on the date on which the alien applies for eligibility for such benefit.

(b) Authorization.—An alien who commits a violation of section 1.543, 1544, or 1546 of such title 18, or any amendment made by the [NAME OF THIS ACT], shall be subject to the [NAME OF THIS ACT].

(c) Enforcement.—The interim final rule shall become effective immediately upon publication in the Federal Register. The interim final rule shall sunset two years after issuance unless the Secretary issues a final rule within two years of the issuance of the interim final rule.

(d) The exemption provided under this section shall cease no later than two years after the date of enactment of this subtitle to implement this title and the amendments made by this title. The interim final rule shall become effective immediately upon publication in the Federal Register.

(e) Availability of Funds.—Funds appropriated pursuant to paragraph (a) shall remain available until expended.

(f) Sense of Congress.—It is the sense of the Congress that actions taken by the Secretary under such exemptions.

SEC. 612. SHORT TITLE.

This subtitle may be cited as the “Development, Relief, and Education for Alien Minors Act of 2007” or the “DREAM Act of 2007”.

SEC. 613. DEFINITIONS.

In this subtitle:

(1) Institution of higher education.—The term “institution of higher education” has the meaning given to that term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(2) Uniformed services.—The term “uniformed services” means the meaning given to that term in section 101(a) of title 10, United States Code.

SEC. 614. ADJUSTMENT OF STATUS OF CERTAIN LONG-TERM RESIDENTS WHO ENTERED THE UNITED STATES AS CHILDREN.

(a) Special Rule for Certain Long-Term Residents Who Entered the United States as Children.

(1) In General.—Notwithstanding any other provision of law and except as otherwise provided in this subtitle, the Secretary shall adjust the status of an alien lawfully admitted for permanent residence who is an alien who has been granted a probationary Z or Z nonimmigrant visa if the alien demonstrates that—

(i) the alien is a lawful permanent resident in the United States for a continuous period since January 1, 2007, is under 30 years of age on the date of enactment, and had not yet reached the age of 18 years at the time of initial entry;

(ii) the alien has earned a high school diploma or obtained a general education development certificate in the United States;

(iii) the alien has not abandoned the alien’s residence in the United States, and the Secretary shall presume that the alien has abandoned such residence if the alien is absent from the United States for more than 365 days, in the aggregate, during the period of continuous residence, or if the alien demonstrates that alien’s residence in the United States during the period of such service;

(iv) the alien has not been in the United States for active service in the uniformed services for at least two years and, if discharged, has received an honorable discharge;

(v) the alien has provided a list of all of the secondary educational institutions that the alien attended in the United States; and

(vi) the alien is in compliance with the eligibility and admissibility criteria set forth in section 1101(a)(15).

(b) Repeal of Certain Provisions of Law.—Subsection (a) of section 1105 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1105a(1)) is hereby repealed.

(c) Provisions of Law.—Sections 601(h) and 602 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1101 et seq.) are hereby repealed.

(d) Sense of Congress.—It is the sense of the Congress that the provisions of law not amended or affected by this subtitle are hereby repealed.

(2) Compliance with Conditions.—An alien who enters the United States as a lawful permanent resident under subsection (a)(1) shall remain in the United States to fulfill the requirements of this section.

(3) Regulations.—

(i) Proposed Regulations.—Not later than 180 days after the date of enactment of this Act, the Secretary shall publish proposed regulations implementing the provisions of this Act. Such regulations shall be effective immediately on an interim basis, but are subject to change and revision after public notice and opportunity for a period for public comment.

(ii) Final Regulations.—Within a reasonable time after publication of the interim final regulations in accordance with paragraph (1), the Secretary shall publish final regulations implementing this section.

SEC. 615. EXPEDITED PROCESSING OF APPLICATIONS FOR CERTAIN IMMIGRATION BENEFITS.

Regulations promulgated under this subtitle shall provide that no additional fee will
be charged to an applicant for a Z non-immigrant visa for applying for benefits under this subtitle.

SEC. 616. HIGHER EDUCATION ASSISTANCE.
(a) In General.—Section 208(a)(1) of the Social Security Act (42 U.S.C. 601(a)(1)) is amended—
(1) in subparagraph (B)(ii), by striking ‘‘or’’ at the end of such subparagraph; and
(2) by striking ‘‘212’’ and inserting ‘‘1990’’.
(b) Effective Date.—The amendments made by subsection (a) shall take effect on the first day of the seventh month that begins after the date of the enactment of this Act.

Subtitle C—Agricultural Workers

SEC. 621. SHORT TITLE.
This subtitle may be cited as the ‘‘Agricultural Job Opportunities, Benefits, and Security Act of 2007’’ or the ‘‘AGJOBS Act of 2007’’

PART I—ADMISSION OF AGRICULTURAL WORKERS

SEC. 622. ADMISSION OF AGRICULTURAL WORKERS.
(a) Z-A NONIMMIGRANT VISA CATEGORY.—
(1) ESTABLISHMENT.—Paragraph (15) of section 101(a)(15)(Z) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)), as amended by section 601(b), is further amended by adding at the end the following new subparagraph:
‘‘(Z-A)(1) an alien who is coming to the United States to perform any service or activity that is considered to be agricultural under section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)), agricultural labor under section 321(g) of the Internal Revenue Code of 1986, or the performance of agricultural labor or services described in subparagraph (B) or (C) who meets the requirements of section 214A of this Act; or
‘‘(ii) the spouse or minor child of an alien described in clause (i) who is residing in the United States.

(b) REQUIREMENTS FOR ISSUANCE OF NONIMMIGRANT VISA.—Chapter 2 of title II of the Immigration and Nationality Act (8 U.S.C. 1181 et seq.) is amended after section 214 the following new section:

SEC. 214A. ADMISSION OF AGRICULTURAL WORKERS.
(a) Definitions.—In this section:
(1) AGRICULTURAL EMPLOYMENT.—The term ‘‘agricultural employment’’ means any service or activity that is considered to be agricultural under section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)) or agricultural labor under section 321(g) of the Internal Revenue Code of 1986, or the performance of agricultural labor or services described in section 101(a)(15)(H)(iv)(A).

(2) DEPARTMENT.—The term ‘‘Department’’ means the Department of Homeland Security.

(3) EMPLOYER.—The term ‘‘employer’’ means any person or entity, including any farm labor contractor and any agricultural association that employs workers in agricultural employment.

(4) QUALIFIED DESIGNATED ENTITY.—The term ‘‘qualified designated entity’’ means—
(A) a qualified farm labor contractor, or
(B) an association of employers designated by the Secretary; or

SEC. 620. CORRECTION OF SOCIAL SECURITY RECORDS

SEC. 629. CORRECTION OF SOCIAL SECURITY RECORDS.
(a) In General.—Section 208(e)(1) of the Social Security Act (42 U.S.C. 608(e)(1)) is amended—
(1) in subparagraph (B)(ii), by striking ‘‘or’’ at the end of such subparagraph;
(2) in subparagraph (C), by inserting ‘‘or’’ at the end;
(3) by inserting after subparagraph (C) the following:
‘‘(D) who is granted nonimmigrant status pursuant to section 101(a)(15)(Z-A) of the Immigration and Nationality Act,’’; and
(4) by striking ‘‘1990’’ and inserting ‘‘1990, or in the case of an alien described in subparagraph (D), if such conduct is alleged to have occurred before the date on which the alien was granted such nonimmigrant status.’’

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the first day of the seventh month that begins after the date of the enactment of this Act.
‘‘A’’ FINGERPRINTS.—An alien seeking a Z-A visa or a Z-A dependent visa shall submit fingerprints to the Secretary at such time and in manner as the Secretary may require.

‘‘B’’ BACKGROUND CHECK.—The Secretary shall utilize fingerprints provided under subparagraph (A) and other biometric data provided by an alien to conduct a background check, including searching the alien’s criminal history and any law enforcement actions taken with respect to the alien and ensuring that the alien is not a risk to national security.

‘‘4’’ WAIVER OF CERTAIN GROUNDS OF INADMISSIBILITY.—In the determination of an alien’s eligibility for a Z-A visa or a Z-A dependent visa the following shall apply:

‘‘(A) GROUNDS OF EXCLUSION NOT APPLICABLE.—The provisions of paragraphs (5), (6)(A), (7), and (8) of section 212(a) shall not apply.

‘‘(B) WAIVER OF OTHER GROUNDS.—

‘‘(i) IN GENERAL.—Except as provided in clause (ii), the Secretary may waive any provision of such section 212(a), other than the paragraphs described in subparagraph (A), in the case of individual aliens for humanitarian purposes, to ensure family unity, or if such waiver is otherwise in the public interest.

‘‘(ii) GROUNDS THAT MAY NOT BE WAIVED.—Except as provided in subparagraph (C), subparagraphs (A), (B), and (C) of paragraph (2), and paragraphs (3) and (4) of section 212(a) may not be waived by the Secretary under clause (i).

‘‘(iii) CONSTRUCTION.—Nothing in this subparagraph shall be construed as affecting the authority of the Secretary other than under this subparagraph to waive provisions of such section 212(a).

‘‘(C) WAIVER FOR DETERMINATION OF PUBLIC CHARGE.—An alien is not ineligible for a Z-A visa or a Z-A dependent visa by reason of a ground of inadmissibility under section 212(a) if the alien demonstrates history of employment in the United States evidencing self-sufficiency without reliance on public cash assistance.

‘‘I’’ APPLICATION.

‘‘(A) IN GENERAL.—An alien seeking a Z-A visa shall submit an application to the Secretary for such a visa, including information regarding a Z-A dependent visa for the spouse of the child of the alien.

‘‘(B) SUBMISSION.—Applications for a Z-A visa under this paragraph may be submitted by—

‘‘(i) to forward to the Secretary an application pursuant to paragraph (2)(B) if the alien for whom the application is being submitted has consented to such forwarding;

‘‘(ii) not to forward to the Secretary any such application if such an alien has not consented to such forwarding; and

‘‘(iii) to assist an alien in obtaining documentation of the alien’s self-sufficiency if the alien requests such assistance.

‘‘(B) NO AUTHORITY TO MAKE DETERMINATIONS.—No qualified designated entity may make a determination required by this section to be made by the Secretary.

‘‘II’’ APPLICATION FEES.

‘‘(A) FEE SCHEDULE.—The Secretary shall provide for a fee—

‘‘(i) shall be charged for applying for a Z-A visa under this section or for an adjustment of status described in subsection (j); and

‘‘(ii) may be charged by qualified designated entities to help defray the costs of services provided to such aliens making such an application.

‘‘(B) PROHIBITION ON EXCESS FEES BY QUALIFIED DESIGNATED ENTITIES.—A qualified designated entity may not charge any fee in excess of, or in addition to, the fees authorized under subparagraph (A)(ii) for services provided to applicants.

‘‘(C) LIMITATION ON ACCESS TO INFORMATION.—Files and records collected or compiled by a qualified designated entity for the purposes of this section are confidential and the Secretary shall not authorize access to such a file or record relating to an alien without the consent of the alien, except as allowed by a court order issued pursuant to [ ]

‘‘(D) TREATMENT OF APPLICANTS.—

‘‘(A) IN GENERAL.—An alien who files an application under this section to receive a Z-A visa and any spouse or child of the alien seeking a Z-A dependent visa, on the date described in subparagraph (B)—

‘‘(i) shall be granted probationary benefits in the form of employment authorization pending final adjudication of the alien’s application;

‘‘(ii) may in the Secretary’s discretion receive an re-employment authorization benefit from the United States pursuant to existing regulations governing advance parole;

‘‘(iii) may not be detained for immigration purposes, determined inadmissible or deportable, or removed pending final adjudication of the alien’s application, unless the alien is determined to be ineligible for Z-A visa; and

‘‘(B) LIMITATION OF PROBATIONARY BENEFITS.—

‘‘(i) IN GENERAL.—Subject to clause (ii), an alien who submits an application for a Z-A visa under subsection (d), including any evidence, documentation, or any spouse or child of the alien seeking a Z-A dependent visa shall receive the probationary benefits described in clauses (i) through (iv) of subparagraph (A) at the earlier of—

‘‘(II) the date and time that the alien has passed all appropriate background checks, including name and fingerprint checks; or

‘‘(II) the end of the next business day after the date that the Secretary receives the alien’s application for a Z-A visa.

‘‘(ii) EXCEPTION.—If the Secretary determines that the alien fails the background checks referred to in clause (I), the alien may not be granted probationary benefits described in clauses (i) through (iv) of subparagraph (A).

‘‘J’’ TEMPORARY SICKNESS, HOSPITALIZATION, AND WORK AUTHORIZATION FOR CERTAIN APPLICANTS.

‘‘A’’ BEFORE APPLICATION PERIOD.—Beginning on the date of enactment of the AgJOBS Act of 2007, the Secretary shall provide that, in the case of an alien who is apprehended prior to the first date of the application period described in subsection (c)(1)(B) and who can establish a nonfrivolous case of eligibility for a Z-A visa (but for the fact that the alien may not apply for such status until the beginning of such period), the alien—

‘‘(i) may not be removed; and

‘‘(ii) shall be granted authorization to engage in employment in the United States and be provided an employment authorization endorsement or other appropriate work permit for such purpose.

‘‘B’’ DURING APPLICATION PERIOD.—The Secretary shall provide that, in the case of an alien who presents a nonfrivolous application for a Z-A visa during the application period described in subsection (c)(1)(B) and who can establish a nonfrivolous case of eligibility for a Z-A visa (but for the fact that the alien may not apply for such status until the beginning of such period), the alien—

‘‘(i) may not be removed; and

‘‘(ii) shall be granted authorization to engage in employment in the United States and be provided an employment authorization endorsement or other appropriate work permit for such purpose.

‘‘C’’ NUMERICAL LIMITATIONS.

‘‘(1) Z-A VISA.—The Secretary may not issue more than 1,500,000 Z-A visas.

‘‘(2) Z-A DEPENDENT VISA.—The Secretary may not count any Z-A dependent visa issued against the numerical limitation described in paragraph (1).

‘‘D’’ EVIDENCE OF NONIMMIGRANT STATUS.

‘‘(A) GENERAL.—Documentary evidence of nonimmigrant status shall be acceptable to each alien granted a Z-A visa or a Z-A dependent visa.

‘‘(B) PICTURES OF DOCUMENTATION.—Documentary evidence of a Z-A visa or a Z-A dependent visa—

‘‘(A) shall be machine-readable, tamper-resistant, and shall contain a digitized photograph and other biometric identifiers that can be authenticated;
(B) shall be designed in consultation with U.S. Immigration and Customs Enforcement's Forensic Document Laboratory; (C) shall serve as a valid travel and entry document granted to an alien for a Z-A dependent visa for the purpose of applying for admission to the United States where the alien is applying for admission at a port of entry.

(2) may be accepted during the period of its validity by an employer as evidence of employment authorization and identity under the provisions of the Act and the applicable regulations for such period. (D) may be issued to the alien granted a Z-A visa by the Secretary promptly after the alien is granted a Z-A visa or a Z-A dependent visa until all appropriate background checks on such alien are completed to the satisfaction of the Secretary.

(g) FINE.—An alien granted a Z-A visa shall pay a fine of $100 to the Secretary.

(h) Treatment of Aliens Granted a Z-A Visa.—

(1) In general.—Except as otherwise provided under this subsection, an alien granted a Z-A visa or a Z-A dependent visa shall be considered to be an alien lawfully admitted for permanent residence for purposes of any law other than any provision of this Act.

(2) Eligibility for certain federal public benefits.—An alien granted a Z-A visa shall not be eligible, by reason of such immigration status or for benefit described in section 403(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613(a)) until 5 years after the date on which the alien is granted an adjustment of status under subsection (d).

(3) Terms of Employment.—(A) An alien who is granted a Z-A visa may be terminated from employment by any employer during the period of a Z-A visa except for just cause.

(4) Treatment of Complaints.—

(i) Establishment of process.—The Secretary shall establish a process for the receipt, initial review, and disposition of complaints by aliens who assert that they have been terminated without just cause. No proceeding shall be conducted under this subparagraph with respect to a termination that the Secretary determines that the complaint was filed not later than 6 months after the date of the termination.

(ii) Arbitration.—In the event that the Secretary finds that an alien has filed a complaint in accordance with clause (i) and there is reasonable cause to believe that the alien was terminated from employment without just cause, the Secretary shall initiate binding arbitration proceedings by requesting the Federal Mediation and Conciliation Service to appoint a mutually agreeable arbitrator from the roster of arbitrators maintained by such Service for the geographical area in which the employer is located. The procedures of such Service shall be applicable to the selection of such arbitrator and to such arbitration proceedings. The Secretary shall pay the fees and expenses of the arbitrator, subject to the availability of appropriations for such purpose.

(iii) Arbitration Proceedings.—The arbitrator shall conduct the proceeding under this subparagraph in accordance with the policies and procedures promulgated by the American Arbitration Association applicable to private arbitration of employment disputes. The arbitrator shall make findings respecting whether the termination was for just cause. The arbitrator may not find that the termination was for just cause unless the employer makes a preponderance of the evidence. If the arbitrator finds that the termination was not for just cause, the arbitrator shall make a specific finding of the number of days or hours of work lost by the employee as a result of the termination. The arbitrator shall have no authority to order reinstatement, back pay, or front pay to the affected employee. Not later than 30 days after the date of the conclusion of the arbitration proceeding, the arbitrator shall transmit the findings in the form of a written opinion to the parties to the arbitration and the Secretary. Such findings shall be final and conclusive, and no official or court of the United States shall have the power or jurisdiction to review any such findings.

(iv) Effect on other actions or proceedings.—Each party to an arbitration under this subparagraph shall bear the cost of their own attorney's fees for the arbitration.

(v) Effect on other actions or proceedings.—Any finding of fact or law, judgment, conclusion, or final order made by an arbitrator in a proceeding before the Secretary shall not be conclusive or binding in any separate or subsequent action or proceeding between the employee and the employer. Any prior employee's current or prior employer brought before an arbitrator or administrative agency, court, or judge of any State or the United States, regardless of whether the prior action was brought on any separate or subsequent action or proceeding involving the same facts, except that the arbitrator's specific finding of the number of days or hours of work lost by the employee is a result of the employment termination may be referred to the Secretary pursuant to clause (iv).

(4) Record of Employment.—(A) In general.—Each employer of an alien who is granted a Z-A visa shall annually—

(i) provide a written record of employment to the alien; and

(ii) provide a copy of such record to the Secretary.

(B) Civil Penalties.—

(i) In general.—If the Secretary finds, after notice and opportunity for a hearing, that an employer of an alien granted a Z-A visa has failed to provide the record of employment required under subparagraph (A) or has provided a false statement of material fact in such a record, the employer shall be subject to a civil money penalty in an amount not to exceed $1,000 per violation.

(ii) Limitation.—The penalty applicable under clause (i) of this paragraph shall not apply unless the alien has provided the employer with evidence of employment authorization granted under this subsection.

(5) Termination of a Grant of Z-A Visa.—

(i) In general.—The Secretary may terminate a Z-A dependant visa granted to an alien only if the Secretary determines that the alien is deportable.

(ii) Grounds for termination.—Prior to the date that an alien granted a Z-A visa or a Z-A dependent visa becomes eligible for adjustment of status described in subsection (i), the Secretary may deny adjustment to permanent resident status and provide for the termination of the alien's Z-A visa or Z-A dependent visa if

(A) the Secretary finds, by a preponderance of the evidence, that the grant of a Z-A visa was the result of fraud or willful misrepresentation (as described in section 201(b)(3)(C)); or

(B) the alien—

(i) commits an act that makes the alien inadmissible to the United States as an immigrant, except as provided under subsection (c)(4); or

(ii) is convicted of a felony or 3 or more misdemeanors committed in the United States;

(iii) is convicted of an offense, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of $500; or

(iv) in the case of an alien granted a Z-A visa, fails to perform the agricultural employment described in subsection (j)(1)(A) unless the alien was unable to work in agricultural employment due to the extraordinary circumstances described in subsection (j)(4)(B).

(7) Adjustment to Permanent Resident Status.—

(i) Z-A Visa.—Except as provided in this subsection, the Secretary shall award the maximum number of points available pursuant to section 203(b)(1) and adjust the status of an alien lawfully admitted for permanent residence under this Act, if the Secretary determines that the following requirements are satisfied:

(A) Qualifying Employment.—

(1) In general.—Subject to clauses (i) and (ii), an alien has performed 4 years of agricultural employment for a significant period of time in the United States.

(B) the alien

(i) the record of employment described in subsection (j)(1)(A) unites for at least 100 work days per year, during the 4-year period beginning on the date that an alien granted a Z-A visa to that of an alien lawfully admitted for permanent residence under this Act, if the Secretary determines that the following requirements are satisfied:

(A) Qualifying Employment.—

(1) In general.—Subject to clauses (i) and (ii), an alien has performed 4 years of agricultural employment for at least 100 work days per year, during the 3-year period beginning on the date that an alien granted a Z-A visa to that of an alien lawfully admitted for permanent residence under this Act, if the Secretary determines that the following requirements are satisfied:

(1) Four Year Period of Employment.—An alien shall be considered to have met the requirements of clause (i) if the alien has performed 4 years of agricultural employment in the United States for at least 150 work days during 3 years and at least 100 work days during the remaining year, during the 4-year period beginning on such date of enactment.

(2) Extraordinary Circumstances.—In determining whether an alien has met the requirement of clause (i), the Secretary may consider the alien with not more than 12 additional months to meet the requirement of that clause if the alien was unable to work in agricultural employment due to—

(i) illness, disease, or other special needs of the alien's minor child; if the alien can establish such pregnancy, disabling injury, or disease through medical records; or

(ii) illness, disease, or other special needs of the alien; if the alien can establish such illness, disease, or special needs through medical records.

(3) Severe Weather Conditions.—In determining whether an alien has met the requirement of clause (i), the Secretary shall consider the alien with not more than 12 additional months to meet the requirement of that clause if severe weather conditions prevent the alien from engaging in agricultural employment for a significant period of time.

(4) Provision of Records.—An alien may demonstrate compliance with the requirements of subparagraph (A) by submitting—

(i) the record of employment described in subsection (j)(1)(A) unites for at least 100 work days per year, during the 3-year period beginning on the date that an alien granted a Z-A visa to that of an alien lawfully admitted for permanent residence under this Act, if the Secretary determines that the following requirements are satisfied:

A visa or Z-A visa who resides in the United States;
(C) APPLICATION PERIOD.—Not later than 8 years after the date of the enactment of the AgJOBS Act of 2007, the alien must

(i) apply for adjustment of status; or

(ii) apply for adjustment of status under this Act that were filed before May 1, 2005 (referred to in this paragraph as the ‘‘processing date’’).

(B) EXCEPTION.—The requirement of subparagraph (A) shall not apply to any person who, on the date of the filing of the person’s application for an adjustment of Z-A nonimmigrant status under this paragraph, satisfies the following:

(i) is unable because of physical or developmental disability or mental impairment to comply therewith;

(ii) is less than 18 years of age and has been living in the United States for periods totaling at least twenty years, or

(iii) is over fifty-five years of age and has been living in the United States for periods totaling at least fifteen years.

(7) PRIORITY OF APPLICATIONS.—

(A) BACK OF LINE.—An alien may not adjust status to that of a lawful permanent resident under this subsection until 30 days after the date on which an immigrant visa becomes available for approved petitions filed under sections 201, 202, and 203 of the Act that were filed before May 1, 2005 (referred to in this paragraph as the ‘‘processing date’’).

(B) OTHER APPLICANTS.—The processing of applications for an adjustment of status under this subsection shall be processed not later than 1 year after the processing date.

(C) CONCLUSION.—

(i) IN GENERAL.—A Z-A nonimmigrant’s application for adjustment of status to that of an alien lawfully admitted for permanent residence must be filed in person with a United States consular abroad.

(ii) PLACE OF APPLICATION.—Unless otherwise directed by the Secretary of State, a Z-A nonimmigrant applying for adjustment of status under this paragraph shall make an application at a consular office in the alien’s country of origin. The Secretary of State shall direct a consular office in a country that is not a Z-A nonimmigrant’s country of origin to accept an application for adjustment of status from such an alien, where the determination of whether the country of origin is not contiguous to the United States, and as consular resources make possible.

(k) CONFIDENTIALITY OF INFORMATION.—Applicants for Z-A nonimmigrant status under this subtitle shall be afforded confidentiality as provided under section 601.

(1) PENALTIES FOR FALSE STATEMENTS IN APPLICATIONS.—

(A) CRIMINAL PENALTY.—Any person who—

(A) applies for a Z-A visa or a Z-A dependent (B) visa or an adjustment of status described in subsection (j) and knowingly and willfully falsifies, conceals, or covers up a material fact or makes any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry; or

(B) creates or supplies a false writing or document for use in making such an application, shall be fined in accordance with title 18, United States Code.

(2) INADMISSIBILITY.—An alien who is convicted of a crime under paragraph (1) shall be inadmissible to the United States on the ground described in section 212(a)(6)(C)(i).

(3) ELIGIBILITY FOR LEGAL SERVICES.—Section 504(a)(11) of Public Law 104-134 (104 Stat. 1321-33 et seq.) shall not be construed to prevent a recipient of funds under the Legal Services Corporation Act (42 U.S.C. 296 et seq.) from providing legal assistance directly related to an application for a Z-A visa under subsection (b) or an adjustment of status under subsection (j).

(m) JUDICIAL REVIEW.—Administrative or judicial review of a determination on an application for a Z-A visa shall be such as is provided under section 603.

(2) NUMERICAL LIMITATIONS ON INDIVIDUAL FOREIGN STATES.—Section 202(a) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(1)), as amended by [ ], is further amended—

(A) by striking ‘‘subparagraph (A) or (B)’’ and inserting ‘‘subparagraph (A), (B), or (N)’’; and

(B) by adding at the end the following new paragraph:

(‘‘N’’ aliens issued a Z-A visa or a Z-A dependent visa (as those terms are defined in section 214A) who receive an adjustment of status to that of an alien lawfully admitted for permanent residence.’’).

(3) FUNDING.—

(A) IN GENERAL.—The Secretary shall cooperate with qualified designated entities to broadly disseminate information regarding the availability of Z-A nonimmigrant status under this Act that were filed before May 1, 2005 (referred to in this paragraph as the ‘‘processing date’’).

(B) OTHER APPLICANTS.—The Secretary shall cooperate with qualified designated entities to broadly disseminate information regarding the availability of Z-A nonimmigrant status under this Act that were filed before May 1, 2005 (referred to in this paragraph as the ‘‘processing date’’).

(5) PAYMENT OF TAXES.—

(A) IN GENERAL.—Not later than the date on which an application is adjusted as described in this subsection, the alien shall establish that the alien does not owe any applicable Federal tax liability by establishing that—

(i) no such tax liability exists;

(ii) all such outstanding tax liabilities have been paid; or

(iii) the alien has entered into an agreement for payment of all outstanding liabilities with the Internal Revenue Service.

(B) APPLICATION FEDERAL TAX LIABILITY.—In this paragraph, the term ‘‘applicable Federal tax liability’’ means liability for Federal taxes, including penalties and interest, owed for the period of employment required under paragraph (1)(A) for which the statutory period for assessment of any deficiency for such taxes has not expired.

(C) IRS COOPERATION.—The Secretary of the Treasury shall establish rules and procedures under which the Commissioner of Internal Revenue shall provide documentation to an alien upon request to establish the payment of all taxes required by this subsection.

(6) ENGLISH LANGUAGE.—

(A) IN GENERAL.—Not later than the date on which a Z-A nonimmigrant’s status is adjusted or renewed under section 601(k)(2), a Z-A nonimmigrant who is 18 years of age or older must pass the naturalization test described in sections 312(a)(1) and (2).
the Secretary such sums as may be necessary to implement this subtitle, including any sums needed for costs associated with the initiation of such implementation.

PART II—CORRECTION OF SOCIAL SECURITY RECORDS

SEC. 625. CORRECTION OF SOCIAL SECURITY RECORDS.

(a) In General.—Section 208(e)(1) of the Social Security Act (42 U.S.C. 408(e)(1)) is amended—

(1) in subparagraph (B)(ii), by striking “or” at the end;

(2) in subparagraph (B), by inserting “or” at the end;

(3) by inserting after subparagraph (C) the following:

“(D) is granted nonimmigrant status pursuant to section 101(a)(15)(Z-A) of the Immigration and Nationality Act,”; and

(b) Effective Date.—The amendments made by subsection (a) shall take effect on the first day of the seventh month that begins after the date of the enactment of this Act.

TITLE VII—MISCELLANEOUS

Subtitle A—Miscellaneous Immigration Reform

SEC. 701. WAIVER OF REQUIREMENT FOR FINGERPRINTS FOR MEMBERS OF THE ARMED FORCES.

Notwithstanding any other provision of law or any regulation, for aliens currently serving in the U.S. Armed Forces overseas and applying for naturalization from overseas, the Secretary of Defense shall provide in a form designated by the Secretary of Homeland Security, and the Secretary of Homeland Security shall use the fingerprints provided by the Secretary of Defense for such individuals, if the individual—

(a) may be naturalized pursuant to section 328 or 329 of the Immigration and Nationality Act (8 U.S.C. 1439 or 1440);

(b) was fingerprinted in accordance with the requirements of the Secretary of Defense at the time the individual enlisted in the Armed Forces; and

(c) submits the application to become a naturalized citizen of the United States not later than 12 months after the date the applicant is fingerprinted.

SEC. 702. DECLARATION OF ENGLISH.

(a) English is the common language of the United States.

(b) PRESERVING AND ENHANCING THE ROLE OF THE ENGLISH LANGUAGE.—The Government of the United States shall preserve and enhance the role of English as the language of the United States of America. Nothing herein shall diminish or expand any existing right of the United States to relative to services or materials provided by the Government of the United States in any language other than English.

(c) Unless otherwise necessary to carry out the purposes of this section, law is defined as including provisions of the United States Constitution, the United States Code, controlling judicial decisions, regulations, and Presidential Executive Orders.

SEC. 703. PILOT PROJECT REGARDING IMMIGRATION PRACTITIONER COMPLAINTS.

(a) Within 180 days of the enactment of this Act, the Secretary of Homeland Security, in consultation with the Attorney General, shall institute a three-year pilot project to—

(1) Encourage alien victims of immigration practitioner fraud, and related crimes, to come forward and file practitioner fraud complaints with the Department of Homeland Security by utilizing existing statutory and administrative authority;

(2) Cooperate with state, and local law enforcement officials who are responsible for investigating and prosecuting such crimes; and

(3) Increase public awareness regarding the problem of immigration practitioner fraud.

(b) REPORTING.—Not later than 1 year after the end of the pilot period, the Secretary of Homeland Security shall submit to Congress a report that includes information concerning—

(1) the number of individuals who file practitioner fraud complaints via the pilot program;

(2) the demographic characteristics, nationality, and immigration status of the complainants;

(3) the number of indictments that result from the pilot; and

(4) the number of successful fraud prosecutions that result from the pilot.

Subtitle B—Assimilation and Naturalization

SEC. 704. THE OFFICE OF CITIZENSHIP AND INTEGRATION.


(a) inserting “and Integration” after “Office of Citizenship” the two times that phrase appears;

(b) in paragraph (1), striking “and” after “Office” in the first appearance of the phrase; and

(c) by striking “or” at the end of subparagraph (C).

SEC. 705. SPATIAL PROVISIONS FOR ELDERLY IMMIGRANTS.

Section 312(b) of the Immigration and Nationality Act (8 U.S.C. 1423(b)) is amended by adding at the end the following:

“(4) The requirements of subsection (a) of this section shall not apply to a person who is over 75 years of age on the date of filing an application for naturalization; Provided, That the person expresses, in English or in the applicant’s native language, at the time of examination for naturalization that the person understands and agrees to the elements of the oath required by section 337 of this Act.”.

SEC. 706. FUNDING FOR THE OFFICE OF CITIZENSHIP AND IMMIGRATION INTEGRATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Homeland Security the sum of $100 million to carry out this section.

(b) USE OF APPROPRIATIONS.—

(1) In General.—Such sums as are necessary to carry out this section.

(2) Unlimited Appropriations.—There is authorized to be appropriated to the Secretary of Homeland Security the sum of [the Secretary of Homeland Security shall submit to Congress a report that includes information concerning—

(a) the number of new immigrants to the United States.

(b) The Secretary shall carry out this section.

SEC. 710. GAO STUDY ON THE APPELLATE PROCESS.

(a) In General.—The Comptroller General of the United States shall, not later than 180...
Mrs. MURRAY. The unanimous consent would allow for every other Senator to be from that side, at your discretion. I did limit it to 10 minutes and I will be happy to amend the unanimous consent for Senator GRASSLEY for 15 minutes to which the PRESIDING OFFICER, Without objection, it is so ordered.

The senior Senator from West Virginia is recognized.

The Senator from West Virginia is recognized.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS

Mr. BYRD. Mr. President, a few weeks ago, Congress approved legislation that would have changed the course of the U.S. occupation of Iraq. I say occupation because, frankly, that is what this is. Our troops won the battle, but lost the war. The dictator Saddam Hussein is deposed and executed. His rotten government is no more, replaced with a democratically elected Parliament, President, and Prime Minister. We all are cheered at the skill of our soldiers.

But, sadly, this President has not done justice by our brave troops. The dreadful management of this occupation has resulted in chaos. Iraq is at war with itself and its troops are caught in the middle. That is why this Congress established a new direction for bringing our troops home from this misbegotten occupation. The bill the President vetoed would have refocused our military, not on the civil war in Iraq but, rather, on Osama bin Laden and his base of operations. It is time for the President to take off his blinders and uncover his ears. White House obstinacy cannot continue to drive our military through their homes. The Kansas Governor pointed out that her State is awaiting the comments from the President. How much longer will this misbegotten occupation continue?

With this supplemental funding legislation we begin to shift the responsibility for Iraq’s future off the shoulders of our military, and onto the shoulders of the Iraqi Government and the Iraqi people. The President wanted a blank check for the President’s mangled occupation of Iraq. We are not going to sign on that dotted line—not now, not ever. The legislation that is before the Senate today is a step toward that goal. It is not a giant leap, but it is progress. And it is only a first step. In a few weeks, this Senate is expected to focus on the Defense Department authorization bill. I shall press for a vote on this bill that recently passed the Senate, including a more aggressive screening of cargo on passenger airlines. We will not—and we will not—close our eyes to the huge gaps in our protections at home.

The supplemental bill provides $1 billion—that is 1 dollar for every minute since Jesus Christ was born—$1 billion for the National Guard and reserve to replace the trucks and heavy equipment that Guard units have been directed to leave in Iraq. Today President Bush referred to the concern of terrorist attacks on American soil.

We include funds for port security and for mass transit security, for explosive detection equipment at airports, and for several initiatives in the 9/11 bill that recently passed the Senate, including a more aggressive screening of cargo on passenger airlines. We will not—no, we will not—close our eyes to the huge gaps in our protections at home.

We also work to heal the devastated communities still struggling to recover from Hurricane Katrina and Hurricane Rita. To this day, mangled trash heaps stand where homes and families once lived. This White House, the Bush White House, scaled back $1 billion dollars to rebuild Baghdad, but ignores the overwhelming needs in New Orleans, Slidell, Biloxi, and so many other places at home.
This bill invests $64.4 billion—that is $6.40 for every minute since Jesus was born—this bill invests $6.4 billion to rebuild the gulf coast communities and to restore the vibrance of this proud region. I close, and I thank my ranking member, Senator THAD COCHRAN, for his help. I thank Representative DAVE OSEY, chairman of the House Appropriations Committee, and the Senate leaders, Senator HARRY REID and Senator MITCH MCCONNELL. I thank the Appropriations Committee staff: staff director, Charles Kieffer; Republican staff director, Bruce Evans; and our subcommittee and professional staff members.

I appreciate, I deeply appreciate the long hours they have worked—yes, long hours they have worked to craft the supplemental legislation. I urge Senators, all Senators on both sides of the aisle, to support this legislation. It is the product of bipartisanship. That is right, isn’t it, THAD? Mr. COCHRAN.

Mr. BYRD. Sometimes.

Mr. GRASSLEY. Mr. President, I would like to talk first about the process and then the substance of this legislation. As everybody knows, we will soon be considering the war supplemental bill entitled “The U.S. Troop Readiness, Veterans Care, Katrina Recovery and Iraq Accountability Appropriations Act of 2007.”

That title is very important. As the title says, the legislation is an appropriations bill. The title refers to troop readiness. There is finally, after several months of legislative wrangling, funding for the troops that the President can sign.

The title refers to veterans care. There is funding for that. The title refers to Katrina recovery. There are funds for Hurricane Katrina damage. The title also refers to Iraq accountability. There is language finally in the form of authority to the President so that he can sign it dealing with benchmarks on our mission in Iraq and the role of the Iraqi Government.

The title of the bill, however, does not refer to any matters within the jurisdiction of a committee I am very familiar with, the Finance Committee. But take a look and you will find three categories of Finance Committee matters: One, the small business tax relief package; two, the so-called pension technicals; and, three, Medicaid and SCHIP provisions.

Now, why does it matter whether these policy provisions travel in a tax-writing committee bill or an appropriative bill? It matters for several reasons. I had the pleasure of serving on both the Finance Committee, and for a very short period of time during my career in the Senate, on the Appropriations Committee. They are the money committees. Appropriations bills, by and large, spend money. That is not entitlements, that is the set-asides in the budget. Finance Committee bills, on the other hand, raise revenue and deal with most of the health and welfare entitlement spending.

Both the Appropriations and Finance Committees have very strong constitutional traditions, expertise in the complex subject areas, and memberships motivated and dedicated to service of the respective committees. All you have to do is look at the careers of Chairman BYRD, the ranking member, or Senator BAUCUS, to know that the Senate committees have the expertise and knowledge to make the case that committees of the Senate.

So when policy issues are processed outside of the Appropriations or outside the Finance Committee, necessary expertise is lost. When I was chairman, I took great pains to avoid taking on appropriations matters. More often than not, policy made outside of either of these committee jurisdictions will, it seems, somehow need to be corrected. There is another reason it matters; that is, policy made through the committee process is very transparent, and that is what American Government and the Congress is all about, transparency—the public business to be done publicly. The committee’s role is to air and carefully consider proposals in the areas of committee jurisdiction.

We are really talking about transparency. Sunshine is the best disinfectant. When the committee process is end-run, as I will demonstrate in part of this bill, there is usually no positive reason. Usually the reason is expediency on the part of people, maybe even beyond the control of the committee chairman, and I would suggest legislative leadership.

It has happened not just now, it has happened under Republicans and under Democrats. But I am pleased to say it has been effectively very rare over the last few years. Skipping the committee process on new proposals was the exception rather than the rule.

Unfortunately, now, with respect to the critical piece of the Finance Committee jurisdiction, it looks as if leadership prefers to skip the committee after I have been told privately and publicly so many times all of the work is going to be done through the committee, I am not going to do what I am going to complain about is pretty much a temporary pattern.

To sum it up, the people’s business should be done in committees in a transparent way so the people of this country know what is going on. Committee process means sunshine. I think the committee process was abused on this legislation. But the conference process was also abused. We never even went through the trappings of the committee process. We have an amended House bill that because of the imperative of an acceptable war funding package has the force of a conference report.

Now, why was the House bill abused? Just take a look at the bill, and you will find a patchwork of unconnected provisions in the Finance Committee jurisdiction that is not even mentioned in the title. Aside from a small business tax relief package, there was an arduous and-end-forth discussion occurred on these matters, either in the Finance Committee or in conference.

With respect to the small business tax relief provisions, the House and Senate Democratic leadership set an arbitrary ceiling that constrained our outstanding chairman, Senator BAUCUS, from reaching a bipartisan agreement which is so much in the tradition of how Senator BAUCUS and I work together.

The bottom line is, Republicans opened the door to a conference agreement without receiving assurances of a fair deal. I don’t think we got a fair deal. Once Republicans opened the door to the conference, the door was effectively shut on full and meaningful participation.

Now, in the past, Republican leadership did similar things, and Democrats cried foul. I am proud to say that on most, not all, Finance Committee conferences, the Senate Democrats were represented and present for final conference agreements. After crying foul about some conference processes, the Senate Democratic leadership insisted in previous years on preconference agreements before letting Republicans go to conference.

As I feared earlier in the year, the Senate Republican leadership will have to similarly insist on assurances before conferences are convened. This supplemental and its vetoed predecessor made the case that the conference process can’t be trusted. Senate Republicans have no recourse other than to insist on preconference agreements, as we can learn from the Democratic minority of the previous 4 years.

Now, I want to turn to the substance of the three categories of the Finance Committee matters that were inserted in the process, after spending my previous minutes on that process. Now to the substance.

The first matter deals with the small business tax relief package that traveled with a minimum wage increase. The deal in the conference is basically the same deal presented by the Democratic negotiators on the last appropriations bill. It favors the House position in number and composition of that package. I have no idea what the conference was working on. From a small business standpoint, the House bill was a peanut shell. The
Senate bill was real peanuts. Real peanuts—still not enough from my perspective but more, much more than what the House has.

As you can see here, I have got Mr. Peanut up here to demonstrate the Senate Finance bill, the Conference report. From a small business standpoint, then, I want to repeat: The Senate House bill was a peanut shell. The Senate bill was real peanuts. It is a missed opportunity because a conference agreement is a single, shriveled peanut, not the small business way small business ought to have been helped to offset the negative impacts on small business of a minimum wage tax increase.

We could have, in fact, provided small business with meaningful tax relief that is contemporaneous with the effects of the minimum wage hike that I say, and I think economists agree, are negative toward small business.

Thus Mr. Peanut. It shows this bill at each of its stages—a peanut, a peanut shell, and shriveled peanut. What we are going to be voting on will be that shriveled peanut.

There is another matter that bothers me and it is this so-called pension technical corrections. What is a technical correction, one might ask. Technical corrections measures are routine for major tax bills. Last year’s landmark bipartisan pension reform bill certainly could be described as a major tax bill. In contrast with the major business and employee retirement security policy changes within a generation. There are proposals necessary to ensure that the provisions of the pension reform bill are working consistently within congressional intent and to provide clerical corrections. That is what technical corrections means. Because these measures carry out congressional intent, no revenue gain or loss is scored by the Congressional Budget Office.

Technical corrections are derived from a deliberative and consultative process among the congressional as well as administration tax staffs, where there is a great deal of expertise. That means the Republican as well as the Democratic staffs, regardless of who is in the majority or minority of both the House Ways and Means Committee and the Senate Finance Committee, are involved, as well as Treasury Department personnel, whether we have a Republican or a President. This work is performed with the participation and guidance of the nonpartisan professional staff of the Joint Committee on Taxation. A technical enters the list only if all staffs agree it is appropriate. Any one segment I have listed can veto it. That is why we know it is nonpartisan. That is why we know it is technical. That is why we know it is not a substantive change in law. If it were, it would not be technical.

The pension provisions in this bill, the one we will be voting on in a little while, represent then forgetting this process so you know things are done right. It represents a cherry-picking of some not all, of the technical corrections that these professional people, in a nonpartisan way, are currently trying to put together with a bill that will come up later on.

In addition, there are pension provisions included in this bill that are called technical corrections that are substantive and are not then technical. Some of these proposals are even controversial. I have reviewed legislative history over the last 15-plus years, and that history informs me that this may be an element of some sort of technical corrections. Technicals were processed on a 2000 year bill that was not a tax-writing committee bill, but that package was a consensus package. All the committees and the administration had signed off that year. In other instances, technicals were processed on tax-writing committee vehicles. In all these instances, the packages represented an agreement between all the tax-writing committees, Republican and Democratic, and the Treasury.

In this case, there are four committees involved, the two tax-writing committees and the Senate Health, Education, Labor, and Pensions Committee. It is the HELP Committee, and the House Education and Labor Committee. To illustrate the controversy over the pensions technical package, I ask unanimous consent to print in the RECORD a copy of a letter from HELP Committee Chairman Michael B. Enzi. The letter lays out their objections to the House technical process. I also ask unanimous consent that a copy of a letter I wrote regarding the Finance Committee’s jurisdiction be printed in the RECORD.

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

U.S. Senate, Committee on Health, Education, Labor, and Pensions


Hon. Harry Reid
Majority Leader, U.S. Senate, Washington, DC.

Hon. Mitch McConnell
Republican Leader, U.S. Senate, Washington, DC.

Dear Leaders: Last year we worked with other committees to author the most extensive overhaul of pension funding rules in a generation. The Pension Protection Act of 2006 (PPA) was signed into law in August of 2006, following extensive bipartisan, bicameral negotiations. Conferees were intent on ensuring that retirement plans are properly funded and that many members’ retirement savings will be there when they need it. This law passed the Senate with overwhelming support.

We understand that a number of pension provisions originating in the House may be included in the emergency war spending bill. While moving forward on pensions technical corrections is essential, we urge you to make sure that these provisions are properly considered. The Finance Committee has worked to safeguard and improve the programs only after thorough analysis of the issues involved and potential solutions.

The proposed intergovernmental transfers/cost based reimbursement provision in question is case in point of why it should not be considered in an appropriations bill. This Medicaid program is an entitlement, and a Department of Health and Human Services (HHS) regulation on cost based reimbursement. The regulation addresses the question.

Pension security is a cornerstone of the HELP Committee’s jurisdiction, and we recognize that immediate technical corrections are needed to the PPA. Bicameral, staff-level meetings are taking place today, and we are working with the Administration to ensure that the needed corrections are promptly addressed. The HELP Committee has a history of finding common ground on complex legislative challenges, and we are confident that we will reach consensus on a package soon. We urge you to provide us the opportunity to complete this pension technical package to the floor in a timely fashion in order to give our colleagues the chance to have their priorities considered.

Sincerely,

Edward M. Kennedy
Chairman.
decisions that have such an impact are more appropriate for the Finance Committee.

Certainly, a one-year moratorium is an improvement over the two-year moratorium that was originally passed by the Senate, but the language in the bill still encourages states to push the envelope on payment schemes. If a state submits a state or state plan amendment that is in conflict with the regulations, the agency will not have the authority to deny the proposal. This is a provision written in the benefit of special interests so they can avoid real scrutiny of their financing arrangements. This provision will encourage payment schemes that CMS has previously disallowed as being inappropriate. It will encourage litigation if CMS tries to assert that they do still maintain jurisdiction.

The inspector general has investigated and reported to Congress on why there are problems in the areas the rule addresses. The Finance Committee has not had the first hearing on why the rule doesn’t work and must be stopped.

The way that this provision is paid for is equally profligate. The extension of the Wisconsin pharmacy plus waiver is an unnecessary earmark. Every state but Wisconsin has changed their pharmacy assistance program to avoid the required. Furthermore, the way the language is written sets a very bad precedent. The language is written in a way that alters Medicaid’s budget neutrality test. It doesn’t guarantee that the taxpayers will bear the cost-sharing than Medicare for low income seniors.

Legislating to prevent CMS from cleaning up intergovernmental transfers seams on this appropriation bill sets a bad precedent. That is clear. It is legislation on Medicaid and that is a basic part of the jurisdiction of the Finance Committee. I am also concerned that the supplemental appropriation includes tax provisions which also fall solely in the jurisdiction of the Finance Committee. The power of the purse, appropriations, is Congress’ power and we are directly accountable to our constituents for our actions. In that vein, I strongly respect the deep traditions of the Appropriations Committee. As a former Chairman, and now, Ranking Member of the Finance Committee, I respect that division of power. The power to tax is our power and we are directly accountable to our constituents for our taxing actions.

We should rarely mix the jurisdiction of the two great money committees. It should only occur, if at all, when the four senior members of the tax writing and appropriations committees agree. Mixing tax writing and appropriations jurisdiction should not occur at the whim of leadership. Those kinds of actions are the opposite of what I expected from the conference committee. Unfortunately, I insisted and the leadership respected this division of jurisdiction between the tax writers and appropriators over the last six years.

Earlier this year, the Senate acted on the minimum wage bill/small business tax relief bill after the House had passed its own version of the bill. We worked with our House counterparts to resolve differences between the two bills. However, because of a bicameral Democratic Leadership obsession with a top-line number on the tax side, the conference options were severely limited. Chairman Baucus was able to accommodate far less than half the tax policy the Senate sent. The Senate’s revenue was limited by the Leadership decision to attach the bill to the supplemental appropri-

tions bill where Chairman Baucus was not a conference. Legitimate tax policy proposals on the revenue losing and revenue raising sides were left on the conference’s cutting room floor.

The composition of the final package is heavily weighted towards an extension and modification of the work opportunity tax credit and a redistribution of the benefits of that policy are delayed. Small businesses need the tax relief to be in synch with the time the minimum wage kicks in. Both of these outcomes do not reflect a proportionate agreement between the House and Senate bills. The arbitrary ceiling on the amount of tax credits is not a balance. I appreciate your Committee members’ interest in the Social Security Act programs and the Internal Revenue Code. I ask that they work with the Committee on Finance to see that their objectives are examined and addressed at the appropriate time, in the appropriate setting. Thanks for your assistance.

Sincerely,

CHARLES E. GRASSLEY,
Ranking Member.

Mr. GRASSLEY. The bottom line is, the Republicans now know that the conference process and the committee process will not be respected. We are doing things of a substantive nature. We are doing things for which there is a process to make sure that the term ‘appropriate’ is respected. The process that worked so perfectly is ignored. So if the committee process will not be respected, we have to do things to make sure that it is. In the future, we will need to protect the committee and the process that is respected. We do some preconferencing agreements as we ought to have learned from now what is the majority, the Democrats, when they were in the minority, that they got Republicans to agree to. It seems to me that is legitimate. It may not be exactly the way it ought to work, but it is something we have to do to make sure these things don’t happen again.

Yield the floor to the PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KERRY. Mr. President, history has proven it was a mistake to give this President the power to go to Iraq, and I believe history will prove it is a mistake to give him the open-ended power that this supplemental bill leaves in his hands. This war is not what this President says it is. I believe we have an obligation not to vote for the continuation of a policy that empowers the President to continue the war at his discretion. I have listened to some of my colleagues and others who have suggested that this bill will somehow change the course. I have to respectfully disagree. This bill does not provide a strategy worthy of our soldiers’ sacrifice. Instead it permits more of the same, a strategy that relies on sending American troops into the alleys and back roads of Iraq to referee a deadly civil war.

Instead of this misguided strategy, I believe we had an opportunity. While I understand the votes and I understand the threat of veto, and I am not new to this process, I still believe we had an opportunity to elicit a legitimate, fundamental change and some commitments from this administration with respect to the way in which we would hold Iraq accountable and the way in which this administration itself would be held accountable.

I say with all due respect, that is what the American people voted for in November 2006. That is what they have a right to expect from this Congress. I say with all due respect, that is what they have a right to expect from this Congress. I say with all due respect, that is what they have a right to expect from this Congress. I say with all due respect, that is what they have a right to expect from this Congress.

The PRESIDING OFFICER. The Senator.

Mr. KERRY. Mr. President, history has proven it was a mistake to give this President the power to go to Iraq, and I believe history will prove it is a mistake to give him the open-ended power that this supplemental bill leaves in his hands. This war is not what this President says it is. I believe we have an obligation not to vote for the continuation of a policy that empowers the President to continue the war at his discretion. I have listened to some of my colleagues and others who have suggested that this bill will somehow change the course. I have to respectfully disagree. This bill does not provide a strategy worthy of our soldiers’ sacrifice. Instead it permits more of the same, a strategy that relies on sending American troops into the alleys and back roads of Iraq to referee a deadly civil war.

Instead of this misguided strategy, I believe we had an opportunity. While I understand the votes and I understand the threat of veto, and I am not new to this process, I still believe we had an opportunity to elicit a legitimate, fundamental change and some commitments from this administration with respect to the way in which we would hold Iraq accountable and the way in which this administration itself would be held accountable.

I say with all due respect, that is what the American people voted for in November 2006. That is what they have a right to expect from this Congress. I say with all due respect, that is what they have a right to expect from this Congress.
who gave his career, but he is opposed to this war. He dared to use the word to me in a conversation on the very day that his son was being buried about how it was important for us to redouble our efforts in the Senate to bring this to its conclusion. It was inexcusable for us not to allow these young men and women to have their lives “wasted,” a word that if any politician used, we would be pilloried for. But the father of a man who was being buried used that word on that very day his son was being buried. Another funeral I attended with a father who was overcome from emotion speaking from the pulpit, left the pulpit, came down, stood beside his son’s coffin and said: I have to talk beside my son. He put his hand on the coffin and talked to us about his son’s pride, his son’s patriotism, his son’s love of his fellow soldiers, his son’s and his commitment to what he was doing personally but, obviously, the agony they feel over a war that so many are fighting in.

We have a responsibility with respect to those young men and women, with respect to those families. I believe that responsibility is not met when you give the President the very same power to continue on a daily basis what we have been doing for these last years. There isn’t one person in this body who doesn’t know what this President is going to say with respect to progress. How many times have we heard, in the midst of this, Vice President Cheney come out: We are making progress. The President yesterday talked about progress, even as he mischaracterizes what this war is about, talking principally about al-Qaeda, when all of us know this war is principally a civil war, a slaughter now between Shia and Sunni over the political spoils of Iraq. Our presence is empowering that.

A few days ago, we set a new strategy, forcing Iraqis to do what only Iraqis can do. We gave the President the very discretion to leave the troops necessary to complete the training of Iraqi security forces, to chase al-Qaeda and protect U.S. forces and facilities. In the sixth year of this war, which we will reach by next year, it seems to me that we should expect that Iraqis can assume that responsibility. The Iraqi Government has said they can. The Iraqi Parliament has said they don’t want us there. Our own CIA tells us of the miliants, of the terrorists, that we are creating a bigger target. We have become a recruitment tool for fundraising by al-Qaeda out of Pakistan and Afghanistan. We now know that al-Qaeda is using our presence in Iraq to raise money and recruit jihadists around the world. This policy is counter to the best security interests of our Nation.

This vote is a vote about those best security interests. We demanded a little while ago a strategy of real benchmarks. There is not one in this supplemental one benchmark that can be enforced, not one. I don’t disagree with the benchmarks themselves. Yes, we want an oil deal. But I listened to Secretary of State Rice in front of our committee months ago say: The oil deal is just about to be approved, right around the corner.

It hasn’t even been put to the Parliament. It was moved months later and too many lives lost later because of the procrastination of Iraqi politicians. How do you say to an American family that their son or daughter ought to give up their life so Iraqis politicians can spin around and play a game between each other at our expense?

It is unconscionable. It is bad strategy. It is bad policy. It defies common sense. That is what this vote is about: why and when, we as a Congress, are going to insist—now, I understand they do not want the deadline, and the President insists he is not going to have the deadline, notwithstanding—notwithstanding—we gave the President full discretion to leave troops there to complete the training, to leave troops to chase al-Qaeda, to leave troops there to protect American facilities and forces.

Those kids we are burying deserve an honest debate, not a debate where people are gratuitously损害ing—these are the cut-and-run folks. These are the folks who are looking for defeat. It is an insult to any Member of the Senate to suggest somebody is actively looking for defeat. We have a different way of finding success. As Thomas Jefferson said: Dissent is the highest form of patriotism. Even the patriotism of people who offer a different road would have changed their mission—to a sound mission. That mission would have taken our troops out of the middle of a civil war and put them into a support role, as the Iraq Study Group suggested, training, logistics, and police. We would have allowed them to fight al-Qaeda and protect our troops.

The President did not agree to that, and he will not agree to that. As a matter of fact, the President will not agree to any change in strategy in Iraq. That is more than a shame. For the American people, it is a tragedy.

It does not seem to matter how many Americans die in Iraq, how many families we have lost, what the American people think. This President will not budge. This new bill on Iraq keeps the status quo. Oh, it has a few frills around the outside, a few reports, a few words about benchmarks—while our troops die and our troops get blown up.

Now, I understand why this legislation is before us today. It is because this President wants to continue his one-man show in Iraq. That is the only thing he will sign, and he does not respect the Congress. What is worse, he does not respect the American people when it comes to Iraq. He wants to brush us all off like some annoying spot on his jacket. Well, that is what we are going to do.

We have lost 3,427 American soldiers in Iraq. Of those, 731—or 21 percent—have been from my State of California or based in my State of California. Mr. President, 25,549 American soldiers have been wounded. Mr. President, I will do what I need to do for my country. But four of them said no. And one of them was quoted, in saying no: Why would I do that because they don’t know where the hell they’re going. And as he said it, he said: I would go over for a year, I would get an ulcer, I would come back, and it would be the same thing.

I have an obligation to vote for a change. That is why I will cast my vote “no” on this supplemental—yes for the money for troops; yes for care; yes for readiness; yes for all the things we need to do; but, most importantly, a change that we are not able to fight for a change in the entire dynamic with the Iraqis themselves and the accountability we will hold this administration to, the accountability we hold the Iraqis to, and, ultimately, a strategy for real success, not just in Iraq but in the Middle East, where we have made Hamas more powerful, Iran more powerful, Nasrallah and Hezbollah more powerful, and our interests are being suborned.

It is time for us to get the policy right. That is how you support the troops.

The PRESIDING OFFICER (Mr. SANDERS). The Senator from California.

Mrs. BOXER. Mr. President, in March and April I voted for an emergency spending bill that would have fully funded our troops in Iraq but not have changed their mission—would have changed their mission—to a sound mission. That mission would have taken our troops out of the middle of a civil war and put them into a support role, as the Iraq Study Group suggested, training, logistics, and police. We would have allowed them to fight al-Qaeda and protect our troops.

The President did not agree to that, and he will not agree to that. As a matter of fact, the President will not agree to any change in strategy in Iraq. That is more than a shame. For the American people, it is a tragedy.

If you come to my office, on big boards, I have the names of the Californians who have been wounded. If you come to my office, on big boards, I have the names of the Californians who have been wounded. Mr. President, I will do what I need to do for my country. But four of them said no. And one of them was quoted, in saying no: Why would I do that because they don’t know where the hell they’re going. And as he said it, he said: I would go over for a year, I would get an ulcer, I would come back, and it would be the same thing.

I have an obligation to vote for a change. That is why I will cast my vote “no” on this supplemental—yes for the money for troops; yes for care; yes for readiness; yes for all the things we need to do; but, most importantly, a change that we are not able to fight for a change in the entire dynamic with the Iraqis themselves and the accountability we will hold this administration to, the accountability we hold the Iraqis to, and, ultimately, a strategy for real success, not just in Iraq but in the Middle East, where we have made Hamas more powerful, Iran more powerful, Nasrallah and Hezbollah more powerful, and our interests are being suborned.

It is time for us to get the policy right. That is how you support the troops.

The PRESIDING OFFICER (Mr. SANDERS). The Senator from California.

Mrs. BOXER. Mr. President, in March and April I voted for an emergency spending bill that would have fully funded our troops in Iraq but not have changed their mission—would have changed their mission—to a sound mission. That mission would have taken our troops out of the middle of a civil war and put them into a support role, as the Iraq Study Group suggested, training, logistics, and police. We would have allowed them to fight al-Qaeda and protect our troops.

The President did not agree to that, and he will not agree to that. As a matter of fact, the President will not agree to any change in strategy in Iraq. That is more than a shame. For the American people, it is a tragedy.

It does not seem to matter how many Americans die in Iraq, how many families we have lost, what the American people think. This President will not budge. This new bill on Iraq keeps the status quo. Oh, it has a few frills around the outside, a few reports, a few words about benchmarks—while our troops die and our troops get blown up.

Now, I understand why this legislation is before us today. It is because this President wants to continue his one-man show in Iraq. That is the only thing he will sign, and he does not respect the Congress. What is worse, he does not respect the American people when it comes to Iraq. He wants to brush us all off like some annoying spot on his jacket. Well, that is what we are going to do.

We have lost 3,427 American soldiers in Iraq. Of those, 731—or 21 percent—have been from my State of California or based in my State of California. Mr. President, 25,549 American soldiers have been wounded. Mr. President, I will do what I need to do for my country. But four of them said no. And one of them was quoted, in saying no: Why
the doorway, there are so many names, and we have to send the charts back for smaller and smaller print.

Today, after several days of worrying and praying, we received the tragic news of the death of PVT Joseph Anzack, Jr., 20 years old, of Torrance, CA, who was abducted during a deadly ambush south of Baghdad almost 2 weeks ago. One member of his platoon, SPC Daniel Seitz, summed it up this way to the Associated Press:

It just is just another friend I’ve got to lose and deal with, because I’ve already lost 13 friends since I’ve been here, and I don’t know if I can take any more of this.

He should not have to. But with this bill, he will.

The first half of this year has already been deadlier than any 6-month period since the war began more than 4 long years ago. The key reason for this is that U.S. servicemembers have already been killed in Iraq.

Let me be clear: There are many things in this bill I strongly support—many provisions I worked side by side with other senators on to authorize for our troops, for our veterans, for the victims of Hurricane Katrina, who so deserve our attention—but I must take a stand against this Iraq war and, therefore, I will vote “no” on this emergency spending bill.

Mr. President, we are not going away. You cannot brush us off like some spot on your jacket because we are going to be back.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I rise to express my concern and deep regret over the conference report to H.R. 2906, the U.S. Troop Readiness, Veterans’ Care, Katrina Recovery, and Iraq Appropriations Act of 2007.

I am extremely disappointed our troops have to continue to pay the price for political and jurisdictional posturing. Our legislation and the inclusion of funding for pet programs in a must-pass military funding bill.

I want to make very clear my strong support for the members of our Armed Forces and the vital work they are doing around the world every day. I have the greatest admiration for all of them, for their commitment to preserving our freedoms and maintaining our national security. They are all true heroes and they are the ones who are doing the heavy lifting and making the great sacrifices in our country’s name so we might continue to be the land of the free and the home of the brave.

We are faced with a vote on a bill that our troops need, but the troops are not the focus of this legislation. This supplemental is yet another example of a Congress whose fiscal house is not in order. It contains more than $17 billion in unrequested items—$17 billion in funding that has nothing to do with the war on terror.

The intent of this legislation is to fund our troops and to provide them with the resources they need to win the war on terror. Emergency supplements are not intended to be a Christmas tree that includes presents in the form of every Member’s favorite pet programs. Unfortunately, the bill we will vote on today fails to support that.

This legislation includes funding for a number of programs I would support on their own merits. It includes agricultural disaster assistance for our Nation’s ranchers who have suffered through years of drought. Many of the victims of Hurricane Katrina, who so deserve our attention, are still suffering from this natural disaster. We ought to call ourselves irresponsible.

The American people have made clear that we need to be fiscally responsible. They have made clear they do not support spending billions of taxpayer’s dollars with little or no debate. Unfortunately, if this legislation passes, that is exactly what we are going to do.

The war supplemental also touches on various issues before the Committee on Health, Education, Labor, and Pensions, including minimum wage and pensions.

Unfortunately, our committee was not consulted on this language nor made any part of the discussion on this supplemental.

The supplemental contains a provision that will boost the Federal minimum wage from $5.15 to $7.25 an hour. I have always believed any increase in the minimum wage must be accompanied by appropriate relief for those small business employers who have to absorb those costs. It is a mandate. Small businesses are the proven engine for our economy, and they are the greatest source of employment opportunity for U.S. workers. A raise in the minimum wage is of no value to a worker without a job or a job seeker without prospects.

It was for these very reasons the minimum wage package which passed the Senate, with overwhelming bipartisan support, was skipped. I think there were two votes in opposition—contained a series of provisions designed to provide relief for small businesses. That is how we got it. That was bipartisan.

The Senate-passed provisions of the minimum wage legislation contained significant tax relief that was targeted to small businesses and industries most likely to employ minimum wage work-

ers. Unfortunately, much of this tax relief has been stripped from the current version of the supplemental. While some tax relief remains, the lion’s share of that relief is contained in the Work Opportunity Tax Credit provision, which, as a practical matter, are not utilized by small businesses.

While the bill does continue to contain important regulatory relief provisions, such as compliance assistance for small businesses, and a small business childcare grant authorization, the tax relief this body overwhelmingly determined was necessary to help small businesses offset the cost of a new Federal minimum wage is no longer contained in the legislative package, nor were any of us consulted. I cannot support legislation that dramatically raises the Federal minimum wage and fails to acknowledge and adequately offset the impact of such an increase on our small businesses.

With respect to pensions, last year the Senate Committee on Health, Education, Labor, and Pensions worked with other committees in landmark legislation to address the long overdue and extensive overhaul of pension funding rules in a generation. The Pension Protection Act of 2006 was signed into law in August 2006, following extensive—extensive—bipartisan, bicameral negotiations. Conferees were intent on ensuring that retirement plans are properly funded and that Americans’ retirement savings would be there when they need it.

One of the fundamental reasons for pension funding reform was to ensure—the solvency of the Pension Benefit Guaranty Corporation and its ability to guarantee benefits in plans that are underfunded. I am very concerned that there are provisions in the war supplemental that the House leadership claims are technical corrections to the Pension Protection Act. Any changes to the Pension Protection Act must be considered by the committees responsible, and this Congress should take the time to know about all the intricacies and interrelationships of the parts that are in there, instead of legislating on an appropriations bill.

Chairman KENNEDY and I sent a letter to Senate leadership on Tuesday night citing our concerns with the House approach. I ask unanimous consent to have printed in the RECORD a copy of that letter.

I believe the material was ordered to be printed in the RECORD, as follows:


The supplemental contains a provision that will boost the Federal minimum wage from $5.15 to $7.25 an hour. I have always believed any increase in the minimum wage must be accompanied by appropriate relief for those small business employers who have to absorb those costs. It is a mandate. Small businesses are the proven engine for our economy, and they are the greatest source of employment opportunity for U.S. workers. A raise in the minimum wage is of no value to a worker without a job or a job seeker without prospects.

It was for these very reasons the minimum wage package which passed the Senate, with overwhelming bipartisan support, was skipped. I think there were two votes in opposition—contained a series of provisions designed to provide relief for small businesses. That is how we got it. That was bipartisan.

The Senate-passed provisions of the minimum wage legislation contained significant tax relief that was targeted to small businesses and industries most likely to employ minimum wage work-

ers. Unfortunately, much of this tax relief has been stripped from the current version of the supplemental. While some tax relief remains, the lion’s share of that relief is contained in the Work Opportunity Tax Credit provision, which, as a practical matter, are not utilized by small businesses.

While the bill does continue to contain important regulatory relief provisions, such as compliance assistance for small businesses, and a small business childcare grant authorization, the tax relief this body overwhelmingly determined was necessary to help small businesses offset the cost of a new Federal minimum wage is no longer contained in the legislative package, nor were any of us consulted. I cannot support legislation that dramatically raises the Federal minimum wage and fails to acknowledge and adequately offset the impact of such an increase on our small businesses.

With respect to pensions, last year the Senate Committee on Health, Education, Labor, and Pensions worked with other committees in landmark legislation to address the long overdue and extensive overhaul of pension funding rules in a generation. The Pension Protection Act of 2006 was signed into law in August 2006, following extensive—extensive—bipartisan, bicameral negotiations. Conferees were intent on ensuring that retirement plans are properly funded and that Americans’ retirement savings would be there when they need it.

One of the fundamental reasons for pension funding reform was to ensure—the solvency of the Pension Benefit Guaranty Corporation and its ability to guarantee benefits in plans that are underfunded. I am very concerned that there are provisions in the war supplemental that the House leadership claims are technical corrections to the Pension Protection Act. Any changes to the Pension Protection Act must be considered by the committees responsible, and this Congress should take the time to know about all the intricacies and interrelationships of the parts that are in there, instead of legislating on an appropriations bill.

Chairman KENNEDY and I sent a letter to Senate leadership on Tuesday night citing our concerns with the House approach. I ask unanimous consent to have printed in the RECORD a copy of that letter.

I believe the material was ordered to be printed in the RECORD, as follows:


With respect to pensions, last year the Senate Committee on Health, Education, Labor, and Pensions worked with other committees in landmark legislation to address the long overdue and extensive overhaul of pension funding rules in a generation. The Pension Protection Act of 2006 was signed into law in August 2006, following extensive—extensive—bipartisan, bicameral negotiations. Conferees were intent on ensuring that retirement plans are properly funded and that Americans’ retirement savings would be there when they need it.

One of the fundamental reasons for pension funding reform was to ensure—the solvency of the Pension Benefit Guaranty Corporation and its ability to guarantee benefits in plans that are underfunded. I am very concerned that there are provisions in the war supplemental that the House leadership claims are technical corrections to the Pension Protection Act. Any changes to the Pension Protection Act must be considered by the committees responsible, and this Congress should take the time to know about all the intricacies and interrelationships of the parts that are in there, instead of legislating on an appropriations bill.

Chairman KENNEDY and I sent a letter to Senate leadership on Tuesday night citing our concerns with the House approach. I ask unanimous consent to have printed in the RECORD a copy of that letter.

I believe the material was ordered to be printed in the RECORD, as follows:

on ensuring that retirement plans are properly funded, and that Americans’ retirement savings will be there when they need it. This law passed the Senate with overwhelming support of 94-5.

We understand that a number of pension provisions originating in the House may be included in emergency war spending and, while moving forward on pensions technical corrections is a goal that many members share, moving House pension technical corrections separately on this spending bill from Senate priorities creates a disparity. We are very concerned at this disregard for equal consideration and lack of discussion of Senate legislative prerogatives.

Retirement security is a cornerstone of the HELP Committee’s jurisdiction, and we recognize that important technical corrections are needed to the PPA. Bicameral, staff-level meetings are taking place regularly, and we are working with the Administration to ensure that the needed corrections are promptly addressed. The HELP Committee has a history of finding common ground on complex legislative challenges, and we are confident that the Senate and the House can reach consensus on a package soon. We urge you to provide us with the opportunity to bring a finished pension technical package to the floor in a timely fashion in order to give our colleagues the chance to have their priorities considered.

Sincerely,

Edward M. Kennedy, Chairman.

Michael B. Enzi, Ranking Member.

Mr. ENZI. Retirement security is a cornerstone of the HELP Committee’s jurisdiction. I recognize that technical corrections are needed to the over 900 pages of the Pension Protection Act. Bicameral, staff-level meetings are taking place at this very time, and we are working with the Administration to assure that the needed corrections are promptly addressed. With the huge bipartisan, bicameral support that had before, there should be no difficulty with that, and people have been working on this since the very time that the bill passed it. House leadership, by cherry-picking certain technical corrections intended for certain special interest groups, is not the way to legislate, and I would contend that they are not technical corrections.

Chairman KENNEDY and I, together with Chairman BAUCUS and Senator GRASSLEY, have worked extremely well on making sure that everyone has a voice at the table and that the process is transparent.

Generally, these provisions undo, in a piecemeal fashion, what was accomplished in the Pension Protection Act as far as strengthening funding requirements and permitting some plans to choose to have reduced funding obligations and reduced pension benefit guarantee premiums. In fact, it means that the Pension Benefit Guaranty Corporation must refund some premiums to some plans.

Again, I want to provide our troops with the funding and the resources they need to be successful in all their tasks. Unfortunately, this conference does not make our troops the priority of congressional business. The men and women of our armed services deserve better than this spending bill. The people of the United States deserve better.

I yield the floor.

Mrs. MURRAY. Mr. President, I rise this evening to support the supplemental appropriations bill we will be considering shortly.

Let me be very clear. I strongly disagree with the President on our course in Iraq. I was one of only 23 Members of the Senate to vote against going to the war in Iraq, and I am committed to changing the course, redepolying our troops, and refocusing our efforts on fighting the global war on terror. I have voted time and again for resolutions and amendments to change direction. I believe the President is wrong to continue on with an open-ended commitment to an Iraqi government that has repeatedly failed to meet deadlines and take responsibility for its own country. I believe the President is wrong to continue to ignore the warnings of generals, experts, and the will of the American people.

But I also believe the President is wrong when, in his stubborn refusal to change course, he also withholds money for our troops whom he has sent into harm's way. The President did just that on May 1 when he vetoed a congressionally approved supplemental that provided $4 billion more than he asked for for our troops. When the President vetoed that bill, he was the one who denied our troops the resources, equipment, and funding they need to do their jobs safely. The President was not concerned what he had done, but concerned how he had done it. He and the majority of Republicans in Congress are blocking funding for our troops.

As we head into this Memorial Day, I will vote for this supplemental because the President has blocked this funding for too long, and I will vote for this supplemental because Democrats in Congress have changed our course. With this bill, we have taken a responsible path forward, in spite of the President’s obstruction, in the face of our Nation’s most pressing issues.

This bill, for the first time, funds the needs of our veterans and wounded warriors who have sacrificed for all of us and whose needs the President has refused to acknowledge as the cost of war. This bill makes our homeland more secure by investing critical funds in our ports and our borders, and this bill aids the recovery of hard-hit communities across the country and in the Gulf Coast, which have continued to suffer due to neglect from this administration. In just 5 short months, Democrats have provided a new commitment to the American people, a new direction in Iraq, and we are going to continue on this new path to change.

From the start of the war in Iraq, the Republican Congress allowed President Bush a free hand. They held few oversight hearings. They demanded no accountability. There were no wide-ranging investigations into this administration’s endless mistakes. Year after year, they sent the President blank checks in the form of emergency supplementals. Now, 5 years into this war, after 5 years without accountability, 3,400 of our heroes have died, and over 25,000 have been injured. Our troops are now policing a civil war in Iraq. Billions of taxpayer dollars are unaccounted for. The reconstruction of Iraq is far from complete, and our veterans are facing awful conditions when they return home.

In November, voters asked for an end to this. They voted for us to stand up, ask difficult questions, and hold those who make mistakes accountable for their actions. Democrats began holding votes after vote on Iraq. We forced Republicans to make clear to Americans where they stood on the war before they voted. Do they support redeployment? Are they for allowing Iraqis to continue to shirk their responsibility or for forcing them to stand up?

In January, President Bush ignored calls from Congress to follow the Iraq Study Group and military leaders and instead, escalated our troops in Iraq. Congressional Republicans refused to criticize the escalation and stood by the President and attacked anyone who spoke out against that surge.

Congressional Democrats stood strong. We upheld our constitutional duties and what Americans put us in office for—conducting oversight and holding the administration accountable for its actions. This trend continued for months, and eventually, though slowly, some of my Republican colleagues began separating from the President and siding with us and the American people. After months of this, Democrats overcame Republican opposition and passed important supplemental provisions. We sent that bill, based on the advice from the Iraq Study Group and military leaders and supported by 64 percent of Americans, to the President. We hoped he would read that bill. We hoped he would realize it was the best way forward in Iraq. But he didn’t, and he vetoed it.

Now, finally, after months of blindly following the President, more and more of our colleagues on the other side are beginning to stand up to the President, demanding benchmarks and a timeline for change in Iraq.

It is clear that despite a slim majority in the House and only a one-vote margin in the Senate, Democratic efforts are working. Today is further evidence of that.

The bill we pass tonight will not be perfect. It doesn’t go nearly as far as many of us would like. We, along with the American people, have made it clear what we want: a new direction that forces Iraqis to take control of their own country. Unfortunately, the President has said he would veto that bill.
So today we have a bill that takes a step forward with our changing course in Iraq. It forces the White House to acknowledge the will of the American people and the role of Congress, it pres- urses Iraqis to stand up, and, importantly, it funds our troops. The hard truth is that somehow the President has not made our troops well. Democrats are here to override a veto. We realize that another veto will not serve our troops well. They need our funds; they don’t need another White House delay. So we are moving ahead. I want to say it again: This bill is not about sending our troops to war in Iraq. It is not about providing hard- care of the best military in the world, nities straight. It is a step the Senate our troops from Iraq is an important our priorities straight. Redeploying embers. It is a matter of getting we can take care of our serv- eliminate terrorists around the world, know we can improve security at country faces, and they are high. But I the larger security challenges our direction in Iraq so that we can focus on build our military. I support a new di- the war on terror, and we do need to re-
Vigorous debate is absolutely a part of who we are as a Nation. A lot of people who have been critical of our war efforts in Iraq have made suggestions that have been good. A number of their criticisms have been correct, and it is certainly inherent in our culture that we would like to achieve, and I don't mean to suggest otherwise. But the delays we have been seeing now in actually providing the funding necessary for our military men and women in harm's way has been too long. I believe it has had a tendency to embolden our enemies and raise questions in the minds of our own soldiers.

So as I have said a number of times on the floor of the Senate, those soldiers in Iraq and Afghanistan today are there for one reason, and that is because we sent them. They are doing tough, hot, demanding, dangerous work. I have been there six times. I have to tell you, I have never been more impressed. They don't complain. They work with application and professionalism. They care about what they are doing. They believe in what they are doing. They want to succeed, and I tell you that with every fiber in my being. It is their desire to help the country of Iraq achieve stability and progress.

They are executing lawful policies of the U.S. Government. That includes the Congress—the House and Senate—as well as the President of the United States. We have through lawful processes, deployed them to execute policies that we have decided on. This Congress, of course, has the power to bring them home at any moment that we desire. I think people are wrestling with that. Some think they should come home now. Some think that is not the appropriate decision. The President believes that is not the appropriate decision. We have accepted and have fundamentally affirmed the surge that has sent them there. They are there to execute our mission. That is all I wish to say. They are there to execute our mission.

I talked to a mother not long ago whose son was killed in Iraq. She told me her son told her he believed in what he was doing. He told me when they went into neighborhoods, the women and children were glad they were there. They wanted them in the neighborhoods. That is all I am telling you. You can read the newspapers. But because it brought a sense of security there, they wanted them there. I know there are limits to our ability to achieve what we would like to achieve, no matter what we would like to achieve; I know we are not unlimited in our ability to achieve it. We have to be realistic, and we cannot commit a single soldier to an effort a single day longer than we conclude is an appropriate thing for them to be doing. If we think it is not justified and worthwhile, we need to bring them home. I certainly agree with that.

This is a serious discussion we have been having, and I don't dispute the people who have different views of how this ought to occur. I will say again that real support of the soldiers in harm's way means we affirm them and their mission as long as we fund their mission, as long as we order them there, do our best to order them there, but we did order them there. We have funded them to stay there, according to the President's tactical decision. But we authorized him to do so, and we can end that authorization at any time.

But the truth is, we have invested a tremendous amount in Iraq. General Petraeus—what a fabulous general he is—told us the truth, I believe. The truth is it is hard, but it is not impossible. He also has said what we are doing there is important. It is important that a stable, decent government be maintained in Iraq. That is not a little thing: it is a very important thing. The soldiers who have been there—the soldiers who serve—would be, indeed, in pain and be hurt if we prematurely give up on what they have sacrificed to achieve and what so many of them truly believe in, if you talk to them. They have the surge of troops into Iraq was a bitter pill to me. I remember distinctly when General Casey said in late 2005 he believed we could start bringing home troops in 2006. That was absolutely music to my ears and what I wanted to hear. Then he said he had to delay the troops coming home because the sophisticated, sustained effort by al-Qaida to attack Shia individuals in holy places had created a reaction by Shia, with the formation of a Shia militia, and they were killing Sunni individuals and that broke out into a spate of violence in Baghdad, the capital city, the central focus of Iraq, and that was extremely unfortunate.

So my thinking is this: Benchmarks for the Iraqi Government—if we write that correctly and don't do it in a way that is unwise and counterproductive, as I believe this language is, at least it would make it clear that the President can accept, and I would be prepared to accept the demand that they do certain things. That is all right with me. Our commitment is not open-ended. We cannot continue to try to lift a government that cannot function effectively. We want them to function. We want them to have a healthy, prosperous government. There are some good things that have happened—really and truly, there have been good things. But there are also things that are not going well. This is a challenge to the Iraqi Government.

I truly hope the benchmarks and language in this funding resolution will be real, and they spur to the Iraqi Government to confront their reconciliation difficulties, spur them to reach agreements on other constitutional questions that are critical, and be an effective step in helping that Government stand up and assume responsibility for its own fate.

I have to say I am not comfortable and am indeed uneasy with high troop levels sustained in what would be considered an occupation or a stand-in for the democratically elected Government of Iraq. That Government has to stand up and assume greater and greater responsibility. I do hope and pray that they will be able to do it. It is exceedingly important that they do. I yield the floor.

Mrs. MURRAY. Mr. President, I think it is important that, in response to the comments of my friend Senator ENZI, I set the record straight for the Senate and the American people regarding the practice of including unrequested emergency funding in war supplemental bills. Emergency supplemental bills approved by Republican Congresses in 2003, 2004, 2005, and 2006 included emergency funding for many of the same issues that are in the emergency supplemental, such as: agriculture disaster assistance—fiscal year 2006 supplemental—$500 million; border security—fiscal year 2006 war supplemental—$1.9 billion; pandemic flu—fiscal year 2006 war supplemental—$2.3 billion; wildfire fire suppression—fiscal year 2006 war supplemental—$2.3 billion; defense Appropriations Act, which carried $25.8 billion war supplemental—$500 million; airline security—fiscal year 2003 war supplemental—$2.396 billion; and fisheries assistance—fiscal year 2006 war supplemental—$112 million.

The White House has complained about Democrats including agricultural disaster assistance in the war supplemental. Not only did the Republican Congress approve a targeted agricultural disaster package in 2006, but there is also precedent for including assistance to a sector in the economy that has been hard hit by a disaster. In 2003, Congress approved $515 million of relief for the aviation industry.

The White House has also complained about Democrats including other matters in a war supplemental, such as the minimum wage increase.

Yet under Republican control, war supplemental laws included such unrelated matters as the REAL ID Act, fiscal year 2005, a temporary worker program, fiscal year 2005, and budget process provisions, fiscal year 2006.

So I am glad to have the opportunity to clarify for my colleagues the record when it comes to meeting the needs of the American people in emergency supplemental appropriation bills.

Mr. KENNEDY. Mr. President, while there are many aspects of this conference report that I cannot support, I am pleased that it will finally allow us to get a minimum wage bill to the President's desk. The minimum wage has been stuck at $5.15 an hour for more than 10 years, but now—finally Americans across the country will get the raise they need and deserve. For the millions of working families who will benefit, this increase may be long overdue, but it is nonetheless something to celebrate.

Mr. President, 13 million Americans will see more money in their paychecks.
for the first time in a decade. They will have a few more dollars to spend on the essentials of life, or maybe they will have a few more hours to spare to spend time with their families; 6 million children will have better food, better health, and better opportunities for the future.

I deeply regret that this vital increase was so long in coming. The minimum wage bill passed the House and Senate by overwhelming margins in January and February of this year. Had we acted then and brought that bill to the President’s desk right away, the first phase of the raise would already be in effect.

Unfortunately, my colleagues on the other side of the aisle would not let that happen. They prevented the minimum wage bill from going to conference until they could make sure it included a big enough tax giveaway for businesses. That is why we are here talking about it today. We had to put in on a bill they wouldn’t block to get it to the President’s desk.

We have overcome many obstacles—and faced every procedural trick in the book—to get this minimum wage increase across the finish line. Democrats stood together, and stood firm, to say that no one who works hard for a living should have to live in poverty.

But we didn’t do it alone. The passage of the minimum wage is not merely a legislative victory—it’s a victory for the American people.

After years of delay and inexcusable inaction by Congress, the American people took this fight into their own hands. They started a grassroots movement that spread across the nation like wildfire. They pounded the pavements. They prayed in their pews. They refused to take no for an answer. We are here today because of their efforts, and they deserve the gratitude of our Nation.

The minimum wage is one of the great achievements of our proud democracy. It is a reflection of our values, and a cornerstone of the American dream. It is about the kind of country we want to be.

Americans want to live in a country where everyone has opportunity and the chance to succeed. Where anyone who works hard and plays by the rules can build a better life for their family. Where there is no permanent underclass, and everyone has hope for a brighter future. When the President signs a minimum wage increase into law, we will be one step closer to that noble goal.

Certainly, the increase we have passed today is only the first of many steps we must take to address the problems of poverty and inequality in our society. There is no doubt that we need to do much, much more. But it’s important to take a moment today to celebrate this victory. Raising the minimum wage dignity for the dignity of the lives of millions of working families. It is one of the proudest achievements of this new Congress.

Mr. COLEMAN. Mr. President, due to a family medical emergency, I am returning to Minnesota this evening and will be unable to cast my vote in favor of the supplemental appropriations bill. I believe the Senate is taking responsible action by passing critical funding for our troops without attaching it to arbitrary timetables for withdrawal. Moreover, this bill contains critical agricultural disaster assistance funding that I have been fighting to deliver for Minnesota’s farmers for over a year. Had I been present, I would have voted “aye” on the supplemental.

Mr. DODD. Mr. President, I rise today to announce that I am voting against the Iraq war supplemental. I wish I didn’t have to. I wish that I looked at Iraq and saw a stable, united government, a society free of terrorists and insurgents, and liberal democracy around the corner. If only we spent another billion dollars, or a hundred lives, or another year of waiting. I wish that this surge had, at long last, brought quiet to the tortured city of Baghdad. I wish that our President’s policies were working.

I wish that I could look at Iraq and say, with a clear voice and a clean conscience, I share our President’s confidence. I wish; and even as I wish, the truth tells me otherwise. It tells me that 3,415 men and women in uniform have already sacrificed everything in Iraq, that our military is being hollowed out by the Iraq experience, that two-thirds of our Army in the United States and 88 percent of our National Guard are forced to report: Not ready for duty. If only I could look at Iraq and see that our surge had, at long last, brought quiet to the tortured city of Baghdad. I wish that our President’s policies were working.

I wish that I could look at Iraq and say, with a clear voice and a clean conscience, I share our President’s confidence. I wish; and even as I wish, the truth tells me otherwise. It tells me that 3,415 men and women in uniform have already sacrificed everything in Iraq, that our military is being hollowed out by the Iraq experience, that two-thirds of our Army in the United States and 88 percent of our National Guard are forced to report: Not ready for duty. If only I could look at Iraq and see that our surge had, at long last, brought quiet to the tortured city of Baghdad. I wish that our President’s policies were working.

I wish that I could look at Iraq and say, with a clear voice and a clean conscience, I share our President’s confidence. I wish; and even as I wish, the truth tells me otherwise. It tells me that 3,415 men and women in uniform have already sacrificed everything in Iraq, that our military is being hollowed out by the Iraq experience, that two-thirds of our Army in the United States and 88 percent of our National Guard are forced to report: Not ready for duty. If only I could look at Iraq and see that our surge had, at long last, brought quiet to the tortured city of Baghdad. I wish that our President’s policies were working.

I wish that I could look at Iraq and say, with a clear voice and a clean conscience, I share our President’s confidence. I wish; and even as I wish, the truth tells me otherwise. It tells me that 3,415 men and women in uniform have already sacrificed everything in Iraq, that our military is being hollowed out by the Iraq experience, that two-thirds of our Army in the United States and 88 percent of our National Guard are forced to report: Not ready for duty. If only I could look at Iraq and see that our surge had, at long last, brought quiet to the tortured city of Baghdad. I wish that our President’s policies were working.
But it was blocked by the administration and its allies.

In 2004 and 2005, I authored legislation, signed into law, to reimburse troops for equipment they had to purchase on their own, because the Rumsfeld Pentagon failed to provide them with the body armor and other gear they needed to stay alive.

And last year, working with Senators INOUYE, REED, and STEVENS, I offered an amendment to help address a $17 billion budget shortfall to replace and repair thousands of war-battered tanks, aircraft, and vehicles. This provision was approved unanimously and enacted in law.

That is support—support that can be measured, support that carries a cost beyond words.

And it is support that will continue, even if this supplemental fails, as it should. The Defense Department has ample funds to maintain our combat troops, but they can and must withdraw responsibly. The failure of this bill will not turn funds off like a spigot—the military simply does not work like that. Instead, our troops are supported by more than $150 billion in the Pentagon’s regular operations and maintenance accounts—and in the meantime, we might negotiate with the President for a responsible drawdown of combat troops. Any implication that we are stranding our soldiers in the desert—without fuel or bullets or replacement parts—must be met with predictable consequences.

And it follows that the President’s Memorial Day deadline is totally arbitrary. The lives of our troops are more important than the President’s vacation schedule. Why should he set timelines for Democrats but not for Iraqis?

Instead, let us vote down this bill and then join President Bush at the table, with the dignity befitting an equal branch of government, and the authority vested in us by the American people and our Constitution. Let us bring this disastrous war to a responsible end. And after 4 years of failed policy, let our voice be loud and unmistakable: This far, and no further.

Mr. LEAHY. Mr. President, I will vote against the fiscal year 2007 emergency supplemental conference report. Although there are many sound and worthy provisions in this bill—such as assistance for Afghanistan and other countries, and additional funds not requested by the administration to help address the backlog of equipment for the National Guard—the inescapable fact is that this legislation would not reverse this administration’s disastrous Iraq policy. I simply cannot vote in favor of a bill containing tens of billions of additional dollars for the President’s policy in Iraq, that does not begin to bring our troops home.

As one of the 23 Senators who opposed authorizing this war, I believe it is vital that we send a strong signal that Congress is going to exercise its article I constitutional powers and end our central involvement in Iraq’s civil war. Every Senator—for or against this military adventure—must take a stand on whether to continue the status quo or change course. That, at the end of the day, is what this vote represents.

Congress had a workable and I believe reasonable plan in the original version of this supplemental bill. Taking a page from the Iraq Study Group recommendations, the plan was to end the military mission in Iraq as we currently know it. We would reduce American forces to the contingent needs for counterterrorism operations, and protecting remaining American personnel. I and others joined with Senator FEINGOLD in an effort to strengthen that position by ensuring that no funding could go toward deployment, beyond those narrow purposes. About a month ago, we saw the President veto the supplemental bill. Then last week, the President muscled his congressional allies to vote against the stronger Feingold-Reid-Leahy proviso.

So what we are left with is this new version of the supplemental—the status quo, more of the same old stay the course. The reality is that this new conference bill to stop the President’s open-ended escalation. It will not force the Iraqis to make the difficult political compromises which they need to make. Nor will it begin a redeployment of American forces. The timeline drops the mandatory timetable for planning and commencing redeployment with a targeted completion date. Beyond some reporting requirements, there is no limitation on troop levels.

What the legislation does do is limit our aid to the Iraqi government if actions toward reconciliation are not taken, although the President may waive these limitations.

I agree that we should tie our aid to the Iraqis to clear benchmarks. But that alone is not sufficient. The reality is that despite spending hundreds of billions of dollars in Iraq, the violence has increased. We all know that the trends are going in the wrong direction. This piecemeal approach assures that our troops will remain in the middle of harm’s way for the foreseeable future.

And when it comes to changing the dynamic in Iraq, it is troop levels that matter. More troops or more troops through this open-ended escalation that the President calls the surge is sending the wrong signal to the Iraqis and to countries in the region that have interests there. It says they do not have to make the tough decisions because the American forces are there to do the dirty work, to spill their blood and to contain sectarian militias or deal with unwelcome foreign fighters.

Rory Stewart, a perspicacious observer with hands-on experience in Iraq, rightly pointed out in a recent public forum that our presence there is fundamentally undermining Iraq’s political system, “infantilizing” Iraq politics, to use his phrase. He notes that Iraqi politicians are far more capable of making deals and reaching compromise than we think, but that our troop presence allows them to play hardball with each other. “Iraqi politicians are far more capable of making deals and reaching compromise than we think. They would be weaker and under more pressure to compromise.”

As I have said, there are many aspects of this supplemental that I support. We have, for example, included $1 billion in unrequested funding to help rebuild our National Guard, which is suffering from dangerously low equipment stocks because so much of the Guard’s equipment has been sent to Iraq. We have funded the Marla Ruzicka Fund to aid innocent Iraqi civilians who have suffered casualties, and a similar program to aid civilian victims of war in Afghanistan. There is other funding for refugees and humanitarian assistance in Africa and the Middle East, as well as for Kosovo. I am gratified that we have been able to include funding for elections in Nepal, to support reintegration of former combatants in northern Uganda, and to begin the clean up of dioxin-contaminated sites in Vietnam and for health programs in nearby communities.

These are just a few of the things carried over from the original, vetoed version of the bill that I support and for which I have worked hard. I thank the leadership of the Senate, the House, Chairwoman LOWEY and Ranking Member WOLF, for working together in a bipartisan way to allocate the foreign assistance funding in this bill.

Yet there is a central fact that we must meet head on. This war has been a costly disaster for our country. Our ability to fight terrorism, pursue our larger national security and foreign policy goals, and secure the welfare of every American has been diminished because of it. Thousands of our troops have lost their lives or suffered grievous, life-altering injuries. Tens of thousands—and possibly hundreds of thousands—of innocent Iraqis have lost their lives. We have opened a gaping wound in the Middle East and severely damaged our image and our influence. This war has been a foreign policy failure on every objective metric.

It is time to bring our troops home. It is time to show the Iraqi people that they cannot expect us to make these sacrifices if they don’t make the hard decisions that are spread before them. I regret that this legislation whitewashes what was a reasonable, good faith effort to bring real pressure to bear in Baghdad and beyond. I cannot in good conscious vote for it.

DEFENSE SUBCOMMITTEE FUNDING

Mr. LEAHY. Mr. President. I regret that our Senate is about to act on H.R. 2206, the emergency supplemental appropriations bill for fiscal year 2007, which will fully fund the needs of our men and
women in uniform. The process that we have used to reach this point has been somewhat different from our normal course of business. As such, I wanted to engage my cochairman of the Defense Subcommittee, the Senator for Alaska, in a dialogue on the defense portion of this bill. The bill before the Senate is not accompanied by the customary report because of the way the process unfolded. However, it is also true that for matters involving the allocation of funding and direction for those matters under the jurisdiction of the Appropriations Subcommittee, the bill closely mirrors the conference report to accompany H.R. 1591 as printed in House Report 110–107 that the Senate passed on April 26, 2007. Would my friend from Alaska agree that in terms of funding, the bill is nearly identical to that which the Senate previously approved?

Mr. STEVENS. I say to my friend from Hawaii that it is my understanding that the Senator is correct. I am advised that the funding in this bill for Defense Subcommittee matters is identical to that agreed to by the Senate on April 26, 2007, except in three areas. The increase in this bill for the Defense Health program is nearly $1.876 billion, while previous funding would have increased the health program by $2.126 billion. In addition, this bill has reduced funding for the Defense Working Capital Fund by $200 million and reduced the initiative for the Strategic Reserve Readiness Fund by $356 million. These changes in funding in this bill is exactly the same as previously passed.

Mr. INOUYE. I thank my colleague for that clarification. Therefore, I ask my friend whether he agrees that the allocation of funds that the Congress provided for these defense programs as described in the joint explanatory statement of the committee of conference to accompany H.R. 1591, except for those three areas that he just specified, is the intent of this bill that we are about to pass?

Mr. STEVENS. I agree completely with my good friend. The intent of those of us who oversee the Defense Department and the drafting of this bill was to provide funds as specified in the joint explanatory statement which accompanied H.R. 1591.

Mr. INOUYE. Again, I thank my colleague. If I could make another inquiry, also included in House Report 110–60 and Senate Report 110–37 which provided guidance to the Defense Department on several items in this bill. Would the Senator from Alaska agree with me that the intent of the chairman and ranking member of the Appropriations Subcommittee on Defense was that the guidance in these reports should be adhered to except in those areas that were altered in this bill or those areas that were addressed to the contrary in the joint explanatory statement to H.R. 1591?

Mr. STEVENS. I concur in the Senator's assessment. The Defense Subcommittee reviewed many matters before it prepared Senate Report 110–37 regarding the supplemental appropriations request before the Senate. In putting together H.R. 2206, our intent was to continue the guidance that the Senate included in its report. In addition, we have adhered to the guidance of House Report 110–60 except in those areas specifically noted in the joint explanatory statement which accompanied H.R. 1591.

Mr. INOUYE. I thank my friend. Then would you agree with me that it is our intent that the Defense Department should adhere to the guidance under the conditions which you and I have described above?

Mr. STEVENS. I say to my friend I agree with his assertion. I share his view that the Department of Defense should use the two committee reports and the joint explanatory statement of the committee of conference accompanying H.R. 1591 to discern the will of the Congress in respect to this bill H.R. 2206.

Mr. INOUYE. I appreciate the comments of my friend, the Senator from Alaska, and concur. It is our view and intent that the Defense Department not only adhere to the legislation but also and comply with the guidance in the above described reports in interpreting the will of the Congress with respect to H.R. 2206, except in those few areas which are also described above. I thank the Senator for his time and cooperation in this matter.

Mr. MCCAIN. Mr. President, our service men and women on the front lines in the war on terror have been waiting too long for the funding this bill provides. Our soldiers, airmen, and marines need this appropriation to carry out their vital work, and we should have provided it months ago. The Congress, which authorized the wars in Iraq and Afghanistan, has an obligation to give our troops everything they need to prevail in their missions. As such, I will vote for its passage. But I do so with deep reservations. The legislation we are considering now is the wrong way to fund this war, and it falls the most basic tests imposed on us as stewards of taxpayer dollars.

This emergency supplemental appropriations bill contains $120 billion in funding, approximately $17 billion above the President's request. It is filled with unrequested and unauthorized items to fund this war. It includes numerous non-emergency spending that has nothing to do with funding the troops. In a time of war, with large federal budget deficits, we should be constraining our Federal expenditures. Sadly, we have chosen, once again, to do the opposite and loaded this bill with billions of dollars in spending we don’t need, spending that was not requested, spending that will only add to the already exces- sive size of government.

The President submitted his supplemental funding request on February 5 nearly 4 months ago. The Senate finally passed a very flawed version of a bill on March 29 a bill that everyone knew was nothing more than a political stunt, one that was dead before arrival to the President. Instead of putting our country first and providing the troops with full funding as expeditiously as possible, we let partisan politics rule the day. What do we believe that they scored political points by forcing meaningless procedural votes, I would ask them to reflect for a moment. What gain inheres in playing partisan politics with the lives of our honorable warriors and their families? How can we possibly find honor in using the fate of our servicemen to score political advantage in Washington? There is no pride to be had in such efforts. We are at war, a hard and challenging war, and we do no service for the best of us—those who fight and risk all on our behalf—by playing politics with their service.

So now, nearly 4 months after the supplemental funding request was submitted, here we are, with money literally going out the door. We are about to pass a bill that while better than the last version, still contains billions of dollars that have nothing to do with the war on terror. We can do better than this. The American taxpayers deserve and deserve better. As my colleagues know, I have been meeting with citizens across the country, and let me assure you, they are not happy with the workings of Congress. There is a reason that the poll results on Congress's favorability rating are at such lows the latest at 31 percent. It is because of partisan politics having a greater priority in Washington than doing the people's business. It is because we are not making the tough choices to halt deficit spending and fix the out of control entitlement programs. It is because we seem to care more about our own re-elections than about reforming government. This is not the way the American public wants their elected officials to behave. What will it take for that to sink in?

Let me mention some of the unrequested and unauthorized items contained in this bill: $110 million in aid to the shrimp and fisheries industries; $11 million for flood control projects in New York and New Jersey; $37 million to modernize the Farm Service Agency's computer system; $13 million for the Save America's Treasures results on Congress's favorability rating; $110 million in agriculture disaster assistance, including $22 million to support the Department of Agriculture in implementing programs to provide this un-requested and unauthorized funding.

There are also several items in this bill that seek to legislate on an appropriations bill rather than allowing such items to move through the regular legis- lative process. Examples include lan- guage that: raises the minimum wage; restricts the Department of Transpor- tation from implementing the North American Free Trade Agreement's, NAFTA, provisions expanding cross-border trade between Mexico and the
United States with the introduction of a pilot program that would allow a select group of Mexican trucking companies to make deliveries into our country beyond the 25 miles that current law permits; extends several tax credits, while setting forth new Internal Revenue Service definitions and exempting some programs from taxation; and, amends the Food Security Act to make adjustments to the Department of Agriculture’s land and soil conservation program.

Another provision that seeks to legislate on this appropriations bill is a provision that would end-run the Defense Base Realignment and Closure, BRAC, process. The 2005 BRAC commission decided to close the Naval Air Station at Willow Grove, Pennsylvania, and the Department of Navy was in the process of closing the base in accordance with the law. This bill, however, would label and assets that have been requested by the administration, is not an emergency, and is not a responsible way to legislate. It was not reviewed or debated in any committee, and the committee of jurisdiction has had no say in the matter. Yet the American people will now be forced to continue to pay for the maintenance of this unwanted land when the Air Force receives it.

Despite these unacceptable earmarks and legislative language, I am pleased that this bill does not contain a timeline for the withdrawal of American troops from Iraq, regardless of the conditions there. Such a mandate would have had grave consequences for the forces on the ground and the security of Americans. The President was right to veto the first iteration of this legislation.

I do have concerns, however, with the way that this measure critical aid to the Iraqi Government by requiring the government to meet benchmarks. Although I support benchmarks for the Iraqi Government, and I believe that we should encourage the Iraqi government to move ahead as rapidly as possible on a number of fronts, some of the benchmarks contained in this bill are beyond the control of the Iraqi leadership. One of the benchmarks, for example, mandates that there will be no executions or summary executions. This should of course be an aspiration, but if terrorists or insurgents hang on and hole up in Baghdad, should this constitute a reason why the United States withholds economic aid to the government? Another benchmark requires the Iraqi Government to reduce the level of sectarian violence. But if sectarian violence does not decline as rapidly as we would like, does this suggest that the answer is to cut off reconstruction aid? It’s not at all clear to me that it does.

I believe that, instead of legislating a list of benchmarks that must be met by the Iraqis, and imposing statutory penalties for nonperformance, it would be preferable for the administration to reach agreement on a series of benchmarks with the Iraqi government, a timeline for implementation, and consequences for nonperformance. Such an approach would make clear to the Iraqis that they must make progress, but would do so in a way that is specific, flexible, and realistic.

If this bill is to have benchmarks at all, it should substitute a benchmark that Congress may not approve any earmark, no matter how valid the cause, without an authorization, an administration request or inclusion in the budget. The national debt grows $76 million an hour and $1.3 billion a day. Congress should benchmark its spending sprees on zero debt, but it won’t. This body would rather set benchmarks for others around the world than take responsibility for its own actions. For these reasons, this is reward and irresponsible, but I will vote for it nonetheless in order to support our brave men and women fighting for freedom in Iraq and Afghanistan.

Mr. BAUCUS. Mr. President, the tax provisions included in this bill would help small businesses to succeed. These provisions would spur investment and thus create jobs. They would provide greater opportunity for workers looking for a job. They all enjoy strong support.

The bill helps businesses to provide jobs for workers who have experienced barriers to entering the workforce by extending and expanding the Work Opportunity Tax Credit, WOTC.

WOTC encourages businesses to hire workers who might not otherwise find work. WOTC allows employers a tax credit for wages that they pay to economically disadvantaged employees. WOTC has been remarkably successful. By reducing expenditures on public assistance, WOTC is highly cost-effective. The business community is highly supportive of these credits. Industries like retail and restaurants that hire many low-skill workers find it especially useful.

The bill would extend WOTC for more than 3 years, and the bill would increase and expand the credit for employers who hire disabled veterans. The bill would also expand the credit to make it available to employers who hire people in counties that have suffered significant population losses.

To encourage hiring activities, small business owners are often required to invest significant amounts of money in depreciable property, such as machinery. The bill would help business owners to afford these large purchases. But large business purchases generally require depreciation across a number of years, and depreciation requires additional bookkeeping.

Expensing under section 179 allows for an immediate 100-percent deduction of the cost for most personal property purchased for use in a business. The bill increases the expensing limit from $112,000 to $125,000, and the bill increases the phase-out threshold from $500,000 to $500,000.

When small business owners are able to expense equipment, they no longer have to keep depreciation records on that equipment. So extending section 179 expensing would ease small business bookkeeping problems.

The bill includes a package of tax incentives to help recovery of small business and low-income housing in areas hit by Hurricanes Katrina, Rita, and Wilma. The bill also requires GAO to conduct a study on how State and local governments have allocated and utilized the tax incentives that have been provided for these areas since 2005. We want to make sure that the tax incentives that Congress provided for hurricane recovery are being properly used, and want to make sure that these incentives are providing the much-needed help for which they were created.

Tips received by restaurant employees are treated as wages for purposes of Social Security taxes. As such, employers must pay Social Security taxes on tips received by their employees. These employers receive a business tax credit for taxes paid on tip income in excess of the Federal minimum wage rate. The bill would prevent a decrease in the amount of this business tax credit that restaurant owners may claim despite an increase in the Federal minimum wage.

Currently, if a small business jointly owned by a married couple files taxes as a sole proprietorship, only the filing spouse receives Social Security and Medicare taxes. Furthermore, unless the married couple is located in a community property State, both the married couple and the business are subject to penalties for failing to file as a partnership.

The bill would allow an unincorporated business that is jointly owned by a married couple in a common law State to file as a sole proprietorship without penalty. The bill would also ensure that both spouses receive credit for paying Social Security and Medicare taxes.

Current law limits a small business’ ability to claim WOTC and the tip credit by imposing a limitation that such credits cannot be used to offset taxes that would be imposed under the alternative minimum tax, or AMT. The bill would provide a permanent waiver for WOTC and the tip credit and would allow WOTC and the tip credit to be taken under AMT.

The bill would help small businesses by modifying S corporation rules. The modifications would reduce the effect of what some call the “string tax.” These modifications would improve the viability of community banks.
The tax language included in the bill is a responsible package. It would ensure the continued growth and success of small businesses.

And we have also paid for it.

The offsets include a proposal to discourage the practice of transferring investments to one’s child for the purpose of avoiding higher tax rates.

The offsets also include proposals to improve tax administration.

The offsets would allow the IRS more time to notify the taxpayer about a deficiency before it must stop charging interest and penalties. The offsets include making permanent the fees that the IRS is authorized to charge for private letter rulings and other forms of guidance.

The offsets also enhance penalties that the IRS may impose when taxpayers and preparers do not comply with the law. The offsets would also prohibit employers from using the collection due process to delay or prevent the IRS from collecting delinquent trust fund employment taxes.

The hard-working American taxpayers whom we are trying to help in this bill should not have to pay more in taxes because some taxpayers are abusing the tax system.

The nonpartisan Joint Committee on Taxation has made available to the public a technical explanation of the tax provisions of H.R. 2206. The technical explanation expresses the committee’s understanding and legislative intent behind this important legislation. It will be available on the Joint Committee’s website at www.house.gov/jct.

These are sound tax policy changes. Let’s finally enact an increase in the minimum wage, and let’s also pass this useful package of tax benefits to help America’s small businesses. I urge my colleagues to support the bill.

Mr. BYRD. Mr. President, the following are additional explanatory materials regarding the appropriations for the Department of Defense made by the House amendments to the Senate amendment to H.R. 2206. I ask unanimous consent they be printed in the RECORD.

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

DEPARTMENT OF DEFENSE—MILITARY PROGRAM EXECUTION

The Department of Defense shall execute the appropriations provided in this Act consistent with the allocation of funds contained in the joint explanatory statement of the committee of conference accompanying H.R. 1591 when such appropriations (by account) are equal to those appropriations (by account) provided in this Act. The Department is directed to adhere to the reporting requirements in Senate Report 110-37 and House Report 110-40 except as otherwise contravened by the joint explanatory statement of the committee of conference accompanying H.R. 1591 or the following statement.

REPORTING REQUIREMENTS

The Secretary of Defense shall provide a report to the congressional defense committees with 30 days of enactment of this legislation on the allocation of the funds within the accounts listed in this Act. The Secretary shall submit updated reports 30 days after the end of each fiscal quarter until funds listed in this Act are no longer available for obligation. These reports shall include: a detailed accounting of obligations and expenditures of appropriations provided in this Act by program and subactivity group for the continuation of the war in Iraq and Afghanistan; and a listing of equipment procured using funds provided in this Act. In order to meet unanticipated requirements, the Department of Defense may need to transfer funds within these appropriations accounts for purposes other than those specified. The Department of Defense shall follow all prior approval reprogramming procedures should it be necessary to transfer funding between different appropriations accounts in this Act.

CLASSIFIED PROGRAMS

Recommended adjustments to classified programs are addressed in a classified annex.

OPERATION AND MAINTENANCE

SOAR VIRTUAL SCHOOL DISTRICT

The Secretary of Defense shall notify the House and Senate Committees on Appropriations within 90 days of enactment of this Act the accountability requirements DoD has applied to the train-and-equip program for Iraq and the plans underway to formulate property accountability rules and regulations that distinguish between war and peace.

JOINT IMPROVED EXPLOSIVE DEVICE DEFEAT FUND


PROCUREMENT

SINGLE CHANNEL GROUND AND AIRBORNE RADIO SYSTEM (SINCOGAR) FAMILY

The Department of the Army is directed to comply with the guidance contained in the joint explanatory statement of the committee of conference accompanying H.R. 1591 regarding funding limitations and reporting requirements for the Single Channel Ground and Airborne Radio Systems.

DEFENSE HEALTH PROGRAM

TRAUMATIC BRAIN INJURY (TBI) AND POST-TRAUMATIC STRESS DISORDER (PTSD) TREATMENT AND RESEARCH

If a service member is correctly diagnosed with TBI or PTSD, the better chance he or she has of a full recovery. It is critical that health care providers are given the resources necessary to make accurate, timely referrals for appropriate treatment and that service members have high priority access to such services. Therefore, $600,000,000 is provided for research, treatment, and care for Traumatic Brain Injury (TBI) and Post-Traumatic Stress Disorder (PTSD). Of the amount provided, $600,000,000 is for operation and maintenance account for the treatment of Traumatic Brain Injury and Post-Traumatic Stress Disorder. The Secretary of Defense shall report to the congressional defense committees no later than 15 days following any transfer of funds to the VA for PTSD/TBI treatment.

SUSTAINING THE MILITARY HEALTH CARE BENEFIT

Provided herein is $10,750,000 to fully fund the Defense Health Program for fiscal year 2007. The Department is expected to examine other ways to sustain the benefit without relying on Congress to pay for something that would increase the out-of-pocket costs to the beneficiaries.

HEALTH CARE IN SUPPORT OF ARMY MODULAR CONVERSION AND GLOBAL POSITIONING

The Assistant Secretary of Defense for Health Affairs and the Surgeon General of the Army shall coordinate an effort and report back to the congressional defense committees within 120 days after enactment of this Act on how these anticipated costs will be funded to ensure soldiers and their families affected by AMP and global positioning will have access to the health care they deserve.

MEDICAL SUPPORT FOR TACTICAL UNITS

The Department of the Army is directed to address medical requirements for those tactical units currently deployed to or returning from the Iraq or Afghanistan theaters. The Department of the Army shall focus funding on the replenishment of medical supply and equipment needs within the combat areas to include bases and the provision of medical care for soldiers who have returned home in a medical holdover status.
MEB/PEB IMPROVEMENTS

The system for evaluating soldiers' eligibility for disability benefits has diminished, causing the soldiers' needs to go unmet. In particular, the thousands of soldiers wounded in the wars in Iraq and Afghanistan have overwhelmed the system leading to failure to complete reviews in a timely manner. In some cases, lack of management, case-workers, specialists to help identify depression and post-traumatic stress disorder, medical hold facilities and even wheelchair access has meant that wounded soldiers have had to overcome many obstacles during their medical care.

Therefore, within the funds provided, $30,000,000 is to be used for strengthening the process, programs, formalized training for personnel, and for the hiring of administrators and caseworkers. The resources provided are to be used at Walter Reed, Brooke, Madigan, and Womack Army Medical Centers and National Naval Medical Center, San Diego.

SUMMARY AND TABULAR MATERIALS

The following tables provide details of the supplemental appropriations for the Department of Defense-Military.
## FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

(In thousands of dollars)

<table>
<thead>
<tr>
<th>Department of Defense - Military</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Military Personnel</strong></td>
</tr>
<tr>
<td>Military Personnel, Army (emergency)</td>
</tr>
<tr>
<td>Military Personnel, Navy (emergency)</td>
</tr>
<tr>
<td>Military Personnel, Marine Corps (emergency)</td>
</tr>
<tr>
<td>Military Personnel, Air Force (emergency)</td>
</tr>
<tr>
<td>Reserve Personnel, Army (emergency)</td>
</tr>
<tr>
<td>Reserve Personnel, Navy (emergency)</td>
</tr>
<tr>
<td>Reserve Personnel, Marine Corps (emergency)</td>
</tr>
<tr>
<td>Reserve Personnel, Air Force (emergency)</td>
</tr>
<tr>
<td>National Guard Personnel, Army (emergency)</td>
</tr>
<tr>
<td>National Guard Personnel, Air Force (emergency)</td>
</tr>
<tr>
<td><strong>Subtotal</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Operation and Maintenance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Operation and Maintenance, Army (emergency)</td>
</tr>
<tr>
<td>Operation and Maintenance, Navy (emergency)</td>
</tr>
<tr>
<td>(Transfer to Coast Guard) (emergency)</td>
</tr>
<tr>
<td>Operation and Maintenance, Marine Corps (emergency)</td>
</tr>
<tr>
<td>Operation and Maintenance, Air Force (emergency)</td>
</tr>
<tr>
<td>Operation and Maintenance, Defense-Wide (emergency)</td>
</tr>
<tr>
<td>Operation and Maintenance, Navy Reserve (emergency)</td>
</tr>
<tr>
<td>Operation and Maintenance, Marine Corps Reserve (emergency)</td>
</tr>
<tr>
<td>Operation and Maintenance, Air Force Reserve (emergency)</td>
</tr>
<tr>
<td>Operation and Maintenance, Army National Guard (emergency)</td>
</tr>
<tr>
<td>Operation and Maintenance, Air National Guard (emergency)</td>
</tr>
<tr>
<td>Afghanistan Security Forces Fund (emergency)</td>
</tr>
<tr>
<td>Iraq Security Forces Fund (emergency)</td>
</tr>
<tr>
<td>Iraq Freedom Fund (emergency)</td>
</tr>
<tr>
<td>Joint Improvised Explosive Device Defeat Fund (emergency)</td>
</tr>
<tr>
<td>Strategic Reserve Readiness Fund (emergency)</td>
</tr>
<tr>
<td><strong>Subtotal</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Procurement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aircraft Procurement, Army (emergency)</td>
</tr>
<tr>
<td>Missile Procurement, Army (emergency)</td>
</tr>
<tr>
<td>Procurement of Weapons and Tracked Combat Vehicles, Army (emergency)</td>
</tr>
<tr>
<td>Procurement of Ammunition, Army (emergency)</td>
</tr>
<tr>
<td>Other Procurement, Army (emergency)</td>
</tr>
<tr>
<td>Aircraft Procurement, Navy (emergency)</td>
</tr>
<tr>
<td>Weapons Procurement, Navy (emergency)</td>
</tr>
<tr>
<td>Procurement of Ammunition, Navy and Marine Corps (emergency)</td>
</tr>
<tr>
<td>Other Procurement, Navy (emergency)</td>
</tr>
<tr>
<td>Procurement, Marine Corps (emergency)</td>
</tr>
<tr>
<td>Aircraft Procurement, Air Force (emergency)</td>
</tr>
<tr>
<td>Missle Procurement, Air Force (emergency)</td>
</tr>
<tr>
<td>Procurement of Ammunition, Air Force (emergency)</td>
</tr>
<tr>
<td>Other Procurement, Air Force (emergency)</td>
</tr>
<tr>
<td>Procurement, Defense-Wide (emergency)</td>
</tr>
<tr>
<td><strong>Subtotal</strong></td>
</tr>
</tbody>
</table>
FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

(In thousands of dollars)

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Research, Development, Test and Evaluation</td>
<td></td>
</tr>
<tr>
<td>Research, Development, Test and Evaluation, Army (emergency)</td>
<td>100,006</td>
</tr>
<tr>
<td>Research, Development, Test and Evaluation, Navy (emergency)</td>
<td>298,722</td>
</tr>
<tr>
<td>Research, Development, Test and Evaluation, Air Force (emergency)</td>
<td>187,176</td>
</tr>
<tr>
<td>Research, Development, Test and Evaluation, Defense-wide (emergency)</td>
<td>512,804</td>
</tr>
<tr>
<td>Subtotal</td>
<td>1,098,708</td>
</tr>
<tr>
<td>Revolving And Management Funds</td>
<td></td>
</tr>
<tr>
<td>Defense Working Capital Funds (emergency)</td>
<td>1,115,526</td>
</tr>
<tr>
<td>National Defense Sealift Fund (emergency)</td>
<td>5,000</td>
</tr>
<tr>
<td>Subtotal</td>
<td>1,120,526</td>
</tr>
<tr>
<td>Other Department of Defense Programs</td>
<td></td>
</tr>
<tr>
<td>Defense Health Program (emergency)</td>
<td>3,001,853</td>
</tr>
<tr>
<td>Operation and maintenance (emergency)</td>
<td>(2,552,153)</td>
</tr>
<tr>
<td>Procurement (emergency)</td>
<td>(118,000)</td>
</tr>
<tr>
<td>Research, development, test and evaluation (emergency)</td>
<td>(331,700)</td>
</tr>
<tr>
<td>Medical support fund (emergency)</td>
<td>---</td>
</tr>
<tr>
<td>Drug Interdiction and Counter-Drug Activities, Defense (emergency)</td>
<td>254,665</td>
</tr>
<tr>
<td>Subtotal</td>
<td>3,256,518</td>
</tr>
<tr>
<td>Related Agencies</td>
<td></td>
</tr>
<tr>
<td>Intelligence Community Management Account (emergency)</td>
<td>71,726</td>
</tr>
<tr>
<td>General Provisions</td>
<td></td>
</tr>
<tr>
<td>Sec. 1302. New transfer authority (emergency)</td>
<td>(3,500,000)</td>
</tr>
<tr>
<td>Sec. 1305. Defense Cooperative Account transfer authority (emergency)</td>
<td>1,000</td>
</tr>
<tr>
<td>Sec. 1322. Military Construction, Army (by transfer) (emergency)</td>
<td>(-6,250)</td>
</tr>
<tr>
<td>Sec. 1313. Economic Support Fund (Department of State) (by transfer)</td>
<td>(-110,000)</td>
</tr>
<tr>
<td>Subtotal</td>
<td></td>
</tr>
<tr>
<td>Total, Department of Defense</td>
<td>94,693,670</td>
</tr>
</tbody>
</table>
FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount (in thousands of dollars)</th>
</tr>
</thead>
<tbody>
<tr>
<td>MILITARY PERSONNEL, ARMY</td>
<td>8,853,350</td>
</tr>
<tr>
<td>MILITARY PERSONNEL, NAVY</td>
<td>1,100,410</td>
</tr>
<tr>
<td>MILITARY PERSONNEL, MARINE CORPS</td>
<td>1,495,827</td>
</tr>
<tr>
<td>MILITARY PERSONNEL, AIR FORCE</td>
<td>1,218,587</td>
</tr>
<tr>
<td>RESERVE PERSONNEL, ARMY</td>
<td>147,244</td>
</tr>
<tr>
<td>RESERVE PERSONNEL, NAVY</td>
<td>86,023</td>
</tr>
<tr>
<td>RESERVE PERSONNEL, MARINE CORPS</td>
<td>5,660</td>
</tr>
<tr>
<td>RESERVE PERSONNEL, AIR FORCE</td>
<td>11,573</td>
</tr>
<tr>
<td>NATIONAL GUARD PERSONNEL, ARMY</td>
<td>545,286</td>
</tr>
<tr>
<td>NATIONAL GUARD PERSONNEL, AIR FORCE</td>
<td>44,033</td>
</tr>
<tr>
<td>GRAND TOTAL, MILITARY PERSONNEL</td>
<td>13,507,993</td>
</tr>
</tbody>
</table>
### FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

#### (In thousands of dollars)

<table>
<thead>
<tr>
<th>50 MILITARY PERSONNEL, ARMY</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>100 ACTIVITY 1: PAY AND ALLOWANCES OF OFFICERS</td>
<td></td>
</tr>
<tr>
<td>150 BASIC PAY</td>
<td>493,534</td>
</tr>
<tr>
<td>200 RETIRED PAY ACCRUAL</td>
<td>169,837</td>
</tr>
<tr>
<td>250 BASIC ALLOWANCE FOR HOUSING</td>
<td>411,479</td>
</tr>
<tr>
<td>300 BASIC ALLOWANCE FOR SUBSISTENCE</td>
<td>16,060</td>
</tr>
<tr>
<td>350 SPECIAL PAYS</td>
<td>415,457</td>
</tr>
<tr>
<td>400 SOCIAL SECURITY TAX</td>
<td>36,012</td>
</tr>
<tr>
<td>450 TOTAL, BUDGET ACTIVITY 1</td>
<td>1,542,379</td>
</tr>
<tr>
<td>500 ACTIVITY 2: PAY AND ALLOWANCES OF ENLISTED PERSONNEL</td>
<td></td>
</tr>
<tr>
<td>550 BASIC PAY</td>
<td>1,323,548</td>
</tr>
<tr>
<td>600 RETIRED PAY ACCRUAL</td>
<td>466,287</td>
</tr>
<tr>
<td>650 BASIC ALLOWANCE FOR HOUSING</td>
<td>1,409,965</td>
</tr>
<tr>
<td>700 SPECIAL PAYS</td>
<td>1,896,707</td>
</tr>
<tr>
<td>750 SOCIAL SECURITY TAX</td>
<td>101,057</td>
</tr>
<tr>
<td>800 TOTAL, BUDGET ACTIVITY 2</td>
<td>5,197,564</td>
</tr>
<tr>
<td>850 ACTIVITY 4: SUBSISTENCE OF ENLISTED PERSONNEL</td>
<td></td>
</tr>
<tr>
<td>900 BASIC ALLOWANCE FOR SUBSISTENCE</td>
<td>155,782</td>
</tr>
<tr>
<td>950 SUBSISTENCE-IN-KIND</td>
<td>1,216,195</td>
</tr>
<tr>
<td>1000 TOTAL, BUDGET ACTIVITY 4</td>
<td>1,371,977</td>
</tr>
<tr>
<td>1050 ACTIVITY 5: PERMANENT CHANGE OF STATION</td>
<td></td>
</tr>
<tr>
<td>1100 ACCESSION TRAVEL</td>
<td>19,679</td>
</tr>
<tr>
<td>1150 OPERATIONAL TRAVEL</td>
<td>182,113</td>
</tr>
<tr>
<td>1200 ROTATIONAL TRAVEL</td>
<td>218,906</td>
</tr>
<tr>
<td>1250 TOTAL, BUDGET ACTIVITY 5</td>
<td>420,698</td>
</tr>
<tr>
<td>1300 ACTIVITY 6: OTHER MILITARY PERSONNEL COSTS</td>
<td></td>
</tr>
<tr>
<td>1350 INTEREST ON SOLDIERS DEPOSITS</td>
<td>21,779</td>
</tr>
<tr>
<td>1400 RESERVE INCOME REPLACEMENT PROGRAM</td>
<td>8,208</td>
</tr>
<tr>
<td>1450 UNEMPLOYMENT BENEFITS</td>
<td>144,489</td>
</tr>
<tr>
<td>1500 DEATH GRATUITIES</td>
<td>95,056</td>
</tr>
<tr>
<td>1550 SGLI/TGLI INSURANCE PREMIUM</td>
<td>51,200</td>
</tr>
<tr>
<td>1700 TOTAL, BUDGET ACTIVITY 6</td>
<td>320,732</td>
</tr>
<tr>
<td>1750 TOTAL, MILITARY PERSONNEL, ARMY</td>
<td>8,853,350</td>
</tr>
</tbody>
</table>
### EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[In thousands of dollars]

<table>
<thead>
<tr>
<th>MILITARY PERSONNEL, ARMY</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>BA-1: PAY AND ALLOWANCES OF OFFICERS</strong></td>
<td></td>
</tr>
<tr>
<td>Basic Allowance for Housing</td>
<td>411,479</td>
</tr>
<tr>
<td><strong>BA-2: PAY AND ALLOWANCES OF ENLISTED</strong></td>
<td></td>
</tr>
<tr>
<td>Basic Allowance for Housing</td>
<td>1,409,965</td>
</tr>
</tbody>
</table>
FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

<table>
<thead>
<tr>
<th>Activity</th>
<th>Description</th>
<th>Budget Amount (in thousands of dollars)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1850</td>
<td>Pay and allowances of Officers</td>
<td>78,148</td>
</tr>
<tr>
<td>1950</td>
<td>Retired pay accrual</td>
<td>20,681</td>
</tr>
<tr>
<td>2000</td>
<td>Basic allowance for housing</td>
<td>20,374</td>
</tr>
<tr>
<td>2050</td>
<td>Basic allowance for subsistence</td>
<td>2,233</td>
</tr>
<tr>
<td>2100</td>
<td>Special pays</td>
<td>43,929</td>
</tr>
<tr>
<td>2150</td>
<td>Social security tax</td>
<td>5,966</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>Budget Activity 1</strong></td>
<td><strong>171,331</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Activity</th>
<th>Description</th>
<th>Budget Amount (in thousands of dollars)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2250</td>
<td>Pay and allowances of enlisted personnel</td>
<td>145,279</td>
</tr>
<tr>
<td>2350</td>
<td>Retired pay accrual</td>
<td>38,494</td>
</tr>
<tr>
<td>2400</td>
<td>Basic allowance for housing</td>
<td>471,174</td>
</tr>
<tr>
<td>2450</td>
<td>Special pays</td>
<td>152,440</td>
</tr>
<tr>
<td>2500</td>
<td>Social security tax</td>
<td>11,110</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>Budget Activity 2</strong></td>
<td><strong>818,497</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Activity</th>
<th>Description</th>
<th>Budget Amount (in thousands of dollars)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2650</td>
<td>Basic allowance for subsistence</td>
<td>14,103</td>
</tr>
<tr>
<td>2700</td>
<td>Subsistence-in-kind</td>
<td>13,149</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>Budget Activity 4</strong></td>
<td><strong>27,252</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Activity</th>
<th>Description</th>
<th>Budget Amount (in thousands of dollars)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2850</td>
<td>Accession travel</td>
<td>7,911</td>
</tr>
<tr>
<td>2950</td>
<td>Operational travel</td>
<td>15,936</td>
</tr>
<tr>
<td>3000</td>
<td>Rotational travel</td>
<td>4,437</td>
</tr>
<tr>
<td>3050</td>
<td>Separation travel</td>
<td>6,216</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>Budget Activity 5</strong></td>
<td><strong>34,500</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Activity</th>
<th>Description</th>
<th>Budget Amount (in thousands of dollars)</th>
</tr>
</thead>
<tbody>
<tr>
<td>3200</td>
<td>Other military personnel costs</td>
<td>48,830</td>
</tr>
<tr>
<td>3300</td>
<td>Reserve income replacement program</td>
<td>3,000</td>
</tr>
<tr>
<td>3350</td>
<td>Unemployment benefits</td>
<td>28,200</td>
</tr>
<tr>
<td>3400</td>
<td>Death gratuities</td>
<td>11,001</td>
</tr>
<tr>
<td>3450</td>
<td>SGLI/TGGLI insurance premium</td>
<td>6,629</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>Budget Activity 6</strong></td>
<td><strong>48,830</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Activity</th>
<th>Description</th>
<th>Budget Amount (in thousands of dollars)</th>
</tr>
</thead>
<tbody>
<tr>
<td>3650</td>
<td>Military personnel, Navy</td>
<td>1,100,410</td>
</tr>
</tbody>
</table>
EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

<table>
<thead>
<tr>
<th>MILITARY PERSONNEL, NAVY:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>BA-2: PAY AND ALLOWANCES OF ENLISTED</strong></td>
<td></td>
</tr>
<tr>
<td>Basic Allowance for Housing</td>
<td>471,174</td>
</tr>
<tr>
<td>Activity</td>
<td>Description</td>
</tr>
<tr>
<td>----------</td>
<td>-------------</td>
</tr>
<tr>
<td>3700</td>
<td>MILITARY PERSONNEL, MARINE CORPS</td>
</tr>
<tr>
<td>3750</td>
<td>ACTIVITY 1: PAY AND ALLOWANCES OF OFFICERS</td>
</tr>
<tr>
<td>3800</td>
<td>BASIC PAY</td>
</tr>
<tr>
<td>3850</td>
<td>RETIRED PAY ACCRUAL</td>
</tr>
<tr>
<td>3900</td>
<td>BASIC ALLOWANCE FOR HOUSING</td>
</tr>
<tr>
<td>3950</td>
<td>BASIC ALLOWANCE FOR SUBSISTENCE</td>
</tr>
<tr>
<td>4000</td>
<td>SPECIAL PAYS</td>
</tr>
<tr>
<td>4050</td>
<td>SOCIAL SECURITY TAX</td>
</tr>
<tr>
<td>4100</td>
<td>TOTAL, BUDGET ACTIVITY 1</td>
</tr>
<tr>
<td>4150</td>
<td>ACTIVITY 2: PAY AND ALLOWANCES OF ENLISTED PERSONNEL</td>
</tr>
<tr>
<td>4200</td>
<td>BASIC PAY</td>
</tr>
<tr>
<td>4250</td>
<td>RETIRED PAY ACCRUAL</td>
</tr>
<tr>
<td>4300</td>
<td>BASIC ALLOWANCE FOR HOUSING</td>
</tr>
<tr>
<td>4350</td>
<td>SPECIAL PAYS</td>
</tr>
<tr>
<td>4400</td>
<td>SOCIAL SECURITY TAX</td>
</tr>
<tr>
<td>4450</td>
<td>TOTAL, BUDGET ACTIVITY 2</td>
</tr>
<tr>
<td>4500</td>
<td>ACTIVITY 4: SUBSISTENCE OF ENLISTED PERSONNEL</td>
</tr>
<tr>
<td>4550</td>
<td>BASIC ALLOWANCE FOR SUBSISTENCE</td>
</tr>
<tr>
<td>4650</td>
<td>TOTAL, BUDGET ACTIVITY 4</td>
</tr>
<tr>
<td>4700</td>
<td>ACTIVITY 5: PERMANENT CHANGE OF STATION</td>
</tr>
<tr>
<td>4750</td>
<td>ACCESSION TRAVEL</td>
</tr>
<tr>
<td>4850</td>
<td>OPERATIONAL TRAVEL</td>
</tr>
<tr>
<td>5050</td>
<td>TOTAL, BUDGET ACTIVITY 5</td>
</tr>
<tr>
<td>5100</td>
<td>ACTIVITY 6: OTHER MILITARY PERSONNEL COSTS</td>
</tr>
<tr>
<td>5250</td>
<td>UNEMPLOYMENT BENEFITS</td>
</tr>
<tr>
<td>5300</td>
<td>DEATH GRATUITIES</td>
</tr>
<tr>
<td>5350</td>
<td>SGLI/TSGLI INSURANCE PREMIUM</td>
</tr>
<tr>
<td>5500</td>
<td>TOTAL, BUDGET ACTIVITY 6</td>
</tr>
<tr>
<td>5550</td>
<td>TOTAL, MILITARY PERSONNEL, MARINE CORPS</td>
</tr>
</tbody>
</table>
EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

<table>
<thead>
<tr>
<th>MILITARY PERSONNEL, MARINE CORPS:</th>
</tr>
</thead>
<tbody>
<tr>
<td>BA-1: PAY AND ALLOWANCES OF OFFICERS</td>
</tr>
<tr>
<td>Basic Allowance for Housing</td>
</tr>
<tr>
<td>BA-2: PAY AND ALLOWANCES OF ENLISTED</td>
</tr>
<tr>
<td>Basic Allowance for Housing</td>
</tr>
</tbody>
</table>
### FY 2007 Department of Defense Supplemental Appropriations

<table>
<thead>
<tr>
<th>Activity</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>5600</td>
<td>MILITARY PERSONNEL, AIR FORCE</td>
<td></td>
</tr>
<tr>
<td>5650</td>
<td>ACTIVITY 1: PAY AND ALLOWANCES OF OFFICERS</td>
<td></td>
</tr>
<tr>
<td>5700</td>
<td>BASIC PAY</td>
<td>143,092</td>
</tr>
<tr>
<td>5750</td>
<td>RETIRED PAY ACCRUAL</td>
<td>40,182</td>
</tr>
<tr>
<td>5800</td>
<td>BASIC ALLOWANCE FOR HOUSING</td>
<td>91,989</td>
</tr>
<tr>
<td>5850</td>
<td>BASIC ALLOWANCE FOR SUBSISTENCE</td>
<td>5,156</td>
</tr>
<tr>
<td>5900</td>
<td>SPECIAL PAYS</td>
<td>6,721</td>
</tr>
<tr>
<td>5950</td>
<td>ALLOWANCES</td>
<td>4,650</td>
</tr>
<tr>
<td>6000</td>
<td>SOCIAL SECURITY TAX</td>
<td>11,599</td>
</tr>
<tr>
<td>6050</td>
<td>TOTAL, BUDGET ACTIVITY 1</td>
<td>303,399</td>
</tr>
<tr>
<td>6100</td>
<td>ACTIVITY 2: PAY AND ALLOWANCES OF ENLISTED PERSONNEL</td>
<td></td>
</tr>
<tr>
<td>6150</td>
<td>BASIC PAY</td>
<td>348,642</td>
</tr>
<tr>
<td>6200</td>
<td>RETIRED PAY ACCRUAL</td>
<td>99,309</td>
</tr>
<tr>
<td>6250</td>
<td>BASIC ALLOWANCE FOR HOUSING</td>
<td>259,124</td>
</tr>
<tr>
<td>6300</td>
<td>SPECIAL PAYS</td>
<td>44,859</td>
</tr>
<tr>
<td>6350</td>
<td>ALLOWANCES</td>
<td>16,623</td>
</tr>
<tr>
<td>6400</td>
<td>SOCIAL SECURITY TAX</td>
<td>28,668</td>
</tr>
<tr>
<td>6450</td>
<td>TOTAL, BUDGET ACTIVITY 2</td>
<td>797,225</td>
</tr>
<tr>
<td>6500</td>
<td>ACTIVITY 4: SUBSISTENCE OF ENLISTED PERSONNEL</td>
<td></td>
</tr>
<tr>
<td>6550</td>
<td>BASIC ALLOWANCE FOR SUBSISTENCE</td>
<td>34,424</td>
</tr>
<tr>
<td>6600</td>
<td>SUBSISTENCE-IN-KIND</td>
<td>66,848</td>
</tr>
<tr>
<td>6650</td>
<td>TOTAL, BUDGET ACTIVITY 4</td>
<td>101,272</td>
</tr>
<tr>
<td>6700</td>
<td>ACTIVITY 5: PERMANENT CHANGE OF STATION</td>
<td></td>
</tr>
<tr>
<td>6850</td>
<td>OPERATIONAL TRAVEL</td>
<td>5,500</td>
</tr>
<tr>
<td>7050</td>
<td>TOTAL, BUDGET ACTIVITY 5</td>
<td>5,500</td>
</tr>
<tr>
<td>7100</td>
<td>ACTIVITY 6: OTHER MILITARY PERSONNEL COSTS</td>
<td></td>
</tr>
<tr>
<td>7250</td>
<td>UNEMPLOYMENT BENEFITS</td>
<td>16,200</td>
</tr>
<tr>
<td>7300</td>
<td>DEATH GRATUITIES</td>
<td>8,453</td>
</tr>
<tr>
<td>7350</td>
<td>SGLI/TGLI INSURANCE PREMIUM</td>
<td>8,548</td>
</tr>
<tr>
<td>7500</td>
<td>TOTAL, BUDGET ACTIVITY 6</td>
<td>33,201</td>
</tr>
<tr>
<td>7510</td>
<td>ADJUSTMENT TO PAY AND ALLOWANCES</td>
<td>-22,000</td>
</tr>
<tr>
<td>7550</td>
<td>TOTAL, MILITARY PERSONNEL, AIR FORCE</td>
<td>1,218,587</td>
</tr>
</tbody>
</table>
EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

<table>
<thead>
<tr>
<th>MILITARY PERSONNEL, AIR FORCE:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>BA-1: PAY AND ALLOWANCES OF OFFICERS</strong></td>
</tr>
<tr>
<td>Basic Allowance for Housing</td>
</tr>
<tr>
<td><strong>BA-2: PAY AND ALLOWANCES OF ENLISTED</strong></td>
</tr>
<tr>
<td>Basic Allowance for Housing</td>
</tr>
<tr>
<td>Adjustment to Pay and Allowances - Transfer to National Guard Personnel, Air Force</td>
</tr>
<tr>
<td>Activity</td>
</tr>
<tr>
<td>----------</td>
</tr>
<tr>
<td>7600</td>
</tr>
<tr>
<td>7650</td>
</tr>
<tr>
<td>7660</td>
</tr>
<tr>
<td>7700</td>
</tr>
<tr>
<td>7750</td>
</tr>
<tr>
<td>7900</td>
</tr>
</tbody>
</table>
FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

<table>
<thead>
<tr>
<th>Activity</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>7950</td>
<td>RESERVE PERSONNEL, NAVY</td>
<td></td>
</tr>
<tr>
<td>8000</td>
<td>ACTIVITY 1: RESERVE COMPONENT TRAINING AND SUPPORT</td>
<td></td>
</tr>
<tr>
<td>8050</td>
<td>UNIT TRAINING</td>
<td>35,000</td>
</tr>
<tr>
<td>8060</td>
<td>SPECIAL TRAINING (PRE/POST MOB TRAINING)</td>
<td>22,689</td>
</tr>
<tr>
<td>8100</td>
<td>SPECIAL TRAINING (PRE/POST MOB TRAINING) (BAH)</td>
<td>10,334</td>
</tr>
<tr>
<td>8110</td>
<td>SCHOOL TRAINING (PRE/POST MOB TRAINING)</td>
<td>11,960</td>
</tr>
<tr>
<td>8150</td>
<td>SCHOOL TRAINING (PRE/POST MOB TRAINING) (BAH)</td>
<td>1,040</td>
</tr>
<tr>
<td>8160</td>
<td>RECRUITING AND RETENTION</td>
<td>5,000</td>
</tr>
</tbody>
</table>

| 8200     | TOTAL, RESERVE PERSONNEL, NAVY                                              | 86,023   |
EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

<table>
<thead>
<tr>
<th>RESERVE PERSONNEL, NAVY:</th>
</tr>
</thead>
<tbody>
<tr>
<td>BA-1: RESERVE COMPONENT TRAINING &amp; SUPPORT</td>
</tr>
<tr>
<td>Special Training (PRE/POST MOB Training) (BAH)</td>
</tr>
<tr>
<td>Recruitment and Retention</td>
</tr>
</tbody>
</table>
FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

<table>
<thead>
<tr>
<th>Activity</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>8250</td>
<td>RESERVE PERSONNEL, MARINE CORPS</td>
<td></td>
</tr>
<tr>
<td>8300</td>
<td>ACTIVITY 1: RESERVE COMPONENT TRAINING AND SUPPORT</td>
<td></td>
</tr>
<tr>
<td>8340</td>
<td>SPECIAL TRAINING (PRE/POST MOB TRAINING) (BAH)</td>
<td>5,660</td>
</tr>
<tr>
<td>8400</td>
<td>TOTAL, RESERVE PERSONNEL, MARINE CORPS</td>
<td>5,660</td>
</tr>
</tbody>
</table>
EXPLANATION OF PROJECT LEVEL ADJUSTMENTS  
[In thousands of dollars]

<table>
<thead>
<tr>
<th>RESERVE PERSONNEL, MARINE CORPS:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>BA-1: RESERVE COMPONENT TRAINING &amp; SUPPORT</strong></td>
</tr>
<tr>
<td>Special Training (PRE/POST MOB Training) (BAH)</td>
</tr>
</tbody>
</table>
### FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

(In thousands of dollars)

<table>
<thead>
<tr>
<th>Activity</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>8450</td>
<td>RESERVE PERSONNEL, AIR FORCE</td>
<td></td>
</tr>
<tr>
<td>8500</td>
<td>ACTIVITY 1:  RESERVE COMPONENT TRAINING AND SUPPORT</td>
<td></td>
</tr>
<tr>
<td>8550</td>
<td>SPECIAL TRAINING (PRE/POST MOB TRAINING)</td>
<td>3,000</td>
</tr>
<tr>
<td>8555</td>
<td>SPECIAL TRAINING (PRE/POST MOB TRAINING) (BAH)</td>
<td>6,073</td>
</tr>
<tr>
<td>8560</td>
<td>RECRUITING AND RETENTION</td>
<td>2,500</td>
</tr>
</tbody>
</table>

**Total, Reserve Personnel, Air Force** 11,573
EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

<p>| RESERVE PERSONNEL, AIR FORCE: BA-1: RESERVE COMPONENT TRAINING &amp; SUPPORT |
|-------------------------------------------------|---------|
| Special Training (PRE/POST MOB Training) (BAH)  | 6,073   |
| Recruitment and Retention                        | 2,500   |</p>
<table>
<thead>
<tr>
<th>Activity</th>
<th>Description</th>
<th>Amount (in thousands of dollars)</th>
</tr>
</thead>
<tbody>
<tr>
<td>8650</td>
<td>NATIONAL GUARD PERSONNEL, ARMY</td>
<td></td>
</tr>
<tr>
<td>8700</td>
<td>ACTIVITY 1: RESERVE COMPONENT TRAINING AND SUPPORT</td>
<td></td>
</tr>
<tr>
<td>8800</td>
<td>SPECIAL TRAINING (PRE/POST MOB TRAINING)</td>
<td>24,666</td>
</tr>
<tr>
<td>8810</td>
<td>SPECIAL TRAINING (PRE/POST MOB TRAINING) (BAH)</td>
<td>112,593</td>
</tr>
<tr>
<td>8850</td>
<td>SCHOOL TRAINING (PRE/POST MOB TRAINING)</td>
<td>15,475</td>
</tr>
<tr>
<td>8860</td>
<td>SCHOOL TRAINING (PRE/POST MOB TRAINING) (BAH)</td>
<td>7,766</td>
</tr>
<tr>
<td>8900</td>
<td>RECRUITING AND RETENTION</td>
<td>339,600</td>
</tr>
<tr>
<td>8910</td>
<td>RECRUITING AND RETENTION (BAH)</td>
<td>40,786</td>
</tr>
<tr>
<td>8950</td>
<td>DISABILITY AND DEATH GRATUITY</td>
<td>4,400</td>
</tr>
<tr>
<td>9000</td>
<td>TOTAL, NATIONAL GUARD PERSONNEL, ARMY</td>
<td>545,286</td>
</tr>
</tbody>
</table>
EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

<table>
<thead>
<tr>
<th>NATIONAL GUARD PERSONNEL, ARMY:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>BA-1: RESERVE COMPONENT TRAINING &amp; SUPPORT</td>
<td></td>
</tr>
<tr>
<td>Special Training (PRE/POST MOB Training) (BAH)</td>
<td>112,593</td>
</tr>
<tr>
<td>Activity</td>
<td>Amount</td>
</tr>
<tr>
<td>----------------------------------------------</td>
<td>---------</td>
</tr>
<tr>
<td>9010  National Guard Personnel, Air Force</td>
<td></td>
</tr>
<tr>
<td>9015  Activity 1: Reserve Component Training</td>
<td></td>
</tr>
<tr>
<td>and Support</td>
<td></td>
</tr>
<tr>
<td>9020  Special Training (Pre/Post MOB Training)</td>
<td>19,533</td>
</tr>
<tr>
<td>9035  Recruiting and Retention</td>
<td>2,500</td>
</tr>
<tr>
<td>9037  Adjustment to Pay and Allowances</td>
<td>22,000</td>
</tr>
<tr>
<td>9040  Total, National Guard Personnel, Air</td>
<td>44,033</td>
</tr>
<tr>
<td>Force</td>
<td></td>
</tr>
</tbody>
</table>
## EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[In thousands of dollars]

| NATIONAL GUARD PERSONNEL, AIR FORCE: |
|-----------------------------|---|
| BA-1: RESERVE COMPONENT TRAINING & SUPPORT |   |
| Special Training (PRE/POST MOB Training) (BAH) | 19,533 |
| Recruitment and Retention | 2,500 |

Adjustments to Pay and Allowances - Transfer from Military Personnel, Air Force

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>22,000</td>
<td></td>
</tr>
<tr>
<td>Project Description</td>
<td>Amount (in thousands of dollars)</td>
</tr>
<tr>
<td>---------------------------------------------</td>
<td>----------------------------------</td>
</tr>
<tr>
<td>Operation and Maintenance, Army</td>
<td>20,373,379</td>
</tr>
<tr>
<td>Operation and Maintenance, Navy</td>
<td>4,676,670</td>
</tr>
<tr>
<td>Operation and Maintenance, Marine Corps</td>
<td>1,146,594</td>
</tr>
<tr>
<td>Operation and Maintenance, Air Force</td>
<td>6,650,881</td>
</tr>
<tr>
<td>Operation and Maintenance, Defense-Wide</td>
<td>2,714,487</td>
</tr>
<tr>
<td>Operation and Maintenance, Army Reserve</td>
<td>74,049</td>
</tr>
<tr>
<td>Operation and Maintenance, Navy Reserve</td>
<td>111,066</td>
</tr>
<tr>
<td>Operation and Maintenance, Marine Corps Reserve</td>
<td>13,591</td>
</tr>
<tr>
<td>Operation and Maintenance, Air Force Reserve</td>
<td>10,160</td>
</tr>
<tr>
<td>Operation and Maintenance, Army National Guard</td>
<td>83,569</td>
</tr>
<tr>
<td>Operation and Maintenance, Air National Guard</td>
<td>38,429</td>
</tr>
<tr>
<td>Grand Total, Operation and Maintenance</td>
<td>35,892,875</td>
</tr>
<tr>
<td>Afghanistan Security Forces Fund</td>
<td>5,906,400</td>
</tr>
<tr>
<td>Iraq Security Forces Fund</td>
<td>3,842,300</td>
</tr>
<tr>
<td>Iraq Freedom Fund</td>
<td>355,600</td>
</tr>
<tr>
<td>Joint IED Defeat Fund</td>
<td>2,432,800</td>
</tr>
<tr>
<td>Strategic Reserve Readiness Fund</td>
<td>1,615,000</td>
</tr>
<tr>
<td>Grand Total</td>
<td>50,044,975</td>
</tr>
<tr>
<td>Activity</td>
<td>Amount (in thousands of dollars)</td>
</tr>
<tr>
<td>----------</td>
<td>---------------------------------</td>
</tr>
<tr>
<td>70 BUDGET ACTIVITY 1: OPERATING FORCES</td>
<td>17,606,616</td>
</tr>
<tr>
<td>90 ADDITIONAL ACTIVITIES</td>
<td>456,400</td>
</tr>
<tr>
<td>110 COMMANDER'S EMERGENCY RESPONSE PROGRAM</td>
<td></td>
</tr>
<tr>
<td>150 TOTAL, BUDGET ACTIVITY 1</td>
<td>18,063,016</td>
</tr>
<tr>
<td>165 BUDGET ACTIVITY 4: ADMIN &amp; SERVICEWIDE ACTIVITIES</td>
<td></td>
</tr>
<tr>
<td>170 SECURITY PROGRAMS</td>
<td>597,614</td>
</tr>
<tr>
<td>190 SERVICE-WIDE TRANSPORTATION</td>
<td>1,712,749</td>
</tr>
<tr>
<td>195 TOTAL, BUDGET ACTIVITY 4</td>
<td>2,310,363</td>
</tr>
<tr>
<td>211 TOTAL, O&amp;M, ARMY</td>
<td>20,373,379</td>
</tr>
</tbody>
</table>
EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[in thousands of dollars]

<table>
<thead>
<tr>
<th>Additional Activities</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Unjustified request</td>
<td>-50,000</td>
</tr>
<tr>
<td></td>
<td>17,606,616</td>
</tr>
</tbody>
</table>

OPERATION AND MAINTENANCE, ARMY
BA-1: OPERATING FORCES
### FY 2007 Department of Defense Supplemental Appropriations

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount (in thousands of dollars)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>270 Operation and Maintenance, Navy</strong></td>
<td></td>
</tr>
<tr>
<td>290 Budget Activity 1: Operating Forces</td>
<td></td>
</tr>
<tr>
<td>310 Mission &amp; Other Flight Operations</td>
<td>1,121,040</td>
</tr>
<tr>
<td>330 Fleet Air Training</td>
<td>41,661</td>
</tr>
<tr>
<td>350 Intermediate Maintenance</td>
<td>1,420</td>
</tr>
<tr>
<td>370 Air Operations and Safety Support</td>
<td>6,814</td>
</tr>
<tr>
<td>390 Air Systems Support</td>
<td>6,005</td>
</tr>
<tr>
<td>410 Aircraft Depot Maintenance</td>
<td>56,104</td>
</tr>
<tr>
<td>430 Mission &amp; Other Ship Operations</td>
<td>767,758</td>
</tr>
<tr>
<td>450 Ship Operational Support/Training</td>
<td>15,417</td>
</tr>
<tr>
<td>470 Ship Depot Maintenance</td>
<td>109,235</td>
</tr>
<tr>
<td>490 Ship Depot Operations Support</td>
<td>11,463</td>
</tr>
<tr>
<td>510 Combat Communications</td>
<td>10,856</td>
</tr>
<tr>
<td>530 Electronic Warfare</td>
<td>9,088</td>
</tr>
<tr>
<td>550 Space Systems &amp; Surveillance</td>
<td>3,190</td>
</tr>
<tr>
<td>570 Warfare Tactics</td>
<td>11,861</td>
</tr>
<tr>
<td>590 OP Meteorology and Oceanography</td>
<td>4,919</td>
</tr>
<tr>
<td>610 Combat Support Forces</td>
<td>1,074,667</td>
</tr>
<tr>
<td>630 Equipment Maintenance</td>
<td>8,991</td>
</tr>
<tr>
<td>650 In-Service Weapons Systems Support</td>
<td>23,316</td>
</tr>
<tr>
<td>670 Weapons Maintenance</td>
<td>6,671</td>
</tr>
<tr>
<td>690 Other Weapons Systems Support</td>
<td>463</td>
</tr>
<tr>
<td><strong>710 Facilities Sustainment, Restoration &amp; MOD (FSRM)</strong></td>
<td>27,665</td>
</tr>
<tr>
<td>730 Base Operating Support (BOS)</td>
<td>491,069</td>
</tr>
<tr>
<td>760 Operation Enduring Freedom Optempo</td>
<td>100,000</td>
</tr>
<tr>
<td><strong>770 Total, Budget Activity 1</strong></td>
<td>3,909,273</td>
</tr>
<tr>
<td><strong>790 Budget Activity 2: Mobilization</strong></td>
<td></td>
</tr>
<tr>
<td>810 Ship Prepositioning &amp; Surge</td>
<td>162,761</td>
</tr>
<tr>
<td>850 Fleet Hospital Program</td>
<td>7,903</td>
</tr>
<tr>
<td><strong>870 Total, Budget Activity 2</strong></td>
<td>170,664</td>
</tr>
<tr>
<td>Activity</td>
<td>Budget (in thousands of dollars)</td>
</tr>
<tr>
<td>-----------------------------------------------</td>
<td>----------------------------------</td>
</tr>
<tr>
<td>890 BUDGET ACTIVITY 3: TRAINING AND RECRUITING</td>
<td>910 OFFICER ACQUISITION:</td>
</tr>
<tr>
<td></td>
<td>71</td>
</tr>
<tr>
<td>950 SPECIALIZED SKILL TRAINING</td>
<td></td>
</tr>
<tr>
<td>970 FLIGHT TRAINING</td>
<td>67,849</td>
</tr>
<tr>
<td>990 RECRUITING &amp; ADVERTISING</td>
<td>1,152</td>
</tr>
<tr>
<td>1050 TOTAL, BUDGET ACTIVITY 3</td>
<td>77,728</td>
</tr>
<tr>
<td>1070 BUDGET ACTIVITY 4: ADMIN &amp; SERVICEWIDE ACTIVITIES</td>
<td>1090 ADMINISTRATION:</td>
</tr>
<tr>
<td></td>
<td>6,027</td>
</tr>
<tr>
<td>1110 EXTERNAL RELATIONS</td>
<td>98</td>
</tr>
<tr>
<td>1130 MILITARY MANPOWER/PERSONNEL MANAGEMENT</td>
<td>1,188</td>
</tr>
<tr>
<td>1150 OTHER PERSONNEL SUPPORT</td>
<td>2,392</td>
</tr>
<tr>
<td>1170 SERVICE-WIDE COMMUNICATIONS</td>
<td>71,489</td>
</tr>
<tr>
<td>1190 SERVICE-WIDE TRANSPORTATION</td>
<td>194,011</td>
</tr>
<tr>
<td>1210 PLANNING, ENGINEER &amp; DESIGN</td>
<td>3</td>
</tr>
<tr>
<td>1230 ACQUISITION AND PROGRAM MANAGEMENT</td>
<td>54,212</td>
</tr>
<tr>
<td>1250 COMBAT/WEAPONS SYSTEM</td>
<td>436</td>
</tr>
<tr>
<td>1270 SPACE &amp; ELECTRONIC WARFARE SYSTEM</td>
<td>55</td>
</tr>
<tr>
<td>1290 SECURITY PROGRAMS</td>
<td>65,147</td>
</tr>
<tr>
<td>1310 NAVAL INVESTIGATIVE SERVICE</td>
<td>3,654</td>
</tr>
<tr>
<td>1350 TRANSFER TO COAST GUARD</td>
<td>120,293</td>
</tr>
<tr>
<td>1390 TOTAL, BUDGET ACTIVITY 4</td>
<td>519,005</td>
</tr>
<tr>
<td>1410 TOTAL, O&amp;M, NAVY</td>
<td>4,676,670</td>
</tr>
</tbody>
</table>
EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

<table>
<thead>
<tr>
<th>Operation and Maintenance, Navy</th>
</tr>
</thead>
<tbody>
<tr>
<td>BA-1: Operating Forces</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>OEF OPTEMPO</td>
<td>100,000</td>
</tr>
<tr>
<td>Aircraft Depot Maintenance</td>
<td>56,104</td>
</tr>
<tr>
<td>Funds not executable in FY 2007</td>
<td>-137,000</td>
</tr>
<tr>
<td>Aircraft survivability equipment (Marine Corps)</td>
<td>2,800</td>
</tr>
<tr>
<td>Ship Depot Maintenance</td>
<td>109,235</td>
</tr>
<tr>
<td>Funds not executable in FY 2007</td>
<td>-169,000</td>
</tr>
<tr>
<td>Combat Support Forces Maintenance</td>
<td>1,074,667</td>
</tr>
<tr>
<td>Funds not executable in FY 2007</td>
<td>-160,612</td>
</tr>
</tbody>
</table>
FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

(In thousands of dollars)

1430 OPERATION AND MAINTENANCE, MARINE CORPS

1450 BUDGET ACTIVITY 1: OPERATING FORCES
1490 OPERATIONAL FORCES ............................................. 514,633

1510 FIELD LOGISTICS ................................................. 381,632

1570 SUSTAINMENT, RESTORATION, AND MODERNIZATION .......... 19,186

1590 BASE SUPPORT .................................................. 33,474

1592 OPERATION ENDURING FREEDOM OPTEMPO ................. 45,000

1595 TOTAL, BUDGET ACTIVITY 1 .................................... 993,925

1605 BUDGET ACTIVITY 3: TRAINING AND RECRUITING
1650 TRAINING SUPPORT ............................................. 62,936

1670 RECRUITING AND ADVERTISING ................................ 24,000

1675 TOTAL, BUDGET ACTIVITY 3 .................................... 86,936

1685 BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES
1730 SERVICE-WIDE TRANSPORTATION ............................... 65,733

1735 TOTAL, BUDGET ACTIVITY 4 .................................... 65,733

1750 TOTAL, O&M, MARINE CORPS .................................. 1,146,594
### EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[In thousands of dollars]

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>OEF OPTEMPO</td>
<td>45,000</td>
</tr>
<tr>
<td>Operational Forces</td>
<td>514,633</td>
</tr>
<tr>
<td>Unexecutable Funding</td>
<td>-150,000</td>
</tr>
<tr>
<td>Field Logistics</td>
<td>381,632</td>
</tr>
<tr>
<td>Unexecutable Funding</td>
<td>-150,000</td>
</tr>
</tbody>
</table>
FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

<table>
<thead>
<tr>
<th>Item Description</th>
<th>Amount (in thousands of dollars)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1770 OPERATION AND MAINTENANCE, AIR FORCE</td>
<td></td>
</tr>
<tr>
<td>1790 BUDGET ACTIVITY 1: OPERATING FORCES</td>
<td></td>
</tr>
<tr>
<td>1810 PRIMARY COMBAT FORCES</td>
<td>1,252,192</td>
</tr>
<tr>
<td>1830 PRIMARY COMBAT WEAPONS</td>
<td>2,427</td>
</tr>
<tr>
<td>1850 COMBAT ENHANCEMENT FORCES</td>
<td>91,586</td>
</tr>
<tr>
<td>1890 COMBAT COMMUNICATIONS</td>
<td>339,480</td>
</tr>
<tr>
<td>1910 DEPOT MAINTENANCE</td>
<td>85,400</td>
</tr>
<tr>
<td>1930 FSRT</td>
<td>184,505</td>
</tr>
<tr>
<td>1950 BASE OPERATING SUPPORT</td>
<td>1,711,157</td>
</tr>
<tr>
<td>1970 GLOBAL C3I AND EARLY WARNING</td>
<td>20,872</td>
</tr>
<tr>
<td>1990 NAVIGATION AND WEATHER SUPPORT</td>
<td>6,344</td>
</tr>
<tr>
<td>2010 OTHER COMBAT OPS SUPPORT</td>
<td>257,732</td>
</tr>
<tr>
<td>2030 MANAGEMENT AND OPERATIONAL</td>
<td>95,139</td>
</tr>
<tr>
<td>2050 TACTICAL INTEL &amp; OTHER SUPPORT</td>
<td>930</td>
</tr>
<tr>
<td>2070 LAUNCH FACILITIES</td>
<td>1,103</td>
</tr>
<tr>
<td>2090 LAUNCH VEHICLES</td>
<td>20</td>
</tr>
<tr>
<td>2110 SPACE CONTROL SYSTEMS</td>
<td>572</td>
</tr>
<tr>
<td>2130 SATELLITE SYSTEMS</td>
<td>73</td>
</tr>
<tr>
<td>2150 OTHER SPACE OPERATIONS</td>
<td>7,949</td>
</tr>
<tr>
<td>2170 FSRT</td>
<td>157</td>
</tr>
<tr>
<td>2190 BASE OPERATING SUPPORT</td>
<td>9,058</td>
</tr>
<tr>
<td>2195 OPERATION ENDURING FREEDOM OPTEMPO</td>
<td>65,000</td>
</tr>
<tr>
<td>2210 TOTAL, BUDGET ACTIVITY 1</td>
<td>4,131,696</td>
</tr>
<tr>
<td>2225 BUDGET ACTIVITY 2: MOBILIZATION</td>
<td></td>
</tr>
<tr>
<td>2230 Airlift Operations</td>
<td>1,551,583</td>
</tr>
<tr>
<td>2270 Airlift Operations C3I</td>
<td>12,284</td>
</tr>
<tr>
<td>2290 MOBILIZATION PREPAREDNESS</td>
<td>19,988</td>
</tr>
<tr>
<td>2310 DEPOT MAINTENANCE</td>
<td>209,000</td>
</tr>
<tr>
<td>2330 FSRT</td>
<td>1,464</td>
</tr>
<tr>
<td>2350 BASE OPERATING SUPPORT</td>
<td>95,302</td>
</tr>
<tr>
<td>2370 TOTAL, BUDGET ACTIVITY 2</td>
<td>1,889,621</td>
</tr>
<tr>
<td>Activity Description</td>
<td>Amount</td>
</tr>
<tr>
<td>--------------------------------------------------------</td>
<td>----------</td>
</tr>
<tr>
<td>2385 BUDGET ACTIVITY 3: TRAINING AND RECRUITING</td>
<td></td>
</tr>
<tr>
<td>2390 RECRUIT TRAINING</td>
<td>54</td>
</tr>
<tr>
<td>2430 BASE OPERATING SUPPORT</td>
<td>1,510</td>
</tr>
<tr>
<td>2450 SPECIALIZED SKILL TRAINING</td>
<td>65,036</td>
</tr>
<tr>
<td>2470 FLIGHT TRAINING</td>
<td>25</td>
</tr>
<tr>
<td>2490 PROFESSIONAL DEVELOPMENT TRAINING</td>
<td>692</td>
</tr>
<tr>
<td>2510 TRAINING SUPPORT</td>
<td>1,241</td>
</tr>
<tr>
<td>2530 FSRM</td>
<td>2,406</td>
</tr>
<tr>
<td>2550 BASE OPERATING SUPPORT</td>
<td>15,000</td>
</tr>
<tr>
<td>2570 RECRUITING AND ADVERTISING</td>
<td>72</td>
</tr>
<tr>
<td>2590 TOTAL, BUDGET ACTIVITY 3</td>
<td>86,036</td>
</tr>
<tr>
<td>2605 BUDGET ACTIVITY 4: ADMIN &amp; SERVICEWIDE ACTIVITIES</td>
<td></td>
</tr>
<tr>
<td>2610 LOGISTICS OPERATIONS</td>
<td>191,550</td>
</tr>
<tr>
<td>2650 TECHNICAL SUPPORT ACTIVITIES</td>
<td>1,101</td>
</tr>
<tr>
<td>2670 SERVICE-WIDE TRANSPORTATION</td>
<td>113,776</td>
</tr>
<tr>
<td>2690 FSRM</td>
<td>145</td>
</tr>
<tr>
<td>2710 BASE OPERATING SUPPORT</td>
<td>15,124</td>
</tr>
<tr>
<td>2730 ADMINISTRATION</td>
<td>1,421</td>
</tr>
<tr>
<td>2750 SERVICE-WIDE COMMUNICATION</td>
<td>40,765</td>
</tr>
<tr>
<td>2770 PERSONNEL PROGRAMS</td>
<td>222</td>
</tr>
<tr>
<td>2790 OTHER SERVICE-WIDE ACTIVITIES</td>
<td>47,486</td>
</tr>
<tr>
<td>2810 OTHER PERSONNEL SUPPORT</td>
<td>2,603</td>
</tr>
<tr>
<td>2830 BASE OPERATING SUPPORT</td>
<td>2,862</td>
</tr>
<tr>
<td>2850 SECURITY PROGRAMS</td>
<td>102,842</td>
</tr>
<tr>
<td>2870 INTERNATIONAL SUPPORT</td>
<td>23,631</td>
</tr>
<tr>
<td>2890 TOTAL, BUDGET ACTIVITY 4</td>
<td>543,520</td>
</tr>
<tr>
<td>2910 TOTAL, O&amp;M, AIR FORCE</td>
<td>6,650,881</td>
</tr>
</tbody>
</table>
EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

<table>
<thead>
<tr>
<th>O-1</th>
<th>OPERATION AND MAINTENANCE, AIR FORCE</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>BA-1: OPERATING FORCES</td>
</tr>
<tr>
<td>OEF OPTEMPO</td>
<td>65,000</td>
</tr>
<tr>
<td>Base Operating Support</td>
<td>1,711,157</td>
</tr>
<tr>
<td>Unjustified Growth</td>
<td>-300,000</td>
</tr>
<tr>
<td>BA-2: MOBILIZATION</td>
<td></td>
</tr>
<tr>
<td>Airlift Operations</td>
<td>1,551,583</td>
</tr>
<tr>
<td>Unjustified Growth</td>
<td>-150,000</td>
</tr>
</tbody>
</table>
### FY 2007 Department of Defense Supplemental Appropriations

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>2930</td>
<td>Operation and Maintenance, Defense-wide</td>
<td></td>
</tr>
<tr>
<td>2950</td>
<td>Budget Activity 1: Operating Forces</td>
<td></td>
</tr>
<tr>
<td>2970</td>
<td>The Joint Staff (TJS)</td>
<td>60,200</td>
</tr>
<tr>
<td>2990</td>
<td>US Special Operations Command (US SOCOM)</td>
<td>653,147</td>
</tr>
<tr>
<td>3010</td>
<td>Total, Budget Activity 1</td>
<td>713,347</td>
</tr>
<tr>
<td>3025</td>
<td>Budget Activity 4: Admin &amp; Service-wide Activities</td>
<td></td>
</tr>
<tr>
<td>3030</td>
<td>American Forces Information Service (AFIS)</td>
<td>18,785</td>
</tr>
<tr>
<td>3050</td>
<td>Defense Contract Audit Agency (DCAA)</td>
<td>16,372</td>
</tr>
<tr>
<td>3070</td>
<td>Defense Contract Management Agency (DCMA)</td>
<td>6,169</td>
</tr>
<tr>
<td>3090</td>
<td>Defense Human Resources Activity (DHRA)</td>
<td>6,551</td>
</tr>
<tr>
<td>3110</td>
<td>Defense Information Systems Agency (DISA)</td>
<td>76,347</td>
</tr>
<tr>
<td>3170</td>
<td>DOD Education Activity (DODCA)</td>
<td>129,922</td>
</tr>
<tr>
<td>3190</td>
<td>Defense Security Cooperation Agency (DSCA)</td>
<td>500,000</td>
</tr>
<tr>
<td>3210</td>
<td>Defense Threat Reduction Agency (DTRA)</td>
<td>1,200</td>
</tr>
<tr>
<td>3230</td>
<td>Office of the Secretary of Defense</td>
<td>45,180</td>
</tr>
<tr>
<td>3250</td>
<td>Washington Headquarters Services (WHS)</td>
<td>4,800</td>
</tr>
<tr>
<td>3270</td>
<td>Classified</td>
<td>1,180,814</td>
</tr>
<tr>
<td>3275</td>
<td>Operation Enduring Freedom Op-tempo</td>
<td>15,000</td>
</tr>
<tr>
<td>3300</td>
<td>Total, Budget Activity 4</td>
<td>2,001,140</td>
</tr>
<tr>
<td>3310</td>
<td>Total, O&amp;M, Defense-wide</td>
<td>2,714,487</td>
</tr>
</tbody>
</table>

(In thousands of dollars)
EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

<table>
<thead>
<tr>
<th>Description</th>
<th>Conference</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Joint Staff (TJS)</td>
<td>60,200</td>
</tr>
<tr>
<td>Contingency planning database (CPD) and effects-based assessment system (EBASS)</td>
<td>-1,704</td>
</tr>
<tr>
<td>US Special Operations Command (US SOCOM)</td>
<td>653,147</td>
</tr>
<tr>
<td>Program reduction</td>
<td>-14,050</td>
</tr>
<tr>
<td>Defense Contract Audit Agency (DCAA)</td>
<td>16,372</td>
</tr>
<tr>
<td>Iraq reconstruction efforts: civilian personnel</td>
<td>1,263</td>
</tr>
<tr>
<td>Iraq reconstruction efforts: temporary/additional duty</td>
<td>13</td>
</tr>
<tr>
<td>Iraq reconstruction efforts: miscellaneous contracts</td>
<td>96</td>
</tr>
<tr>
<td>Defense Contract Management Agency (DCMA)</td>
<td>6,169</td>
</tr>
<tr>
<td>Contract oversight of Iraq and Afghanistan mission requirements: pay</td>
<td>287</td>
</tr>
<tr>
<td>Defense Human Resources Activity (DHRA)</td>
<td>6,551</td>
</tr>
<tr>
<td>Defense Information Systems Agency (DISA)</td>
<td>76,347</td>
</tr>
<tr>
<td>Expeditionary virtual network (EVNO)</td>
<td>-86,000</td>
</tr>
<tr>
<td>Defense Logistics Agency (DLA)</td>
<td>0</td>
</tr>
<tr>
<td>Lithium battery program adjustment</td>
<td>-24,600</td>
</tr>
<tr>
<td>DoD Education Activity (DoDEA)</td>
<td>129,922</td>
</tr>
<tr>
<td>Family assistance for Guard and Reserve</td>
<td>4,000</td>
</tr>
<tr>
<td>Child care for Guard and Reserve</td>
<td>6,000</td>
</tr>
<tr>
<td>Defense Security Cooperation Agency (DSCA)</td>
<td>500,000</td>
</tr>
<tr>
<td>Support to coalition partners: global lift and sustain</td>
<td>-50,000</td>
</tr>
<tr>
<td>Support to coalition partners: global train and equip</td>
<td>-300,000</td>
</tr>
<tr>
<td>Coalition support reduction</td>
<td>-100,000</td>
</tr>
<tr>
<td>Office of the Secretary of Defense</td>
<td>45,180</td>
</tr>
<tr>
<td>Transfer from Procurement of Ammunition, Air Force only for Handgun Replacement Study</td>
<td>5,000</td>
</tr>
<tr>
<td>Classified</td>
<td>1,180,814</td>
</tr>
<tr>
<td>OEF OPTEMPO</td>
<td>15,000</td>
</tr>
<tr>
<td>Code</td>
<td>Description</td>
</tr>
<tr>
<td>------</td>
<td>-------------------------------------</td>
</tr>
<tr>
<td>3330</td>
<td>Operation and Maintenance, Army Reserve</td>
</tr>
<tr>
<td>3351</td>
<td>Additional Activities</td>
</tr>
<tr>
<td>3370</td>
<td>Total, O&amp;M, Army Reserve</td>
</tr>
</tbody>
</table>
FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount (in thousands of dollars)</th>
</tr>
</thead>
<tbody>
<tr>
<td>3410 Operation and Maintenance, Navy Reserve</td>
<td></td>
</tr>
<tr>
<td>3430 Mission &amp; Other Flight Operations</td>
<td>43,601</td>
</tr>
<tr>
<td>3450 Intermediate Maintenance</td>
<td>9,110</td>
</tr>
<tr>
<td>3470 Mission &amp; Other Ship Operations</td>
<td>22,151</td>
</tr>
<tr>
<td>3490 Combat Communications</td>
<td>1,170</td>
</tr>
<tr>
<td>3510 Combat Support Forces</td>
<td>29,000</td>
</tr>
<tr>
<td>3530 Base Operating Support (BOS)</td>
<td>6,034</td>
</tr>
<tr>
<td>3550 Total, O&amp;M, Navy Reserve</td>
<td>111,066</td>
</tr>
<tr>
<td>Description</td>
<td>Dollars</td>
</tr>
<tr>
<td>-------------------------------------------------------</td>
<td>---------</td>
</tr>
<tr>
<td>3570 Operation and Maintenance, Marine Corps Reserve</td>
<td></td>
</tr>
<tr>
<td>3590 Operational Forces</td>
<td>13,591</td>
</tr>
<tr>
<td>3650 Total, O&amp;M, Marine Corps Reserve</td>
<td>13,591</td>
</tr>
<tr>
<td>Code</td>
<td>Description</td>
</tr>
<tr>
<td>------</td>
<td>--------------------------------------------------</td>
</tr>
<tr>
<td>3670</td>
<td>OPERATION AND MAINTENANCE, AIR FORCE RESERVE</td>
</tr>
<tr>
<td>3710</td>
<td>PRIMARY COMBAT FORCES</td>
</tr>
<tr>
<td>3730</td>
<td>BASE SUPPORT</td>
</tr>
<tr>
<td>3750</td>
<td>TOTAL, O&amp;M, AIR FORCE RESERVE</td>
</tr>
<tr>
<td>FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS</td>
<td></td>
</tr>
<tr>
<td>----------------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td>(In thousands of dollars)</td>
<td></td>
</tr>
<tr>
<td>3770 OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD</td>
<td></td>
</tr>
<tr>
<td>3850 ADDITIONAL ACTIVITIES ..................................</td>
<td></td>
</tr>
<tr>
<td>83,569</td>
<td></td>
</tr>
<tr>
<td>3870 TOTAL, O&amp;M, ARMY NATIONAL GUARD ........................</td>
<td></td>
</tr>
<tr>
<td>83,569</td>
<td></td>
</tr>
<tr>
<td>Code</td>
<td>Description</td>
</tr>
<tr>
<td>------</td>
<td>--------------------------------------------------</td>
</tr>
<tr>
<td>3890</td>
<td>OPERATION AND MAINTENANCE, AIR NATIONAL GUARD</td>
</tr>
<tr>
<td>3910</td>
<td>AIRCRAFT OPERATIONS</td>
</tr>
<tr>
<td>3930</td>
<td>MISSION SUPPORT OPERATIONS</td>
</tr>
<tr>
<td>3951</td>
<td>TOTAL, O&amp;M, AIR NATIONAL GUARD</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Amount (in thousands of dollars)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td><strong>TOTAL, O&amp;M, AIR NATIONAL GUARD</strong></td>
<td><strong>38,429</strong></td>
</tr>
</tbody>
</table>
FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

(In thousands of dollars)

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>4010</td>
<td>AFGHANISTAN SECURITY FORCES FUND</td>
<td></td>
</tr>
<tr>
<td>4030</td>
<td>MINISTRY OF DEFENSE FORCES:</td>
<td></td>
</tr>
<tr>
<td>4050</td>
<td>INFRASTRUCTURE</td>
<td>209,900</td>
</tr>
<tr>
<td>4070</td>
<td>EQUIPMENT AND TRANSPORTATION</td>
<td>3,214,500</td>
</tr>
<tr>
<td>4090</td>
<td>TRAINING</td>
<td>185,900</td>
</tr>
<tr>
<td>4110</td>
<td>SUSTAINMENT</td>
<td>255,200</td>
</tr>
<tr>
<td>4130</td>
<td>MINISTRY OF INTERIOR FORCES:</td>
<td></td>
</tr>
<tr>
<td>4150</td>
<td>INFRASTRUCTURE</td>
<td>594,200</td>
</tr>
<tr>
<td>4170</td>
<td>EQUIPMENT AND TRANSPORTATION</td>
<td>624,200</td>
</tr>
<tr>
<td>4190</td>
<td>TRAINING</td>
<td>414,800</td>
</tr>
<tr>
<td>4210</td>
<td>SUSTAINMENT</td>
<td>399,500</td>
</tr>
<tr>
<td>4230</td>
<td>RELATED ACTIVITIES</td>
<td>8,200</td>
</tr>
<tr>
<td>4250</td>
<td>TOTAL, AFGHANISTAN SECURITY FORCES FUND</td>
<td>5,906,400</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>4270</td>
<td>IRAQ SECURITY FORCES FUND</td>
<td></td>
</tr>
<tr>
<td>4290</td>
<td>MINISTRY OF DEFENSE FORCES:</td>
<td></td>
</tr>
<tr>
<td>4310</td>
<td>INFRASTRUCTURE</td>
<td>264,800</td>
</tr>
<tr>
<td>4330</td>
<td>EQUIPMENT AND TRANSPORTATION</td>
<td>1,584,300</td>
</tr>
<tr>
<td>4350</td>
<td>TRAINING</td>
<td>51,700</td>
</tr>
<tr>
<td>4370</td>
<td>SUSTAINMENT</td>
<td>1,079,600</td>
</tr>
<tr>
<td>4390</td>
<td>MINISTRY OF INTERIOR FORCES:</td>
<td></td>
</tr>
<tr>
<td>4410</td>
<td>INFRASTRUCTURE</td>
<td>205,000</td>
</tr>
<tr>
<td>4430</td>
<td>EQUIPMENT AND TRANSPORTATION</td>
<td>373,600</td>
</tr>
<tr>
<td>4450</td>
<td>TRAINING</td>
<td>52,900</td>
</tr>
<tr>
<td>4470</td>
<td>SUSTAINMENT</td>
<td>72,900</td>
</tr>
<tr>
<td>4490</td>
<td>RELATED ACTIVITIES</td>
<td>157,500</td>
</tr>
<tr>
<td>4530</td>
<td>TOTAL, IRAQ SECURITY FORCES FUND</td>
<td>3,842,300</td>
</tr>
</tbody>
</table>
FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

(In thousands of dollars)

<table>
<thead>
<tr>
<th>Item Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>4550 IRAQ FREEDOM FUND</td>
<td></td>
</tr>
<tr>
<td>4570 JOINT RAPID ACQUISITION FOR GLOBAL WAR ON TERROR</td>
<td>100,000</td>
</tr>
<tr>
<td>4590 REMAINS, TRANSPORTATION</td>
<td>105,600</td>
</tr>
<tr>
<td>4595 STATE OWNED FACTORY RESTART, IRAQ</td>
<td>50,000</td>
</tr>
<tr>
<td>4600 PROVINCIAL RECONSTRUCTION TEAMS, IRAQ</td>
<td>100,000</td>
</tr>
<tr>
<td>4610 TOTAL, IRAQ FREEDOM FUND</td>
<td>355,600</td>
</tr>
</tbody>
</table>
### FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount (in thousands of dollars)</th>
</tr>
</thead>
<tbody>
<tr>
<td>4630 JOINT IMPROVISED EXPLOSIVE DEVICE (IED) DEFECT FUND</td>
<td></td>
</tr>
<tr>
<td>4650 ATTACK THE NETWORK</td>
<td>834,500</td>
</tr>
<tr>
<td>4670 DEFEAT THE DEVICE</td>
<td>1,485,700</td>
</tr>
<tr>
<td>4690 TRAIN THE FORCE</td>
<td>112,600</td>
</tr>
<tr>
<td>4730 TOTAL, JOINT IED DEFECT FUND</td>
<td>2,432,800</td>
</tr>
</tbody>
</table>
FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

<table>
<thead>
<tr>
<th></th>
<th>In thousands of dollars</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>SUMMARY</strong></td>
<td></td>
</tr>
<tr>
<td><strong>ARMY</strong></td>
<td></td>
</tr>
<tr>
<td>AIRCRAFT</td>
<td>619,750</td>
</tr>
<tr>
<td>MISSILES</td>
<td>111,473</td>
</tr>
<tr>
<td>WEAPONS, TRACKED COMBAT VEHICLES</td>
<td>3,404,315</td>
</tr>
<tr>
<td>AMMUNITION</td>
<td>681,500</td>
</tr>
<tr>
<td>OTHER</td>
<td>11,076,137</td>
</tr>
<tr>
<td><strong>TOTAL, ARMY</strong></td>
<td>15,893,175</td>
</tr>
<tr>
<td><strong>NAVY</strong></td>
<td></td>
</tr>
<tr>
<td>AIRCRAFT</td>
<td>1,090,287</td>
</tr>
<tr>
<td>WEAPONS</td>
<td>163,813</td>
</tr>
<tr>
<td>AMMUNITION</td>
<td>159,833</td>
</tr>
<tr>
<td>OTHER</td>
<td>748,749</td>
</tr>
<tr>
<td>MARINE CORPS</td>
<td>2,252,749</td>
</tr>
<tr>
<td><strong>TOTAL, NAVY</strong></td>
<td>4,415,431</td>
</tr>
<tr>
<td><strong>AIR FORCE</strong></td>
<td></td>
</tr>
<tr>
<td>AIRCRAFT</td>
<td>2,106,468</td>
</tr>
<tr>
<td>MISSILES</td>
<td>94,900</td>
</tr>
<tr>
<td>AMMUNITION</td>
<td>6,000</td>
</tr>
<tr>
<td>OTHER</td>
<td>2,096,200</td>
</tr>
<tr>
<td><strong>TOTAL, AIR FORCE</strong></td>
<td>4,303,568</td>
</tr>
<tr>
<td><strong>DEFENSE-WIDE</strong></td>
<td></td>
</tr>
<tr>
<td>DEFENSE-WIDE</td>
<td>980,050</td>
</tr>
<tr>
<td><strong>TOTAL PROCUREMENT</strong></td>
<td>25,592,224</td>
</tr>
<tr>
<td>Item</td>
<td>Description</td>
</tr>
<tr>
<td>------</td>
<td>--------------------------------------------------</td>
</tr>
<tr>
<td>50</td>
<td>AIRCRAFT PROCUREMENT, ARMY</td>
</tr>
<tr>
<td>100</td>
<td>ARMED RECONNAISSANCE HELICOPTER</td>
</tr>
<tr>
<td>150</td>
<td>UH-60M BLACKHAWK (MYP)</td>
</tr>
<tr>
<td>250</td>
<td>GUARDRAIL MODS (TIARA)</td>
</tr>
<tr>
<td>300</td>
<td>ARL MODS (TIARA)</td>
</tr>
<tr>
<td>350</td>
<td>AH-64 MODS</td>
</tr>
<tr>
<td>400</td>
<td>CH-47 CARGO HELICOPTER MODS</td>
</tr>
<tr>
<td>450</td>
<td>ASE INFRARED CM</td>
</tr>
<tr>
<td>500</td>
<td>COMMON GROUND EQUIPMENT</td>
</tr>
<tr>
<td>550</td>
<td>AIRCREW INTEGRATED SYSTEMS</td>
</tr>
<tr>
<td>600</td>
<td>AIR TRAFFIC CONTROL</td>
</tr>
<tr>
<td>650</td>
<td>TOTAL, AIRCRAFT PROCUREMENT, ARMY</td>
</tr>
</tbody>
</table>
### EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[In thousands of dollars]

<table>
<thead>
<tr>
<th>P-1</th>
<th>Description</th>
<th>Conference</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>Armed Reconnaissance Helicopter</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>Baseline budget requirement</td>
<td>-38,000</td>
</tr>
<tr>
<td>5</td>
<td>UH-60M Blackhawk Multiyear</td>
<td>136,303</td>
</tr>
<tr>
<td></td>
<td>War Replacement Aircraft</td>
<td>30,000</td>
</tr>
<tr>
<td>12</td>
<td>CH-47 Cargo Helicopter Mods</td>
<td>120,000</td>
</tr>
<tr>
<td></td>
<td>(Note: The conference agreement includes one SOCOM CH-47 battle loss and three CH-47s for the Army National Guard)</td>
<td></td>
</tr>
<tr>
<td>700</td>
<td>MISSILE PROCUREMENT, ARMY</td>
<td></td>
</tr>
<tr>
<td>-----</td>
<td>---------------------------</td>
<td></td>
</tr>
<tr>
<td>750 5</td>
<td>JAVELIN</td>
<td>74,673</td>
</tr>
<tr>
<td>800 8</td>
<td>GUIDED MLRS ROCKET</td>
<td>---</td>
</tr>
<tr>
<td>850 15</td>
<td>ITAS/TOW MODIFICATIONS</td>
<td>36,800</td>
</tr>
<tr>
<td>900</td>
<td>TOTAL, MISSILE PROCUREMENT, ARMY</td>
<td>111,473</td>
</tr>
</tbody>
</table>
## EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[In thousands of dollars]

<table>
<thead>
<tr>
<th>P-1</th>
<th>Conference</th>
</tr>
</thead>
<tbody>
<tr>
<td>5</td>
<td>Javelin</td>
</tr>
<tr>
<td></td>
<td>Unexecutable Request</td>
</tr>
<tr>
<td>8</td>
<td>GMLRS</td>
</tr>
<tr>
<td></td>
<td>Unit Cost Efficiencies</td>
</tr>
</tbody>
</table>

<p>| 74,673 | 0 |</p>
<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Amount (in thousands of dollars)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1000 2</td>
<td>BRADLEY BASE SUSTAINMENT (GB0718)</td>
<td>520,800</td>
</tr>
<tr>
<td>1150 5</td>
<td>STRYKER VEHICLE (G85100)</td>
<td>767,685</td>
</tr>
<tr>
<td>1200 6</td>
<td>CARRIER, MOD (GB1930)</td>
<td>36,191</td>
</tr>
<tr>
<td>1250 7</td>
<td>FIST VEHICLE (MOD) (GZ2300)</td>
<td>16,257</td>
</tr>
<tr>
<td>1300 9</td>
<td>BFVS SERIES (MOD) (GZ2400)</td>
<td>115,190</td>
</tr>
<tr>
<td>1350 10</td>
<td>HOWITZER, MED SP FT 155MM M109A6 (MOD) (GA0400)</td>
<td>15,785</td>
</tr>
<tr>
<td>1400 12</td>
<td>IMPROVED RECOVERY VEHICLE (M88 MOD) (GA0570)</td>
<td>61,635</td>
</tr>
<tr>
<td>1500 14</td>
<td>M1 ABRAMS TANK (MOD) (GA0700)</td>
<td>75,259</td>
</tr>
<tr>
<td>1550 15</td>
<td>SYSTEM ENHANCEMENT PGM: (SEP M1A2) (GA0730)</td>
<td>325,000</td>
</tr>
<tr>
<td>1600 18</td>
<td>HOWITZER, LIGHT, TOWED, 105MM, M119 (G01300)</td>
<td>17,696</td>
</tr>
<tr>
<td>1650 20</td>
<td>M240 MEDIUM MACHINE GUN (7.62MM) (G13000)</td>
<td>72,277</td>
</tr>
<tr>
<td>1700 21</td>
<td>M249 SAW MACHINE GUN, 5.56MM (G12800)</td>
<td>3,314</td>
</tr>
<tr>
<td>1750 22</td>
<td>MK-19 GRENADE MACHINE GUN (40MM) (G13400)</td>
<td>41,871</td>
</tr>
<tr>
<td>1800 23</td>
<td>MORTAR SYSTEMS (G02200)</td>
<td>35,212</td>
</tr>
<tr>
<td>1850 25</td>
<td>M107, CAL 50, SNIPER RIFLE (G01500)</td>
<td>719</td>
</tr>
<tr>
<td>1900 26</td>
<td>XM110 SEMI-AUTOMATIC SNIPER SYSTEM (SASS) (G01505)</td>
<td>317</td>
</tr>
<tr>
<td>1950 27</td>
<td>M4 CARBINE (G14904)</td>
<td>98,412</td>
</tr>
<tr>
<td>2000 28</td>
<td>SHOTGUN, MODULAR ACCESSORY SYSTEM (MASS) (G18300)</td>
<td>---</td>
</tr>
<tr>
<td>2050 29</td>
<td>COMMON REMOTELY OPERATED WEAPONS STATION (CROWS) (GO47)</td>
<td>220,000</td>
</tr>
<tr>
<td>2100 32</td>
<td>M4 CARBINE MODS (GB3007)</td>
<td>129,752</td>
</tr>
<tr>
<td>2150 33</td>
<td>M2 50 CAL MACHINE GUN MODS (GB4000)</td>
<td>4,000</td>
</tr>
<tr>
<td>2200 34</td>
<td>M249 SAW MACHINE GUN MODS (GZ1290)</td>
<td>13,556</td>
</tr>
<tr>
<td>2250 35</td>
<td>M240 SAW MACHINE GUN MODS (GZ1300)</td>
<td>3,591</td>
</tr>
<tr>
<td>2300 36</td>
<td>PHALANX MODS (GL1000)</td>
<td>150,000</td>
</tr>
<tr>
<td>2350 39</td>
<td>M16 RIFLE MODS (GZ2800)</td>
<td>1,947</td>
</tr>
<tr>
<td>2400 40</td>
<td>MODS LESS THAN $5.0M (WOCV-WTCV) (GC0925)</td>
<td>21,900</td>
</tr>
<tr>
<td>2450 41</td>
<td>ITEMS LESS THAN $5.0M (WOCV-WTCV) (GL3200)</td>
<td>4,996</td>
</tr>
<tr>
<td>2500 44</td>
<td>SMALL ARMS EQUIPMENT (SOLDIER ENH PROG) (GC0076)</td>
<td>8,202</td>
</tr>
<tr>
<td>2550 45</td>
<td>REF SMALL ARMS (G15400)</td>
<td>560</td>
</tr>
<tr>
<td>2600 48</td>
<td>MACHINE GUN, CAL .50 M2 ROLL (GB2000)</td>
<td>41,369</td>
</tr>
<tr>
<td>2650 49</td>
<td>XM320 GRENADE LAUNCHER MODULE (GLM) (G01501)</td>
<td>4,471</td>
</tr>
<tr>
<td>2700 50</td>
<td>ABRAMS UPGRADE PROGRAM (M1A2 SEP) (GA0750)</td>
<td>596,351</td>
</tr>
<tr>
<td>2750</td>
<td>TOTAL, PROCUREMENT OF W&amp;TCV, ARMY</td>
<td>3,404,315</td>
</tr>
</tbody>
</table>
## EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[In thousands of dollars]

<table>
<thead>
<tr>
<th>P-1</th>
<th>Description</th>
<th>Conference</th>
</tr>
</thead>
<tbody>
<tr>
<td>5</td>
<td>Stryker Vehicle (G85100)</td>
<td>767,685</td>
</tr>
<tr>
<td></td>
<td>Premature Funding Request, Mobile Gun System</td>
<td>-90,000</td>
</tr>
<tr>
<td>12</td>
<td>Improved Recovery Vehicle (M88 MOD) (GA0570)</td>
<td>61,635</td>
</tr>
<tr>
<td></td>
<td>Pricing Adjustment</td>
<td>-4,000</td>
</tr>
<tr>
<td>28</td>
<td>Shotgun, Modular Accessory System (G18300)</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>Premature Funding</td>
<td>-4,000</td>
</tr>
<tr>
<td>Category</td>
<td>Description</td>
<td>Amount</td>
</tr>
<tr>
<td>---------------------------</td>
<td>--------------------------------------</td>
<td>---------</td>
</tr>
<tr>
<td>2800</td>
<td>PROCUREMENT OF AMMUNITION, ARMY</td>
<td></td>
</tr>
<tr>
<td>2900 2</td>
<td>7.62MM ALL TYPES</td>
<td>25,000</td>
</tr>
<tr>
<td>2950 4</td>
<td>CTG, .50 CAL, ALL TYPES</td>
<td>39,300</td>
</tr>
<tr>
<td>3000 5</td>
<td>20MM ALL TYPES</td>
<td>38,100</td>
</tr>
<tr>
<td>3050 6</td>
<td>25MM ALL TYPES</td>
<td>15,000</td>
</tr>
<tr>
<td>3100 7</td>
<td>30MM ALL TYPES</td>
<td>40,000</td>
</tr>
<tr>
<td>3150 8</td>
<td>40MM ALL TYPES</td>
<td>165,200</td>
</tr>
<tr>
<td>3200 14</td>
<td>CTG, TANK, 120MM TACTICAL, ALL TYPES</td>
<td>8,000</td>
</tr>
<tr>
<td>3250 19</td>
<td>MACS</td>
<td>20,000</td>
</tr>
<tr>
<td>3300 23</td>
<td>MINE CLEARING CHARGE ALL TYPES</td>
<td>6,000</td>
</tr>
<tr>
<td>3350 25</td>
<td>SHOULDER FIRED ROCKETS ALL TYPES</td>
<td>30,000</td>
</tr>
<tr>
<td>3400 26</td>
<td>ROCKET, HYDRA 70, ALL TYPES</td>
<td>28,000</td>
</tr>
<tr>
<td>3450 27</td>
<td>DEMOLITION MUNITIONS ALL TYPES</td>
<td>23,500</td>
</tr>
<tr>
<td>3500 28</td>
<td>GRENADES ALL TYPES</td>
<td>2,000</td>
</tr>
<tr>
<td>3550 29</td>
<td>SIGNALS ALL TYPES</td>
<td>163,900</td>
</tr>
<tr>
<td>3600 30</td>
<td>SIMULATORS ALL TYPES</td>
<td>12,000</td>
</tr>
<tr>
<td>3650 32</td>
<td>NON-LETHAL AMMUNITION ALL TYPES</td>
<td>55,500</td>
</tr>
<tr>
<td>3700 34</td>
<td>ITEMS LESS THAN $5M</td>
<td>10,000</td>
</tr>
<tr>
<td>3750</td>
<td>TOTAL, PROCUREMENT OF AMMUNITION, ARMY</td>
<td>681,500</td>
</tr>
<tr>
<td>Item</td>
<td>Description</td>
<td>Amount</td>
</tr>
<tr>
<td>---------</td>
<td>--------------------------------------------------</td>
<td>---------</td>
</tr>
<tr>
<td>3800</td>
<td>OTHER PROCUREMENT, ARMY</td>
<td></td>
</tr>
<tr>
<td>3850 1</td>
<td>TACTICAL TRAILERS/DOLLY SETS (DA0100)</td>
<td>11,417</td>
</tr>
<tr>
<td>3900 2</td>
<td>SEMITRAILERS, FLATBED: (D01001)</td>
<td>27,544</td>
</tr>
<tr>
<td>3950 3</td>
<td>SEMITRAILERS, TANKERS (D02001)</td>
<td>6,173</td>
</tr>
<tr>
<td>4000 4</td>
<td>HI MOB MULTI-PURP WLHD (HMMWV) (D15400)</td>
<td>953,548</td>
</tr>
<tr>
<td>4300 5</td>
<td>FAMILY OF MEDIUM TACTICAL VEH (FMTV) (D15500)</td>
<td>1,541,661</td>
</tr>
<tr>
<td>4350 7</td>
<td>FAMILY OF HEAVY TACTICAL VEH (FTHV) (DA0500)</td>
<td>574,432</td>
</tr>
<tr>
<td>4450 8</td>
<td>ARMORED SECURITY VEHICLES (ASV) (D02800)</td>
<td>301,498</td>
</tr>
<tr>
<td>4500 10</td>
<td>TRUCK, TRACTOR, LIN HAUL, M915/M915 (DA0600)</td>
<td>181,873</td>
</tr>
<tr>
<td>4650 13</td>
<td>MODIFICATION OF IN SVC EQUIP (DA0924)</td>
<td>1,159,889</td>
</tr>
<tr>
<td>4700 17</td>
<td>PASSENGER CARRYING VEHICLES (D23000)</td>
<td>193,721</td>
</tr>
<tr>
<td>4750 18</td>
<td>NON TACTICAL VEHICLES, OTHER (D3000)</td>
<td></td>
</tr>
<tr>
<td>4760</td>
<td>ADD-ON ARMOR FOR COMMERCIAL VEHICLES</td>
<td>7,400</td>
</tr>
<tr>
<td>4800 22</td>
<td>DEFENSE ENTERPRISE WIDEBAND SATCOM SYS (SPACE) (BB8500)</td>
<td>19,200</td>
</tr>
<tr>
<td>4850 24</td>
<td>SAT TERM, EMUT (SPACE) (K77200)</td>
<td>17,600</td>
</tr>
<tr>
<td>4950 25</td>
<td>NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE) (K47800)</td>
<td>34,398</td>
</tr>
<tr>
<td>5000 26</td>
<td>SMART-T (SPACE) (BC4002)</td>
<td>8,960</td>
</tr>
<tr>
<td>5050 28</td>
<td>GLOBAL BRCST SVC - GBS (BC4120)</td>
<td>1,800</td>
</tr>
<tr>
<td>5100 29</td>
<td>MOD OF IN-SVC EQUIP (TAC SAT) (BB8417)</td>
<td>12</td>
</tr>
<tr>
<td>5150 31</td>
<td>ARMY DATA DISTRIBUTION SYSTEM (DATA RADIO) (BU1400)</td>
<td>58,127</td>
</tr>
<tr>
<td>5200 34</td>
<td>SINCARS FAMILY (BM0006)</td>
<td>458,709</td>
</tr>
<tr>
<td>5250 37</td>
<td>BRIDGE TO FUTURE NETWORKS (BB1500)</td>
<td>390,723</td>
</tr>
<tr>
<td>5300 41</td>
<td>COMBAT SURVIVOR EVADER LOCATOR (CSEL) (B03200)</td>
<td>49,360</td>
</tr>
<tr>
<td>5350 42</td>
<td>RADIO, IMPROVED HF (COTS) FAMILY (BU8100)</td>
<td>509,260</td>
</tr>
<tr>
<td>5450 43</td>
<td>MEDICAL COMM FOR CBT CASUALTY CARE (MC4) (MA8048)</td>
<td>56,997</td>
</tr>
<tr>
<td>5500 45</td>
<td>TSEC - ARMY KEY MTG SYS (AKMS) (BA1201)</td>
<td>1,517</td>
</tr>
<tr>
<td>5550 46</td>
<td>INFORMATION SYSTEM SECURITY PROGRAM-ISSP (TA0600)</td>
<td>55,201</td>
</tr>
<tr>
<td>5600 52</td>
<td>INFORMATION SYSTEMS (BB8650)</td>
<td>1,000</td>
</tr>
<tr>
<td>5650 59</td>
<td>ALL SOURCE ANALYSIS SYS (ASAS) (MIP) (KA4400)</td>
<td>40,858</td>
</tr>
<tr>
<td>5700 60</td>
<td>JTT/CIBS-M (MIP) (V29600)</td>
<td>840</td>
</tr>
<tr>
<td>5750 61</td>
<td>PROPHET GROUND (MIP) (BZ7326)</td>
<td>23,000</td>
</tr>
<tr>
<td>5800 62</td>
<td>TACTICAL UNMANNED AERIAL SYS (TUAS)MIP (B00301)</td>
<td>197,479</td>
</tr>
<tr>
<td>5950 63</td>
<td>SMALL UNMANNED AERIAL SYSTEM (SUAS) (B00303)</td>
<td>5,372</td>
</tr>
<tr>
<td>Item</td>
<td>Description</td>
<td>Amount (in thousands of dollars)</td>
</tr>
<tr>
<td>--------</td>
<td>-----------------------------------------------------------------------------</td>
<td>----------------------------------</td>
</tr>
<tr>
<td>6000</td>
<td>DIGITAL TOPOGRAPHIC SPT SYS (DTSS) (MIP) (KA2550)</td>
<td>17,000</td>
</tr>
<tr>
<td>6050</td>
<td>TACTICAL EXPLOITATION SYSTEM (MIP) (BZ7317)</td>
<td>19,500</td>
</tr>
<tr>
<td>6100</td>
<td>DCGS-A (MIP) (BZ7316)</td>
<td>69,705</td>
</tr>
<tr>
<td>6150</td>
<td>CI HUMINT INFO MANAGEMENT SYSTEM (CHIMS) (MIP) (BK5275)</td>
<td>1,928</td>
</tr>
<tr>
<td>6200</td>
<td>ITEMS LESS THAN $5.0M (MIP) (BK5278)</td>
<td>33,827</td>
</tr>
<tr>
<td>6250</td>
<td>LIGHTWEIGHT COUNTER MORTAR RADAR (B05201)</td>
<td>10,470</td>
</tr>
<tr>
<td>6300</td>
<td>WARLOCK (VA8000)</td>
<td>---</td>
</tr>
<tr>
<td>6350</td>
<td>COUNTERINTELLIGENCE/SECURITY COUNTERMEASURES (BL5283)</td>
<td>206,233</td>
</tr>
<tr>
<td>6400</td>
<td>NIGHT VISION DEVICES (KA3500)</td>
<td>144,696</td>
</tr>
<tr>
<td>6450</td>
<td>LONG RANGE ADVANCED SCOUT SURVEILLANCE SYSTEM (K38300)</td>
<td>14,073</td>
</tr>
<tr>
<td>6500</td>
<td>NIGHT VISION, THERMAL WPN SIGHT (K22900)</td>
<td>109,547</td>
</tr>
<tr>
<td>6550</td>
<td>ARTILLERY ACCURACY EQUIP (AD3200)</td>
<td>3,500</td>
</tr>
<tr>
<td>6600</td>
<td>PROFILER (K27900)</td>
<td>16,195</td>
</tr>
<tr>
<td>6650</td>
<td>MOD OF IN-SVC EQUIP (FIREFINDER RADARS) (BZ7325)</td>
<td>64,556</td>
</tr>
<tr>
<td>6700</td>
<td>FORCE XXI BATTLE CMD BRIGADE &amp; BELOW (FBCB2) (W61900)</td>
<td>347,295</td>
</tr>
<tr>
<td>6750</td>
<td>LIGHTWEIGHT LASER DESIGNATOR/RANGEFINDER (LLDR) (K3110)</td>
<td>91,200</td>
</tr>
<tr>
<td>6800</td>
<td>COMPUTER BALLISTICS: LHMBC XM32 (K99200)</td>
<td>11,446</td>
</tr>
<tr>
<td>6850</td>
<td>MORTAR FIRE CONTROL SYSTEM (K99300)</td>
<td>---</td>
</tr>
<tr>
<td>6900</td>
<td>TACTICAL OPERATIONS CENTERS (BZ9865)</td>
<td>162,472</td>
</tr>
<tr>
<td>6950</td>
<td>AFATDS</td>
<td>3,378</td>
</tr>
<tr>
<td>7000</td>
<td>LWTFDS</td>
<td>23</td>
</tr>
<tr>
<td>7050</td>
<td>BATTLE COMMAND SUSTAINMENT SUPPORT SYSTEM (BCS3) (B348)</td>
<td>1,249</td>
</tr>
<tr>
<td>7100</td>
<td>FAAD C2 (AD5050)</td>
<td>21,500</td>
</tr>
<tr>
<td>7150</td>
<td>AIR &amp; MSL DEFENSE PLANNING &amp; CONTROL SYS (AMD PCS)</td>
<td>65,248</td>
</tr>
<tr>
<td>7200</td>
<td>FED</td>
<td>8,514</td>
</tr>
<tr>
<td>7250</td>
<td>KNIGHT FAMILY (B78504)</td>
<td>3,488</td>
</tr>
<tr>
<td>7300</td>
<td>LIFE CYCLE SOFTWARE SUPPORT (LCSS) (BD3955)</td>
<td>3,316</td>
</tr>
<tr>
<td>7350</td>
<td>LOGTECH</td>
<td>24,000</td>
</tr>
<tr>
<td>7400</td>
<td>TC AIMS II (BZ9000)</td>
<td>12,403</td>
</tr>
<tr>
<td>7450</td>
<td>TACTICAL INTERNET MANAGER (B93900)</td>
<td>12,472</td>
</tr>
<tr>
<td>7500</td>
<td>MANEUVER CONTROL SYSTEM (MCS) (BA9320)</td>
<td>58,654</td>
</tr>
<tr>
<td>7600</td>
<td>AUTOMATED DATA PROCESSING EQUIP (BD3000)</td>
<td>12,100</td>
</tr>
<tr>
<td>7650</td>
<td>CSS COMMUNICATIONS (BD3501)</td>
<td>37,423</td>
</tr>
<tr>
<td>7750</td>
<td>CBRN SOLDIER PROTECTION (M01001)</td>
<td>134,830</td>
</tr>
<tr>
<td>7800</td>
<td>SMOKE &amp; OBSCURANT FAMILY: SOF (NONAAO ITEM) (MX0600)</td>
<td>107</td>
</tr>
<tr>
<td>Item Code</td>
<td>Description</td>
<td>Amount (in thousands of dollars)</td>
</tr>
<tr>
<td>-----------</td>
<td>----------------------------------</td>
<td>---------------------------------</td>
</tr>
<tr>
<td>7850 125</td>
<td>TACTICAL BRIDGE (MX0100)</td>
<td>26,000</td>
</tr>
<tr>
<td>7900 126</td>
<td>TACTICAL BRIDGE, FLOAT-RIBBON (MA8890)</td>
<td>13,000</td>
</tr>
<tr>
<td>7950 127</td>
<td>HANDHELD STANDOFF MINE DETECTION SYSTEM (R68200)</td>
<td>5,551</td>
</tr>
<tr>
<td>8000 129</td>
<td>GRND STANDOFF MINE DETECTION SYSTEMS (R68200)</td>
<td>1,386,640</td>
</tr>
<tr>
<td>8050 131</td>
<td>EXPLOSIVE ORDNANCE DISPOSAL EQUIP (MA9200)</td>
<td>6,600</td>
</tr>
<tr>
<td>8100 133</td>
<td>HEATERS AND ECU’S (MF9000)</td>
<td>12,772</td>
</tr>
<tr>
<td>8150 134</td>
<td>LAUNDRIES, SHOWERS, AND LATRINES (M82700)</td>
<td>12,300</td>
</tr>
<tr>
<td>8250 135</td>
<td>SOLDIER ENHANCEMENT (MA6800)</td>
<td>9,662</td>
</tr>
<tr>
<td>8300 139</td>
<td>FIELD FEEDING EQUIPMENT (M65800)</td>
<td>7,032</td>
</tr>
<tr>
<td>8350 141</td>
<td>ITEMS LESS THAN $5M (ENG SPT) (ML5301)</td>
<td>611</td>
</tr>
<tr>
<td>8400 143</td>
<td>QUALITY SURVEILLANCE EQUIPMENT (MB6400)</td>
<td>42,220</td>
</tr>
<tr>
<td>8450 144</td>
<td>DISTRIBUTION SYSTEMS, PETROLEUM &amp; WATER (MA6000)</td>
<td>3,283</td>
</tr>
<tr>
<td>8500 145</td>
<td>WATER PURIFICATION SYSTEMS (RO5600)</td>
<td>9,401</td>
</tr>
<tr>
<td>8550 146</td>
<td>COMBAT SUPPORT MEDICAL (MN1000)</td>
<td>24,579</td>
</tr>
<tr>
<td>8600 147</td>
<td>SHOP EQ CONTACT MAINTENANCE TRK MTD (M61500)</td>
<td>52,474</td>
</tr>
<tr>
<td>8650 148</td>
<td>WELDING SHOP, TRAILER MTD (M62700)</td>
<td>7,171</td>
</tr>
<tr>
<td>8700 149</td>
<td>ITEMS LESS THAN $5.OM (MAINT EQ) (ML5345)</td>
<td>67,912</td>
</tr>
<tr>
<td>8800 153</td>
<td>LOADERS (RO4500)</td>
<td>145</td>
</tr>
<tr>
<td>8850 154</td>
<td>HYDRAULIC EXCAVATOR (X01500)</td>
<td>10</td>
</tr>
<tr>
<td>8900 155</td>
<td>TRACTOR FULL TRACKED (M05800)</td>
<td>1,435</td>
</tr>
<tr>
<td>8950 156</td>
<td>CRANES (M06700)</td>
<td>25</td>
</tr>
<tr>
<td>9000 157</td>
<td>HIGH MOBILITY ENGINEER EXCAVATOR (HMEE) FOS (R05901)</td>
<td>7,740</td>
</tr>
<tr>
<td>9050 159</td>
<td>ITEMS LESS THAN $5.OM (CONST. EQUIP)</td>
<td>1,487</td>
</tr>
<tr>
<td>9150 165</td>
<td>GENERATORS AND ASSOCIATED EQUIP (MA9800)</td>
<td>50,792</td>
</tr>
<tr>
<td>9200 166</td>
<td>ROUGH TERRAIN CONTAINER HANDLER (M41200)</td>
<td>---</td>
</tr>
<tr>
<td>9250 167</td>
<td>ALL TERRAIN LIFTING ARMY SYSTEM (M41800)</td>
<td>5,548</td>
</tr>
<tr>
<td>9300 168</td>
<td>COMBAT TRAINING CENTERS (CTC) SUPPORT (MA6601)</td>
<td>309</td>
</tr>
<tr>
<td>9350 169</td>
<td>TRAINING DEVICES, NONSYSTEM (NA0100)</td>
<td>15,819</td>
</tr>
<tr>
<td>9400 172</td>
<td>CALIBRATION SETS EQUIPMENT (N1000)</td>
<td>17,100</td>
</tr>
<tr>
<td>9450 173</td>
<td>INTEGRATED FAMILY OF TEST EQUIPMENT (MB4000)</td>
<td>96,303</td>
</tr>
<tr>
<td>9500 174</td>
<td>TEST EQUIPMENT MODERNIZATION (TEMOD) (NI1000)</td>
<td>10,920</td>
</tr>
<tr>
<td>9550 175</td>
<td>RAPID EQUIPPING SOLDIER SUPPORT EQUIP (M80101)</td>
<td>20,036</td>
</tr>
<tr>
<td>9600 177</td>
<td>PHYSICAL SECURITY SYSTEMS (OPA3) (MAO780)</td>
<td>152,678</td>
</tr>
<tr>
<td>9650 179</td>
<td>MODIFICATION OF IN-SVC EQUIP (OPA3) (MA4500)</td>
<td>4,917</td>
</tr>
<tr>
<td>9700 181</td>
<td>BUILDING PRE-FAB RELOCATABLE (MA9160)</td>
<td>93,603</td>
</tr>
<tr>
<td>Code</td>
<td>Description</td>
<td>Amount</td>
</tr>
<tr>
<td>------</td>
<td>---------------------------------------------------------------</td>
<td>---------</td>
</tr>
<tr>
<td>9750</td>
<td>INITIAL SPARES FOR LARGE AREA SMOKE OBSCURANT SYS. (M5)</td>
<td>948</td>
</tr>
<tr>
<td>9800</td>
<td>SEQUOYAH FOREIGN LANGUAGE TRANSLATION SYSTEM (B88605)</td>
<td>12,813</td>
</tr>
<tr>
<td>9850</td>
<td>COUNTER-ROCKET ARTILLERY &amp; MORTAR (CRAM)</td>
<td>245,000</td>
</tr>
<tr>
<td>9900</td>
<td>FIRE SUPPORT C2 FAMILY (B28501)</td>
<td>987</td>
</tr>
<tr>
<td>9950</td>
<td>CLASSIFIED PROGRAMS</td>
<td>527</td>
</tr>
<tr>
<td>1000</td>
<td>AMC CRITICAL ITEMS</td>
<td>37,870</td>
</tr>
<tr>
<td>1015</td>
<td>TOTAL, OTHER PROCUREMENT, ARMY</td>
<td>11,076,137</td>
</tr>
</tbody>
</table>
EXPLANATION OF PROJECT LEVEL ADJUSTMENTS  
[In thousands of dollars]  

<table>
<thead>
<tr>
<th>P-1</th>
<th>Description</th>
<th>Conference</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>Semitrailers, Flatbed: (D01001)</td>
<td>$27,544</td>
</tr>
<tr>
<td></td>
<td>Premature Funding Request</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Semitrailers, Tankers (D02001)</td>
<td>$6,173</td>
</tr>
<tr>
<td></td>
<td>Premature Funding Request</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Family of Medium Tactical Vehicles (FMTV) (D15500)</td>
<td>$1,541,661</td>
</tr>
<tr>
<td></td>
<td>Stabilize Production Rate</td>
<td></td>
</tr>
<tr>
<td>17</td>
<td>Passenger Carrying Vehicles (D23000)</td>
<td>$0</td>
</tr>
<tr>
<td></td>
<td>Funded in IFF</td>
<td></td>
</tr>
<tr>
<td>18</td>
<td>Non Tactical Vehicles, Other (D3000)</td>
<td>$193,721</td>
</tr>
<tr>
<td></td>
<td>Funded in IFF</td>
<td></td>
</tr>
<tr>
<td>34</td>
<td>SINCGRS Family (BW0006)</td>
<td>$458,709</td>
</tr>
<tr>
<td></td>
<td>Unexecutable Request</td>
<td></td>
</tr>
<tr>
<td>46</td>
<td>Information System Security Program (TA0600)</td>
<td>$55,201</td>
</tr>
<tr>
<td></td>
<td>Transfer to RDT&amp;E, A, line 174 for Execution</td>
<td></td>
</tr>
<tr>
<td>52</td>
<td>Information Systems</td>
<td>$1,000</td>
</tr>
<tr>
<td></td>
<td>Information Systems Equipment Adjustment</td>
<td></td>
</tr>
<tr>
<td>74</td>
<td>Warlock</td>
<td>$0</td>
</tr>
<tr>
<td></td>
<td>Duplicates funding provided in Joint Improvised Explosive Device Defeat Fund</td>
<td></td>
</tr>
<tr>
<td>92</td>
<td>Mortar Fire Control System (K99300)</td>
<td>$0</td>
</tr>
<tr>
<td></td>
<td>Slow Execution</td>
<td></td>
</tr>
<tr>
<td>96</td>
<td>AFATDS</td>
<td>$3,378</td>
</tr>
<tr>
<td></td>
<td>Baseline Budget Requirement</td>
<td></td>
</tr>
<tr>
<td>106</td>
<td>TC AIMS II</td>
<td>$12,403</td>
</tr>
<tr>
<td></td>
<td>Defer non-emergency TC AIMS II procurement</td>
<td></td>
</tr>
<tr>
<td>115</td>
<td>CSS Communications (BD3501)</td>
<td>$37,423</td>
</tr>
<tr>
<td></td>
<td>Defer non-emergency upgrades in CSS Communications</td>
<td></td>
</tr>
<tr>
<td>129</td>
<td>Ground Standoff Mine Detection Systems (R68200)</td>
<td>$1,386,640</td>
</tr>
<tr>
<td></td>
<td>Mine Resistant Ambush Protected (MRAP) Vehicles</td>
<td></td>
</tr>
</tbody>
</table>
### EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[In thousands of dollars]

<table>
<thead>
<tr>
<th>P-1</th>
<th>Project Description</th>
<th>Conference</th>
</tr>
</thead>
<tbody>
<tr>
<td>146</td>
<td>Combat Support Medical (MN1000)</td>
<td>24,579</td>
</tr>
<tr>
<td></td>
<td>Medical Equipment Modernization and Replacement</td>
<td>4,000</td>
</tr>
<tr>
<td>166</td>
<td>Rough Terrain Container Handler (M41200)</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>Premature Funding Request</td>
<td>-15,400</td>
</tr>
<tr>
<td>179</td>
<td>Modification of In-Service Equipment (MA4500)</td>
<td>4,917</td>
</tr>
<tr>
<td></td>
<td>Baseline Budget Requirement</td>
<td>-5,000</td>
</tr>
<tr>
<td>10200</td>
<td>AIRCRAFT PROCUREMENT, NAVY</td>
<td></td>
</tr>
<tr>
<td>-------</td>
<td>---------------------------</td>
<td>----------</td>
</tr>
<tr>
<td>11350 2</td>
<td>EA-18G</td>
<td>75,000</td>
</tr>
<tr>
<td>11400 4</td>
<td>F/A-18E/F (FIGHTER) HORNET (MYP)</td>
<td>208,000</td>
</tr>
<tr>
<td>11450 9</td>
<td>UH-1Y/AH-1Z</td>
<td>50,000</td>
</tr>
<tr>
<td>11460 16A</td>
<td>C-12</td>
<td>21,000</td>
</tr>
<tr>
<td>11500 25</td>
<td>EA-6 SERIES</td>
<td>178,495</td>
</tr>
<tr>
<td>11550 26</td>
<td>AV-8 SERIES</td>
<td>9,850</td>
</tr>
<tr>
<td>11600 28</td>
<td>F-18 SERIES</td>
<td>90,014</td>
</tr>
<tr>
<td>11650 29</td>
<td>H-46 SERIES</td>
<td>70,505</td>
</tr>
<tr>
<td>11700 30</td>
<td>AH-1W SERIES</td>
<td>21,100</td>
</tr>
<tr>
<td>11750 31</td>
<td>H-53 SERIES</td>
<td>181,848</td>
</tr>
<tr>
<td>11800 32</td>
<td>SH-60 SERIES</td>
<td>15,956</td>
</tr>
<tr>
<td>11850 33</td>
<td>H-1 SERIES</td>
<td>18,007</td>
</tr>
<tr>
<td>11900 35</td>
<td>P-3 SERIES</td>
<td>18,800</td>
</tr>
<tr>
<td>11950 37</td>
<td>E-2 SERIES</td>
<td>7,000</td>
</tr>
<tr>
<td>12000 40</td>
<td>C-130 SERIES</td>
<td>29,815</td>
</tr>
<tr>
<td>12050 42</td>
<td>CARGO/TRANSPORT ACFT SERIES</td>
<td>4,259</td>
</tr>
<tr>
<td>12100 45</td>
<td>SPECIAL PROJECT ACFT</td>
<td>5,120</td>
</tr>
<tr>
<td>12150 49</td>
<td>AVIATION LIFE SUPPORT MODS</td>
<td>486</td>
</tr>
<tr>
<td>12200 50</td>
<td>COMMON ECM EQUIPMENT</td>
<td>71,900</td>
</tr>
<tr>
<td>12250 54</td>
<td>V-22 (TILT/ROTOR ACFT) OSPREY SERIES</td>
<td>---</td>
</tr>
<tr>
<td>12300 55</td>
<td>SPARES AND REPAIR PARTS</td>
<td>10,332</td>
</tr>
<tr>
<td>12350 56</td>
<td>COMMON GROUND EQUIPMENT</td>
<td>2,800</td>
</tr>
<tr>
<td>12400</td>
<td>TOTAL, AIRCRAFT PROCUREMENT, NAVY</td>
<td>1,090,287</td>
</tr>
</tbody>
</table>
## EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[In thousands of dollars]

<table>
<thead>
<tr>
<th></th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>F/A-18E/F (Fighter) Hornet (MYP)</td>
<td>208,000</td>
</tr>
<tr>
<td></td>
<td>3 F/A-18’s combat loss replacements</td>
<td>192,000</td>
</tr>
<tr>
<td>16A</td>
<td>C-12</td>
<td>21,000</td>
</tr>
<tr>
<td></td>
<td>2 C-12 Aircraft for USMC (ASE for USMC)</td>
<td>21,000</td>
</tr>
<tr>
<td>28</td>
<td>F-18 Series</td>
<td>90,014</td>
</tr>
<tr>
<td></td>
<td>JHMCS modification - requires R&amp;D funding</td>
<td>-3,400</td>
</tr>
<tr>
<td></td>
<td>Station 4 integration - incomplete effort</td>
<td>-3,400</td>
</tr>
<tr>
<td>29</td>
<td>H-46 Series</td>
<td>70,505</td>
</tr>
<tr>
<td></td>
<td>CH-46E IR Engine Suppression (ASE for USMC)</td>
<td>22,700</td>
</tr>
<tr>
<td></td>
<td>CH-46E Wire Strike (ASE for USMC)</td>
<td>9,100</td>
</tr>
<tr>
<td></td>
<td>CH-46E Countermeasures (ALE-47) (ASE for USMC)</td>
<td>7,200</td>
</tr>
<tr>
<td></td>
<td>CH-46E Ramp Mounted Weapon System (ASE)</td>
<td>2,700</td>
</tr>
<tr>
<td>30</td>
<td>AH-1W Series</td>
<td>21,100</td>
</tr>
<tr>
<td></td>
<td>Fund installations through FY 2009 only</td>
<td>-21,100</td>
</tr>
<tr>
<td>31</td>
<td>H-53 Series</td>
<td>181,848</td>
</tr>
<tr>
<td></td>
<td>DIRCM protection upgrades (ASE for USMC)</td>
<td>135,000</td>
</tr>
<tr>
<td>35</td>
<td>P-3 Series</td>
<td>18,800</td>
</tr>
<tr>
<td></td>
<td>Non-emergency obsolescence upgrades</td>
<td>-5,500</td>
</tr>
<tr>
<td>50</td>
<td>Common ECM Equipment</td>
<td>71,900</td>
</tr>
<tr>
<td></td>
<td>Non-emergency obsolescence and testing upgrades</td>
<td>-21,000</td>
</tr>
<tr>
<td></td>
<td>AAR-47B(V) (Rotary Wing Common ECM) (ASE)</td>
<td>58,000</td>
</tr>
<tr>
<td>54</td>
<td>V-22 (Tilt/Rotor Acft) Osprey Series</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>Change to program plan</td>
<td>-3,510</td>
</tr>
<tr>
<td>55</td>
<td>Spares and Repair Parts</td>
<td>10,332</td>
</tr>
<tr>
<td></td>
<td>Support facilities</td>
<td>-11,216</td>
</tr>
<tr>
<td></td>
<td>SHARP Spares - buying ahead of need</td>
<td>-19,000</td>
</tr>
<tr>
<td>Code</td>
<td>Description</td>
<td>Amount</td>
</tr>
<tr>
<td>--------</td>
<td>-------------------------------------------------------</td>
<td>----------</td>
</tr>
<tr>
<td>12450</td>
<td>WEAPONS PROCUREMENT, NAVY</td>
<td></td>
</tr>
<tr>
<td>12600</td>
<td>JT STANDOFF WEAPON (JSOW)</td>
<td>---</td>
</tr>
<tr>
<td>12650</td>
<td>HELLFIRE</td>
<td>400</td>
</tr>
<tr>
<td>12700</td>
<td>SMALL ARMS AND WEAPONS</td>
<td>72,113</td>
</tr>
<tr>
<td>12750</td>
<td>GUN MOUNT MODS</td>
<td>72,000</td>
</tr>
<tr>
<td>12800</td>
<td>MARINE CORPS TACTICAL UNMANNED AERIAL SYSTEM</td>
<td>19,300</td>
</tr>
<tr>
<td>12850</td>
<td>TOTAL, WEAPONS PROCUREMENT, NAVY</td>
<td>163,813</td>
</tr>
</tbody>
</table>
EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

<table>
<thead>
<tr>
<th>P-1</th>
<th>JT Standoff Weapon (JSOW)</th>
<th>0</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>JSOW unjustified request</td>
<td>-8,000</td>
</tr>
</tbody>
</table>
## FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

(In thousands of dollars)

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>12900</td>
<td>PROCUREMENT OF AMMO, NAVY &amp; MARINE CORPS</td>
<td></td>
</tr>
<tr>
<td>12950</td>
<td>AIRBORNE ROCKETS, ALL TYPES</td>
<td>15,553</td>
</tr>
<tr>
<td>13000</td>
<td>AIR EXPENDABLE COUNTERMEASURES</td>
<td>7,966</td>
</tr>
<tr>
<td>13050</td>
<td>5 INCH/54 GUN AMMUNITION</td>
<td>11,000</td>
</tr>
<tr>
<td>13100</td>
<td>INTERMEDIATE CALIBER GUN AMMO</td>
<td>27</td>
</tr>
<tr>
<td>13150</td>
<td>OTHER SHIP GUN AMMUNITION</td>
<td>18,412</td>
</tr>
<tr>
<td>13200</td>
<td>SMALL ARMS &amp; LNDG PARTY AMMO</td>
<td>21,862</td>
</tr>
<tr>
<td>13250</td>
<td>PYROTECHNIC AND DEMOLITION</td>
<td>274</td>
</tr>
<tr>
<td>13300</td>
<td>5.56 MM, ALL TYPES</td>
<td>4,658</td>
</tr>
<tr>
<td>13350</td>
<td>7.62 MM, ALL TYPES</td>
<td>2,132</td>
</tr>
<tr>
<td>13400</td>
<td>LINEAR CHARGES, ALL TYPES</td>
<td>2,412</td>
</tr>
<tr>
<td>13450</td>
<td>.50 CALIBER</td>
<td>2,420</td>
</tr>
<tr>
<td>13500</td>
<td>40 MM, ALL TYPES</td>
<td>4,093</td>
</tr>
<tr>
<td>13550</td>
<td>60 MM, ALL TYPES</td>
<td>9,864</td>
</tr>
<tr>
<td>13600</td>
<td>81 MM, ALL TYPES</td>
<td>10,088</td>
</tr>
<tr>
<td>13650</td>
<td>120 MM, ALL TYPES</td>
<td>7,779</td>
</tr>
<tr>
<td>13700</td>
<td>CTG 25 MM, ALL TYPES</td>
<td>80</td>
</tr>
<tr>
<td>13750</td>
<td>9 MM ALL TYPES</td>
<td>155</td>
</tr>
<tr>
<td>13800</td>
<td>GRENADES, ALL TYPES</td>
<td>1,138</td>
</tr>
<tr>
<td>13850</td>
<td>ROCKETS, ALL TYPES</td>
<td>5,125</td>
</tr>
<tr>
<td>13900</td>
<td>ARTILLERY, ALL TYPES</td>
<td>13,045</td>
</tr>
<tr>
<td>13950</td>
<td>DEMOLITION MUNITIONS, ALL TYPES</td>
<td>705</td>
</tr>
<tr>
<td>14000</td>
<td>FUZE, ALL TYPES</td>
<td>661</td>
</tr>
<tr>
<td>14050</td>
<td>NON LETHALS</td>
<td>4,891</td>
</tr>
<tr>
<td>14100</td>
<td>AMMO MODERNIZATION</td>
<td>15,394</td>
</tr>
<tr>
<td>14150</td>
<td>ITEMS LESS THAN $5 MILLION</td>
<td>99</td>
</tr>
<tr>
<td>14200</td>
<td>TOTAL, PROCUREMENT AMMUNITION, NAVY</td>
<td>159,833</td>
</tr>
</tbody>
</table>
### FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

*(In thousands of dollars)*

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>14250</td>
<td>OTHER PROCUREMENT, NAVY</td>
<td></td>
</tr>
<tr>
<td>14500</td>
<td>CHEMICAL WARFARE DETECTORS</td>
<td>436</td>
</tr>
<tr>
<td>14550</td>
<td>STANDARD BOATS</td>
<td>35,614</td>
</tr>
<tr>
<td>14600</td>
<td>TACTICAL SUPPORT CENTER</td>
<td>5,850</td>
</tr>
<tr>
<td>14650</td>
<td>SHIPBOARD IW EXPLOIT</td>
<td>45,750</td>
</tr>
<tr>
<td>14700</td>
<td>GCCS-M EQUIPMENT</td>
<td>6,966</td>
</tr>
<tr>
<td>14750</td>
<td>MATCALS</td>
<td>10,890</td>
</tr>
<tr>
<td>14800</td>
<td>PORTABLE RADIOS</td>
<td>25,850</td>
</tr>
<tr>
<td>14850</td>
<td>SHIP COMMUNICATIONS AUTOMATION</td>
<td>5,784</td>
</tr>
<tr>
<td>14900</td>
<td>COMMUNICATIONS ITEMS UNDER $5M</td>
<td>10,777</td>
</tr>
<tr>
<td>14950</td>
<td>NAVAL SHORE COMMUNICATIONS</td>
<td>1,077</td>
</tr>
<tr>
<td>15000</td>
<td>METEOROLOGICAL EQUIPMENT</td>
<td>---</td>
</tr>
<tr>
<td>15050</td>
<td>AVIATION LIFE SUPPORT</td>
<td>3,300</td>
</tr>
<tr>
<td>15150</td>
<td>CONSTRUCTION &amp; MAINTENANCE EQUIPMENT</td>
<td>199,561</td>
</tr>
<tr>
<td>15200</td>
<td>FIRE FIGHTING EQUIPMENT</td>
<td>700</td>
</tr>
<tr>
<td>15250</td>
<td>TACTICAL VEHICLES</td>
<td>215,330</td>
</tr>
<tr>
<td>15300</td>
<td>ITEMS UNDER $5 MILLION</td>
<td>28,446</td>
</tr>
<tr>
<td>15350</td>
<td>MATERIALS HANDLING EQUIPMENT</td>
<td>46,810</td>
</tr>
<tr>
<td>15400</td>
<td>SPECIAL PURPOSE SUPPLY SYSTEMS</td>
<td>5,900</td>
</tr>
<tr>
<td>15450</td>
<td>COMMAND SUPPORT EQUIPMENT</td>
<td>28,720</td>
</tr>
<tr>
<td>15500</td>
<td>INTELLIGENCE SUPPORT EQUIPMENT</td>
<td>8,400</td>
</tr>
<tr>
<td>15550</td>
<td>OPERATING FORCES SUPT EQUIP.</td>
<td>25,500</td>
</tr>
<tr>
<td>15600</td>
<td>PHYSICAL SECURITY EQUIPMENT</td>
<td>8,166</td>
</tr>
<tr>
<td>15650</td>
<td>SPARES AND REPAIR PARTS</td>
<td>28,922</td>
</tr>
<tr>
<td>15750</td>
<td>TOTAL, OTHER PROCUREMENT, NAVY</td>
<td>748,749</td>
</tr>
</tbody>
</table>

## EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[In thousands of dollars]

<table>
<thead>
<tr>
<th>Project Code</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>73</td>
<td>Portable Radios</td>
<td>25,850</td>
</tr>
<tr>
<td></td>
<td>ELMR - Baseline Budget requirement</td>
<td>-15,000</td>
</tr>
<tr>
<td>93</td>
<td>Meteorological Equipment</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>Non-emergency NITES upgrades</td>
<td>-7,497</td>
</tr>
<tr>
<td>122</td>
<td>Construction &amp; Maint Equip</td>
<td>199,561</td>
</tr>
<tr>
<td></td>
<td>Seabee equipment</td>
<td>25,700</td>
</tr>
<tr>
<td>124</td>
<td>Tactical Vehicles</td>
<td>215,330</td>
</tr>
<tr>
<td></td>
<td>Mine Resistant Ambush Protected (MRAP) Vehicles</td>
<td>8,040</td>
</tr>
<tr>
<td>134</td>
<td>Command Support Equipment</td>
<td>28,720</td>
</tr>
<tr>
<td></td>
<td>NMCMPS</td>
<td>-7,919</td>
</tr>
<tr>
<td>Code</td>
<td>Description</td>
<td>Amount</td>
</tr>
<tr>
<td>------</td>
<td>------------------------------------------------------</td>
<td>---------</td>
</tr>
<tr>
<td>15800</td>
<td>PROCUREMENT, MARINE CORPS</td>
<td></td>
</tr>
<tr>
<td>15850</td>
<td>AAV7A1 PIP</td>
<td>48,352</td>
</tr>
<tr>
<td>16050</td>
<td>M1A1 FIREPOWER ENHANCEMENTS</td>
<td>4,470</td>
</tr>
<tr>
<td>16100</td>
<td>HIGH MOBILITY ARTILLERY ROCKET SYSTEM</td>
<td>20,571</td>
</tr>
<tr>
<td>16150</td>
<td>WPNS &amp; CMBT VEHS UNDER $5 MILLION</td>
<td>16,162</td>
</tr>
<tr>
<td>16200</td>
<td>MODULAR WEAPON SYSTEM</td>
<td>2,589</td>
</tr>
<tr>
<td>16250</td>
<td>WEAPONS ENHANCEMENT PROGRAM</td>
<td>21,170</td>
</tr>
<tr>
<td>16300</td>
<td>JAVELIN</td>
<td>1,200</td>
</tr>
<tr>
<td>16400</td>
<td>MODIFICATION KITS</td>
<td>34,623</td>
</tr>
<tr>
<td>16650</td>
<td>UNIT OPERATIONS CENTER</td>
<td>57,100</td>
</tr>
<tr>
<td>16700</td>
<td>REPAIR AND TEST EQUIPMENT</td>
<td>5,214</td>
</tr>
<tr>
<td>16750</td>
<td>COMBAT SUPPORT SYSTEM</td>
<td>85</td>
</tr>
<tr>
<td>16800</td>
<td>MODIFICATION KITS</td>
<td>16,571</td>
</tr>
<tr>
<td>16850</td>
<td>AIR OPERATIONS C2 SYSTEMS</td>
<td>---</td>
</tr>
<tr>
<td>16900</td>
<td>RADAR SYSTEMS</td>
<td>20,900</td>
</tr>
<tr>
<td>16950</td>
<td>FIRE SUPPORT SYSTEM</td>
<td>21,282</td>
</tr>
<tr>
<td>17000</td>
<td>INTELLIGENCE SUPPORT EQUIPMENT</td>
<td>32,073</td>
</tr>
<tr>
<td>17050</td>
<td>NIGHT VISION EQUIPMENT</td>
<td>73,431</td>
</tr>
<tr>
<td>17100</td>
<td>COMMON COMPUTER RESOURCES</td>
<td>27,631</td>
</tr>
<tr>
<td>17150</td>
<td>COMMAND POST SYSTEMS</td>
<td>18,083</td>
</tr>
<tr>
<td>17200</td>
<td>RADIO SYSTEMS</td>
<td>111,084</td>
</tr>
<tr>
<td>17250</td>
<td>COMM SWITCHING &amp; CONTROL SYSTEMS</td>
<td>7,273</td>
</tr>
<tr>
<td>17300</td>
<td>COMM &amp; ELEC INFRASTRUCTURE SUPT</td>
<td>1,606</td>
</tr>
<tr>
<td>17350</td>
<td>5/4T TRUCK HMVAV (MYP)</td>
<td>69,985</td>
</tr>
<tr>
<td>17400</td>
<td>MOTOR TRANSPORT MODIFICATIONS</td>
<td>52,000</td>
</tr>
<tr>
<td>17450</td>
<td>MEDIUM TACTICAL VEH REPL.</td>
<td>26,215</td>
</tr>
<tr>
<td>17500</td>
<td>LOGISTICS VEHICLE SYSTEM REPS</td>
<td>16,800</td>
</tr>
<tr>
<td>17550</td>
<td>FAMILY OF TACTICAL TRAILERS</td>
<td>2,818</td>
</tr>
<tr>
<td>17600</td>
<td>ITEMS LESS THAN $5 MILLION</td>
<td>2,370</td>
</tr>
<tr>
<td>17650</td>
<td>ENV CNTRL EQUIP ASSORTED</td>
<td>143</td>
</tr>
<tr>
<td>17700</td>
<td>BULK LIQUID EQUIPMENT</td>
<td>28</td>
</tr>
<tr>
<td>17750</td>
<td>TACTICAL FUEL SYSTEMS</td>
<td>168</td>
</tr>
<tr>
<td>17800</td>
<td>POWER EQUIPMENT ASSORTED</td>
<td>364</td>
</tr>
<tr>
<td>17850</td>
<td>EOD SYSTEMS</td>
<td>1,316,024</td>
</tr>
<tr>
<td>17950</td>
<td>PHYSICAL SECURITY EQUIPMENT</td>
<td>---</td>
</tr>
<tr>
<td>Code</td>
<td>Description</td>
<td>Amount</td>
</tr>
<tr>
<td>-------</td>
<td>------------------------------------------------</td>
<td>---------</td>
</tr>
<tr>
<td>18000</td>
<td>MATERIAL HANDLING EQUIP</td>
<td>40,000</td>
</tr>
<tr>
<td>18050</td>
<td>FIELD MEDICAL EQUIPMENT</td>
<td>692</td>
</tr>
<tr>
<td>18100</td>
<td>TRAINING DEVICES</td>
<td>110,043</td>
</tr>
<tr>
<td>18150</td>
<td>CONTAINER FAMILY</td>
<td>2,172</td>
</tr>
<tr>
<td>18200</td>
<td>FAMILY OF CONSTRUCTION EQUIPMENT</td>
<td>45,000</td>
</tr>
<tr>
<td>18300</td>
<td>FAMILY OF INTERNALLY TRANS VEH (ITV)</td>
<td>7,875</td>
</tr>
<tr>
<td>18350</td>
<td>RAPID DEPLOYABLE KITCHEN</td>
<td>391</td>
</tr>
<tr>
<td>18500</td>
<td>ITEMS LESS THAN $5 MILLION</td>
<td>18,191</td>
</tr>
<tr>
<td>18700</td>
<td>TOTAL, PROCUREMENT, MARINE CORPS</td>
<td>2,252,749</td>
</tr>
</tbody>
</table>
## EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[In thousands of dollars]

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>33</td>
<td>Air Operations C2 Systems</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>Premature Request</td>
<td>-56,800</td>
</tr>
<tr>
<td>50</td>
<td>Radio Systems</td>
<td>111,084</td>
</tr>
<tr>
<td></td>
<td>E-Land Mobile Radios - Baseline budget requirement</td>
<td>-152,194</td>
</tr>
<tr>
<td></td>
<td>Communications Installs on US Navy Ships Program Delay</td>
<td>-36,000</td>
</tr>
<tr>
<td>70</td>
<td>EOD Systems</td>
<td>1,316,024</td>
</tr>
<tr>
<td></td>
<td>Mine Resistant Ambush Protected (MRAP) Vehicles</td>
<td>585,360</td>
</tr>
<tr>
<td>72</td>
<td>Physical Security Equipment</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>Rapid Aerostat Initial Deployment (RAID)/Ground-Based Operational Surveillance System (G-BOSS)</td>
<td>-143,332</td>
</tr>
<tr>
<td>Item</td>
<td>Description</td>
<td>Amount</td>
</tr>
<tr>
<td>---------</td>
<td>----------------------------------</td>
<td>-----------</td>
</tr>
<tr>
<td>18750</td>
<td>AIRCRAFT PROCUREMENT, AIR FORCE</td>
<td></td>
</tr>
<tr>
<td>18850</td>
<td>C-17</td>
<td>---</td>
</tr>
<tr>
<td>18900</td>
<td>C-130J</td>
<td>388,000</td>
</tr>
<tr>
<td>18950</td>
<td>CV-22 OSPREY</td>
<td>99,252</td>
</tr>
<tr>
<td>19000</td>
<td>PREDATOR UAV</td>
<td>443,700</td>
</tr>
<tr>
<td>19100</td>
<td>B-1</td>
<td>6,880</td>
</tr>
<tr>
<td>19150</td>
<td>A-10</td>
<td>163,886</td>
</tr>
<tr>
<td>19200</td>
<td>F-15</td>
<td>112,762</td>
</tr>
<tr>
<td>19250</td>
<td>C-5</td>
<td>35,600</td>
</tr>
<tr>
<td>19300</td>
<td>C-17</td>
<td>122,000</td>
</tr>
<tr>
<td>19350</td>
<td>C-37</td>
<td>112,400</td>
</tr>
<tr>
<td>19400</td>
<td>C-40</td>
<td>90,500</td>
</tr>
<tr>
<td>19450</td>
<td>C-130</td>
<td>252,663</td>
</tr>
<tr>
<td>19500</td>
<td>COMPASS CALL</td>
<td>23,700</td>
</tr>
<tr>
<td>19550</td>
<td>DARPA</td>
<td>15,000</td>
</tr>
<tr>
<td>19600</td>
<td>E-8C</td>
<td>---</td>
</tr>
<tr>
<td>19650</td>
<td>OTHER AIRCRAFT</td>
<td>23,950</td>
</tr>
<tr>
<td>19700</td>
<td>INITIAL SPARES/REPAIR PARTS</td>
<td>2,480</td>
</tr>
<tr>
<td>19750</td>
<td>B-2A ICS</td>
<td>4,000</td>
</tr>
<tr>
<td>19800</td>
<td>OTHER PRODUCTION CHARGES</td>
<td>209,695</td>
</tr>
<tr>
<td>19850</td>
<td>TOTAL, AIRCRAFT PROCUREMENT, AIR FORCE</td>
<td>2,106,468</td>
</tr>
</tbody>
</table>
## EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[In thousands of dollars]

<table>
<thead>
<tr>
<th>P-1</th>
<th>Description</th>
<th>Adjustment</th>
</tr>
</thead>
<tbody>
<tr>
<td>7</td>
<td>C-17</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>Premature funding request</td>
<td>-111,100</td>
</tr>
<tr>
<td>11</td>
<td>C-130J</td>
<td>388,000</td>
</tr>
<tr>
<td></td>
<td>Five Aircraft</td>
<td>388,000</td>
</tr>
<tr>
<td>18</td>
<td>CV-22 Osprey</td>
<td>99,252</td>
</tr>
<tr>
<td></td>
<td>One Aircraft</td>
<td>146,300</td>
</tr>
<tr>
<td></td>
<td>Transfer to Procurement, Defense-Wide, Line 42, for CV-22 SOF Modifications</td>
<td>-47,048</td>
</tr>
<tr>
<td>25</td>
<td>Predator UAV</td>
<td>443,700</td>
</tr>
<tr>
<td></td>
<td>Predator UAV</td>
<td>10,000</td>
</tr>
<tr>
<td></td>
<td>Reaper UAV</td>
<td>35,000</td>
</tr>
<tr>
<td>30</td>
<td>A-10</td>
<td>163,886</td>
</tr>
<tr>
<td></td>
<td>Unjustified request</td>
<td>-32,400</td>
</tr>
<tr>
<td></td>
<td>Premature funding request for missile rails and EIRCM</td>
<td>-53,500</td>
</tr>
<tr>
<td>31</td>
<td>F-15</td>
<td>112,762</td>
</tr>
<tr>
<td></td>
<td>AESA</td>
<td>-9,200</td>
</tr>
<tr>
<td></td>
<td>JHMCS</td>
<td>-70,000</td>
</tr>
<tr>
<td>35</td>
<td>C-5</td>
<td>35,600</td>
</tr>
<tr>
<td></td>
<td>LAIRCM for C-5B Aircraft only</td>
<td>30,000</td>
</tr>
<tr>
<td>38</td>
<td>C-17</td>
<td>122,000</td>
</tr>
<tr>
<td></td>
<td>LAIRCM</td>
<td>30,000</td>
</tr>
<tr>
<td>53</td>
<td>C-130</td>
<td>252,663</td>
</tr>
<tr>
<td></td>
<td>LAIRCM</td>
<td>30,000</td>
</tr>
<tr>
<td>61</td>
<td>E-8C</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>Premature funding request</td>
<td>-17,500</td>
</tr>
<tr>
<td>65</td>
<td>Other Aircraft</td>
<td>23,950</td>
</tr>
<tr>
<td></td>
<td>TARS Block 40/50 Modification</td>
<td>-4,320</td>
</tr>
<tr>
<td></td>
<td>TARS Initial Spares</td>
<td>-5,300</td>
</tr>
<tr>
<td>80</td>
<td>Other Production Charges</td>
<td>209,695</td>
</tr>
<tr>
<td></td>
<td>Classified Requirement</td>
<td>65,000</td>
</tr>
<tr>
<td></td>
<td>Baseline budget requirement</td>
<td>-3,800</td>
</tr>
</tbody>
</table>
## FY 2007 Department of Defense Supplemental Appropriations

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Amount (in thousands of dollars)</th>
</tr>
</thead>
<tbody>
<tr>
<td>19900</td>
<td>MISSILE PROCUREMENT, AIR FORCE</td>
<td></td>
</tr>
<tr>
<td>19950 6</td>
<td>PREDATOR HELLFIRE MISSILE</td>
<td>78,900</td>
</tr>
<tr>
<td>20000 7</td>
<td>SMALL DIAMETER BOMB</td>
<td>16,000</td>
</tr>
<tr>
<td>20050</td>
<td>TOTAL, MISSILE PROCUREMENT, AIR FORCE</td>
<td>94,900</td>
</tr>
</tbody>
</table>
## EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[In thousands of dollars]

<table>
<thead>
<tr>
<th></th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>6</td>
<td>Hellfire</td>
<td>78,900</td>
</tr>
<tr>
<td></td>
<td>Unexecutable request</td>
<td>-25,400</td>
</tr>
<tr>
<td>7</td>
<td>Small Diameter Bomb</td>
<td>16,000</td>
</tr>
<tr>
<td></td>
<td>Unjustified request</td>
<td>-20,000</td>
</tr>
</tbody>
</table>
## FY 2007 Department of Defense Supplemental Appropriations

(In thousands of dollars)

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>20100</td>
<td>PROCUREMENT OF AMMUNITION, AIR FORCE</td>
<td></td>
</tr>
<tr>
<td>20150</td>
<td>CARTRIDGES</td>
<td>--</td>
</tr>
<tr>
<td>20200</td>
<td>EXPLOSIVE ORDNANCE DISPOSAL (EOD)</td>
<td>3,000</td>
</tr>
<tr>
<td>20250</td>
<td>SMALL ARMS</td>
<td>3,000</td>
</tr>
<tr>
<td>20300</td>
<td>TOTAL, PROCUREMENT OF AMMUNITION, AIR FORCE</td>
<td>6,000</td>
</tr>
</tbody>
</table>
## EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[In thousands of dollars]

<table>
<thead>
<tr>
<th></th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>Cartridges</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>Handgun Replacement Program - Baseline budget requirement</td>
<td>-19,100</td>
</tr>
<tr>
<td>16</td>
<td>Small Arms</td>
<td>3,000</td>
</tr>
<tr>
<td></td>
<td>Handgun Replacement Program - Baseline budget requirement</td>
<td>-65,700</td>
</tr>
<tr>
<td></td>
<td>Transfer to Operation &amp; Maintenance, Defense-Wide, only for the Handgun Replacement Study</td>
<td>-5,000</td>
</tr>
</tbody>
</table>
FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

(In thousands of dollars)

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>20350</td>
<td>OTHER PROCUREMENT, AIR FORCE</td>
<td></td>
</tr>
<tr>
<td>20500</td>
<td>PASSENGER CARRYING VEHICLES</td>
<td>360</td>
</tr>
<tr>
<td>20550</td>
<td>MEDIUM TACTICAL VEHICLE</td>
<td>154,140</td>
</tr>
<tr>
<td>20600</td>
<td>FIRE FIGHTING/CRASH RESCUE VEHICLES</td>
<td>18,888</td>
</tr>
<tr>
<td>20650</td>
<td>HALVOREN LOADER</td>
<td>620</td>
</tr>
<tr>
<td>20700</td>
<td>RUNWAY SNOW REMOVAL AND CLEANING EQUIPMENT</td>
<td>400</td>
</tr>
<tr>
<td>20750</td>
<td>ITEMS LESS THAN $5 MILLION (VEHICLES)</td>
<td>4,440</td>
</tr>
<tr>
<td>20800</td>
<td>INTELLIGENCE COMM EQUIPMENT</td>
<td>16,600</td>
</tr>
<tr>
<td>20850</td>
<td>TRAFFIC CONTROL/LANDING</td>
<td>3,300</td>
</tr>
<tr>
<td>20900</td>
<td>NATIONAL AIRSPACE SYSTEM</td>
<td>9,000</td>
</tr>
<tr>
<td>20950</td>
<td>THEATER AIR CONTROL SYSTEM IMPROVEMENT</td>
<td>14,800</td>
</tr>
<tr>
<td>21000</td>
<td>WEATHER OBSERVATION FORECAST</td>
<td>2,433</td>
</tr>
<tr>
<td>21050</td>
<td>AIR FORCE PHYSICAL SECURITY SYSTEM</td>
<td>10,680</td>
</tr>
<tr>
<td>21100</td>
<td>AIR OPERATIONS CENTER (AOC)</td>
<td>1,250</td>
</tr>
<tr>
<td>21150</td>
<td>MILSATCOM SPACE</td>
<td></td>
</tr>
<tr>
<td>21200</td>
<td>TACTICAL CE EQUIPMENT</td>
<td>34,750</td>
</tr>
<tr>
<td>21250</td>
<td>COMBAT SURVIVOR EVADER LOCATER</td>
<td>44,010</td>
</tr>
<tr>
<td>21300</td>
<td>RADIO EQUIPMENT</td>
<td>5,400</td>
</tr>
<tr>
<td>21350</td>
<td>BASE COMM INFRASTRUCTURE</td>
<td>19,020</td>
</tr>
<tr>
<td>21400</td>
<td>COMM ELECT MODS</td>
<td>16,000</td>
</tr>
<tr>
<td>21450</td>
<td>NIGHT VISION GOGGLES</td>
<td>9,317</td>
</tr>
<tr>
<td>21500</td>
<td>BASE PROCURED EQUIPMENT</td>
<td>10,530</td>
</tr>
<tr>
<td>21550</td>
<td>AIR BASE OPERABILITY</td>
<td>7,200</td>
</tr>
<tr>
<td>21600</td>
<td>ITEMS LESS THAN $5 MILLION (BASE SUPPORT)</td>
<td>18,000</td>
</tr>
<tr>
<td>21650</td>
<td>DARP, MRIGS.</td>
<td>21,607</td>
</tr>
<tr>
<td>21700</td>
<td>CLASSIFIED PROGRAMS</td>
<td>1,658,455</td>
</tr>
<tr>
<td>21710</td>
<td>OPERATION ENDURING FREEDOM OPTEMPO</td>
<td>15,000</td>
</tr>
<tr>
<td>21750</td>
<td>TOTAL, OTHER PROCUREMENT, AIR FORCE</td>
<td>2,096,200</td>
</tr>
</tbody>
</table>
EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

<table>
<thead>
<tr>
<th>Project Code</th>
<th>Project Description</th>
<th>Adjustment Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>8</td>
<td>Medium Tactical Vehicles</td>
<td>154,140</td>
</tr>
<tr>
<td></td>
<td>Mine Resistant Ambush Protected Vehicles</td>
<td>123,840</td>
</tr>
<tr>
<td>22</td>
<td>Fire Fighting / Crash Rescue Vehicles</td>
<td>18,888</td>
</tr>
<tr>
<td></td>
<td>HAZMAT Vehicles - Baseline Budget Request</td>
<td>-4,325</td>
</tr>
<tr>
<td>40</td>
<td>Traffic Control/Landing</td>
<td>3,300</td>
</tr>
<tr>
<td></td>
<td>USAFE Instrument Landing System</td>
<td>-4,200</td>
</tr>
<tr>
<td>66</td>
<td>MILSATCOM Space</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>GBS-RPRS Premature funding request</td>
<td>-35,000</td>
</tr>
<tr>
<td>999</td>
<td>Classified Programs</td>
<td>1,658,455</td>
</tr>
<tr>
<td></td>
<td>Program Adjustment</td>
<td>-91,869</td>
</tr>
<tr>
<td></td>
<td>Operation Enduring Freedom OPTEMPO</td>
<td>15,000</td>
</tr>
<tr>
<td>Item</td>
<td>Description</td>
<td>Amount</td>
</tr>
<tr>
<td>------</td>
<td>-------------------------------------------------------</td>
<td>---------</td>
</tr>
<tr>
<td>21800</td>
<td>PROCUREMENT, DEFENSE-WIDE</td>
<td></td>
</tr>
<tr>
<td>22400</td>
<td>GLOBAL COMMAND AND CONTROL SYSTEM</td>
<td>3,142</td>
</tr>
<tr>
<td>22450</td>
<td>TELEPORT</td>
<td>3,670</td>
</tr>
<tr>
<td>22500</td>
<td>NET-CENTRIC ENTERPRISE SERVICES (NCES)</td>
<td>975</td>
</tr>
<tr>
<td>22550</td>
<td>DEFENSE INFORMATION SYSTEMS NETWORK (DISN)</td>
<td>5,324</td>
</tr>
<tr>
<td>22600</td>
<td>MAJOR EQUIPMENT, DLA</td>
<td>1,600</td>
</tr>
<tr>
<td>22650</td>
<td>MAJOR EQUIPMENT, TJS</td>
<td>32,700</td>
</tr>
<tr>
<td>22660</td>
<td>MH-47 SLEP</td>
<td>22,000</td>
</tr>
<tr>
<td>22670</td>
<td>CV-22 MODIFICATIONS</td>
<td>47,048</td>
</tr>
<tr>
<td>22700</td>
<td>C-130 MODS</td>
<td>49,833</td>
</tr>
<tr>
<td>22750</td>
<td>SOF ORDNANCE REPLENISHMENT</td>
<td>45,788</td>
</tr>
<tr>
<td>22800</td>
<td>SOF ORDNANCE ACQUISITION</td>
<td>53,176</td>
</tr>
<tr>
<td>22850</td>
<td>COMM EQPT &amp; ELECTRONICS</td>
<td>78,342</td>
</tr>
<tr>
<td>22900</td>
<td>SOF INTELLIGENCE SYSTEMS</td>
<td>5,120</td>
</tr>
<tr>
<td>22950</td>
<td>SMALL ARMS AND WEAPONS</td>
<td>57,805</td>
</tr>
<tr>
<td>23000</td>
<td>SOF COMBATANT CRAFT SYSTEMS</td>
<td>16,900</td>
</tr>
<tr>
<td>23050</td>
<td>TACTICAL VEHICLES</td>
<td>165,100</td>
</tr>
<tr>
<td>23100</td>
<td>MISSION TRAINING AND PREPARATION SYS</td>
<td>5,300</td>
</tr>
<tr>
<td>23150</td>
<td>COMBAT MISSION REQUIREMENTS</td>
<td>150,000</td>
</tr>
<tr>
<td>23200</td>
<td>UNMANNED VEHICLES</td>
<td>107,731</td>
</tr>
<tr>
<td>23250</td>
<td>MISC EQUIPMENT</td>
<td>1,000</td>
</tr>
<tr>
<td>23300</td>
<td>SOF OPERATIONAL ENHANCEMENTS</td>
<td>65,678</td>
</tr>
<tr>
<td>23350</td>
<td>CLASSIFIED PROGRAMS</td>
<td>60,662</td>
</tr>
<tr>
<td>23400</td>
<td>CLASSIFIED PROGRAMS</td>
<td>1,156</td>
</tr>
<tr>
<td>23450</td>
<td>TOTAL, PROCUREMENT, DEFENSE-WIDE</td>
<td>980,050</td>
</tr>
</tbody>
</table>
**EXPLANATION OF PROJECT LEVEL ADJUSTMENTS**

*In thousands of dollars*

<table>
<thead>
<tr>
<th></th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>25</td>
<td>Major Equipment, TJS</td>
<td>32,700</td>
</tr>
<tr>
<td></td>
<td>Request in excess of validated requirement</td>
<td>-26,750</td>
</tr>
<tr>
<td>38</td>
<td>MH-47 SLEP</td>
<td>22,000</td>
</tr>
<tr>
<td></td>
<td>MH-47 Mods for Battle-loss MH-47</td>
<td>22,000</td>
</tr>
<tr>
<td>42</td>
<td>CV-22 SOF Modifications</td>
<td>47,048</td>
</tr>
<tr>
<td></td>
<td>CV-22 SOF Modifications (Transferred from AP,AF Line 18 for execution)</td>
<td>47,048</td>
</tr>
<tr>
<td>49</td>
<td>SOF Ordnance Acquisition</td>
<td>53,176</td>
</tr>
<tr>
<td></td>
<td>SOPGM - Unexecutable request</td>
<td>-1,800</td>
</tr>
<tr>
<td>50</td>
<td>Comm Eqpt &amp; Electronics</td>
<td>78,342</td>
</tr>
<tr>
<td></td>
<td>TACLAN - E - Unexecutable Request</td>
<td>-300</td>
</tr>
<tr>
<td></td>
<td>Forward Deployed Equipment - Transfer from Line 67</td>
<td>20,610</td>
</tr>
<tr>
<td>51</td>
<td>SOF Intelligence Systems</td>
<td>5,120</td>
</tr>
<tr>
<td></td>
<td>MERLIN - Unjustified request</td>
<td>-29,983</td>
</tr>
<tr>
<td></td>
<td>Forward Deployed Equipment - Transfer from line 67</td>
<td>1,220</td>
</tr>
<tr>
<td>52</td>
<td>Small Arms and Weapons</td>
<td>57,805</td>
</tr>
<tr>
<td></td>
<td>Forward Deployed Equipment - Transfer from Line 67</td>
<td>8,030</td>
</tr>
<tr>
<td>56</td>
<td>SOF Combatant Craft Systems</td>
<td>16,900</td>
</tr>
<tr>
<td></td>
<td>IBS Upgrade - Unexecutable request</td>
<td>-13,600</td>
</tr>
<tr>
<td>59</td>
<td>Tactical Vehicles</td>
<td>165,100</td>
</tr>
<tr>
<td></td>
<td>Lightweight ATV - Unexecutable Request</td>
<td>-750</td>
</tr>
<tr>
<td></td>
<td>Forward Deployed Equipment - Transfer from Line 67</td>
<td>21,540</td>
</tr>
<tr>
<td></td>
<td>Mine Resistant Ambush Protected (MRAP) Vehicles</td>
<td>35,760</td>
</tr>
<tr>
<td>67</td>
<td>Misc Equipment</td>
<td>1,000</td>
</tr>
<tr>
<td></td>
<td>Forward Deployed Equipment - Transfer to Lines</td>
<td></td>
</tr>
<tr>
<td></td>
<td>50,51,52,59 for execution</td>
<td>-51,410</td>
</tr>
<tr>
<td></td>
<td>MK 5 Clamshell - Unexecutable request</td>
<td>-470</td>
</tr>
<tr>
<td>69</td>
<td>SOF Operational Enhancements</td>
<td>65,678</td>
</tr>
<tr>
<td></td>
<td>Program Adjustments</td>
<td>-20,975</td>
</tr>
<tr>
<td>999</td>
<td>Classified Programs</td>
<td>60,662</td>
</tr>
</tbody>
</table>
FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY</td>
<td>100,006</td>
</tr>
<tr>
<td>RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY</td>
<td>298,722</td>
</tr>
<tr>
<td>RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE</td>
<td>187,176</td>
</tr>
<tr>
<td>RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE</td>
<td>512,804</td>
</tr>
<tr>
<td><strong>GRAND TOTAL</strong></td>
<td><strong>1,098,708</strong></td>
</tr>
</tbody>
</table>
### FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>50</td>
<td>RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY</td>
<td>---</td>
</tr>
<tr>
<td>100</td>
<td>COMBAT VEHICLE AND AUTOMOTIVE ADVANCED TECHNOLOGY</td>
<td>---</td>
</tr>
<tr>
<td>150</td>
<td>SOLDIER SUPPORT AND SURVIVABILITY</td>
<td>7,625</td>
</tr>
<tr>
<td>200</td>
<td>ALL SOURCE ANALYSIS SYSTEM (ASAS)</td>
<td>3,400</td>
</tr>
<tr>
<td>250</td>
<td>INFANTRY SUPPORT WEAPONS</td>
<td>8,158</td>
</tr>
<tr>
<td>300</td>
<td>AIR DEFENSE COMMAND, CONTROL AND INTELLIGENCE</td>
<td>38,900</td>
</tr>
<tr>
<td>350</td>
<td>AUTOMATIC TEST EQUIPMENT DEVELOPMENT</td>
<td>---</td>
</tr>
<tr>
<td>400</td>
<td>MATERIEL SYSTEMS ANALYSIS</td>
<td>---</td>
</tr>
<tr>
<td>450</td>
<td>INFORMATION SYSTEMS SECURITY PROGRAM</td>
<td>31,600</td>
</tr>
<tr>
<td>500</td>
<td>WWMCCS/GLOBAL COMMAND AND CONTROL SYSTEM</td>
<td>---</td>
</tr>
<tr>
<td>550</td>
<td>TACTICAL WHEELED VEHICLE (TWV) PRODUCT</td>
<td>10,323</td>
</tr>
<tr>
<td>600</td>
<td>TOTAL, RESEARCH, DEVELOPMENT, TEST &amp; EVAL, ARMY</td>
<td>100,006</td>
</tr>
<tr>
<td>R-1</td>
<td>Conference</td>
<td></td>
</tr>
<tr>
<td>-----</td>
<td>------------</td>
<td></td>
</tr>
<tr>
<td>Combat Vehicle and Automotive Advanced</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>34 Technology</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Duplicates funding provided in Joint Improvised Explosive Device Defeat Fund</td>
<td>-3,560</td>
<td></td>
</tr>
<tr>
<td>63 Soldier Support and Survivability</td>
<td>7,625</td>
<td></td>
</tr>
<tr>
<td>Duplicates funding provided in Joint Improvised Explosive Device Defeat Fund</td>
<td>-20,000</td>
<td></td>
</tr>
<tr>
<td>102 Automatic Test Equipment Development</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Defer non-emergency development of aviation test equipment</td>
<td>-6,500</td>
<td></td>
</tr>
<tr>
<td>141 Materiel Systems Analysis</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Duplicates funding provided in Joint Improvised Explosive Device Defeat Fund</td>
<td>-5,410</td>
<td></td>
</tr>
<tr>
<td>174 Information Systems Security Program</td>
<td>31,600</td>
<td></td>
</tr>
<tr>
<td>Transfer from OPA, Line 46 for Execution</td>
<td>23,300</td>
<td></td>
</tr>
<tr>
<td>177 WWMCCS/Global Command and Control System</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Database interoperability applications for situational awareness</td>
<td>-3,800</td>
<td></td>
</tr>
<tr>
<td>Code</td>
<td>Description</td>
<td>Amount (thousands of dollars)</td>
</tr>
<tr>
<td>-------</td>
<td>---------------------------------------------------------</td>
<td>-------------------------------</td>
</tr>
<tr>
<td>650</td>
<td>RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY</td>
<td></td>
</tr>
<tr>
<td>1000</td>
<td>MARINE CORPS GRND CMBT/SUPT SYS.</td>
<td>5,000</td>
</tr>
<tr>
<td>1050</td>
<td>TACTICAL CRYPTOLOGIC SYSTEMS</td>
<td>5,000</td>
</tr>
<tr>
<td>1060</td>
<td>OTHER HELO DEVELOPMENT</td>
<td>13,000</td>
</tr>
<tr>
<td>1070</td>
<td>H-1 UPGRADES</td>
<td>18,000</td>
</tr>
<tr>
<td>1100</td>
<td>V-22A</td>
<td>---</td>
</tr>
<tr>
<td>1150</td>
<td>ELECTRONIC WARFARE (EW) DEV.</td>
<td>1,245</td>
</tr>
<tr>
<td>1200</td>
<td>MARINE CORPS PROGRAM WIDE SUPT.</td>
<td>2,000</td>
</tr>
<tr>
<td>1250</td>
<td>HARM IMPROVEMENT</td>
<td>---</td>
</tr>
<tr>
<td>1300</td>
<td>AVIATION IMPROVEMENT</td>
<td>500</td>
</tr>
<tr>
<td>1350</td>
<td>MARINE CORPS COMMS SYSTEMS</td>
<td>41,540</td>
</tr>
<tr>
<td>1400</td>
<td>MC GROUND CMBT SPT ARMS SYS.</td>
<td>2,000</td>
</tr>
<tr>
<td>1450</td>
<td>MARINE CORPS CMBT SERVICES SUPT.</td>
<td>14,851</td>
</tr>
<tr>
<td>1500</td>
<td>CLASSIFIED PROGRAMS</td>
<td>130,500</td>
</tr>
<tr>
<td>1550</td>
<td>MANNED RECONNAISSANCE SYS</td>
<td>65,086</td>
</tr>
<tr>
<td>1600</td>
<td>TOTAL, RESEARCH, DEVELOPMENT, TEST &amp; EVAL, NAVY</td>
<td>298,722</td>
</tr>
</tbody>
</table>
## EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[In thousands of dollars]

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>58</td>
<td>Marine Corps Ground Combat/Support System</td>
<td>5,000</td>
</tr>
<tr>
<td></td>
<td>Joint Light Tactical Vehicle (JLTV)</td>
<td>-31,800</td>
</tr>
<tr>
<td>84</td>
<td>Other Helo Development</td>
<td>13,000</td>
</tr>
<tr>
<td></td>
<td>DIRCM Integration (ASE for USMC)</td>
<td>1,000</td>
</tr>
<tr>
<td></td>
<td>NRE for LW/DIRC (ASE for USMC)</td>
<td>12,000</td>
</tr>
<tr>
<td>93</td>
<td>H-1 Upgrades</td>
<td>18,000</td>
</tr>
<tr>
<td></td>
<td>Aircraft survivability (DIRCM) for H-1 (ASE for USMC)</td>
<td>16,000</td>
</tr>
<tr>
<td>95</td>
<td>V-22A</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>Excess to need</td>
<td>-3,800</td>
</tr>
<tr>
<td>158</td>
<td>Marine Corps Program Wide Supt</td>
<td>2,000</td>
</tr>
<tr>
<td></td>
<td>Program Wide Support</td>
<td>-8,100</td>
</tr>
<tr>
<td>179</td>
<td>Harm Improvement</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>Defer Thermobaric Modification</td>
<td>-2,230</td>
</tr>
<tr>
<td>186</td>
<td>Marine Corps Communications Systems</td>
<td>41,540</td>
</tr>
<tr>
<td></td>
<td>Funds near-term deliverables</td>
<td>-123,808</td>
</tr>
<tr>
<td>187</td>
<td>Marine Corps Ground Combat Support Arms System</td>
<td>2,000</td>
</tr>
<tr>
<td></td>
<td>Ground Weaponry PIP</td>
<td>-2,000</td>
</tr>
<tr>
<td>188</td>
<td>Marine Corps Cmbt Services Supt</td>
<td>14,851</td>
</tr>
<tr>
<td></td>
<td>Funds near-term deliverables</td>
<td>-715</td>
</tr>
<tr>
<td>xx</td>
<td>Classified Programs</td>
<td>130,500</td>
</tr>
<tr>
<td></td>
<td>Classified Program Adjustment</td>
<td>-20,000</td>
</tr>
<tr>
<td>Code</td>
<td>Description</td>
<td>Amount</td>
</tr>
<tr>
<td>------</td>
<td>--------------------------------------------------</td>
<td>---------</td>
</tr>
<tr>
<td>1650</td>
<td>RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE</td>
<td></td>
</tr>
<tr>
<td>1700 50</td>
<td>INTEGRATED BROADCAST SERVICE</td>
<td>4,000</td>
</tr>
<tr>
<td>1750 67</td>
<td>B-1B</td>
<td>17,030</td>
</tr>
<tr>
<td>1800 79</td>
<td>SPACE BASED INFRARED SYSTEM (SBIRS) HIGH EMD</td>
<td>2,000</td>
</tr>
<tr>
<td>1850 121</td>
<td>B-52 SQUADRONS</td>
<td>24,500</td>
</tr>
<tr>
<td>1900 129</td>
<td>A-10 SQUADRONS</td>
<td>10,000</td>
</tr>
<tr>
<td>1950 162</td>
<td>MISSION PLANNING SYSTEMS</td>
<td>13,300</td>
</tr>
<tr>
<td>2000 199</td>
<td>DRAGON U-2 (JMIP)</td>
<td>--</td>
</tr>
<tr>
<td>2050 200</td>
<td>AIRBORNE RECONNAISSANCE SYSTEMS</td>
<td>--</td>
</tr>
<tr>
<td>2100 201</td>
<td>MANNED RECONNAISSANCE SYSTEMS</td>
<td>20,540</td>
</tr>
<tr>
<td>2150 203</td>
<td>PREDATOR UAV (JMIP)</td>
<td>20,000</td>
</tr>
<tr>
<td>2200 204</td>
<td>GLOBAL HAWK UAV</td>
<td>--</td>
</tr>
<tr>
<td>2250 999</td>
<td>CLASSIFIED PROGRAMS</td>
<td>75,806</td>
</tr>
<tr>
<td>2300</td>
<td>TOTAL, RESEARCH, DEVELOPMENT, TEST &amp; EVAL, AIR FORCE</td>
<td>187,176</td>
</tr>
</tbody>
</table>
## EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[In thousands of dollars]

<table>
<thead>
<tr>
<th>R-1</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>50</td>
<td>Integrated Broadcast Service</td>
<td>4,000</td>
</tr>
<tr>
<td></td>
<td>CO-GINS Funding ahead of need</td>
<td>-5,000</td>
</tr>
<tr>
<td>199</td>
<td>Dragon U-2 (JMIP)</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>SYERS-2 Qualification and Certification Testing</td>
<td>-660</td>
</tr>
<tr>
<td>200</td>
<td>Airborne Reconnaissance Systems</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>TARS Integration on Block 40/50 F-16 Aircraft</td>
<td>-6,000</td>
</tr>
<tr>
<td>204</td>
<td>Global Hawk UAV</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>MASINT and SIGINT Capability Development</td>
<td>-19,033</td>
</tr>
<tr>
<td>999</td>
<td>Classified Programs</td>
<td>75,806</td>
</tr>
<tr>
<td></td>
<td>Program Adjustment</td>
<td>-2,852</td>
</tr>
<tr>
<td></td>
<td>Description</td>
<td>Amount</td>
</tr>
<tr>
<td>---</td>
<td>----------------------------------------------------------</td>
<td>---------</td>
</tr>
<tr>
<td>2350</td>
<td>RESEARCH, DEVELOPMENT, TEST &amp; EVALUATION, DEFENSE-WIDE</td>
<td></td>
</tr>
<tr>
<td>2400 186</td>
<td>CRITICAL INFRASTRUCTURE PROGRAM (CIP)</td>
<td>15,700</td>
</tr>
<tr>
<td>2450 999</td>
<td>CLASSIFIED PROGRAMS</td>
<td>497,104</td>
</tr>
<tr>
<td>2500</td>
<td>TOTAL, RESEARCH, DEVELOPMENT, TEST &amp; EVAL, DW</td>
<td>512,804</td>
</tr>
</tbody>
</table>
### EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[In thousands of dollars]

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>R-1</td>
<td></td>
</tr>
<tr>
<td>999  Classified Programs</td>
<td>497,104</td>
</tr>
<tr>
<td>Classified Program Adjustment</td>
<td>-138,060</td>
</tr>
</tbody>
</table>
FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

| Defense Working Capital Funds (emergency) | 1,115,526 |

(In thousands of dollars)
FY 2007 DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

(In thousands of dollars)

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Defense Health Program (emergency)</td>
<td>3,001,853</td>
</tr>
<tr>
<td>Operation and maintenance (emergency)</td>
<td>(2,552,153)</td>
</tr>
<tr>
<td>Procurement (emergency)</td>
<td>(118,000)</td>
</tr>
<tr>
<td>Research, development, test and evaluation (emergency)</td>
<td>(331,700)</td>
</tr>
<tr>
<td>Medical support fund (emergency)</td>
<td>---</td>
</tr>
</tbody>
</table>
EXPLANATION OF PROJECT LEVEL ADJUSTMENTS
[In thousands of dollars]

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>OPERATION AND MAINTENANCE</td>
<td>2,552,153</td>
</tr>
<tr>
<td>Amputee Care</td>
<td>61,950</td>
</tr>
<tr>
<td>Bethesda Emergency Preparedness Plan</td>
<td>5,000</td>
</tr>
<tr>
<td>Blast Injury Prevention, Mitigation &amp; Treatment</td>
<td>14,800</td>
</tr>
<tr>
<td>Improved Identification and Access to Mental Health/PTSD Treatment</td>
<td>300,000</td>
</tr>
<tr>
<td>Improved Identification and Access to Traumatic Brain Injury Treatment</td>
<td>300,000</td>
</tr>
<tr>
<td>Care Givers Support Program</td>
<td>12,000</td>
</tr>
<tr>
<td>Burn Care</td>
<td>14,800</td>
</tr>
<tr>
<td>Comprehensive Combat Casualty Care (C5)</td>
<td>6,500</td>
</tr>
<tr>
<td>BAMC Infrastructure (Elevators)</td>
<td>1,500</td>
</tr>
<tr>
<td>WRAMC Infrastructure (Building 18 &amp; other infrastructure)</td>
<td>20,000</td>
</tr>
<tr>
<td>Efficiency Wedge</td>
<td>382,000</td>
</tr>
<tr>
<td>Restores Funding for Legislative Proposal not adopted</td>
<td>410,750</td>
</tr>
<tr>
<td>PROCUREMENT</td>
<td>118,000</td>
</tr>
<tr>
<td>Efficiency Wedge</td>
<td>118,000</td>
</tr>
<tr>
<td>RESEARCH, DEVELOPMENT, TEST, AND EVALUATION</td>
<td>331,700</td>
</tr>
<tr>
<td>Peer Reviewed Post Traumatic Stress Disorder Research</td>
<td>150,000</td>
</tr>
<tr>
<td>Peer Reviewed Traumatic Brain Injury Research</td>
<td>150,000</td>
</tr>
<tr>
<td>Peer Reviewed Burn, Orthopedic, and Trauma Research</td>
<td>31,700</td>
</tr>
</tbody>
</table>

MEDICAL SUPPORT FUND                                         | 0
UNANIMOUS CONSENT AGREEMENT

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Senate, at 8:25 p.m., vote, without any intervening action or debate, on the motion to concur in the House amendment to the Senate amendment to H.R. 2296; that the time from 7:55 to 8:25 p.m. be equally divided between the two leaders, with the majority leader in control of the last 15 minutes, and that no other amendments or motions be in order prior to the vote, with the time allocated as follows: Senator DURBIN, 5 minutes; Senator LEVIN, 5 minutes; Senator LANDRIEU, 5 minutes, and Senator BROWN, 5 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Illinois.

Mr. DURBIN. Mr. President, in a few moments, the Senate will vote on a funding bill for the war in Iraq.

It is a historic vote and a very important one over which many of us have anguished.

I come to this decision with sadness and anger—sadness that we are in the fifth year of this war, a war that has lasted longer than World War II; sadness that we have lost 3,425 of our bravest, our American soldiers; sadness that over 25,000 of these soldiers have been injured, 8,000 or 9,000 grievously injured; sadness that we spent over $500 billion on a war that is second only to World War II in its cost to our Nation.

I also come to this floor with anger—anger that we do not have it in our power to make the will of the people of America the law of our land; anger that this President has vetoed a bipartisan bill carefully crafted to start bringing America’s troops home; anger that we continue to bury our Nation’s heroes every day while this Congress fails to muster the votes and some of the will to bring this war to an end.

In October of 2002, I stood on this Senate floor and joined 22 other Senators in casting my vote against this war. I felt then, and I believe today, that the invasion of Iraq was a serious mistake. I believe, as I stand here, it has been the most flawed and failed policy of any administration in our history.

That night when the vote was cast, this ornate Chamber was quiet. There was a lonely feel about it in the closing moments of the session. Those of us who lingered knew that regardless of what the White House said, this President would waste no time invading Iraq—regardless of the flawed intelligence, regardless of the lack of allies, regardless of a battle plan that left us in a position stronger after the invasion than when we began.

Today, 4½ years later, 4½ years after that vote and after this invasion, America is not safer, Iraq is in turmoil, and our position as a nation in this world has been compromised by this tragic decision by this administration.

I said at the time, and I will stand by it with my vote this evening, that though I loathe this decision to go to war, I will not militate out on the troops who are in the field. I will continue to provide the resources they need to be trained and equipped and rest and ready to go into battle and come home safely.

The debate will continue over this policy, but our soldiers should never be bargaining chips in this political debate. That is why I will vote this evening for this bill. But I want to make it clear with this vote that this bill is not the end of the debate on the war in Iraq. This debate will continue until our Nation comes to its senses, until our troops come home, and until we put this sorry chapter in our Nation’s history behind us.

We have summoned our friends on the Republican side of the aisle to join us in this effort. Two have had the courage to step forward. I hope that as they reflect on this war and its cost to America that more Republicans will join us, that we will not have to wait until President Bush is out of the White House to see an end to this war.

I pledge to you, Mr. President, this Senator and so many others will continue this debate beyond today, beyond tonight, every day until those troops come home safely. When we consider the Defense authorization bill in just a few weeks, we will return to this national debate. We will push for that timetable to bring these troops home. We will stand by our soldiers and show our devotion to them with our commitment to bringing them home safely, in an honorable way. The debate will continue until the soldiers are safe and until they are home.

I pray this will happen soon, happen before the lives of these great men and women, this morning at my desk upstairs, I sat down and penned more notes to the grieving parents and spouses of fallen soldiers in my State of Illinois. I never dreamed 4½ years ago that I would still be writing those notes today. It is a sad testimony to what this failed policy has cost our Nation.

With this vote tonight, the debate will not end; the debate will continue. I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I continue to believe that Congress must act to change course in Iraq because the Bush administration will not. Congress needs to force the Iraqi political leaders to accept responsibility for their country’s future. Four years of painful history have shown that the only way to accomplish that goal is to write into law a requirement that the President begin to withdraw U.S. troops in Iraq beginning in 120 days. That amount of time would give the Iraqi leaders the time to make the political settlements that are the only hope of ending the sectarian fighting.

Setting that beginning point would also force the Iraqi leaders to face the reality that we will not be their endless security blanket. That approach got 51 votes in the Senate on March 29. It was sent to the President. The President vetoed it. But pressure continues to build for a change in course, even in the President’s party.

We will renew the effort to force a change in course in June when we take up the Defense authorization bill currently scheduled for late June. The White House will do its best to make and renew the effort to require the President to begin reducing American troops in Iraq within 120 days.

I voted against the authorization to attack Iraq 4 years ago, and I will continue to fight for a bill that forces the President to do the one thing which will successfully change course in Iraq. Reducing our presence starting in 120 days is a way of telling the Iraqi leaders that we cannot save them from themselves and that only they can make the decision as to whether they want an all-out civil war or they want a nation.

I cannot vote, however, to stop funding for our troops who are in harm’s way. I simply cannot, and I will not do that. It is not the proper way we can bring this war to an end. It is not the proper way we can make the White House to see an end to this war. It is a way of sending the wrong message to our troops because now that they are there, and now that they are in harm’s way, I believe we must give them all of the support they need.

It is not only the absence from this bill of a beginning point for troop reductions, which is so troubling, I am also concerned about the benchmarks in this bill because they are not only toothless, they may actually be counterproductive. Benchmarks with no consequences for failure to achieve them will not put the necessary pressure on the Iraqi leaders to reach a political settlement. Only a law requiring the reduction of our troops can do that.

The benchmarks as written in this bill are doubly problematic because the schedule for reports, July 15 and September 15, could be used as a way of forestalling pressure on the administration and the Iraqi leaders since those reports are due only after we are planning to take up the Defense authorization bill in June.

Perhaps the supporters of the current course in Iraq will say that those of us voting to fund the troops bill before us are also signing on to the toothless benchmarks with their arguably moment-slowing requirements. So let me say plainly, I oppose the benchmarks and the reports as provided for in this bill.

Well, let me say plainly: I oppose the toothless benchmarks and momentum-delaying reports in this bill. I agree...
It is hard for people to comprehend what that means. It is still difficult for those of us who live there to get a handle on the scope of the damage and devastation. We are grateful for the generosity of this Nation. We are grateful for the private contributions, the many that faith and people of faith who have come to help us, and we are excited about this package in this emergency supplemental.

When we began this journey 4 or 5 months ago there were some on the opposition side that said we didn’t need to include any of this; that this is for an emergency overseas. But I really want to remind everyone that we are still in a state of emergency on the Gulf coast, and asking for $3.7 billion in a $120 billion bill is really not too much to ask for hard-working American taxpayers whose homes had never flooded before. Many of these homeowners and business owners never had an inch of water in them, but they suddenly came home and found feet of water, up to their roofs, ruining everything they had worked for, sometimes everything their parents and grandparents had worked for.

Briefly, what we have done, in this last minute and a half, is to waive the 10-percent match, which is critical. It is not only the money that is helpful, obviously, to not have to put up that 10 percent, but mostly by waiving the match we are waiving 90 percent of the red tape that is keeping these hard-working people who are doing everything they can to rebuild their lives.

There were some in the administration who wanted to play games with the levees, and move levees from the east bank to the west bank and say we will fund it later. Well, there is no later for us. There is now, and we are going to build these levees and protect the people in south Louisiana. That has been done.

One other part that is very important to me, and a provision I objected to when it was first implemented 2 years ago, is the option for the forgiveness of loans, which had been taken away. I said, on behalf of the people I represent, we are entitled to the same response that other communities have received, and this bill gives us justice on the Gulf coast.

In addition, there is some money for help for our criminal justice system that is already doing its job, and to correct some of the teacher shortages as a result of the collapse and damage to many schools, and teachers who have had to move to higher ground but who want to come back to teach the children.

Finally, let me thank Senator Murray, who has been extraordinary in her efforts on our behalf. I also thank Senator Byrd, the chairman of our committee. They were not going to let this bill get through without Katrina and Rita being recognized and the hundreds of thousands of people who are depending on this Congress to keep fighting for them and to at least meet them halfway. We do not look for charity, we look for a hand up. We look for our Government to meet us halfway.

We can afford at least 10 to 15 days’ worth of Iraq spending toward rebuilding the great energy coast of America. Mr. President, I say, that delay alone is $1 billion. The President told us the first week in February that he needed the funds to support troops stationed overseas. A month and a half after the Secretary of Defense stepped in, he said delays would seriously disrupt key military programs. The Army Chief of Staff told us if he didn’t get the funds soon, he would have to take Draconian measures that would impact readiness and impose hardships on soldiers and their families. The Chairman of the Joint Chiefs of Staff said delays would force the Army to cut quality-of-life initiatives.

Then the calls started coming from Iraq. The chief spokesman of the Multinational Forces, General Caldwell, told Congress that delays would already started to hamstring our efforts to train Iraqi security units. That was more than a month and a half ago. It was 108 days ago the President said he needed funds for the troops. But that delay has stretched from February until today. Congress has voted more than 30 times on Iraq-related measures without approving a single dime. Mr. President, 108 days and more than 30 votes later, Congress is finally sending these funds to the troops.

Many on this side of the aisle are disappointed that the final bill contains billions of dollars in spending for items unrelated to the war, but we are relieved the Democratic leadership has decided to strip a nonbinding, nonsensical surrender date from the bill.

One other thing. It is important the Iraqi Government be held accountable. It needs to engage in political reconciliation, and this bill calls upon them to do just that. Members on both sides are deeply frustrated with the Iraqi Government. Anything that puts pressure on them without putting pressure on U.S. troops is a step in the right direction.

It is not just been saying since January that benchmarks would be a good idea. General Petraeus and General Pace have said the Baghdad security plan is a necessary precondition for political progress in Iraq. We need to be sure Iraqi politicians are putting the same effort into their half of the bargain as our men and women in uniform.

General Petraeus and Ambassador Crocker will report back to Congress at the end of the summer, and the success or failure of the security plan will be clear by the end of the year. Early February.

I strongly urge my colleagues to vote in favor of this bill, which finally gives the troops the funds they need. We
TITLE I—SUPPLEMENTAL APPROPRIATIONS FOR DEFENSE, INTERNATIONAL AFFAIRS, AND OTHER SECURITY-RELATED NEEDS

CHAPTER 1
DEPARTMENT OF AGRICULTURE
FOREIGN AGRICULTURAL SERVICE
PUBLIC LAW 480 TITLE II GRANTS
For an additional amount for “Public Law 480 Title II Grants”, during the current fiscal year, not otherwise recoverable, and covered prior years’ costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, for commodities supplied in connection with dispossession abroad under title II of said Act, $350,000,000, to remain available until expended.

CHAPTER 2
DEPARTMENT OF JUSTICE
LEGAL ACTIVITIES
SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES
For an additional amount for “SALARIES AND EXPENSES, General Legal Activities”, $1,648,000, to remain available until September 30, 2008.
SALARIES AND EXPENSES, UNITED STATES ATTORNEYS
For an additional amount for “SALARIES AND EXPENSES, United States Attorneys”, $5,000,000, to remain available until September 30, 2008.

UNITED STATES MARSHALS SERVICE
SALARIES AND EXPENSES
For an additional amount for “SALARIES AND EXPENSES”, $6,450,000, to remain available until September 30, 2008.

NATIONAL SECURITY DIVISION
SALARIES AND EXPENSES
For an additional amount for “SALARIES AND EXPENSES”, $1,736,000, to remain available until September 30, 2008.

FEDERAL BUREAU OF INVESTIGATION
SALARIES AND EXPENSES
For an additional amount for “SALARIES AND EXPENSES”, $118,260,000, to remain available until September 30, 2008.

DRUG ENFORCEMENT ADMINISTRATION
SALARIES AND EXPENSES
For an additional amount for “SALARIES AND EXPENSES”, $8,468,000, to remain available until September 30, 2008.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES
SALARIES AND EXPENSES
For an additional amount for “SALARIES AND EXPENSES”, $4,000,000, to remain available until September 30, 2008.

FEDERAL PRISON SYSTEM
SALARIES AND EXPENSES
For an additional amount for “SALARIES AND EXPENSES”, $17,000,000, to remain available until September 30, 2008.

GENERAL PROVISIONS—THIS CHAPTER
SEC. 1291. Funds provided in this Act for the “Department of Justice, United States Marshals Service, Salaries and Expenses” shall be made available according to the language relating to such account in the explanatory statement accompanying the conference report on H.R. 1591 of the 110th Congress (H. Rept. 110-107).

SEC. 1292. Funds provided in this Act for the “Department of Justice, Legal Activities, Salaries and Expenses, General Legal Activities”, shall be made available according to the language relating to such account in the joint explanatory statement accompanying the conference report on H.R. 1591 of the 110th Congress (H. Rept. 110-107).

SEC. 3. STATEMENT OF APPROPRIATIONS.
The following sums in this Act are appropriated out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2007.

MILITARY PERSONNEL, NAVY
For an additional amount for “Military Personnel, Navy”, $692,127,000.

MILITARY PERSONNEL, MARINE CORPS
For an additional amount for “Military Personnel, Marine Corps”, $1,386,371,000.

MILITARY PERSONNEL, AIR FORCE
For an additional amount for “Military Personnel, Air Force”, $1,079,287,000.

RESERVE PERSONNEL, ARMY
For an additional amount for “Reserve Personnel, Army”, $147,244,000.

RESERVE PERSONNEL, NAVY
For an additional amount for “Reserve Personnel, Navy”, $77,800,000.

RESERVE PERSONNEL, AIR FORCE
For an additional amount for “Reserve Personnel, Air Force”, $2,590,000.

NATIONAL GUARD PERSONNEL, ARMY
For an additional amount for “National Guard Personnel, Army”, $436,025,000.

NATIONAL GUARD PERSONNEL, AIR FORCE
For an additional amount for “National Guard Personnel, Air Force”, $24,560,000.

OPERATION AND MAINTENANCE
OPERATION AND MAINTENANCE, ARMY
For an additional amount for “Operation and Maintenance, Army”, $1,130,739,000.

OPERATION AND MAINTENANCE, NAVY
(INCLUDING TRANSFER OF FUNDS)
For an additional amount for “Operation and Maintenance, Navy”, $4,652,670,000, of which up to $120,293,000 shall be transferred to Coast Guard, “Operating Expenses”, for reimbursement for activities which support activities requested by the Navy.

OPERATION AND MAINTENANCE, MARINE CORPS
For an additional amount for “Operation and Maintenance, Marine Corps”, $1,146,594,000.

OPERATION AND MAINTENANCE, AIR FORCE
For an additional amount for “Operation and Maintenance, Air Force”, $6,650,881,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE
For an additional amount for “Operation and Maintenance, Defense-Wide”, $2,714,407,000, of which—
(I) not to exceed $25,000,000 may be used for the Combatant Commander Initiative Fund, to be used in support of Operation Iraqi Freedom and Operation Enduring Freedom; and
(II) not to exceed $290,000,000, to remain available until expended, may be used for payments to reimburse Pakistan, Jordan, and other key cooperating nations, for logistical, military, and other support provided to United States military operations, notwithstanding any other provision of law: Provided, That such payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: Provided further, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph.

OPERATION AND MAINTENANCE, ARMY RESERVE
For an additional amount for “Operation and Maintenance, Army Reserve”, $111,066,000.

OPERATION AND MAINTENANCE, NAVY RESERVE
For an additional amount for “Operation and Maintenance, Navy Reserve”, $74,049,000.

OPERATION AND MAINTENANCE, MARINES RESERVE
For an additional amount for “Operation and Maintenance, Marine Corps Reserve”, $13,591,000.
OPERATION AND MAINTENANCE, AIR FORCE
RESERVE
For an additional amount for “Operation and Maintenance, Air Force Reserve”, $10,160,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD
For an additional amount for “Operation and Maintenance, Army National Guard”, $83,569,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD
For an additional amount for “Operation and Maintenance, Air National Guard”, $38,429,000.

AFGHANISTAN SECURITY FORCES FUND
For an additional amount for “Afghanistan Security Forces Fund”, $5,968,400,000, to remain available until September 30, 2008.

AFGHANISTAN SECURITY FORCES FUND
For an additional amount for “Iraq Security Forces Fund”, $3,842,300,000, to remain available until September 30, 2008.

IRAQ FREEDOM FUND (INCLUDING TRANSFER OF FUNDS)
For an additional amount for “Iraq Freedom Fund”, $355,600,000, to remain available for transfer until September 30, 2008: Provided, That up to $50,000,000 may be obligated and expended for purposes of the Task Force to Improve Business and Stability Operations in Iraq.

JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND
For an additional amount for “Joint Improvised Explosive Device Defeat Fund”, $2,432,800,000, to remain available until September 30, 2008.

PROCUREMENT
AIRFORCE PROCUREMENT, ARMY
For an additional amount for “Air Force Procurement, Army”, $2,106,468,000, to remain available until September 30, 2009.

MISSILE PROCUREMENT, ARMY
For an additional amount for “Missile Procurement, Army”, $94,900,000, to remain available until September 30, 2009.

PROCUREMENT OF AMMUNITION, AIR FORCE
For an additional amount for “Procurement of Ammunition, Air Force”, $6,000,000, to remain available until September 30, 2009.

OTHER PROCUREMENT, AIR FORCE
For an additional amount for “Other Procurement, Air Force”, $1,957,160,000, to remain available until September 30, 2009.

PROCUREMENT, DEFENSE-WIDE
For an additional amount for “Procurement, Defense-Wide”, $721,190,000, to remain available until September 30, 2009.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION
RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY
For an additional amount for “Research, Development, Test and Evaluation, Navy”, $355,600,000, to remain available until September 30, 2009.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY
For an additional amount for “Research, Development, Test and Evaluation, Army”, $100,000,000, to remain available until September 30, 2009.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY
For an additional amount for “Research, Development, Test and Evaluation, Navy”, $298,722,000, to remain available until September 30, 2008.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE
For an additional amount for “Research, Development, Test and Evaluation, Air Force”, $187,176,000, to remain available until September 30, 2008.

DEFENSE WORKING CAPITAL FUND
DEFENSE WORKING CAPITAL FUND
For an additional amount for “Defense Working Capital Funds”, $1,115,526,000.

NATIONAL DEFENSE SEALIFT FUND
For an additional amount for “National Defense Sealift Fund”, $152,804,000, to remain available until September 30, 2008.

OTHER DEPARTMENT OF DEFENSE PROGRAMS
DEFENSE HEALTH PROGRAM
For an additional amount for “Defense Health Program”, $1,123,147,000.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE
For an additional amount for “Drug Interdiction and Counter-Drug Activities, Defense”, $254,665,000, to remain available until expended.

RELATED AGENCIES
INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT
For an additional amount for “Intelligence Community Management Account”, $71,726,000.

GENERAL PROVISIONS—THIS CHAPTER
Sec. 1301. Appropriations provided in this Act are available for obligation until September 30, 2007, unless otherwise provided herein.

TRANSFER OF FUNDS
Sec. 1302. Upon his determination that such action is necessary in the national interest, the Secretary of Defense may transfer between appropriations up to $5,000,000 of the budget authority available to the Department of Defense (except for military construction) in this Act:

Provided, That the Secretary shall notify the Congress promptly of each transfer made pursuant to the authority in this section: Provided further, That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense and is subject to the same rules and conditions as the authority provided in section 805 of the Department of Defense Appropriations Act, 2007 (Public Law 109–289; 120 Stat. 1257), except for the forth proviso: Provided further, That funds previously transferred to the “Joint Improved Explosive Device Defeat Fund” and the “Iraq Security Forces Fund” under the authority of section 805 of Public Law 109–289 and transferred back to their source appropriations accounts shall not be taken into account for purposes of the limitation on the amount of funds that may be transferred under section 805.

Sec. 1303. Funds appropriated in this Act, or made available by the transfer of funds in or pursuant to this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

Sec. 1304. None of the funds provided in this Act may be used to finance drug interdiction and counter-drug activities denied by Congress in fiscal years 2006 or 2007 appropriations to the Department of Defense (except for military construction) or to initiate a procurement or research, test and evaluation new start program without prior written notification to the congressional defense committees.

TRANSFER OF FUNDS
Sec. 1305. During fiscal year 2007, the Secretary of Defense may transfer not to exceed $5,300,000 of the amounts in or credited to the Defense Cooperation Account, pursuant to 10 U.S.C. 2008, to such appropriations or funds of the Department of Defense as he shall determine for use consistent with the purposes for which such funds were contributed and accepted: Provided, That such amounts shall be available for the same time period as the appropriation to which transferred: Provided further, That the Secretary shall report to the Congress all transfers made pursuant to this authority.

Sec. 1306. (a) AUTHORITY TO PROVIDE SUPPORT.—Of the amount appropriated by this Act under the heading “Drug Interdiction and Counter-Drug Activities, Defense”, not to exceed $60,000,000 may be used for support for counter-drug activities of the Governments of Afghanistan and Pakistan: Provided further, That such support shall be in addition to support provided for the counter-drug activities of such Governments under any other provision of the law.

(b) TYPES OF SUPPORT

(1) Except as specified in subsection (b)(2) of this section, the support that may be provided under the authority in this section shall be limited to the types of support specified in section 1033(c)(1) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85, as amended by Public Laws 106–398, 107–106, and 109–234) and conditions on the provision of support as contained in section 1033 shall apply for fiscal year 2007.

(2) The Secretary of Defense may transfer vehicles, aircraft, and detection, interception, monitoring and testing equipment to said Governments for counter-drug activities.

(3) From funds made available for operation and maintenance in this Act to the Department of Defense, not to exceed $60,000,000 may be used to support for counter-drug activities of the Governments of Afghanistan and Pakistan: Provided, That such funds shall be in addition to any other provision of law, to fund the Commanders’ Emergency Response Program, for the purpose of enabling military commanders in Iraq and Afghanistan to respond to humanitarian relief and reconstruction requirements within their areas of responsibility by carrying out programs that will immediately assist the Iraqi and Afghan people.

(b) QUARTERLY REPORT.—Not later than 15 days after the end of each fiscal year quarter,
the Secretary of Defense shall submit to the congres-
sional defense committees a report regarding the source of funds and the allocation and use of funds during that quarter that were made available to the authorities. The report and this section or any other provision of law for the purposes of the programs under subsection (a).

SEC. 1291. During fiscal year 2007, supervision and administration costs associated with projects carried out with funds appropriated to “Afghanistan Security Forces Fund” or “Iraq Security Forces Fund” in this Act may be used, notwith-

standing any other provision of law, to provide assistance to the Iraqi Security Forces or the Department of Defense, for use in programs in Pakistan from amounts appropriated by this Act as follows: “Military Personnel, Army”, $70,000,000. “National Guard Personnel, Army”, $13,183,000. “Defense Health Program”, $26,817,000.

SEC. 1314. (a) FINDINGS REGARDING PROGRESS IN IRAQ, THE ESTABLISHMENT OF BENCHMARKS TO MEASURE THAT PROGRESS, AND REPORTS TO CONGRESS.—Congress makes the following find-

ings:

(1) Over 145,000 American military personnel are currently serving in Iraq, like thousands of others, with the highest professionalism consistent with the famed tradi-
tions of the United States Armed Forces, and are deserving of the strong support of all Amer-

icans.

(2) Many American service personnel have lost their lives, and many more have been wounded in Iraq; the American people will always honor their sacrifice and honor their families.

(3) The United States Army and Marine Corps, including their Reserve components and National Guard organizations, together with components of the other branches of the mili-

tary, are performing their missions while under enormous strain from multiple, extended deploy-
ments to Iraq and Afghanistan. These deploy-

ments will, in turn, have a lasting impact on future recruiting, retention, and readiness of our Nation’s all volunteer force.

(4) Iraq is experiencing a deteriorating prob-

lem of sectarian and intrareligious violence based upon political district and cultural dif-

ferences among factions of the Sunni and Shia populations.

(5) Iraqis must reach political and economic settlements in order to achieve reconciliation, for there is no military solution. The failure of the Iraqis to reach such settlements to support a truly unified government greatly contributes to the increasing violence in Iraq.

(6) Iraq is facing a growing number of隻

s, and a change in the primary mission of U.S. forces in Iraq, that will enable the United States to begin to move its combat forces out of Iraq responsibly.

(7) In December 2006, the bipartisan Iraq Study Group issued a valuable report, sug-

gesting a comprehensive strategy that includes new and enhanced diplomatic and political ef-

orts, economic development, and a change in the primary mission of U.S. forces in Iraq, that will enable the United States to begin to move its combat forces out of Iraq responsibly.

(8) The President, by a letter on January 10, 2007, that “I’ve made it clear to the Prime Minister and Iraq’s other leaders that America’s commit-

ment is not open-ended” so as to dispel the con-

trary impression that exists.

(9) It is essential that the sovereign Govern-

ment of Iraq set out measurable and achievable benchmarks, and an associated timeline in Security Council Resolution 1790 of September 2007, that the Iraqi government will make: (A) the Iraqi President shall submit to Congress a description of such revisions to the polit-

ical parties in the Iraqi legislature are pro-

gress in reconciliation will be an important ele-

ment of our evaluation”.

(10) On February 10, 2007, the address had three components: political, military, and economic. Given that significant time has passed since his statement, and recognizing the overall situation is ever-changing, Congress must have time-limited reports to evaluate and execute its con-

stitutional oversight responsibilities.


mitment to Iraq is long-term, but it is not a com-

mitment to have our young men and women pa-

trol the streets of Baghdad.” We must find that “progress in reconciliation will be an important element of our evaluation”.

(12) The President, by a letter on January 10, 2007, address had three components: political, military, and economic. Given that significant time has passed since his statement, and recognizing the overall situation is ever-changing, Congress must have time-limited reports to evaluate and execute its constitutional oversight responsibilities.

(1) IN GENERAL.—(A) The United States strategy in Iraq, here-

after, shall be conditioned on the Iraqi govern-

ment meeting benchmarks, as told to members of Congress by the President, the Secretary of State, the Secretary of Defense, and the Chair-

man of the Joint Chiefs of Staff, and reflected in the Iraqi government’s commitments to the United States, and to the international commu-

nity, including:

(i) Forming a Constitutional Review Com-

mittee and then completing the constitutional review.

(ii) Enacting and implementing legislation on de-

Ba’athification.

(iii) Enacting and implementing legislation to ensure the equitable distribution of hydrocarbon resources of the people of Iraq without regard to the sect or ethnicity of recipients, and enacting and implementing legislation to ensure that the energy resources of Iraq benefit Sunni Arabs, Shia Arabs, Kurds, and other Iraqi citizens in an equitable manner.

(iv) Enacting and implementing legislation on procedures to form semi-autonomous regions.

(v) Enacting and implementing legislation es-

tablising High and Electoral Commissions, provincial elections law, provincial council authorities, and a date for provincial elections.

(vi) Enacting and implementing legislation ad-

ressing amnesty.

(vii) Enacting and implementing legislation estab-

lishing a strong military disarmament pro-

gram to ensure that weapons of mass destruc-

tion are countable only to the central government and loyal to the Constitution of Iraq.

(2) TESTIMONY BEFORE CONGRESS.—(A) The President shall submit to Congress, not later than September 15, 2007, a a description of such revisions to the bipartisan Iraq Study Group, as he deems appro-

priate.

(B) The President shall submit a second report to Congress, not later than September 15, 2007, following the same procedures and criteria outlined above.

(C) The reporting requirement detailed in sec-

tion 1227 of the National Defense Authorization Act for Fiscal Year 2006 is waived from the date of the enactment of this Act through the period ending September 15, 2007.

(3) TESTIMONY BEFORE CONGRESS.—Prior to the submission of the President’s second report on September 15, 2007, and at a time to be agreed upon by the leadership of the Congress and the Administration, the United States Ambassador to Iraq and the Commander, Multi-National Forces Iraq will be made available to testify in open and closed sessions before the relevant committees of the Congress.

(C) LIMITATIONS ON AVAILABILITY OF FUNDS.—(1) LIMITATION.—No funds appropriated or otherwise made available from the “Iraq Security Support Fund” and available for Iraq may be obligated or expended unless and until the
President of the United States certifies in the report outlined in subsection (b)(2)(A) and makes a further certification in the report outlined in subsection (b)(2)(D) that Iraq is making progress on each of the benchmarks set forth in subsection (b)(1)(A).

(2) WAIVER AUTHORITY.—The President may waive the requirements of this section if he submits to Congress, in its entirety, a detailed justification for the waiver, which shall include a detailed report describing the actions being taken by the United States to bring the Iraqi government into compliance with the benchmarks set forth in subsection (b)(1)(A). The certification shall be submitted in unclassified form, but may include a classified annex.

(d) REDEPLOYMENT OF U.S. FORCES FROM IRAQ.—(1) ASSESSMENT BY THE COMPTROLLER GENERAL.—(A) Not later than September 1, 2007, the Comptroller General of the United States shall submit to Congress an independent report setting forth—

(i) the status of the achievement of the benchmarks specified in subsection (b)(1)(A); and

(ii) the General’s assessment of whether or not each such benchmark has been met.

(2) ASSESSMENT OF THE CAPABILITIES OF IRAQI SECURITY FORCES.—(A) IN GENERAL.—There is hereby authorized to be appropriated for the Department of Defense, the Department of State, and the Department of Homeland Security, an amount to remain available until September 30, 2008: Provided, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design of military construction projects not otherwise authorized by law: Provided further, That none of the funds made available under this heading shall be obligated or expended until the Secretary of Defense submits a detailed report explaining how military road construction is coordinated with NATO and coalition nations: Provided further, That none of the funds made available under this heading shall be obligated or expended until the Secretary of Defense submits a detailed report on how military construction is coordinated with NATO and coalition nations: Provided further, That none of the funds made available under this heading shall be obligated or expended until the Secretary of Defense submits a detailed report to support Army end-strength growth to the Committees on Appropriations of the House of Representatives and the Senate: Provided further, That of the funds provided under this heading, $274,800,000 shall not be obligated or expended until the Secretary of Defense certifies that none of the funds are to be used for the purpose of providing facilities for the permanent basing of United States manned aircraft in Iraq.

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For an additional amount for “Military Construction, Navy and Marine Corps”, $575,900,000, to remain available until September 30, 2008: Provided, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design of military construction projects not otherwise authorized by law: Provided further, That none of the funds made available under this heading shall be obligated or expended until the Secretary of Defense submits a detailed report to support Army end-strength growth to the Committees on Appropriations of the House of Representatives and the Senate.

MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for “Military Construction, Air Force”, $435,000,000, to remain available until September 30, 2008: Provided, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design of military construction projects not otherwise authorized by law: Provided further, That none of the funds made available under this heading shall be obligated or expended until the Secretary of Defense submits a detailed report on how military construction is coordinated with NATO and coalition nations: Provided further, That none of the funds made available under this heading shall be obligated or expended until the Secretary of Defense submits a detailed report to support Army end-strength growth to the Committees on Appropriations of the House of Representatives and the Senate.

CHAPTER 4
DEPARTMENT OF ENERGY
ATOMIC ENERGY DEFENSE ACTIVITIES
NATIONAL NUCLEAR SECURITY ADMINISTRATION
DEFENSE NUCLEAR NONPROLIFERATION

For an additional amount for “Defense Nuclear Nonproliferation”, $63,900,000, to remain available until expended.

CHAPTER 5
DEPARTMENT OF DEFENSE
MILITARY CONSTRUCTION, ARMY

For an additional amount for “Military Construction, Army”, $1,255,890,000, to remain available until September 30, 2008: Provided, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: Provided further, That of the funds provided under this heading, not to exceed $173,700,000 shall be available for study, planning, and design services: Provided further, That of the funds made available under this heading, $359,600,000 shall not be obligated or expended until the Secretary of Defense submits a detailed report explaining how military road construction is coordinated with NATO and coalition nations: Provided further, That none of the funds made available under this heading, $401,700,000 shall not be obligated or expended until the Secretary of Defense submits a detailed report to support Army end-strength growth to the Committees on Appropriations of the House of Representatives and the Senate.
OPERATING EXPENSES OF THE UNITED STATES
AGENCY FOR INTERNATIONAL DEVELOPMENT
For an additional amount for “Operating Expenses of the United States Agency for International Development”, $5,700,000, to remain available until September 30, 2008.

OTHER BILATERAL ECONOMIC ASSISTANCE
ECONOMIC SUPPORT FUND
For an additional amount for “Economic Support Fund”, $2,502,000,000, to remain available until September 30, 2008. Provided, That of the funds appropriated under this heading, $57,400,000 shall be made available to non-governmental organizations in Iraq for economic and social development programs and activities in areas of concern, Further, That the responsibility for policy decisions and justifications for the use of funds appropriated by the previous proviso shall be the responsibility of the United States Chief of Mission in Iraq; Provided further, That none of the funds appropriated under this heading in this Act or in prior Acts making appropriations for foreign operations, export financing, and related programs may be made available for the Political Participation Fund and the National Institutions Fund: Provided further, That of the funds made available under “Economic Support Fund” in Public Law 109–234 for Iraq to promote democracy, rule of law and reconciliation, $2,000,000 shall be made available for the United States Institute of Peace for programs and activities in Afghanistan to remain available until September 30, 2008.

ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES
For an additional amount for “Assistance for Eastern Europe and the Baltic States”, $214,000,000, to remain available until September 30, 2008, for the President.

DEPARTMENT OF STATE
DEMOCRACY FUND
For an additional amount for “Democracy Fund”, $255,000,000, to remain available until September 30, 2008: Provided, That of the funds appropriated under this heading, not less than $190,000,000 shall be made available for the Human Rights and Democracy Fund of the Bureau of Democracy, Human Rights, and Labor, Department of State, and not less than $65,000,000 shall be made available for the United States Agency for International Development, for democracy, human rights and rule of law programs: Provided further, That not later than 60 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations describing a comprehensive democracy reform strategy, with goals and expected results, for strengthening and advancing democracy in Iraq.

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT
For an additional amount for “International Narcotics Control and Law Enforcement”, $210,000,000, to remain available until September 30, 2008.

ECONOMIC AND REFUGEE ASSISTANCE
For an additional amount for “Migration and Refugee Assistance”, $71,500,000, to remain available until September 30, 2008, of which not less than $3,000,000 shall be made available to rescue Iraqi scholars.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND
For an additional amount for “United States Emergency Refugee and Migration Assistance Fund”, $20,000,000, to remain available until expended.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS
For an additional amount for “Nonproliferation, Anti-Terrorism, Demin, and Related Programs”, $72,500,000, to remain available until September 30, 2008.

DEPARTMENT OF THE TREASURY
INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE
For an additional amount for “International Affairs Technical Assistance”, $2,750,000, to remain available until September 30, 2008.

MILITARY ASSISTANCE FUND APPROPRIATED TO THE PRESIDENT
FOREIGN MILITARY FINANCING PROGRAM
For an additional amount for “Foreign Military Financing Program”, $210,000,000, to remain available until September 30, 2008.

MILITARY ASSISTANCE PEACEKEEPING OPERATIONS
For an additional amount for “Peacekeeping Operations”, $240,000,000, to remain available until September 30, 2008.

MILITARY ASSISTANCE ECONOMIC SUPPORT FUND
For an additional amount for “Economic Support Fund”, $9,500,000,000, to remain available until September 30, 2008, for assistance for Kosovo.

MILITARY ASSISTANCE ECONOMIC SUPPORT FUND
For an additional amount for “Economic Support Fund”, $214,000,000, to remain available until September 30, 2008, for assistance for Kosovo.

ECONOMIC SUPPORT FUND
For an additional amount for “Economic Support Fund”, $190,000,000, to remain available until September 30, 2008: Provided, That not later than 30 days after enactment of this Act and every 30 days thereafter until September 30, 2008, the Secretary of State shall submit a report to the Committees on Appropriations detailing the obligation and expenditure of funds made available under this heading in this Act and in prior Acts making appropriations for foreign operations, export financing, and related programs.

GENERAL PROVISION—THIS CHAPTER
AUTHORIZATION OF FUNDS

TITLE II—HURRICANE KATRINA RECOVERY
DEPARTMENT OF HOMELAND SECURITY
FEDERAL EMERGENCY MANAGEMENT AGENCY
DISASTER RELIEF
For an additional amount for “Disaster Relief”, $1,400,000,000, to remain available until expended.

TITLE III—ADDITIONAL DEFENSE, INTERNATIONAL AFFAIRS, AND HOMELAND SECURITY PROVISIONS
CHAPTER 1
DEPARTMENT OF AGRICULTURE
FOREIGN AGRICULTURAL SERVICE
PUBLIC LAW 410 TITLE II GRANTS
For an additional amount for “Public Law 410 Title II Grants”, during the current fiscal year, not otherwise recoverable, and unrecovered from prior years, and repaid interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, for commodities supplied in connection with dispositions abroad under title II of said Act, $300,000,000, to remain available until expended.

GENERAL PROVISION—THIS CHAPTER
SEC. 301. There is hereby appropriated $10,000,000 to reimburse the Commodity Credit Corporation for the release of eligible commodities under section 2 of the Emergency Peanut, Free Trade Area, and Reciprocal Trade Act of 1934 (7 U.S.C. 1736f–1): Provided, That such funds made available to reimburse the Commodity Credit Corporation shall only be used to replenish the Bill Emerson Humanitarian Trust.

CHAPTER 2
DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
SALARIES AND EXPENSES
For an additional amount for “Salaries and Expenses”, $15,000,000, to remain available until expended to implement corrective actions in response to the findings of, and recommendations of, the Department of Justice Inspector General report entitled, “A Review of the Federal Bureau of Investigation’s Use of National Security Letters”, of which $500,000 shall be transferred to and merged with “Department of Justice, Office of the Inspector General”.

DRUG ENFORCEMENT ADMINISTRATION
SALARIES AND EXPENSES
For an additional amount for “Salaries and Expenses”, $3,698,000, to remain available until September 30, 2008.

GENERAL PROVISION—THIS CHAPTER
Sec. 3201. Funds provided in this Act for the “Department of Justice, Federal Bureau of Investigation, Salaries and Expenses”, shall be made available according to the language relating to such account in the joint explanatory statement accompanying the report on H.R. 1591 of the 110th Congress (H. Rept. 110–107).

CHAPTER 3
DEPARTMENT OF DEFENSE—MILITARY PERSONNEL
MILITARY PERSONNEL, ARMY
For an additional amount for “Military Personnel, Army”, $343,080,000.

MILITARY PERSONNEL, NAVY
For an additional amount for “Military Personnel, Navy”, $408,283,000.

MILITARY PERSONNEL, MARINE CORPS
For an additional amount for “Military Personnel, Marine Corps”, $138,300,000.

RESERVE PERSONNEL, NAVY
For an additional amount for “Reserve Personnel, Navy”, $5,223,000.

RESERVE PERSONNEL, MARINE CORPS
For an additional amount for “Reserve Personnel, Marine Corps”, $5,560,000.

RESERVE PERSONNEL, AIR FORCE
For an additional amount for “Reserve Personnel, Air Force”, $5,073,000.

NATIONAL GUARD PERSONNEL, ARMY
For an additional amount for National Guard Personnel, Army”, $16,261,000.

NATIONAL GUARD PERSONNEL, AIR FORCE
For an additional amount for “National Guard Personnel, Air Force”, $19,533,000.

OPERATION AND MAINTENANCE
MILITARY PERSONNEL
For an additional amount for “Operation and Maintenance, Navy”, $24,664,000.

STRATEGIC RESERVE READINESS FUND
(INCLUDING TRANSFER OF FUNDS)
In addition to amounts provided in this or any other Act, for training, operations, repair of equipment, purchases of equipment, and other expenses related to improving the readiness of non-deployed United States military forces, $1,615,000,000, to remain available until September 30, 2009; of which $1,000,000,000 shall be transferred to the Reserve Equipment for the purchase of equipment for the Army National Guard; and of which $615,000,000 shall be transferred to the Secretary of Defense only to appropriations for military personnel, operation and maintenance, procurement, and defense working capital funds to accomplish the purposes provided herein: Provided, That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period as the appropriation to which transferred; Provided further, That the Secretary, not fewer than 30 days prior to making transfers under this authority, notify the congressional defense committees in writing of the details of any transfers made pursuant to this authority: Provided further, That funds shall be transferred to the appropriation accounts not
later than 120 days after the enactment of this Act. Provided further, That the transfer authority provided in this paragraph is in addition to any other transfer authority available to the Department of Defense.

[PROVISION]

PROCUREMENT, ARMY

For an additional amount for ‘‘Other Procurement, Army’’, $1,217,000,000, to remain available until September 30, 2009: Provided, That the amount provided under this heading shall be available only for the purchase of mine resistant ambush protected vehicles.

PROCUREMET, NAVY

For an additional amount for '‘Other Procurement, Navy’’, $130,040,000, to remain available until September 30, 2009: Provided, That the amount provided under this heading shall be available only for the purchase of mine resistant ambush protected vehicles.

PROCUREMENT, MARINE CORPS

For an additional amount for “Procurement, Marine Corps”, $1,263,360,000, to remain available until September 30, 2009: Provided, That the amount provided under this heading shall be available only for the purchase of mine resistant ambush protected vehicles.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for “Procurement, Defense-Wide”, $258,860,000, to remain available until September 30, 2009: Provided, That the amount provided under this heading shall be available only for the purchase of mine resistant ambush protected vehicles.

OTHER DEPARTMENT OF DEFENSE

DEFENSE HEALTH PROGRAM

(including transfer of funds)

For an additional amount for “Defense Health Program”, $1,478,706,000; of which $1,429,000,000 for operation and maintenance, including $600,000,000 which shall be available for the treatment of traumatic brain injury and post-traumatic stress disorder and remain available until September 30, 2009; of which $118,000,000 shall be for procurement, to remain available until September 30, 2008; of which $118,000,000 shall be for operation and maintenance; $118,000,000 which shall be for demonstration and testing of ambulances provided under this heading, shall be available only for the purchase of mine resistant ambush protected vehicles;

GENERAL PROVISIONS—THIS CHAPTER

SEC. 3301. None of the funds appropriated or otherwise made available by this or any other Act shall be obligated or expended by the United States Government for a purpose as follows:

(A) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq.

(2) To exercise United States control over any oil resource in Iraq.

SEC. 3302. None of the funds made available in this Act may be used in contravention of the following laws enacted or regulations promulgated to implement the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (done at New York on December 10, 1984):—

(1) section 2446A of title 16, United States Code;

(2) section 2242 of the Foreign Affairs Reform and Restructuring Act of 1998 (division G of Public Law 105–277); and


SEC. 3303. (a) REPORT BY SECRETARY OF DEFENSE.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report detailing the use of the funds provided under this heading. The report shall include an estimated total cost to train and equip the number of contractor personnel in the theater of operations in support of United States military and reconstruction activities in Iraq and Afghanistan: Provided, That the report shall include an estimated total cost to train and equip the number of contractor personnel in Iraq and Afghanistan funded by the Department of Defense: Provided further, That the report shall be submitted to the congressional defense committees not later than August 1, 2007.

SEC. 3306. Section 1477 of title 10, United States Code, is amended—

(1) in subsection (a), by striking “death gravity” and inserting “Subject to subsection (d), a death gravity”;

(2) by redesignating subsection (d) as subsection (e) and, in such subsection, by striking “Subject to subsection (c)” and inserting “If a person entitled to all or a portion of a death gravity under subsection (a) or (d) dies before the person”;

(3) by inserting after subsection (c) the following new subsection (d):

“(d) During the period beginning on the date of the enactment of this subsection and ending on September 30, 2007, a person covered by section 1475 or 1476 of this title may designate another person to receive not more than 50 percent of the amount payable under section 1475 of this title. The Secretary of Defense shall provide in the report required by section (e) and, in such subsection, by striking “the amount payable under section 1475 of this title” and inserting the amount payable under section 1475 of this title;”

(b) REPORT BY OMB.—

(1) The Director of the Office of Management and Budget, in consultation with the Secretary of Defense, the Commander, Combined National Security Transition Command—Iraq, and the Commander, Combined Security Transition Command—Afghanistan, shall submit to the congressional defense committees an estimated total cost not later than 120 days after the date of the enactment of this Act and every 90 days thereafter a report on the proposed use of all funds under each of the headings “Iraq Security Forces Fund” and “Afghanistan Security Forces Fund” on a project-by-project basis, for which the obligation of funds is anticipated during the three-month period from such date, including estimates by the commanders referred to in this paragraph of the costs required to complete each such project.

(2) The report required by this subsection shall include the following:

(A) The use of all funds on a project-by-project basis for which funds appropriated under the headings referred to in subparagraph (B) were obligated prior to the submission of the report, including estimates by the commanders referred to in paragraph (1) of the costs to complete each project.

(B) The use of all funds on a project-by-project basis for which funds were appropriated under the headings referred to in paragraph (1) in prior appropriations Acts, or for which funds were made available by transfer, reprogramming, or allocation from other headings in prior appropriations Acts, including estimates by the commanders referred to in paragraph (1) of the costs to complete each project.

(C) An estimated total cost to train and equip the Iraqi and Afghan security forces, disaggregated on a program and sub-element by force, arranged by fiscal year.

(d) NOTIFICATION.—The Secretary of Defense shall notify the congressional defense committees of any proposed new projects or transfers of funds between sub-activity groups in excess of $15,000,000 using funds appropriated by this Act and any reprogramming of funds made available under the headings “Iraq Security Forces Fund” and “Afghanistan Security Forces Fund”.

SEC. 3304. None of the funds appropriated or otherwise made available by this Act may be obligated or expended to provide aid to any defense contractor contrary to the provisions of section 814 of the National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–136). For fiscal years 2007 and 2008, not more than 45 percent of the funds appropriated to the Department of Defense.
CHAPTER 4
DEPARTMENT OF ENERGY

ATOMIC ENERGY DEFENSE ACTIVITIES
National Nuclear Security Administration
DEFENSE NUCLEAR NONPROLIFERATION
For an additional amount for “Defense Nuclear Nonproliferation”, $72,000,000 is provided for the Defense Nuclear Nonproliferation and Cooperation Program, to remain available until expended.

GENERAL PROVISION—THIS CHAPTER
SEC. 3401. The Secretary of the National Nuclear Security Administration is authorized to transfer up to $1,000,000 from Defense Nuclear Nonproliferation to the Office of the Administrator during fiscal year 2007 supporting nuclear nonproliferation activities.

CHAPTER 5
DEPARTMENT OF HOMELAND SECURITY
ANALYSIS AND OPERATIONS
For an additional amount for “Analysis and Operations”, $5,000,000, to remain available until September 30, 2008, to be used for support of the State and Local Fusion Center program: Provided, That starting July 1, 2007, the Secretary of Homeland Security shall submit quarterly to the Committees on Appropriations of the Senate and the House of Representatives detailing the information required in House Report 110–250.

UNITED STATES CUSTOMS AND BORDER PROTECTION
SALARIES AND EXPENSES
(INCLUDING TRANSFER OF FUNDS)
For an additional amount for “Salaries and Expenses”, $75,000,000, to remain available until September 30, 2008, to support hiring of new Border Patrol agents: Provided, That the Secretary shall provide the Committees on Appropriations and the congressional defense committees with the reasons for any shortfall.

TRANSPORTATION SECURITY ADMINISTRATION
AVIATION SECURITY
For an additional amount for “Aviation Security”, $300,000,000, of which $285,000,000 shall be for checkpoint equipment and pilot screening technologies, $12,000,000 shall be for exploded baggage explosives detection systems, to remain available until expended; of which $25,000,000 shall be for checkpoint explosives detection equipment and pilot screening technologies, to remain available until expended; and of which $80,000,000 shall be for air cargo security, to remain available until September 30, 2009: Provided, That the air cargo funding made available under this heading, the Transportation Security Administration shall hire no fewer than 150 additional air cargo inspectors to establish a more robust enforcement and compliance program; complete air cargo vulnerability assessments for all Category X airports; expand the National Explosives Detection Canine Program; and utilize funding provided under this heading.

FEDERAL AIR MARSHALS
For an additional amount for “Federal Air Marshals”, $2,000,000, to remain available until September 30, 2008: Provided, That no later than 30 days after the date of enactment of this Act, the Secretary shall provide the Committees on Appropriations of the Senate and the House of Representatives a report on how these additional funds will be allocated.

NATIONAL PROTECTION AND PROGRAMS
INFRASTRUCTURE PROTECTION AND INFORMATION SECURITY
For an additional amount for “Infrastructure Protection and Information Security”, $24,000,000, to remain available until September 30, 2008; for the development of State and local interoperability plans as discussed in House Report 110–107; and of which $12,000,000 shall be for implementation of cybersecurity enhancements: Provided, That within 30 days of the date of enactment of this Act the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives detailed expenditure plans for execution of these funds: Provided further, That within 30...
days of the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives a report on the candidate training center detailing the information required in House Report 110–107.

OFFICE OF HEALTH AFFAIRS
For expenses for the “Office of Health Affairs”, $14,000,000, to remain available until September 30, 2008: Provided, That of the amount made available under this heading, $6,000,000 shall be for financial and information systems, $2,500,000 shall be for indirect mutual aid agreements, $500,000 shall be for FEMA Regional Office communication equipment, $2,500,000 shall be for FEMA strike teams, and $500,000 shall be for the Law Enforcement Liaison Office, $374,000, to remain available until September 30, 2008: Provided, That none of the funds made available under this heading shall be available for obligations that would cause the total obligated amount of Homeland Security, in consultation with the United States Attorney General, to submit to the Committees on Appropriations of the Senate and the House of Representatives a plan to eliminate the backlog of security checks that establishes information sharing protocols to ensure United States Citizenship and Immigration Services has the information it needs to carry out its mission.

SCIENCE AND TECHNOLOGY
RESEARCH, DEVELOPMENT, ACQUISITION, AND OPERATIONS
For an additional amount for “Research, Development, Acquisition, and Operations” for air and missile defense, to remain available until expended.

DOMESTIC NUCLEAR DETECTION OFFICE
RESEARCH, DEVELOPMENT, AND OPERATIONS
For an additional amount for “Research, Development, and Operations” for the Office of the Assistant Secretary for Research, Mitigation, Response, and Recovery, accounts shall be transferred to “Management and Administration” and may be used for any purpose authorized for such amounts and subject to limitation on the use of such amounts.

STATE AND LOCAL PROGRAMS
For an additional amount for “State and Local Programs” of $31,845,000, of which $10,000,000 is for port security grants pursuant to section 7010(i) of title 46, United States Code to be awarded by September 30, 2007, to tier 1, 2, 3, and 4 ports; of which $10,000,000 for security assistance for intermodal rail, air, and sea transportation, and transit security grants to be awarded by September 30, 2007; of which $100,000,000 shall be for grants to the Department of Homeland Security that provide award fees link such fees to successful acquisition outcomes (which outcomes shall be specified in terms of cost, schedule, and performance).

CHAPTER 6
LEGISLATIVE BRANCH
HOUSE OF REPRESENTATIVES
SALARIES AND EXPENSES
For an additional amount for “Salaries and Expenses”, $6,437,000, as follows:

ALLOWANCES AND EXPENSES
For an additional amount for allowances and expenses, $6,437,000 for business continuity and disaster recovery, to remain available until expended.

GOVERNMENT ACCOUNTABILITY OFFICE
SALARIES AND EXPENSES
For an additional amount for “Salaries and Expenses”, $258,000,000, to remain available until September 30, 2008.

EMERGENCY MANAGEMENT PERFORMANCE GRANTS
For an additional amount for “Emergency Management Performance Grants”, $59,000,000.

UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES
For an additional amount for expenses of “United States Citizenship and Immigration Services” to address backlogs of security checks associated with terrorism and piracy, $8,000,000, to remain available until September 30, 2008: Provided, That none of the funds made available under this heading shall be available for obligations that would cause the total obligated amount of Homeland Security, in consultation with the United States Attorney General, to submit to the Committees on Appropriations of the Senate and the House of Representatives a plan to eliminate the backlog of security checks that establishes information sharing protocols to ensure United States Citizenship and Immigration Services has the information it needs to carry out its mission.

GENERAL PROVISIONS
THIS CHAPTER
SEC. 301. Notwithstanding any other provision of law, none of the funds in this or any other Act may be used to close Walter Reed Army Medical Center unless equivalent medical facilities at the Walter Reed National Military Medical Center at Naval Medical Center, Bethesda, Maryland, and/or the Fort Belvoir, Virginia, Community Hospital have been constructed and equipped. Provided, That to ensure that the quality of care provided by the Military Health System is not diminished during this transition, the Walter Reed Army Medical Center shall be adequately financed to include necessary renovation and maintenance of existing facilities, to maintain the maximum level of inpatient and outpatient services.

SEC. 302. Notwithstanding any other provision of law, none of the funds in this or any other Act shall be used to reorganize or relocate any function of the Advanced Institute of Pathology (AFIP) and the Secretary of Defense has submitted, not later than December 31, 2007, a detailed plan and timetable for the proposed reorganization and reallocation to the Committees on Appropriations and Armed Services of the Senate and House of Representatives. The plan shall take into consideration the recommendations of a study preparing the Department of Defense Accountability Office (DAGO), that such study is available not later than 45 days before the date specified in this section, on the impact of dispersing selected functions of AFIP among several locations, and the possibility of consolidating those functions at one location. The plan shall include an analysis of the options for the location and operation of the Program Management Office for second opinion consultations that are consistent with the recommendations of the Base Realignment and Closure Commission, together with the rationale for the options selected by the Secretary.

SEC. 303. The Secretary of the Navy shall, notwithstanding any other provision of law, transfer to the Secretary of the Navy at no cost, land, easements, Air Installation Compatible Use Zones, and facilities at NAS JRB Willow Grove designated for operation as a Joint Interagency Installation for use as a Joint Interagency Installation for use as the Pennsylvania National Guard and other Department of Defense components, government agencies, and associated users to perform national defense, homeland security, and emergency preparedness missions.

CHAPTER 8
DEPARTMENT OF STATE AND RELATED AGENCY
DEPARTMENT OF STATE
ADMINISTRATION OF FOREIGN AFFAIRS
DIPLOMATIC AND CONSULAR PROGRAMS
(INCLUDING TRANSFER OF FUNDS)
For an additional amount for “Diplomatic and Consular Programs”, $31,136,802,000, to remain available until expended:

Provided, That of the amount made available under this heading, $31,136,802,000, to remain available until expended:

Provided, That of the amount made available under this heading, $31,136,802,000, to remain available until expended: Provided, That within 30 days of the date of the enactment of this Act, the Secretary of Defense shall submit a detailed spending plan to the Committees on Appropriations of the House of Representatives and the Senate.
days of enactment of this Act, the Office of Management and Budget shall apportion $15,000,000 from amounts appropriated or otherwise made available by chapter 8 of title II of division B of Public Law 109-148 be used for the heading “Emergencies in the Diplomatic and Consular Service” to reimburse expenditures from that account in facilitating the evacuation of persons from Liberia before July 18, 2006, and the date of enactment of this Act.

OFFICE OF THE INSPECTOR GENERAL

For an additional amount for “Office of Inspector General”, $1,300,000, to remain available until December 31, 2008.

INTERNATIONAL ORGANIZATIONS CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For an additional amount for “Contributions to International Organizations”, $50,000,000, to remain available until September 30, 2008.

BILATERAL ECONOMIC ASSISTANCE FUNDS APPROPRIATED TO THE PRESIDENT UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

INTERNATIONAL DISASTER AND Famine Assistance

For an additional amount for “International Disaster and Famine Assistance”, $60,000,000, to remain available until September 30, 2008.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

For an additional amount for “Operating Expenses of the United States Agency for International Development”, $3,000,000, to remain available until September 30, 2008.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF INSPECTOR GENERAL


OTHER BILATERAL ECONOMIC ASSISTANCE ECONOMIC SUPPORT FUND

For an additional amount for “Economic Support Fund”, $122,300,000, to remain available until September 30, 2008.

DEPARTMENT OF STATE DEMOCRACY FUND

For an additional amount for “Democracy Fund”, $5,000,000, to remain available until September 30, 2008.

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT (INCLUDING RESCISSION OF FUNDS)

For an additional amount for “International Narcotics Control and Law Enforcement”, $42,000,000, to remain available until September 30, 2008.

Of the amounts made available for procurement of an additional aircraft for the Colombian National Police under this heading in Public Law 109-234, $13,000,000 are rescinded.

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for “Migration and Refugee Assistance”, $39,000,000, to remain available until September 30, 2008.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For an additional amount for “United States Emergency Refugee and Migration Assistance Fund”, $25,000,000, to remain available until expended.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For an additional amount for “Nonproliferation, Anti-Terrorism, Demining and Related Programs”, $20,000,000, to remain available until September 30, 2008.

MILITARY ASSISTANCE FUNDS APPROPRIATED TO THE PRESIDENT FOREIGN MILITARY FINANCING PROGRAM

For an additional amount for “Foreign Military Financing Program”, $45,000,000, to remain available until September 30, 2008.

PEACEKEEPING OPERATIONS

For an additional amount for “Peacekeeping Operations”, $40,000,000, to remain available until September 30, 2008. That funds appropriated under this heading shall be made available, notwithstanding section 606 of the Foreign Assistance Act of 1961, for assistance for Liberia for secruity.

GENERAL PROVISIONS—THIS CHAPTER EXTENSION OF OVERSIGHT AUTHORITY


LEBANON

SEC. 3802. (a) LIMITATION ON FOREIGN MILITARY FINANCING PROGRAM AND INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT ASSISTANCE FOR LEBANON.—None of the funds made available in this Act under the heading “Economic Support Fund” for cash transfer assistance for the Government of Lebanon may be obligated until the Secretary of State reports to the Committees on Appropriations on Lebanon’s economic reform plan and on the specific conditions and verifiable benchmarks that have been agreed upon by the United States and the Government of Lebanon pursuant to the Memorandum of Understanding on cash transfer assistance for Lebanon.

(b) LIMITATION ON FOREIGN MILITARY FINANCING PROGRAM AND INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT ASSISTANCE FOR LEBANON.—None of the funds made available in this Act under the heading “Foreign Military Financing Program” or “International Narcotics Control and Law Enforcement” for military or police assistance to Lebanon may be made available for obligation until the Secretary of State submits to the Committees on Appropriations a report on procedures established to determine eligibility of members and units of the armed forces and police forces of Lebanon to participate in United States training and assistance programs and the monitoring of all equipment provided under such programs to the Lebanese armed forces and police forces.

(c) CERTIFICATION REQUIRED.—Prior to the initial obligation of funds made available in this Act for assistance for Lebanon under the headings “Foreign Military Financing Program” and “Nonproliferation, Anti-Terrorism, Demining and Related Programs”, the Secretary of State shall certify to the Committees on Appropriations that all practicable efforts have been made to ensure that such assistance is not provided to any person, organization, or group which is in violation of an arms embargo,制裁, or arms embargo decision of the United Nations; is a person who has been determined by the Secretary of State to be a state sponsor of terrorism; or is a person which is a unit of the national armed forces or any government entity, that advocates, plans, sponsors, engages in, or has engaged in, terrorist activities.

(d) REPORT REQUIRED.—Not later than 45 days after the date of the enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations a report on the Government of Lebanon’s actions to implement section 14 of United Nations Security Council Resolution 1701 (August 11, 2006).

(e) SPECIAL AUTHORITY.—This section shall be effective notwithstanding section 534(a) of Public Law 109-102, which is made applicable to funds appropriated for fiscal year 2007 by the Continuation Appropriations Act of 2007 (Division B of Public Law 109-289, as amended by Public Law 110-5).

DEBT RESTRUCTURING

SEC. 3803. Amounts appropriated for fiscal year 2007 for “Bilateral Economic Assistance—Department of the Treasury—Debt Restructuring” may be used to relieve or otherwise restructure its debt arrearages to the International Monetary Fund, the International Bank for Reconstruction and Development, and the African Development Bank.

GOVERNMENT ACCOUNTABILITY OFFICE

SEC. 3804. To facilitate effective oversight of programs and activities in Iraq by the Government Accountability Office, the department of State shall provide GAO staff members the country clearances, life support, and logistical and security support necessary for GAO personnel to extend its presence in Iraq for periods of not less than 45 days.

HUMAN RIGHTS AND DEMOCRACY FUND

SEC. 3805. The Assistant Secretary of State for Democracy, Human Rights, and Labor shall be responsible for all policy, funding, and programming decisions regarding funds made available under this Act and prior Acts making appropriations for foreign operations, export financing and related programs for the Human Rights and Democracy Fund of the Bureau of Democracy, Human Rights, and Labor.

INSPECTOR GENERAL OVERSIGHT OF IRAQ AND AFGHANISTAN

SEC. 3806. (a) IN GENERAL.—Subject to paragraph (2), the Inspector General of the Department of State and the Broadcasting Board of Governors (referred to in this section as the “Inspector General”) may use personal services contracts to engage citizens of the United States to facilitate and support the Office of the Inspector General’s oversight of programs and operations related to Iraq and Afghanistan. Individuals engaged by contract to perform such services shall not, by reason of such contract, be considered to be employees of the United States Government for purposes of any law administered by the Office of Personnel Management. The Secretary of State may determine the applicability to such individuals of any law administered by the Secretary concerning the performance of such services by such individuals.

(b) CONDITIONS.—The authority under paragraph (1) is subject to the following conditions:

(1) The Inspector General determines that existing personnel resources are insufficient.

(2) The contract length for a personal services contractor, including options, may not exceed 1 year, unless the Inspector General makes a finding that exceptional circumstances justify an extension of up to 1 additional year.

(3) Not more than 10 individuals may be employed at any time as personal services contractors under the program.

(c) TERMINATION OF AUTHORITY.—The authority to award personal services contracts under this section shall terminate on December 31, 2007. A contract entered into prior to the termination date under this paragraph may remain in effect until not later than December 31, 2009.

(d) OTHER AUTHORITIES NOT AFFECTED.—The authority under this section is in addition to any other authority of the Inspector General to hire personal services contractors.

FINANCING THROUGH BUDGET RESOLUTION DIRECTIVES

SEC. 3807. (a) Funds provided in this Act for the following accounts shall be made available for countries, programs and activities in the amount shown in the following tables and should be expended consistent with the reporting requirements and directives included in the joint explanatory statement accompanying the defense report on H.R. 1591 of the 110th Congress (H. Rept. 110-107):

“Diplomatic and Consular Programs”.
“Office of the Inspector General”.
“Educational and Cultural Exchange Programs”.
“Contributions to International Organizations”.
“Contributions for International Peacekeeping Activities”.

SEC. 3808. In the absence of a joint explanatory statement accompanying a bill or measure—

(1) a statement describing the transfer of funds provided in this Act to the military accounts shall be included in the joint explanatory statement accompanying the continuing resolution (H.Con.Res. 135) for fiscal year 2008;

(2) funds provided for the “Economic Support Fund” and “International Narcotics Control and Law Enforcement” account shall be included in the joint explanatory statement accompanying the continuing resolution (H.Con.Res. 135) for fiscal year 2008; and

(3) funds provided in this Act for other accounts shall be included in the joint explanatory statement accompanying the budget resolution (H.Con.Res. 95) for fiscal year 2008.
(a) Any proposed increases or decreases to the amounts presented in the table in the joint explanatory statement shall be subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961.

(b) Funds appropriated under the heading “International Narcotics Control and Law Enforcement”:

(1) by striking “and” and heading to read as follows:

(2) by inserting “and shall not be counted against the numerical limitations under sections 245(c) of the Immigration and Nationality Act (8 U.S.C. 1255(c)), the Secretary of Homeland Security may adjust the status of an alien to that of a lawful permanent resident under section 245(a) of such Act if the alien—

(A) was paroled or admitted as a nonimmigrant into the United States; and

(B) is otherwise eligible for special immigrant status under this section and under the Immigration and Nationality Act;”.

(b) Aliens exempt from employment-based numerical limitations—Section 1059(c)(2) of such Act is amended—

(1) by striking paragraph designation and heading to read as follows:

(2) by inserting “and” and heading to read as follows:

(c) Adjustment of status—Section 1059 of such Act is further amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following:

(d) Adjustment of status—Notwithstanding paragraphs (2), (7) and (8) of section 245(c) of the Immigration and Nationality Act (8 U.S.C. 1255(c)), the Secretary of Homeland Security may adjust the status of an alien to that of a lawful permanent resident under section 245(a) of such Act if the alien—

(1) was paroled or admitted as a nonimmigrant into the United States; and

(2) is otherwise eligible for special immigrant status under this section and under the Immigration and Nationality Act;”.

CHAPTER II—ADDITIONAL HURRICANE DISASTER RELIEF AND RECOVERY

CHAPTER I

DEPARTMENT OF AGRICULTURE

GENERAL PROVISION—THIS CHAPTER

SEC. 4101. Section 1231(k)(2) of the Food Security Act of 1985 (16 U.S.C. 3831(k)(2)) is amended by striking “and 2005 calendar year, the” and inserting “The”.

CHAPTER II

DEPARTMENT OF JUSTICE

OFFICE OF JUSTICE PROGRAMS

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For an additional amount for “State and Local Law Enforcement Assistance”, for discretionary grants authorized by subpart 2 of part E, title I of the Omnibus Crime Control and Safe Streets Act of 1968 as in effect on September 27, 2006, for the construction of school security, for section 511 of said Act, $5,000,000, to remain available until expended: Provided, That the amount made available under this heading shall be for local law enforcement initiatives in the Gulf Coast region related to the aftermath of Hurricane Katrina: Provided further, That these funds shall be apportioned among the States in a fair and equitable manner based on the Federal Bureau of Investigation’s Uniform Crime Report for the year 2005.

DEPARTMENT OF COMMERCE

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for “Operations, Research, and Facilities”, for necessary expenses related to the consequences of Hurricanes Katrina and Rita on the shrimp and fish industries, $110,000,000, to remain available until September 30, 2008.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

EXPLORATION CAPABILITIES

For an additional amount for “Exploration Capabilities” for necessary expenses related to the consequences of Hurricane Katrina, $20,000,000, to remain available until September 30, 2009.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 4201. Funds provided in this Act for the “Department of Commerce, National Oceanic Atmospheric Administration, Research, and Facilities”, shall be made available according to the language relating to such account in the joint explanatory statement accompanying the conference report on H.R. 1524 of the 110th Congress (H. Rept. 110–107).

SEC. 4202. Up to $38,000,000 of amounts made available for the National Aeronautics and Space Administration in Public Law 109–148 and Public Law 109–234 for emergency hurricane and other natural disaster-related expenses may be used to reimburse hurricane-related costs incurred by NASA in fiscal year 2005.
a monthly report to the House and Senate Committees on Appropriations detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act.

GENERAL PROVISIONS—THIS CHAPTER
SEC. 4301. The Secretary is authorized and directed to determine the amount of eligible reimbursable expenses incurred by local governments in constructing, reconstructing, or improving structures to safeguard lives and property from flood damage to people and property. The Secretary is authorized and directed to utilize funds remaining available for obligation from the amounts appropriated in chapter 3 of Public Law 109–234 under the heading “Flood Control and Coastal Emergencies” for projects in the greater New Orleans metropolitan area to eradicate those projects in a manner which promotes the goal of continuing work at an optimal pace, while maximizing, to the greatest extent practicable, levels of protection to reduce the risk of storm damage to people and property.

(b) The funds that are necessary to accomplish the goals established in subsection (a) may be made without regard to individual amounts or purposes specified in chapter 3 of Public Law 109–234.

(c) Of the funds that are necessary to accomplish the goals established in subsection (a) are authorized, subject to the approval of the House and Senate Committees on Appropriations.

SEC. 4303. The Chief of Engineers shall investigate the overall technical advantages, disadvantages and operational effectiveness of constructing safe houses for operators, and other interim flood control measures in and around the New Orleans metropolitan area that the Secretary of the Army determines to be integral to the overall plan to ensure operability of the stations during hurricanes, storms and high water events and the flood control plan for the area.

SEC. 4304. The Secretary of the Army is authorized and directed to utilize funds remaining available for obligation from the amounts appropriated in chapter 3 of Public Law 109–234 under the heading “Flood Control and Coastal Emergencies” for projects in the greater New Orleans metropolitan area to eradicate those projects in a manner which promotes the goal of continuing work at an optimal pace, while maximizing, to the greatest extent practicable, levels of protection to reduce the risk of storm damage to people and property.

(b) The funds that are made available without regard to individual amounts or purposes specified in chapter 3 of Public Law 109–234 (1) may be transferred to and merged with “Small Business Administration, Salaries and Expenses”; or (2) with the Office of Inspector General of the Small Business Administration for audits and reviews of disaster loan programs and shall be paid to appropriations for the office of Inspector General; of which $711,569,000 is for direct administrative expenses of loan making and servicing the direct loan program; and of which $9,000,000 is for indirect administrative expenses.

Of the unobligated balances under the heading “Small Business Administration, Disaster Loans Program Account”, $25,000,000 shall be made available for loans under section 7(b)(2) of the Small Business Act to pre-existing businesses located within areas for which the President declared a major disaster because of the hurricanes in the Gulf of Mexico in calendar year 2005, of which not to exceed $8,750,000 is for direct administrative expenses and may be transferred to and merged with “Small Business Administration, Salaries and Expenses” to carry out the disaster loan program of the Small Business Administration.

Of the unobligated balances under the heading “Small Business Administration, Disaster Loans Program Account”, $150,000,000 is transferred to the “Emergency Supplemental Appropriations Management Agency, Disaster Relief” account.

CHAPTER 5
DEPARTMENT OF HOMELAND SECURITY
FEDERAL EMERGENCY MANAGEMENT AGENCY
DISASTER RELIEF
(INCLUDING TRANSFER OF FUNDS)
For an additional amount for “Disaster Relief”, $720,000,000, to remain available until expended: Provided, That $4,000,000 shall be transferred to “Office of Inspector General”; Provided further, That the Government Accountability Office shall review how the Federal Emergency Management Agency develops its estimates of the funds needed to respond to any further damage as described in House Report 110–69.

GENERAL PROVISIONS—THIS CHAPTER
SEC. 4301. (a) In general.—Notwithstanding any other provision of law, including any agreement with any other Federal agency or any other provision of law, including any agreement with any other Federal agency, the Federal share of assistance, including direct Federal assistance, provided for the States of Louisiana, Mississippi, Florida, Alabama, and Texas in connection with Hurricanes Katrina, Rita, and other hurricanes of the 2005 season, shall be at least 80 percent.

(b) Applicability.—(1) In general.—The Federal share provided by subsection (a) shall apply to disaster assistance applied for before the date of enactment of this Act.

(b) Limitation.—(1) In general.—The Federal share provided by subsection (a) shall apply to disaster assistance applied for before the date of enactment of this Act.

(c) Limitation.—In the case of disaster assistance provided under sections 403, 406, 407, and 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170b, 5172, 5173, and 5174) shall be 100 percent of the eligible costs under such sections.

(h) Appropriability.—In general.—The Federal share provided by subsection (a) shall apply to disaster assistance applied for before the date of enactment of this Act.

(b) Limitation.—In the case of disaster assistance provided under sections 403, 406, 407, and 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, the Federal share provided by subsection (a) shall be limited to assistance provided for disaster assistance application forms that request assistance for public assistance form” has been submitted.

SEC. 4502. (a) COMMUNITY DISASTER LOAN ACT—

(1) In general.—Section 2(a) of the Community Disaster Loan Act of 2005 (Public Law 109–88) is amended by striking “Provided further, that notwithstanding section 417(c)(1) of the Stafford Act, such loans may not be canceled:’’.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall be effective on the date of enactment of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234).

SEC. 4503. (a) In general.—Section 201 of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234).

CHAPTER 6
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
HISTORIC PRESERVATION FUND
For an additional amount for the “Historic Preservation Fund” for grants may be used for administrative expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $10,000,000, to remain available until September 30, 2006: Provided, That funds provided under this heading shall be provided to the State Historic Preservation Officer, after consultation with the National Park Service, for grants for disaster relief in areas of Louisiana impacted by Hurricanes Katrina or Rita: Provided further, That grants shall be for the preservation, stabilization, rehabilitation, or purchase of historic properties in areas that the President determines to be a major disaster under section 102(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)) due to Hurricanes Katrina or Rita: Provided further, That individual grants shall not be subject to a non-Federal matching requirement: Provided further, That no more than 5 percent of funds provided under this heading shall be used for disaster relief grants may be used for administrative expenses.

GENERAL PROVISIONS—THIS CHAPTER
SEC. 4601. Of the disaster recovery funds from Public Law 109–234, 120 Stat. 418, 461, (June 30, 2006), chapter 5, “National Park Service—Historic Preservation Fund”, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season that were allocated to the State of Mississippi by the National Park Service, $500,000 is hereby transferred to the “National Park Service—National Recreation and Preservation” appropriation: Provided, That these funds may be used to reconstruct destroyed properties that at the time of finalization of the National Register of Historic Places, and otherwise qualified to receive these funds: Provided further, That the State Historic Preservation Officer certifies that, for the community where that destroyed property was located, the property is iconic to or essential to illustrating that community’s historic identity, that no other property in that community with the same associative historic value has survived, and that sufficient historical documentation exists to ensure an accurate reproduction.

CHAPTER 7
DEPARTMENT OF EDUCATION
HIGHER EDUCATION
For an additional amount under part B of title VII of the Higher Education Act of 1965
or Hurricane Rita; and that such States shall in turn allocate funds to local educational agencies, with priority given first to such agencies with the highest percentages of public elementary and secondary students that enroll in schools that have at least a 25% white racial or ethnic minority enrollment, to help defray the expenses (which may include lost revenue, reimbursement for expenses already incurred, and construction) incurred by such schools as a result of such hurricanes as of the date of enactment of this Act and then to such agencies with the highest percentages of public elementary and secondary students that maintain a teacher-to-student ratio of at least 25 to 1, and with any remaining amounts to be distributed to such agencies with demonstrated need, as determined by the Secretary. Provided further, That, in the case of any State that chooses to use amounts available under this heading for expenses not later than 90 days after the date of enactment of this Act, and in collaboration with local educational agencies, teachers’ unions; local principals’ organizations; local, intermediate, and business organizations; and local charter school organizations, the State educational agency shall develop a plan for a rating system with performance bonuses, not later than 30 days after such notification, establish and implement a rating system that shall be based on classroom observation and feedback more than 90 days after such request for assistance sources (including, but not limited to, principals and master teachers), and evaluated against research-based rubrics that use planning, instructional, and leadership standards to measure teacher performance, except that the requirements of this proviso shall not apply to a State that has enacted a State law in 2006 authorizing performance bonuses.

PROGRAMS TO RESTART SCHOOL OPERATIONS. Funds made available under section 102 of the Hurricane Education Recovery Act (title IV of division B of Public Law 109-148) may be used for (1) recruiting, retaining, and compensating new and current teachers, school principals, assistant principals, principal resident directors, assistant directors, and other educators who commit to work for at least three years in public elementary and secondary schools located in an area with respect to which a major disaster was declared under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, (2) recruiting, retaining, and compensating new and current teachers, school principals, assistant principals, principal resident directors, assistant directors, and other educators who previously worked or lived in one of the affected areas, are currently employed (or become employed) in such an area, are no longer employed by the States of Louisiana, Mississippi, Alabama, and Texas, and results in public elementary and secondary schools providing an effective education, including the design, adaptation, and implementation of high-quality formative assessments; (3) the establishment of partnerships with nonprofit entities with a demonstrated track record in recruiting and retaining outstanding teachers and other school-based school principals, assistant principals, principal resident directors, assistant directors, and other educators in such public elementary and secondary schools to provide an effective education, including the design, adaptation, and implementation of high-quality formative assessments; (4) activities to build the capacity, knowledge, and skills of teachers and other school-based school principals, assistant principals, principal resident directors, assistant directors, and other educators in such public elementary and secondary schools to provide an effective education, including the design, adaptation, and implementation of high-quality formative assessments; (5) paid release time for teachers and principals to identify and replicate successful practices from the fastest-improving and highest-performing schools: Provided further, That the Secretary of Education shall adopt such regulations as are necessary to implement the provisions of this section.

SEC. 4802. The proviso under the heading “Department of Housing and Urban Development—Federal Housing Assistance—Detail” of section 102 of title 24, United States Code, is amended by adding after the third proviso: ‘‘Provided, That the Federal share for any project funded from this amount shall be 90 percent.’’

DEPARTMENT OF TRANSPORTATION—FEDERAL HIGHWAY ADMINISTRATION

CHAPTER 8

DEPARTMENT OF TRANSPORTATION

FEDERAL HIGHWAY ADMINISTRATION

EMERGENCY RELIEF PROGRAM

(INCLUDING RESSION OF FUNDS)

For an additional amount for the Emergency Relief Program as authorized under section 125 of division B of Public Law 109-59, $300,000,000, to remain available until expended: Provided, That section 125(d)(1) of title 23, United States Code, shall not apply to emergency relief projects that respond to damage caused by the 2005–2006 storms in the State of California: Provided further, That of the unobligated balances of funds apportioned to each State under chapter 1 of title 23, United States Code, $871,022,000 are rescinded: Provided further, That such rescission shall not apply to the funds distributed in accordance with sections 139(f) and 143(b)(5) of title 23, United States Code; sections 123(d)(1) and 143 of title 23, United States Code, as in effect before the date of enactment of Public Law 109-59; and the first sentence of section 133(d)(3)(A) of such title.

FEDERAL TRANSIT ADMINISTRATION

FORMULA GRANTS

For an additional amount to be allocated by the Secretary to recipients of assistance under chapter 3 of title 49, United States Code, directly affected by Hurricanes Katrina or Rita, $35,000,000, for the operating and capital costs of transit services, to remain available until expended: Provided, That the Federal share for any project funded from this amount shall be 90 percent.

OFFICE OF INSPECTOR GENERAL

For an additional amount for the Office of Inspector General, for the necessary costs related to the consequences of Hurricanes Katrina and Rita, $7,000,000, to remain available until expended:

GENERAL PROVISIONS—THIS CHAPTER

SEC. 4801. The third proviso under the heading “Department of Housing and Urban Development—Public and Indian Housing—Tenant-Based Rental Assistance” in chapter 9 of title 24, United States Code, $2,000,000,000, to remain available until expended:

SECTION 4802. Section 21033 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109-289, as amended by Public Law 110-161) is amended by adding after the proviso: ‘‘Provided further, That notwithstanding the previous proviso, except for applying the 2007 Annual Adjustment Factor and making any adjustments in the funding levels that are applicable to Public Housing agencies specified in category 1 below shall receive funding for calendar year 2007 based on
May 24, 2007

CONGRESSIONAL RECORD—SENATE

S6807

the higher of the amounts the agencies would receive under the previous proviso or the amounts the agencies received in calendar year 2006, and public housing agencies specified in categories (1692) that have been placed in receivership or the Secretary, by agreement with the agency, determines that the agency can effectively use within 12 months the funding that the agency would receive under this proviso that is in addition to the funding that the agency would receive under the previous proviso: (1) public housing agencies that are eligible for assistance under section 901 in Public Law 109-148 (119 Stat. 2781) or are located in the same counties as those eligible under section 901 and operate voucher programs under section 8(o) of the United States Housing Act of 1937 but do not operate public housing under section 9 of such Act, and any public housing agency that otherwise qualifies under this category must demonstrate that they have experienced a loss of rental housing stock as a result of the 2005 hurricane season; (2) public housing agencies that would receive less funding under the previous proviso than they would receive under this proviso and that have been placed in receivership or the Secretary determines that it is in the best interest of the United States to be in breach of an Annual Contributions Contract by June 1, 2007; and (3) public housing agencies that spent more in calendar year 2006 than the total of the amounts available under such public housing agency’s allocation amount for calendar year 2006 and the amount of any such public housing agency’s available housing assistance payments undesignated under this proviso, from calendar year 2006 and the amount of any such public housing agency’s available administrative fees undesignated funds balance through calendar year 2006.

SEC. 4903. Section 901 of Public Law 109-148 is amended by deleting “calendar year 2006” and inserting “calendar years 2006 and 2007”.

CHAPTER 9

DEPARTMENT OF VETERANS AFFAIRS

DEPARTMENTAL ADMINISTRATION

CONSTRUCTION, MINOR PROJECTS

For an additional amount for Department of Veterans Affairs—Construction, Minor Projects, $19,484,500, to remain available until September 30, 2008, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season.

Of the funds available until September 30, 2007, for the “Construction, Minor Projects” account of the Department of Veterans Affairs, pursuant to section 2702 of Public Law 109-234, $14,484,754 are hereby rescinded.

TITLE V—OTHER EMERGENCY APPROPRIATIONS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

GENERAL PROVISION—THIS CHAPTER

SEC. 5101. In addition to any other available funds, there is hereby appropriated $40,000,000 to the Secretary of Agriculture, to remain available until expended, for programs and activities of the Department of Agriculture, as determined by the Secretary, to provide recovery assistance in response to damage in conjunction with the Presidential declaration of a major disaster (FEMA-1699-DR) dated May 6, 2007, for needs not met by the Federal Emergency Management Agency or private insurers: Provided, That, in addition, the Secretary may use funds provided under this section, consistent with the provisions of this Act, to respond to any other Presidential declaration of a major disaster issued under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121-5206 (the Stafford Act), declared during fiscal year 2007 for events occurring before the date of the enactment of this Act or a declaration of Agriculture disaster declaration of the Interior, declared during fiscal year 2007 for events occurring before the date of the enactment of this Act.

CHAPTER 2

DEPARTMENT OF COMMERCE

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for “Operations, Research, and Facilities” under the National Oceanic and Atmospheric Administration, $14,484,754 are hereby rescinded.

CHAPTER 3

DEPARTMENT OF DEFENSE—CIVIL

CORPS OF ENGINEERS—CIVIL INVESTIGATIONS

For an additional amount for “Investigations” for flood damage reduction studies to address flooding associated with disasters covered by Presidential Disaster Declaration FEMA-1692-DR, $8,165,000, to remain available until expended.

CONSTRUCTION

For an additional amount for “Construction” for flood control and coastal emergency activities associated with disasters covered by Presidential Disaster Declarations FEMA-1692-DR and FEMA-1694-DR, $11,200,000, to remain available until expended.

OPERATION AND MAINTENANCE

For an additional amount for “Operation and Maintenance” to dredge navigation channels related to the consequences of hurricanes of the 2005 season, $3,000,000, to remain available until expended.

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for “Flood Control and Coastal Emergencies”, as authorized by section 5 of the Act of August 18, 1941 (33 U.S.C. 701a), to support emergency operations, repairs and emergency response to flood, drought and earthquake emergencies as authorized by law, $153,300,000, to remain available until expended: Provided, That the Chief of Engineers, acting through the Assistant Secretary of the Army for Civil Works, shall provide a monthly report to the House and Senate Committees on Appropriations detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act: Provided further, That the funds provided under this heading, $7,386,000, to remain available until September 30, 2008.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For an additional amount for “Operation of the National Park System” for the detection of highly pathogenic avian influenza in wild birds, including the investigation of morbidity and mortality events, $525,000, to remain available until September 30, 2008.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For an additional amount for “Surveys, Investigations, and Research” for the detection of highly pathogenic avian influenza in wild birds, including the investigations of morbidity and mortality events, targeted surveillance in live wild birds, and targeted surveillance in hunter-taken birds, $7,386,000, to remain available until September 30, 2008.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

NATIONAL FOREST SYSTEM

For an additional amount for “National Forest System” for the implementation of a nationwide initiative to increase protection of national forest lands from drug-trafficking organizations, including funding for additional law enforcement personnel, training, equipment and cooperative agreements, $12,000,000, to remain available until expended.

WILDLAND FIRE MANAGEMENT

INCLUDING TRANSFER OF FUNDS

For an additional amount for “Wildland Fire Management”, $370,000,000, to remain available until expended, for urgent wildland fire suppression: Provided, That such funds shall only become available if funds provided previously for wildland fire suppression were transferred for wildfire suppression.

GENERAL PROVISION—THIS CHAPTER

SEC. 5401. (a) For fiscal year 2007, payments shall be made from any revenues, fees, penalties, or miscellaneous receipts described in sections 102(b)(3) and 103(b)(2) of the Secure Rural Schools and Community Self-Determination Act of 2000 (Public Law 106-393; 16 U.S.C. 500 note), which are received $100,000,000, to remain available until expended, to the maximum extent practicable, in the same amounts, for the same purposes, and in the same manner as were made to States and counties in 2006.

(b) There is appropriated $425,000,000, to remain available until December 31, 2007, to be used to cover any shortfall for payments made under this section from funds not otherwise appropriated.

(c) Titles II and III of Public Law 106-393 are amended, effective September 30, 2006, by striking “2006” and “2007” each place they appear and inserting “2007” and “2008”, respectively.
CHAPTER 5
DEPARTMENT OF HEALTH AND HUMAN SERVICES
CENTERS FOR DISEASE CONTROL AND PREVENTION
DISEASE CONTROL, RESEARCH AND TRAINING
For an additional amount for "Department of Health and Human Services, Centers for Disease Control and Prevention, Disease Control, Research and Training", to carry out section 501 of the Federal Mine Safety and Health Act of 1977 and section 6 of the Mine Improvement and New Emergency Response Act of 2006, $13,000,000, to develop mine safety technology, including necessary repairs and improvements to leased laboratories: Provided, That progress reports on technology development shall be submitted to the House and Senate Committees on Appropriations and the Committee on Health, Education, Labor and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives on a quarterly basis: Provided further, That the amount provided under this heading shall remain available until September 30, 2008.

For an additional amount for "Department of Health and Human Services, Centers for Disease Control and Prevention, Disease Control, Research and Training", to carry out activities under the Public Health Emergency Supplemental Appropriations Act to Address Hurricanes in the Gulf of Mexico and Pandemic Influenza, 2006 (Public Law 109-148), $50,000,000, to remain available until expended.

GENERAL PROVISIONS—THIS CHAPTER
INCLUIDING RECISSIONS
SEC. 5501. (a) From unexpended balances available for the Department or any program of the Employment Services account under the Department of Labor, the following amounts are hereby rescinded:

(1) $3,589,000 transferred pursuant to the 2001 Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States (Public Law 107-38);

(2) $834,000 transferred pursuant to the Emergency Supplemental Appropriations Act of 1994 (Public Law 103-21); and

(3) $71,000 for the Consortium for Worker Education pursuant to the Emergency Supplemental Appropriations Act, 2002 (Public Law 107-171).

(b) From unexpended balances available for the State Unemployment Insurance and Employment Service Operations account under the Department of Labor pursuant to the Emergency Supplemental Appropriations Act, 2002 (Public Law 107-171), $4,190,000 are hereby rescinded.

SEC. 5502. (a) For an additional amount under "Department of Education, Safe Schools and Citizenship Education", $8,594,000 shall be available for Safe and Drug-Free Schools National Programs for competitive grants to local educational agencies to address youth violence and related issues.

(b) The competition under subsection (a) shall be limited to local educational agencies that operate schools currently identified as persistently dangerous under section 5952 of the Elementary and Secondary Education Act of 1965.

SEC. 5503. Unobligated balances from funds appropriated in the Department of Defense and Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States Act, 2002 (Public Law 107–171) to the Department of Health and Human Services under the heading "Public Health and Social Services - To Fund" that are available for bioterrorism preparedness and disaster response activities in the Office of the Secretary shall also be available for the construction, improvement or renovation and asbestos abatement, to remain available until expended, of property comprising the location of the Marlin, Texas, Department of Veterans Affairs Medical Center.

For an additional amount for "Medical and Prophylactic Research", $32,500,000, to remain available until expended, which shall be used for continuation of existing grants or contracts for the United States Code.

(1) $20,000,000 shall be for Operation Enduring Freedom veterans benefits claims, including making electronic Department of Defense medical records available for claims processing and enabling electronic Department of Veterans Affairs to verify benefits applications; and

(2) $15,100,000 shall be for electronic data breach remediation and prevention.

SEC. 5702. Notwithstanding any other provision of law, appropriations made by Public Law 110–8, which the Secretary of Veterans Affairs contributes to the Department of Defense, Department of Veterans Affairs Health Care Sharing Incentive Fund under the authority of section 6111 of title 38, United States Code, shall remain available until expended for any purpose authorized by section 6111 of title 38, United States Code.

SEC. 5703. (a) The Secretary of Veterans Affairs (referred to in this section as the "Secretary") may convey to the State of Texas, without consideration, all rights, title, and interest of the United States in and to the real property comprising the location of the Marlin, Texas, Department of Veterans Affairs Medical Center.

(b) The property conveyed under paragraph (1) shall be used by the State of Texas for the purposes of a prison.

(c) Nothing in this section may be construed to affect or limit the application of or obligation
to comply with any environmental law, including section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)).

Size: 5704. (a) Funds provided in this Act for the following accounts shall be made available for programs under the conditions contained in the language of the joint explanatory statement of managers accompanying the conference report on H.R. 1591 of the 110th Congress (H. Rept. 110-107):

(1) “Medical Services”.

(2) “Medical Facilities”.

(3) “Medical and Prosthetic Research”.

(4) “General Operating Expenses”.

(5) “Information Systems”.

(6) “Construction, Minor Projects”.

(b) The amendment made by subsection (a) shall take effect as if included in the enactment of the Help America Vote Act of 2002 (42 U.S.C. 15302(a)(3)(B)) is amended by striking “January 1, 2006” and inserting “July 1, 2006”.

(c) The amendment made by subsection (a) shall be effective as if included in the enactment of the Help America Vote Act of 2002.

SEC. 6002. The structure of any of the offices or components within the Office of National Drug Control Policy shall remain as they were on October 1, 2006. None of the funds appropriated or otherwise made available in the Continuing Appropriations Resolution, 2007 (Public Law 110-15), or in any subsequent Appropriations Act of 2007, and the National Archives and Records Administration may obligate monies necessary to carry out the activities of the Public Interest Declassification Board.

SEC. 6003. Notwithstanding the notice requirement of the Transportation, Treasury, Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies Appropriations Act, 2006, 119 Stat. 2399 (Public Law 109-115), as continued in section 104 of the Continuing Appropriations Resolution, 2007 (Public Law 110-15), the District of Columbia Courts will reallocate not more than $1,000,000 of the funds provided for fiscal year 2007 under the Federal Payment to the District of Columbia Courts for facilities among the items and entities funded under that heading for operations.

SEC. 6005. (a) Not later than 90 days after the date of enactment of this Act, the Secretary of the Treasury, in consultation with the Securities and Exchange Commission and in consultation with the Departments of State and Energy, shall provide to the Senate Committee on Appropriations, the Senate Committee on Appropriations, the Senate Committee on Banking, Housing, and Urban Affairs, the House Committee on Financial Services, the Senate Foreign Relations Committee, and the House Foreign Affairs Committee a written report, which may include a classified annex, containing the names of companies which either directly or indirectly do business with the Government, including wholly-owned subsidiaries, are known to conduct significant business operations in Sudan relating to natural resource extraction activities (including the mining of minerals and oil) in Sudan, and to Sudanese officials, the reporting provision shall not apply to companies operating under licenses from the Office of Foreign Assets Control or otherwise expressly exempted under United States law from having to obtain such licenses in order to operate in Sudan. (b) Not later than 60 days after the submission to Congress of the list of companies conducting business operations in Sudan relating to natural resource extraction as required above, the Government shall determine whether the United States Government has an active contract for the procurement of goods or services with any of the identified companies, and provide notification to the appropriate committees of Congress, which may include a classified annex, regarding the companies, nature of the contract, and dollar amounts involved.


(b) For an additional amount for “Office of Inspector General”, $4,500,000, to remain available until September 30, 2008.

(c) With the additional amount of $9,336,000 appropriated in Public Law 110-5 and in this Act, above the amount appropriated in Public Law 109-115, of which $4,500,000 remains available for the preparation of the report required by the Inspector General Act of 2002.

SEC. 6007. The structure of any of the offices or components within the Office of National Drug Control Policy shall remain as they were on October 1, 2006. None of the funds appropriated or otherwise made available in the Continuing Appropriations Resolution, 2007 (Public Law 110-15), or in any subsequent Appropriations Act of 2007, and the National Archives and Records Administration may obligate monies necessary to carry out the activities of the Public Interest Declassification Board.

SEC. 6008. Notwithstanding the notice requirement of the Transportation, Treasury, Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies Appropriations Act, 2006, 119 Stat. 2399 (Public Law 109-115), as continued in section 104 of the Continuing Appropriations Resolution, 2007 (Public Law 110-15), the National Archives and Records Administration may obligate monies necessary to carry out the activities of the Public Interest Declassification Board.

SEC. 6009. Notwithstanding the notice requirement of the Transportation, Treasury, Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies Appropriations Act, 2006, 119 Stat. 2399 (Public Law 109-115), as continued in section 104 of the Continuing Appropriations Resolution, 2007 (Public Law 110-15), the National Archives and Records Administration may obligate monies necessary to carry out the activities of the Public Interest Declassification Board.

SEC. 6010. Of the funds made available through appropriations to the Food and Drug Administration for fiscal year 2007, not less than $4,000,000 shall be for the Office of Women’s Health of such Administration.

SEC. 6011. None of the funds made available to the Department of Agriculture for fiscal year 2007 may be used to implement the risk-based inspection program in the 30 prototype locations announced on February 22, 2007, by the Under Secretary for Food Safety, or at any other locations, unless the Office of Inspector General has provided its findings to the Food Safety and Inspection Service and the Committees on Appropriations of the House of Representatives and the Senate, or has included data used in support of the development and design of the risk-based inspection program and FSIS has addressed and resolved issues identified by OIG.

SEC. 6012. None of the funds made available under this or any other Act shall be used during fiscal year 2007 to make, or plan or prepare to make, any payment on bonds issued by the Administrator of the Bonneville Power Administration (referred to in this section as the “Administrator”) or for an appropriated Federal Columbia River Power System investment, if the payment is—the

(1) greater, during any fiscal year, than the payments calculated in the rate hearing of the Administrator made during that fiscal year using the repayment method used to establish the rates of the Administrator as in effect on October 1, 2006; and

(2) made conditioned on the actual or expected net secondary power sales receipts of the Administrator.


(b) For an additional amount for the General Services Administration, “Office of Inspector General”, $4,500,000, to remain available until September 30, 2008.
(6) A requirement that the Commandant of the Coast Guard assign an appropriate officer or employee of the Coast Guard to act as chair of each integrated product team and higher-level team and provide oversight of each integrated product team.

(7) A requirement that the Commandant of the Coast Guard may not award or issue any contract, in any order, that contains contract modification thereof, or other similar contract, for the acquisition or modification of an asset under a procurement subject to subsection (b) unless the Coast Guard and the contractor concerned have formally agreed to all terms and conditions or the head of contracting activity for the Coast Guard determines that a compelling need exists for the award or issue of such instrument.

(b) CONTRACTS, SUBCONTRACTS, TASK AND DELIVERY ORDERS COVERED.—Subsection (a) applies to—

(1) any major procurement contract, first-tier subcontract, delivery or task order entered into by the Coast Guard;

(2) any first-tier subcontract entered into under such a contract; and

(3) any task or delivery order issued pursuant to such an order.

(c) EXPENDITURE OF DEEPWATER FUNDS.—Of the funds available for the Integrated Deepwater Systems program, $650,000,000 may not be obligated for the Integrated Deepwater Systems Program of the Senate that

(1) the Secretary of Homeland Security may have any direct financial interest have been sufficiently addressed;

(2) the terms of the report, including a description of the process used to act upon deviations from the contractually specified performance requirements and clearly explains the actions taken on such deviations;

(3) the Secretary of Homeland Security certifies to the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate; and the Committee on Transportation and Infrastructure of the House of Representatives; the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Homeland Security, and the Committee on Commerce, Science, and Transportation of the Senate that—

(A) the entity was selected by the Department of Homeland Security as a contractor to develop or construct the system or element concerned through the use of competitive procedures; and

(B) the Department took appropriate steps to prevent any organizational conflict of interest in the selection process; or

(C) the entity was selected by a subcontractor to serve as a lower-tier subcontractor, through a process over which the entity exercised no control.

(D) CONSTRUCTION.—Nothing in this section shall be construed to preclude an entity described in subsection (a) from performing work necessary to integrate two or more individual systems or elements of a system of systems with each other.

(4) REGULATIONS UPDATE.—Not later than July 1, 2007, the Secretary of Homeland Security shall update the acquisition regulations of the Department of Homeland Security in order to specify fully in such regulations the matters with respect to lead system integrators set forth in this section. Included in such regulations shall be: (1) a precise and comprehensive definition of the term “lead system integrator”; modeled after that used by the Department of Defense; and (2) a specification of various types of contracts and fee structures that are appropriate for use by lead system integrators in the processes, methods, fielding, and sustainment of complex systems.

CHAPTER 5
GENERAL PROVISIONS—THIS CHAPTER

SEC. 6501. Section 20515 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 110–289, as amended by Public Law 110–5) is amended by inserting before the period:

“; and of which, not to exceed $47,620,000 shall be available for contract support costs under the terms and conditions contained in Public Law 110–34.”

SEC. 6502. Section 20512 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 110–289, as amended by Public Law 110–5) is amended by inserting after the first dollar amount: “; of which not to exceed $7,300,000 shall be transferred to the ‘Indian Health Facilities’ account; the amount in the second proviso shall be $18,000,000; the amount in the third proviso shall be $253,000,000; the amount in the ninth proviso shall be $242,780,000; and the $15,000,000 allocation of funding under the eleventh proviso shall not be required.”

SEC. 6503. Section 20501 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 110–289, as amended by Public Law 110–5) is amended by inserting after “$54,663,000” the following: “; of which not to exceed $13,000,000 shall be for ‘Save America’s Treasures’.”

SEC. 6504. Funds made available to the United States Fish and Wildlife Service for fiscal year 2007 under the heading “Land Acquisition” may be used for land conservation partnerships authorized by the Highlands Conservation Act of 2004.

CHAPTER 6
DEPARTMENT OF HEALTH AND HUMAN SERVICES

NATIONAL INSTITUTES OF HEALTH
NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

(TRANSFER OF FUNDS)

Of the amount provided by the Continuing Appropriations Resolution, 2007 (division B of Public Law 110–289, as amended by Public Law 110–5) for “National Institute of Allergy and Infectious Diseases”, $49,500,000 shall be transferred to “Public Health and Social Services Emergency Fund” to be used for activities relating to advanced research and development as provided by section 319L of the Public Health Service Act.

OFFICE OF THE DIRECTOR

(TRANSFER OF FUNDS)

Of the amount provided by the Continuing Appropriations Resolution, 2007 (division B of
Public Law 109–289, as amended by Public Law 110–5 for “Office of the Director”, $49,500,000 shall be transferred to “Public Health and Social Services Emergency Fund” to carry out activities and programs of research and development as provided by section 319A of the Public Health Service Act.

NATIONAL COUNCIL ON DISABILITY

SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses”, $300,000, to remain available until expended, for necessary expenses related to the requirements of the Post-Katrina Emergency Management Act of 2006, as enacted by the Department of Homeland Security Appropriations Act, 2007 (Public Law 109–289).

GENERAL PROVISIONS—THIS CHAPTER

(INCLUDING TRANSFERS OF FUNDS AND RESCISIONS)

SEC. 6601. Section 20602 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) is amended by inserting the following after “$3,000,000”:

“(together with an additional $7,000,000 which shall be transferred by the Pension Benefit Guaranty Corporation as an authority to the Secretary of Labor, pursuant to section 310(b) of the Employee Retirement Income Security Act of 1974, to be available through September 30, 2008.”

SEC. 6602. (a) None of the funds available under the Mine Safety and Health Administration under the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) shall be used to enter into or carry out a contract for the performance of services pursuant to the public-private competitions conducted under Office of Management and Budget Circular A–76.

(b) Hereafter, Federal employees at the Mine Safety and Health Administration shall be classified as inherently governmental for the purpose of the Federal Activities Inventory Reform Act of 1998, as amended.

SEC. 6603. Section 20607 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) is amended by inserting “of which $9,666,000 shall be for the Women’s Bureau,” after “for child labor activities,”.

SEC. 6604. Of the amount provided for “Department of Health and Human Services, Health Resources and Services Administration, Health Resources and Services” in the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5), $23,000,000 shall be for Poison Control Centers.

SEC. 6605. From the amounts made available by the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) for the Office of the Secretary, General Departmental Management under the Department of Health and Human Services, $500,000 are rescinded.

SEC. 6606. Section 20625(b)(1) of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) is amended by—

(1) inserting “Illinois, $17,172,594.00” and inserting “$17,172,431.00”;

(2) amending subparagraph (A) to read as follows: “(A) $5,454,824,000 shall be for basic grants under section 1124 of the Elementary and Secondary Education Act of 1965 (ESEA), of which up to $3,437,000 shall be available to the Secretary of Education on October 1, 2006, to carry out annually updated educational-agency-level census poverty data from the Bureau of the Census;”;

and

(3) amending subparagraph (C) to read as follows: “(C) $2,552,000 may be transferred from section 1008 of the ESEA and for a clearinghouse on comprehensive school reform under part D of title V of the ESEA.”.


SEC. 6608. From the amounts made available by the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5), $36,000,000 are rescinded: Provided, That such reduction shall not apply to funds available to the Office for Civil Rights and the Office of the Inspector General.

SEC. 6609. Notwithstanding sections 26369 and 26404 of the Continuing Appropriations Resolution, 2007, as amended by section 2 of the Revised Continuing Appropriations Resolution, 2007 (Public Law 110–5), the Chief Executive Officer of the Corporation for National and Community Service may transfer an amount of not more than $1,390,000 from the account under the heading “National and Community Service Programs, Operating Expenses” under the heading “Corporation for National and Community Service”, to the account under the heading “Salaries and Expenses” under the heading “Corporation for National and Community Service”.

SEC. 6610. (a) Section 1310.12(a) of title 45, Code of Federal Regulations, shall take effect 30 days after the date of enactment of this Act.

(b)(1) Not later than 60 days after the National Highway Traffic Safety Administration of the Department of Transportation submits its report on restraint anchorage systems consistent with that part 1310, the Secretary of Health and Human Services shall review and shall revise as necessary the allowable alternate vehicle standards described in that part 1310 (or any corresponding similar regulation or ruling) relating to the installation of restraint anchorage systems for child seat belt assemblies, and child restraint anchorages consistent with that part 1310 (or any corresponding similar regulation or ruling).

(2) Notwithstanding subsection (a), until such date as the Secretary of Health and Human Services completes the review and any necessary revision specified in paragraph (1), the provisions of section 1310.12(a) relating to Federal seat spacing requirements, and Federal supporting seat spacing requirements related to compartmentalization, if such vehicle meets all other applicable Federal motor vehicle safety standards, including standards for seating systems, occupant crash protection, child restraint anchorage systems consistent with that part 1310 (or any corresponding similar regulation or ruling).

SEC. 6611. (a)(1) Section 3(7)(G) of the Employee Retirement Income Security Act of 1974 (as amended by section 1106(c)(5) of the Pension Protection Act of 2006) is amended by striking “if it is a plan—” and all that follows and inserting the following: “if it is a plan sponsored by an organization which is described in section 501(c)(5) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code and which was established in Chicago, Illinois, on August 12, 1881.”.

(2) Subparagraph (E) of section 414(f) of the Internal Revenue Code of 1986 (as amended by section 1106(b) of the Pension Protection Act of 2006) is amended by striking “if it is a plan—” and all that follows and inserting the following: “if it is a plan sponsored by an organization which is described in section 501(c)(5) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code and which was established in Chicago, Illinois, on August 12, 1881.”.

(b) The amendments made by this section shall take effect as if included in section 1106 of the Pension Protection Act of 2006.

SEC. 6612. (a) Subclause (II) of section 4202(g)(2)(E)(ii) of the Internal Revenue Code of 1986 is amended by striking “if it is a plan—” and all that follows and inserting “subsection (c)(2)(D)(i)(II)” and inserting “subsection (c)(3)(D)(i)(II)”.

May 24, 2007
S6811

CONGRESSIONAL RECORD — SENATE
(b) Section 420(c)(2)(B) of the Internal Revenue Code of 1986 is amended by striking “funding shortfall” and inserting “funding target.”

(c) The amendments made by this section shall take effect as if included in the provisions of the Pension Protection Act of 2006 to which they relate.

SEC. 6613. (a) Subparagraph (A) of section 420(c)(3) of the Internal Revenue Code of 1986 is amended by striking “transfer,” and inserting “transfer or, in the case of a transfer which involves a plan maintained by an employer described in subsection (g)(1)(III), if the plan meets the requirements of subsection (f)(2)(D)(i)(II).”

(b) The amendment made by subsection (a) shall apply to transfers after the date of the enactment of this Act.

SEC. 6614. (a) Section 402(i)(1) of the Pension Protection Act of 2006 is amended by striking “December 28, 2007” and inserting “January 1, 2008.”

(b) The amendment made by subsection (a) shall take effect as if included in the provisions of the Pension Protection Act of 2006 to which such amendment relates.

CHAPTER 7
LEGISLATIVE BRANCH
HOUSE OF REPRESENTATIVES
PAYMENTS TO WIVES AND MOTHERS OF DECEASED MEMBERS OF CONGRESS
For payment to Gloria W. Norwood, widow of Charles W. Norwood, Jr., late a Representative from the State of Georgia, $165,200.
For payment to James McDonald, Jr., widower of Juanita Millender-McDonald, late a Representative from the State of California, $165,200.

GENERAL PROVISION—THIS CHAPTER
SEC. 6701. (a) There is established in the Office of the Architect of the Capitol the position of
Chief Executive Officer for Visitor Services (in this section referred to as the ‘‘Chief Executive Officer’’), which shall be appointed by the Architect of the Capitol.

(b) The Chief Executive Officer shall be responsible for the operation and management of the Capitol Visitor Center and shall be subject to the direction of the Architect of the Capitol. In carrying out these responsibilities, the Chief Executive Officer shall report directly to the Architect of the Capitol and shall be subject to policy review and oversight by the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives.

(c) The Chief Executive Officer shall be paid at an annual rate equal to the annual rate of pay of the Architect of the Capitol, as determined by the Architect of the Capitol.

(d) This section shall apply with respect to fiscal year 2007 and each succeeding fiscal year.

CHAPTER 8
GENERAL PROVISIONS—THIS CHAPTER
TECHNICAL AMENDMENT
SEC. 6801. (a) Notwithstanding any other provision of law, subsection (c) under the heading “Assistance for the Independent States of the Former Soviet Union” in Public Law 109-102, shall not apply to funds appropriated by the Continuing Appropriations Resolution, 2007 (Public Law 109-289, division B) as amended by Public Law 110-5.

(b) Section 534(k) of the Foreign Operations Appropriations Act, 2006 (Public Law 109-102), is amended by striking “transfer” and inserting “funding target.”

(c) The amendment made by this section shall take effect as if included in the provisions of the Pension Protection Act of 2006 to which such amendment relates.

CHAPTER 9
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
OFFICE OF FEDERAL MORTGAGE ENTERPRISE OVERSIGHT
SALARIES AND EXPENSES
(INCLUDING TRANSFER OF FUNDS)
For an additional amount to carry out the Federal Housing Enterprises Financial Safety and Soundness Improvement Act of 2008, $16,000,000, to remain available until expended, to be derived from the Federal Housing Enterprises Oversight Fund and to be subject to the same terms and conditions pertaining to Funds provided under this heading in Public Law 109-115: Provided, That not to exceed the total amount provided for these activities for fiscal year 2007 shall be available from the general fund of the Treasury to the extent necessary to incur obligations and make disbursements for the purpose of initiating cross-border operations beyond United States municipalities and commercial zones on the United States-Mexico border and to ensure compliance with such laws and regulations; and

(2) the Secretary of Transportation shall—
(A) take such action as may be necessary to address any issues raised in the report of the Inspector General under subsection (b)(1) and submit a report to Congress detailing such actions; and
(B) publish in the Federal Register, and provide sufficient opportunity for public notice and comment—
(i) comprehensive data and information on the pre-authorization safety audits conducted before, after the date of the enactment of this Act of motor carriers domiciled in Mexico that are granted authority to operate beyond the United States municipalities and commercial zones on the United States-Mexico border;
(ii) specific measures to be required to protect the health and safety of the public, including enforcement measures and penalties for non-compliance;
(iii) specific measures to be required to ensure compliance with section 389.11(b)(2) and section 389.11(b)(2) of title 49, Code of Federal Regulations;
(iv) specific standards to be used to evaluate the pilot program and compare any change in the level of motor carrier safety as a result of the pilot program; and
(v) a list of Federal motor carrier safety laws and regulations, including all drivers license requirements, for the Secretary of Transportation to accept compliance with a corresponding Mexican law or regulation as the equivalent to compliance with the United States laws or regulation, including for each law or regulation an analysis as to how the corresponding United States and Mexican laws and regulations differ.

(c) During and following the pilot program described in subsection (a), the Inspector General of the Department of Transportation shall monitor and review the conduct of the pilot program and submit to Congress and the Secretary of Transportation an interim report, 6 months after the commencement of the pilot program, and a final report, within 60 days after the conclusion of the pilot program. Such reports shall address whether—
(1) the Secretary of Transportation has established sufficient mechanisms to determine whether the pilot program is having any adverse effects on motor carrier safety.
(2) Federal and State monitoring and enforcement activities are sufficient to ensure that participants in the pilot program are in compliance with all applicable laws and regulations; and
(3) the pilot program consists of a representative and adequate sample of Mexico-domiciled carriers likely to engage in cross-border operations beyond United States municipalities and commercial zones on the United States-Mexico border.

(d) In the event that the Secretary of Transportation determines that the pilot program is having any adverse effects on motor carrier safety, the Secretary of Transportation may suspend or terminate the pilot program.

SEC. 6901. (a) Hereafter, funds limited or appropriated for the Department of Transportation may be obligated or expended to grant authority to a Mexico-domiciled motor carrier to operate beyond United States municipalities and commercial zones on the United States-Mexico border only to the extent that—
(1) granting such authority is first tested as part of a pilot program;
(2) such pilot program complies with the requirements of section 350 of Public Law 107-87 and the requirements of section 31315(c) of title 49, United States Code, related to pilot programs; and
(3) simultaneous and comparable authority to operate within the United States is available to motor carriers domiciled in the United States.

(b) Prior to the initiation of the pilot program described in subsection (a) in any fiscal year—
(1) the Inspector General of the Department of Transportation shall transmit to Congress and the Secretary of Transportation a report verifying compliance with each of the requirements set forth in subsection (a) through (c) of this section and shall be planned, conducted and evaluated in concert with the Department of Homeland Security or its Inspector General, as appropriate, as well as any and all security concerns associated with such cross-border operations.
SEC. 6902. Funds provided for the “National Transportation Safety Board, Salaries and Expenses” in section 2031 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) include amounts necessary to make lease payments in fiscal year 2007 only, on an obligation incurred in 2001 under a capital lease.

SEC. 7001. (a) Elimination of Remainder of SCHIP Funding Shortfalls, Tiered Match, and Other Limitation on Expenditures.—Sec-

tion 2104(h) of the Social Security Act (42 U.S.C. 1501(h), as added by section 201(a) of the National Institutes of Health Reform Act of 2006 (Public Law 109–423), is amended—

(1) in paragraph (2), by striking “REMAINDER OF FISCAL YEAR 2007 FUNDING SHORT-

FALLS.”

(2) by inserting “and” at the end of paragraph (4)(A),

(3) in paragraph (4), by striking “(A) $3.55 an hour, begin-

ning on the 60th day after the date of enactment of this Act; and

(4) in paragraph (4), by striking “(B) $7.25 an hour, begin-

ning 24 months after the date of enactment of this Act; and

(5) in paragraph (4), by striking “(C) $15.00 an hour, begin-

ning 48 months after the date of enactment of this Act.”

(b) Requirement for Use of Tamper-Resistant Prescription Pads Under the Medicaid Program.—

(1) In general.—Section 1903(i) of the Social Security Act (42 U.S.C. 1396d(i)) is amended—

(A) by striking “or” at the end of paragraph (2);

(B) by striking the period at the end of paragraph (2) and inserting “; and”; and

(C) by striking paragraph (3).

(2) Effective date.—The amendments made by paragraph (1) shall apply to prescriptions ex-

ecuted after December 31, 2009.

SEC. 7003. (a) Application to Certain Pharmacy Plus Waivers.—

(1) Authority to continue to operate waivers.—Notwithstanding any other provision of law in a State that is operating a Pharmacy Plus waiver described in paragraph (2) which would otherwise expire on June 30, 2007, may elect to continue to operate the waiver through December 31, 2009, and if a State elects to con-
tinue to operate such a waiver, the Secretary of Health and Human Services shall apportion the

continuation of the waiver through December 31, 2009.

(b) Pharmacy Plus Waiver Described.—For purposes of paragraph (1), a Pharmacy Plus waiver approved by the Secretary of Health and Human Services under the authority of section 1115 of the Social Security Act (42 U.S.C. 1315) that provides coverage for prescription drugs for individuals who have attained age 65 and whose family income does not exceed 200 percent of the poverty line (as defined in section 211(c)(5)) of such Act (42 U.S.C. 1315(c)(5)).

TITLE VII—FAIR MINIMUM WAGE AND TAX RELIEF

Subtitle A—Fair Minimum Wage

SEC. 8010. SHORT TITLE.

This title may be cited as the “Fair Minimum Wage Act of 2007.”

SEC. 8020. MINIMUM WAGE.

(a) In General.—Section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) as amended by subsection (a) shall apply to the Fair Minimum Wage Act of 2007 in the following manner:

(1) except as otherwise provided in this section, not less than—

(A) $5.85 an hour, beginning on the 60th day after the date of enactment of the Fair Minimum Wage Act of 2007;

(B) $6.55 an hour, beginning 12 months after that 60th day; and

(C) $7.25 an hour, beginning 24 months after that 60th day.

(b) Effective Date.—The amendment made by subsection (a) shall take effect 60 days after the date of enactment of this Act.

SEC. 8030. APPLICABILITY OF MINIMUM WAGE TO AMERICAN SAMOA AND THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.

(a) In General.—Section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206) shall apply to American Samoa and the Commonwealth of the Northern Mariana Islands.

(b) Transition.—Notwithstanding subsection (a), the minimum wage applicable to the Commonweal-

th of the Northern Mariana Islands under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) shall be—

(A) $3.55 an hour, beginning on the 60th day after the date of enactment of this Act; and
SEC. 8104. STUDY ON PROJECTED IMPACT.

(a) STUDY.—Beginning on the date that is 60 days after the date of enactment of this Act, the Secretary of Labor shall, through the Bureau of Labor Statistics, conduct a study to—

(1) assess the impact of the wage increases required by this Act through such date; and

(2) project the impact of any further wage increases, on living standards and rates of employment in American Samoa and the Commonwealth of the Northern Mariana Islands.

(b) REPORT.—Not later than the date that is 8 months after the date of enactment of this Act, the Secretary of Labor shall transmit to Congress a report on the findings of the study required by subsection (a).

Subtitle B—Small Business Tax Incentives

SEC. 8201. SHORT TITLE; AMENDMENT OF CODE; RULE OF CONTENTS.

(a) SHORT TITLE.—This subtitle may be cited as the “Small Business and Work Opportunity Tax Act of 2007.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents in such section shall be as follows:

Sec. 8201. Short title; amendment of Code; table of contents.

PART 1—SMALL BUSINESS TAX RELIEF PROVISIONS

Subpart A—General Provisions

Sec. 8211. Extension and modification of work opportunity tax credit.

Sec. 8212. Extension and increase of expensing provisions.

Sec. 8213. Determination of credit for certain taxes paid with respect to employment tax.

Sec. 8214. Waiver of individual and corporate alternative minimum tax limits on work opportunity credit and credits for paid qualified family and medical leave.

Sec. 8215. Family business tax simplification.

Sec. 8221. Extension of increased expensing for qualified section 179 Gulf Opportunity Zone property.

Sec. 8222. Extension and expansion of low-income housing credit rules for buildings in the GO Zones.

Sec. 8223. Specification of special financing rule for repairs and reconstructions of residences in the GO Zones.

Sec. 8224. Expansion of qualified employment practices by State and local governments in allocating and utilizing tax incentives provided pursuant to title XI of the Gulf Opportunity Zone Act of 2005.

Sec. 8231. Capital gain of S corporation not treated as passive investment income.

Sec. 8232. Treatment of bank director shares.

Sec. 8233. Special rule for bank required to change from the reserve method of accounting on becoming S corporation.

Sec. 8234. Treatment of the sale of interest in a qualified subchapter S subsidiary.

Sec. 8235. Elimination of all earnings and profits attributable to pre-1983 years.

Sec. 8236. Deductibility of interest expense on indebtedness incurred by an electing small business trust to acquire S corporation.

PART 2—REVENUE PROVISIONS

Sec. 8241. Increase in age of children whose unearned income is taxed as if parent's income.

Sec. 8242. Secured transactions of certain penalties and interest.

Sec. 8243. Modification of collection due process procedures for employment tax liabilities.

Sec. 8244. Permanent extension of IRS user fees.

Sec. 8245. Increased penalty for bad checks.

Sec. 8246. Understatement of taxpayer liability.

Sec. 8247. Special rule for bank required to change from the reserve method of accounting on becoming S corporation.

Sec. 8248. Penalty for filing erroneous refund claims.

Sec. 8249. Time for payment of corporate estimated taxes.

SEC. 8210. EXTENSION OF DEFINED VETERANS UNDER THE WORK OPPORTUNITY TAX CREDIT.

(A) IN GENERAL.—Subparagraph (A) of section 51(d)(3) (relating to qualified veteran) is amended by striking “agency” as being a member of a family receiving as-...certain definitions.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect 60 days after the date of enactment of this Act.

SEC. 8211. EXTENSION AND MODIFICATION OF WORK OPPORTUNITY TAX CREDIT.

(a) EXTENSION.—Section 51(c)(4)(B) (relating to termination) is amended by striking “December 31, 2007” and inserting “August 31, 2011”.

(b) INCREASE IN MAXIMUM AGE FOR DESIGNATED COMMUNITY RESIDENTS.—

(1) IN GENERAL.—Paragraph (5) of section 51(d) is amended to read as follows:

(5) DESIGNATED COMMUNITY RESIDENTS.—

(1) IN GENERAL.—The term ‘designated community resident’ means any individual who is certified by the designated local agency—

(i) as having attained age 18 but not age 40 on the hiring date, and

(ii) as having his principal place of abode within an empowerment zone, enterprise community, renewal community, or rural renewal county.

(2) INDIVIDUAL MUST CONTINUE TO RESIDE IN ZONE, COMMUNITY, OR COUNTY.—In the case of a designated community resident, the term ‘qualified wages’ shall not include wages paid or incurred for services performed while the individual’s principal place of abode is outside an empowerment zone, enterprise community, renewal community, or rural renewal county.

(3) RURAL COMMUNITY.—For purposes of this paragraph, the term ‘rural renewal county’ means any county which—

(1) is outside a metropolitan statistical area defined by the Office of Management and Budget, and

(2) during the 5-year periods 1990 through 1995 and 1995 through 1999 had a net population loss.

(c) CONFORMING AMENDMENTS.—Subparagraph (D) of section 51(d)(1) is amended to read as follows:

(3) D designates the community resident.

(d) CLARIFICATION OF TREATMENT OF INDIVIDUALS UNDER INDIVIDUAL WORK PLANS.—Subparagraph (B) of section 51(d)(6) (relating to vocational rehabilitation referral) is amended by striking “or” at the end of clause (i), by striking “at the end of clause (ii)” and inserting “or”, and by adding at the end the following new clause:

(3) an individual work plan developed and implemented by an employer pursuant to subsection (g) of section 1114 of the Social Security Act with respect to which the requirements of such subsection are met.

(3) OTHER DEFINITIONS.—For purposes of subparagraph (A), the term ‘compensation’ and ‘service-connected’ have the meanings given under section 101 of title 38, United States Code.

(2) INCREASE IN AMOUNT OF WAGES TAKEN INTO ACCOUNT FOR DISABLED VETERANS.—Subparagraph (3) of section 51(b)(1)(B) is amended—

(A) by inserting “$12,000 per year in the case of any individual who is a qualified veteran by reason of subsection (d)(3)(A)(ii)” before the period at the end, and

(B) by striking “ONLY FIRST $6,000 OF” in the heading and inserting “LIMITATION ON”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to individuals who begin work for the employer after the date of the enactment of this Act.

SEC. 8212. EXTENSION AND INCREASE OF EXPENSING FOR SMALL BUSINESS.

(a) EXTENSION.—Subsections (b)(1), (b)(2), (b)(3), (c)(2), and (d)(1)(A)(ii) of section 179 (relating to election to expense certain depreciable business assets) are each amended by striking “2010” and inserting “2011”.\n
(b) INCREASE IN LIMITATIONS.—Subsection (b) of section 179 is amended—

(1) by striking “$100,000 in the case of taxable years beginning after 2002” in paragraph (1) and inserting “$125,000 in the case of taxable years beginning after 2002”; and

(2) by striking “$400,000 in the case of taxable years beginning after 2002” in paragraph (2) and inserting “$500,000 in the case of taxable years beginning after 2006”.

(c) INFLATION ADJUSTMENT.—Subparagraph (A) of section 179(b)(5) is amended—

(1) by striking “2001” and inserting “2007”, and

(2) by striking “$100,000 and $400,000” and inserting “$125,000 and $500,000”, and
(3) by striking “2002” in clause (ii) and inserting “2006”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

SEC. 8213. DETERMINATION OF CREDIT FOR CERTAIN TAXES PAID WITH RESPECT TO EMPLOYEE CASH TIPS.

(a) IN GENERAL.—Subparagraph (B) of section 45B(b)(1) is amended by inserting “as in effect on January 1, 2007,” and “at the end of the period of such project.”

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to tips received for services performed after December 31, 2006.

SEC. 8214. WAIVER OF INDIVIDUAL AND CORPORATION ALTERNATIVE MINIMUM TAX LIMITS ON WORK OPPORTUNITY CREDIT AND CREDIT FOR TAXES PAID TO FOREIGN GOVERNMENT WITH RESPECT TO EMPLOYEE CASH TIPS.

(a) ALLOWANCE AGAINST ALTERNATIVE MINIMUM TAX.—Subparagraph (B) of section 38(c)(4) is amended by striking “and” at the end of clause (i), by inserting a comma at the end of clause (ii), and by adding at the end the following new clauses:

“(iii) the credit determined under section 45B, and

“(iv) the credit determined under section 51.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to credits determined under sections 45B and 51 of the Internal Revenue Code of 1986 in taxable years beginning after December 31, 2006, and to carrybacks of such credits.

SEC. 8215. FAMILY BUSINESS TAX SIMPLIFICATION.

(a) IN GENERAL.—Section 761 (defining terms—“partner,” “partnership,” “joint venture,” “qualified joint venture,” “joint trade or business,” and “partnership income”) is amended by striking “net earnings from self-employment”) is amended by striking “as in effect on January 1, 2007, and

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to services performed after December 31, 2006.

SEC. 8216. EXTENSION AND EXPANSION OF QUALIFIED ZONES AS DIFFICULT DEVELOPMENT AREAS.

(a) IN GENERAL.—Subsection (b) of section 42(d)(2) is amended by inserting “as in effect on January 1, 2007, and

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

SEC. 8217. CREDIT FOR TAXES PAID TO FOREIGN GOVERNMENT.

(a) IN GENERAL.—Subparagraph (C) of section 967(b) is amended by striking “(other than stock and securities)” and “in respect of which Federal loan solely by reason of any assistance provided by the United States or a State to such project or development.”

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to services performed after December 31, 2006.

SEC. 8218. INCREASED BENEFITS FOR VETERANS AND THEIR SPOUSES.

(a) IN GENERAL.—Subparagraph (D) of section 101(b)(3)(B) is amended by inserting “as in effect on January 1, 2007, and

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

SEC. 8219. FAMILY BUSINESS TAX SIMPLIFICATION.

(a) IN GENERAL.—Section 761 (defining terms—“partner,” “partnership,” “joint venture,” “qualified joint venture,” “joint trade or business,” and “partnership income”) is amended by striking “net earnings from self-employment”) is amended by striking “as in effect on January 1, 2007, and

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to services performed after December 31, 2006.

SEC. 8220. INCENTIVES FOR NEW COMPUTER SIMULATION TECHNOLOGY.

(a) IN GENERAL.—The amendment made by section 41(f)(7)(E)(vi) of the Internal Revenue Code of 1986 is amended by striking “as in effect on January 1, 2007, and

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

SEC. 8221. EXTENSION OF INCREASED EXPENSING FOR QUALIFIED ZONES AND GO OPPORTUNITY ZONE PROPERTY.

(a) IN GENERAL.—Subparagraph (B) of section 168(l)(4) is amended by inserting “as in effect on January 1, 2007, and

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

Subpart B—Gulf Opportunity Zone Tax Incentives

SEC. 8222. EXTENSION AND EXPANSION OF LOW-INCOME HOUSING CREDIT RULES FOR BUILDINGS IN THE GO ZONES.

(a) TIME FOR MAKING LOW-INCOME HOUSING CREDIT ALLOCATIONS.—Subsection (c) of section 42(d)(3) (relating to low-income housing credit) is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (5) the following new paragraph:

“(6) such period begins on January 1, 2007, and

(b) INCLUSION OF ELIGIBLE REPAIRS.—Subsection (d)(3)(A) of section 42(d) is amended by striking “as in effect on January 1, 2007, and

(c) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2006.

SEC. 8223. EXTENSION OF SECTION 45B(b)(1).—Subsection (a) of section 45B(b)(1) is amended by inserting “as in effect on January 1, 2007, and

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to the period of such project.

Subpart C—Subsidies

SEC. 8231. CAPITAL GAIN OF S CORPORATION NOT TREATED AS PASSIVE INVESTMENT INCOME.

(a) IN GENERAL.—Section 1362(b)(2)(D) is amended by striking subparagraphs (B), (C), (D), (E), and (F) and inserting the following new subparagraphs:

“(B) the gain recognized on the disposition of the property shall be treated as capital gain from the sale of property to the extent to which the basis of the property was increased under section 1231 by reason of the disposition of the property to another person at a loss.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

Subpart D—Subsidies

SEC. 8232. GAO STUDY OF PRACTICES EMPLOYED BY STATE AND LOCAL GOVERNMENTS IN ALLOCATING AND UTILIZING TAX INCENTIVES PROVIDED PURSUANT TO THE GULF OPPORTUNITY ZONE ACT OF 2005.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the practices employed by State and local governments, and subdivisions thereof, in allocating and utilizing tax incentives provided pursuant to the Gulf Opportunity Zone Act of 2005 and this Act.

(b) SUBMISSION OF REPORT.—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit a report on the findings of the study conducted under subsection (a) and shall include therein a list of findings and recommendations. The report shall be submitted to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate.

(c) CONGRESSIONAL HEARINGS.—In the case that the report submitted under this section includes findings of significant fraud, waste or abuse, each Committee specified in subsection (b) shall, within 60 days after the date the report is submitted under subsection (b), hold a public hearing to review such findings.

Subpart E—Subsidies

SEC. 8233. SPECIAL TAX-EXEMPT BOND FUNDING RULE FOR REPAIRS AND RECONSTRUCTION OF RESIDENCES IN THE GO ZONES.

(a) IN GENERAL.—For purposes of section 1400Q relating to tax-exempt bond financing is amended by adding at the end the following new paragraph:

“(7) RULES FOR REPAIRS AND RECONSTRUCTION.—

(b) QUALIFIED GO ZONE REPAIR OR RECONSTRUCTION.—For purposes of subparagraph (A), the term ‘qualified GO Zone repair or reconstruction’ means any repair of damage caused by Hurricane Katrina, Hurricane Rita, or Hurricane Ike pursuant to such provisions of the Code as are applicable to Gulf Opportunity Zone Act of 2006. Sec. 6624. Finance Committee direction.

Subpart F—Subsidies

SEC. 8234. INCOME TAX CREDITS AND TAX LIMITS ON WORK OPPORTUNITY CREDIT AND CREDIT FOR TAXES PAID TO FOREIGN GOVERNMENT.

(a) IN GENERAL.—Subsection (b) of section 1400N(c)(3) is amended by striking “as in effect on January 1, 2007, and

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2006.

Subpart G—Special Rules

SEC. 8235. TREATMENT OF DISPOSALS DURING THE 2007-2008 ECONOMIC CRISIS.

(a) IN GENERAL.—Subsection (a) of section 1246(c) is amended by striking “as in effect on January 1, 2007, and

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to services performed after December 31, 2006.

Subpart H—Subsidies

SEC. 8236. MODIFIED 1231 GAIN RULES FOR DISPOSALS OF BUILDINGS IN ZONES AS DIFFICULT DEVELOPMENT AREAS.

(a) IN GENERAL.—Subsection (a) of section 1231(l) is amended by striking “as in effect on January 1, 2007, and

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to services performed after December 31, 2006.

Subpart I—Subsidies

SEC. 8237. SUBJECT TO OBLIGATION ACTIVITIES OF THE GO ZONES.

(a) IN GENERAL.—Subsection (5)(A)(ii)(II) of section 1400N(c)(3) is amended by striking “as in effect on January 1, 2007, and

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to services performed after December 31, 2006.

Subpart J—Subsidies

SEC. 8238. DISPOSAL OF ZONES AS DIFFICULT DEVELOPMENT AREAS.

(a) IN GENERAL.—Subsubsection (b)(2)(A) of section 1400N(c)(3) is amended by striking “as in effect on January 1, 2007, and

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to services performed after December 31, 2006.

Subpart K—Subsidies

SEC. 8239. ZONES ANDEASEMENT AND EXPANSION.

(a) IN GENERAL.—Subsection (a) of section 1400N(c)(3) is amended by striking “as in effect on January 1, 2007, and

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to services performed after December 31, 2006.
‘‘(C) Passive investment income defined.—

‘‘(1) In general.—Except as otherwise provided in this subparagraph, the term ‘passive investment income’ means gross receipts derived from royalties, rents, dividends, interest, and annuities.

‘‘(2) Exception for interest on notes from sales of property.—The term ‘passive investment income’ shall not include interest on any obligation acquired in the ordinary course of the corporation’s trade or business from its sale of property described in section 1221(a)(1).

‘‘(3) Treatment of certain lending or finance companies.—If the corporation meets the requirements of section 542(c)(6) for the taxable year, the term ‘passive investment income’ shall not include gross receipts for the taxable year which are derived directly from the active and regular conduct of a lending or finance business described in section 542(d)(1).

‘‘(4) Treatment of certain dividends.—If an S corporation holds stock in a corporation meeting the requirements of section 1904(a)(2), the term ‘passive investment income’ shall not include dividends from such S corporation to the extent such dividends are attributable to the earnings and profits of such S corporation derived from the active conduct of a trade or business.

‘‘(5) Exception for banks, etc.—In the case of a bank (as defined in section 581) or a depository institution holding company (as defined in section 3(w)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1813(u)(1)), the term ‘passive investment income’ shall not include—

‘‘(a) interest income earned by such bank or company, or

‘‘(b) dividends on assets required to be held by such bank or company, including stock in the Federal Reserve Bank, the Federal Home Loan Bank, or the Federal Agricultural Mortgage Bank or participation certificates issued by a Federal Intermediate Credit Bank.

‘‘(6) Effective date.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 8232. TREATMENT OF BANK DIRECTOR SHARES.

(a) In general.—Section 1361 (defining S corporation) is amended by adding at the end the following new subsection:

‘‘(f) Restricted bank director stock.—

‘‘(1) In general.—Restricted bank director stock shall not be taken into account as outstanding stock of the S corporation in applying this subchapter (other than section 1368)(i).

‘‘(2) Termination by reason of sale of stock.—If the S corporation derives alternative minimum tax credit from sale of S corporation stock (as defined in section 38(h)(1) of the Internal Revenue Code of 1986, as added by this section), then that portion of the corporation’s earnings and profits attributable to restricted bank director stock shall be included in the basis of the corporation’s stock.

‘‘(b) Effective date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

SEC. 8233. RULE FOR BANK REQUIRED TO CHANGE FROM THE RESERVE METHOD ON BECOMING S CORPORATION.

(a) In general.—Section 1361, as amended by this Act, is amended by adding at the end the following new subsection:

‘‘(g) Special rule for bank required to change from the reserve method on becoming S corporation.—In the case of a bank which begins the active conduct of a trade or business (as defined in section 542(d)(1)) after the date of the enactment of this Act, the bank may elect to take into account any adjustments under section 481 by reason of such change on the first taxable year immediately preceding such first taxable year.

(b) Effective date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

SEC. 8234. TREATMENT OF THE SALE OF INTEREST IN A QUALIFIED SUBCHAPTER S CORPORATION.

(a) In general.—Subparagraph (A) of section 1361(b)(3) (relating to treatment of terminations of qualified subchapter S subsidiary status) is amended—

‘‘(1) by striking ‘‘For purposes of this title,’ and inserting the following:

‘‘(1) For purposes of this title,’;

‘‘(2) by inserting at the end the following new clause:

‘‘(II) the sale were followed by an acquisition by such corporation of all of its assets (and the assumption by such corporation of all of its liabilities) in a transaction to which section 351 applies.’’;

(b) Effective date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

SEC. 8235. ELIMINATION OF ALL EARNINGS AND PROFITS ATTRIBUTABLE TO PRECEDING YEARS FOR CERTAIN CORPORATIONS.

In the case of a corporation which—

‘‘(1) is described in section 1311(a)(4) of the Small Business Job Protection Act of 1996, and

‘‘(2) is not described in section 1311(a)(2) of such Act,

the amount of such corporation’s accumulated earnings attributable to any preceding taxable year beginning after the date of the enactment of this Act shall be reduced by an amount equal to the portion (if any) of such accumulated earnings which is allocable to any taxable year beginning before January 1, 1983, for which such corporation was an electing small business corporation under subchapter S of the Internal Revenue Code of 1986.

SEC. 8236. DEDUCTIBILITY OF INTEREST EXPENSE ON INDEBTEDNESS INCURRED BY AN ELECTING SMALL BUSINESS TRUST TO ACQUIRE S CORPORATION STOCK.

(a) In general.—Subparagraph (C) of section 664(c)(2) (relating to modifications) is amended by inserting after clause (iii) the following new clause:

‘‘(iv) Any interest expense paid or accrued on indebtedness incurred to acquire stock in an S corporation.’’;

(b) Effective date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

PART 2—REVENUE PROVISIONS

SEC. 8241. INCREASE IN AGE OF CHILDREN WHOSE UNEARNED INCOME IS TAXED AS IF PARENT’S INCOME.

(a) In general.—Subparagraph (A) of section 1(g)(2) (relating to child to whom subsection applies) is amended to read as follows:

‘‘(A) such child—

‘‘(i) has not attained age 18 before the close of the taxable year, or

‘‘(ii) has not attained age 24 before the close of the taxable year and is a full-time student (as defined in section 2221(b)(5)) for such taxable year.’’;

(b) Conforming amendments.—Subsection (g) of section 1 is amended by striking ‘‘MINOR’’ in the heading thereof.

(c) Effective date.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 8242. SUSPENSION OF CERTAIN PENALTIES AND INTEREST.

(a) In general.—Paragraphs (1)(A) and (3)(A) of section 6649(f) (relating to jeopardy and State refund collection) is amended—

‘‘(1) by striking ‘‘; or’’ at the end of paragraph (1) and inserting a comma,

‘‘(2) by adding ‘‘; or’’ at the end of paragraph (2), and

‘‘(3) by inserting after paragraph (2) the following new paragraph:

‘‘(2) The Secretary has served a disqualified employment tax levy.’’;

(b) Disqualified Employment Tax Levy.—

Section 6649 of such Code (relating to notice and opportunity for hearing before levy) is amended by striking at the end the following new subsection:

‘‘(h) Disqualified Employment Tax Levy.—

For purposes of subsection (f), a disqualified employment tax levy is any levy in connection with the collection of employment taxes for any taxable period if the person subject to the levy made any request for a hearing under this section with respect to unpaid employment taxes arising in the most recent 2-year period before the beginning of the taxable period with respect to which the levy is served. For purposes of this paragraph, the term ‘employment taxes’ means any taxes under chapters 21, 22, or 24.’’. 
The amendments made by this section shall apply to returns prepared after the date of the enactment of this Act.

SEC. 8245. INCREASE IN PENALTY FOR BAD CHECKS AND MONEY ORDERS.

(a) In General.—Section 6629 (relating to bad checks) is amended by striking paragraph (8) and inserting the following:

(8)(A) $750,

and inserting “$2,500, and”.

(8)(B) 50 percent of the income derived (or to be derived) by the tax return preparer with respect to each such return or claim in an amount equal to the greater of—

(A) $5,000, or

(B) 50 percent of the income derived (or to be derived) by the tax return preparer with respect to the return or claim.

SEC. 8246. UNDERSTATEMENT OF TAXPAYER LIABILITY BY RETURN PREPARERS.

(a) APPLICATION OF RETURN PREPARER PENALTIES TO ALL TAX RETURNS.—

(1) DEFINITION OF TAX RETURN PREPARER.—Paragraph (36) of section 7602 (relating to income tax preparer) is amended—

(A) by striking “income” each place it appears and inserting “tax return preparer”;

(B) by striking “any” and inserting “a”;

(C) by striking “section 6694 are amended to read as follows:

(a) CIVIL PENALTY.—If a claim for refund or credit with respect to income tax (other than a claim for a refund or credit relating to the earned income credit under section 32) is made and is subsequently disallowed under part II of subchapter B of chapter 68, the tax return preparer which is—

(1) a tax return preparer

who prepares any return or claim for refund with respect to which any part of an understatement of liability is due to a conduct described in paragraph (2) shall pay a penalty with respect to each such return or claim in an amount equal to the greater of—

(A) $5,000, or

(B) 50 percent of the income derived (or to be derived) by the tax return preparer with respect to the return or claim.

(2) WILLFUL OR RECKLESS CONDUCT.—Conduct described in this paragraph is conduct by the tax return preparer which is—

(A) a willful attempt in any manner to understate the liability for tax on the return or claim, or

(B) a reckless or intentional disregard of rules or regulations.

(b) DEFERENCE TO OTHER PENALTIES.—The amount of any penalty payable by any person by reason of this subsection for any return or claim for refund shall be reduced by the amount of the penalty paid by such person by reason of subsection (a).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to returns prepared after the date of the enactment of this Act.

SEC. 8247. PENALTY FOR FILING ERRONEOUS REFUND CLAIMS.

(a) IN GENERAL.—Part I of subchapter B of chapter 68 (relating to assessable penalties) is amended by inserting after section 6673 the following new section:

SEC. 6676. ERRONEOUS CLAIM FOR REFUND OR CREDIT.

(a) CIVIL PENALTY.—If a claim for refund or credit with respect to income tax (other than a claim for a refund or credit relating to the earned income credit under section 32) is made and is subsequently disallowed under part II of subchapter B of chapter 68, the tax return preparer which is—

(1) a tax return preparer

who prepares any return or claim for refund with respect to which any part of an understatement of liability is due to a conduct described in paragraph (2) shall pay a penalty with respect to each such return or claim in an amount equal to the greater of—

(A) $5,000, or

(B) 50 percent of the income derived (or to be derived) by the tax return preparer with respect to the return or claim.

(2) UNREASONABLE POSITION.—A position is described in this paragraph if—

(1) in general.—Any tax return preparer who prepares any return or claim for refund with respect to which any part of an understatement of liability is due to a conduct described in paragraph (2) shall pay a penalty with respect to each such return or claim in an amount equal to the greater of—

(A) $5,000, or

(B) 50 percent of the income derived (or to be derived) by the tax return preparer with respect to the return or claim.

(2) UNREASONABLE POSITION.—A position is described in this paragraph if—

SEC. 8248. TIME FOR PAYMENT OF CORPORATE FEDERAL INCOME TAX.

Subparagraph (B) of section 401(I) of the Tax Increase Prevention and Reconciliation Act of
to assist small entities in complying with the
Code, the agency shall publish 1 or more guides
under section 605(b) of title 5, United States

prepare a final regulatory flexibility analysis
related rules for which an agency is required to
group of related rules.

coverings groups or classes of similarly affected
entities. Agencies may prepare separate guides
guide is written using sufficiently plain lan-
guage likely to be understood by affected small
entities.

(2) PUBLICATION OF GUIDES.—The publica-
tion of each guide under this subsection shall include—

(A) the posting of the guide in an easily
identified location on the website of the agency; and

(B) distribution of the guide to known indus-
try consolidated small entities, associations,
or industry leaders affected by the rule.

(3) PUBLICATION DATE.—An agency shall
publish each guide (including the posting and
distribution of the guide as described under paragraph (2))—

(A) on the same date as the date of publica-
dation of the final rule (or as soon as possible after
that date); and

(B) not later than the date on which the re-
quirements of that rule become effective.

(4) COMPLIANCE ACTIONS.—

(A) IN GENERAL.—Each guide shall explain
the actions a small entity is required to take to
comply with a rule.

(B) EXPLANATION.—The explanation under subparagraph (A)—

(i) shall include a description of actions
needed to meet the requirements of a rule, to
enable a small entity to know when such require-
ments are met; and

(ii) if determined appropriate by the agency,
may include a description of possible proce-
dures, such as conducting tests, that may assist
a small entity in meeting such requirements, ex-
cept that, compliance with any procedures de-
scribed in this section does not establish
compliance with the rule, or establish a pre-
sumption or inference of such compliance.

(C) PROCEDURES.—Procedures under subsection (B)—

(i) shall be suggestions to assist small enti-
ties; and

(ii) shall not be additional requirements,
or diminish requirements, relating to the rule.

(5) AGENCY PREPARATION OF GUIDES.—The agency shall, in its sole discretion, taking into
account the subject matter of the rule and the
language and content of the rule, ensure that the
guide is written using sufficiently plain lan-
guage likely to be understood by affected small
entities. Agencies may prepare separate guides
covering groups of similarly affected small
entities and may cooperate with associa-
tions of small entities to develop and
distribute such guides. An agency may prepare guides
and apply this section with respect to a rule or a

(6) REPORTING.—Not later than 1 year after the
date of enactment of the Fair Minimum Wage
Act of 2007, and annually thereafter, the
head of each agency shall submit a report to the,
Committee on Small Business and Entrepreneur-
ship of the Committee on Small Business of the House of Representatives, and
any other committee of relevant jurisdiction de-
scribing the status of the agency’s compliance
with provisions of this section.

(b) TECHNICAL AND CONFORMING AMEND-
MENT.—Section 211(3) of the Small Business
Regulatory Enforcement Fairness Act of 1996 (5
U.S.C. 601 note) is amended by inserting “and
entitled” after “designated”.

SEC. 6303. SMALL BUSINESS CHILD CARE GRANT
PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Health
and Human Services (referred to in this section as
the “Secretary”) shall establish a program to
award grants provided on a competitive basis,
to assist States in providing funds to encourage
the establishment and operation of employer-oper-
ated child care programs.

(b) APPLICABILITY.—To be eligible to receive a
grant under this section, a State shall prepare
and submit to the Secretary an application at
such time, in such manner, and containing such
information as the Secretary may require, in-
cluding an assurance that the funds required
under subsection (e) will be provided.

(c) AMOUNT AND PERIOD OF GRANT.—The Sec-
retary shall determine the amount of a grant to
a State under this section based on the popu-
lation of the State as compared to the popu-
lation of all States receiving grants under this
section. The Secretary shall make the grant for a
period of 3 years.

(d) USE OF FUNDS.—(1) IN GENERAL.—A State shall use amounts
provided under a grant awarded under this sec-
tion to provide assistance to small businesses (or
consortia formed in accordance with paragraph
(3)) located in the State business (or
consortia) to establish and operate child care programs. Such assistance may in-
clude—

(A) technical assistance in the establishment
of a child care program;

(B) assistance for the startup costs related
to a child care program;

(C) assistance for the training of child care
providers;

(D) scholarships for low-income wage
earners;

(E) the provision of services to care for sick
children or to provide care to school-aged chil-
dren;

(F) the entering into of contracts with local
resource and referral organizations or local
health departments;

(G) assistance for care with children with
disabilities;

(H) payment of expenses for renovation or
operation of a child care facility; or

(i) assistance for any other activity deter-
mined appropriate by the State.

(2) ELIGIBILITY.—To be eligible for a small busi-
ness or consortium to be eligible to receive assist-
ance from a State under this section, the small
business involved shall prepare and submit to
the State an application at such time, in such
manner, and containing such information as the
Secretary may require, including an assurance
that the funds required under subsection (e)
will be provided.

(3) PREFERENCE.—In providing assistance
under this section, the Secretary shall give prior-
ity to small businesses and consortia that, in such
manner, and containing such information as the
Secretary may require.

(4) LIMITATIONS.—With respect to grants
received under this section, a State may not
provide in excess of $350,000 in assistance from
such funds to any single applicant.

(e) MATCHING REQUIREMENT.—To be eligible
to receive a grant under this section, a State shall
provide assurances to the Secretary that, with
respect to funds received under this grant to
cover the costs described in subsection (b),

(i) the State shall provide an amount
equal to the amount of assistance provided to the
covered entity under the grant; and

(ii) the State shall require the covered
entity receiving assistance under a grant
awarded under this section to maintain a mis-
used assistance account. The funds in such an
account may be used to reimburse the
covered entity receiving assistance under a
grant awarded under this section and to
meet the expenses of the agency staff
involved in the administration of that
grant.

(f) REPORTING.—Not later than 2 years after
the date on which the Secretary first awards
grants under this section, the State shall conduct a study to determine—

(i) the capacity of covered entities to meet
the child care needs of communities within States;

(ii) the kinds of consortia that are being
formed with respect to child care at the local
level, and to carry out programs funded under this
section; and

(iii) who is using the programs funded under this
section and the income levels of such indi-
aviduals

(g) STATE-LEVEL ACTIVITIES.—A State may
not retain more than 5 percent of the amount
described in subsection (c) for State administra-
tion and other State-level activities.

(h) ADMINISTRATION.—(1) STATE RESPONSIBILITY.—A State shall have
responsibility for administering a grant awarded
for the State under this section and for moni-
toring covered entities that receive assistance
under such grant.

(2) AUDITS.—A State shall require each cov-
ered entity receiving assistance under the grant
awarded under this section to conduct an an-
ual audit with respect to the activities of the
covered entity. Such audits shall be submitted to the
State.

(3) MISUSE OF FUNDS.—(A) REIMBURSEMENT.—If the State determines,
through an audit or otherwise, that a covered
entity receiving assistance under a grant award-
ed under this section has misused the assistance,
the State shall notify the Secretary of the mis-
use. The Secretary, upon such a notification, may seek from such a covered entity the repay-
ment of an amount equal to the amount of any
such misused assistance plus interest.

(B) APPEALS PROCESS.—The Secretary shall by
regulation provide for an appeals process with
respect to repayments under subparagraph (A).

(1) REPORTING REQUIREMENTS.—

(1) 2-YEAR STUDY.—

(A) IN GENERAL.—Not later than 3 years after
the date on which the Secretary first awards
grants under this section, the Secretary shall
prepare and submit to the appropriate commit-
tees of Congress a report on the results of the
study conducted in accordance with subpara-
graph (A).

(B) REPORT.—Not later than 28 months after
the date on which the Secretary first awards
grants under this section, the Secretary shall
prepare and submit to the appropriate commit-
tees of Congress a report on the results of the
study conducted in accordance with subpara-
graph (A).
See the original document for the full text.
(1) In general.—Except as provided in paragraph (2), the Secretary of Agriculture shall make assistance available under this section in the same manner as provided under section 815 of the Food and Drug Administration and Related Agencies Appropriations Act, 2001 (Public Law 106–387; 114 Stat. 1549A–55), including using the same loss thresholds for quality and economic losses as were used in administering that section, except that the payment rate shall be 42 percent of the established price, instead of 65 percent.

(2) Thresholds for Quality Losses.—In the case of a payment for quality loss for a crop under subsection (a), the loss thresholds for quality loss for the crop shall be determined under subsection (d).

(3) Quality Losses.—(1) In general.—Subject to paragraph (3), the amount of payment made to producers on a farm for a quality loss for a crop under subsection (a) shall be equal to the amount obtained by multiplying—

(A) 65 percent of the payment quantity determined under paragraph (2); by

(B) 42 percent of the payment rate determined under paragraph (3).

(2) General Regulations.—For the purpose of paragraph (1)(A), the payment quantity for quality losses for a crop of a commodity on a farm shall equal the lesser of—

(A) the actual production of the crop affected by a quality loss of the commodity on the farm; or

(B) the quantity of expected production of the crop affected by a quality loss of the commodity on the farm, using the formula used by the Secretary of Agriculture to determine quality losses for the crop of the commodity under subsection (a).

(3) Payment Rate.—For the purpose of paragraph (1)(B) and in accordance with paragraph (5) and (6), the payment rate for quality losses for a crop of a commodity on a farm shall equal the lesser of—

(A) the product of—

(i) the lesser of the payment rate determined under section 1916 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333) for the crop incurring the losses; and

(ii) the market value of the units of the commodity on the farm; or

(B) the lesser of—

(i) 42 percent of the market value of the units of the commodity on the farm for which a marketing contract does not exist or for which appropriate documentation of insurance coverage under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.); or

(ii) 65 percent of the amount obtained by multiplying—

(A) the per unit market value that the units of the commodity on the farm would have had if the crop had not suffered a quality loss; and

(B) the per unit market value of the units of the crop affected by the quality loss.

(4) Eligibility.—For producers on a farm to be eligible to obtain a payment for a quality loss for a crop under subsection (a), the amount obtained by multiplying the per unit market value determined under paragraph (1) by the number of units affected by the quality loss shall be at least 25 percent of the value of all affected production that would have had if the crop had not suffered a quality loss.

(5) Marketing Contracts.—In the case of any production of a commodity that is sold pursuant to one or more marketing contracts (regardless of whether the contract is entered into by the producers on the farm before or after harvest) and for which appropriate documentation of insurance coverage under the marketing contract is designated in the contracts shall be eligible for quality loss assistance based on the one or more prices specified in the contracts.

(6) Other Production.—For any additional production of a commodity for which a marketing contract does not exist or for which production continues to be owned by the producer, quality losses shall be based on the average local market discounts for reduced quality, as determined by the appropriate State committee of the Farm Service Agency.

(7) Quality Adjustments and Discounts.—The appropriate State committee of the Farm Service Agency shall identify the appropriate quality adjustment and discount factors to be considered in carrying out this subsection, including—

(A) the average local discounts actually applied to the crop and the discounts applied to loans made by the Farm Service Agency or crop insurance carriers;

(B) the discount schedules applied to loans and insurance carriers under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.)

h. Definitions.—In this section:

(1) Insurable Commodity.—The term "insurable commodity" means an agricultural commodity (excluding livestock) for which the producers on a farm are eligible to obtain a policy or plan of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(2) Noninsurable Commodity.—The term "noninsurable commodity" means a crop for which the producers on a farm are eligible to obtain coverage under section 1916 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333).
(2) Election of Losses.—If a producer incurred eligible livestock losses in more than one of the 2005, 2006, or 2007 calendar years, the producer shall elect to receive payments under this subsection for those losses incurred in only one of such calendar years. The producer may not receive payments under this subsection for more than one calendar year.

(3) Indemnity Payments. —Indemnity payments to a producer on a farm under paragraph (1) shall be made at a rate of not less than 26 percent of the market value of the applicable livestock on the day before the date of death of the livestock, as determined by the Secretary.

(4) Livestock Defined.—In this subsection, the term "livestock" means—

(A) an animal specified in clause (i) of section 1416.203(a)(2) of title 7, Code of Federal Regulations (72 Fed. Reg. 6445), or is designated by the Secretary as livestock for purposes of this subsection; and

(B) meets the requirements of clauses (iii) and (iv) of such section.  

Any animal that is included in the geographic area covered by a natural disaster declaration; and

(ii) each county contiguous to a county described in clause (i).

(5) Natural Disaster Declaration.—The term "natural disaster declaration" means—

(i) a natural disaster declared by the Secretary between January 1, 2005 and February 28, 2007, under section 322(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a));

(ii) a major disaster or emergency designated by the President between January 1, 2005 and February 28, 2007, under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.);

(iii) a determination of a Farm Service Agency Administrator's Physical Loss Notice if such notice applies to a county included under (ii).

(a) Reduction in Payments to Reflect Payments for Same or Similar Losses.—The amount of any payment for which a producer is eligible under paragraphs (1) and (2) shall be reduced by any amount received by the producer for the same loss or any similar loss under—

(1) the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109-148; 119 Stat. 2680); and

(2) an agricultural disaster assistance provision contained in the announcement of the Secretary on January 26, 2006 or August 29, 2006; or

(b) Adverse Gross Income Limitation.—Section 1001D of the Food Security Act of 1985 (7 U.S.C. 1308-3a) shall apply with respect to assistance provided under sections 9001, 9002, and 9003.

SEC. 9005. Administration.

(a) Regulations.—The Secretary of Agriculture may promulgate such regulations as are necessary to implement provisions sections 9001 and 9002.

(b) Procedure.—The promulgation of the implementing regulations and the administration of sections 9001 and 9002 shall be made without regard to—

(1) the notice and comment provisions of section 553 of title 5, United States Code; and

(2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(3) chapter 35 of title 44, United States Code (commonly known as the "Paperwork Reduction Act").

(c) Congressional Review of Agency Rulemaking.—In carrying out this section, the Secretary of Agriculture shall use the authority provided under section 808 of title 5, United States Code.

(d) Use of Commodity Credit Corporation; Limitation.—In implementing sections 9001 and 9002, the Secretary may use the facilities, services, and authorities of the Commodity Credit Corporation. The Corporation shall not make any expenditures to carry out sections 9001 and 9002 unless funds have been specifically appropriated for such purpose.

SEC. 9006. Milk Income Loss Contract Program.

(a) Section 1922(c)(3) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7982(c)(3)) is amended—

(1) in subparagraph (A), by adding "and" at the end; and

(2) in subparagraph (B), by striking "August" and all that follows through the end and inserting "September".

(b) Section 10002 of this Act shall not apply to this section except with respect to fiscal years 2007 and 2008.

SEC. 9007. Dairy Assistance.

There is hereby appropriated $16,000,000 to make payments to dairy producers for dairy production losses in disaster counties, as defined in section 9002 of this title, to remain available until expended.

SEC. 9008. Noninsured Crop Assistance Program.

For states in which there is a shortage of claims adjusters, as determined by the Secretary, the Secretary shall permit the use of one claims adjuster certified by the Secretary in carrying out 7 CFR 1437.401.

SEC. 9009. Emergency Grants to Assist Low-Income Migrant and Seasonal Farmworkers.

There is hereby appropriated $22,000,000 for the "Farm Service Agency, Salaries and Expenses", to remain available until September 30, 2008.

SEC. 9012. Contract Waiver.

In carrying out crop disaster and livestock assistance in this title, the Secretary shall require forage producers to have participated in a crop insurance pilot program or the Non-Insured Crop Disaster Assistance Program during the crop year for which compensation is received.

TITLE X—GENERAL PROVISIONS

SEC. 10001. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided.

SEC. 10002. Amounts in this Act (other than in titles VI and VII), are designated as emergency requirements and necessary to meet emergency needs as defined by sections 9001 and 9002.

Mr. REID. Mr. President, I move to concur in the House amendment.

Mr. Reid. More than 4 years ago, the Bush administration took this Nation to war in Iraq—took this Nation to war in Iraq without sufficient troops, without a plan to win the peace, and without truth regarding Saddam Hussein’s nonexistent weapons of mass destruction or his nonexistent links to al-Qaeda.

Nearly 51 months later—6 months longer than it took this Nation to defeat Germany and Japan in World War II—the violence in Iraq continues and the cost to our military and our Nation has been frightening. More than 3,400 American troops have made the ultimate sacrifice—death. Nine were killed yesterday and two more today in this escalating violence across Iraq in which we are losing our brave men and women. Guard and Reserve units all across America lack equipment to do their jobs at home and in Iraq. U.S. citizens have provided nearly half a trillion dollars to cover the cost of this intractable civil war. And because of this war, our Nation has been totally distracted in its effort to defeat those who attacked us on 9/11. Indeed, more than 5 years after 9/11, Osama bin Laden is still free, and al-Qaida remains an important force.

Throughout all this, our military has performed heroically. Our troops have done everything asked of them and more even. Our troops toppled a dictator and gave the Iraqis a chance to establish a new government and a new way of life. Unfortunately, the Bush administration did not provide them a strategy to match that sacrifice. Iraq is now in a state of civil war, with no end in sight, and our valiant troops are caught in the middle.

Instead of accepting this reality, President Bush has stubbornly refused to change course. Instead of listening to his military commanders who say there is no military solution in Iraq, he has plunged our forces further into sectarian fighting. Instead of accepting a bipartisan path in Iraq offered by Congress even the Bush administration, this President stubbornly clings to his failed "my way or the highway" approach to governing America.

MG John Batiste, who commanded the First Infantry Division in Iraq, says this about the President’s failed Iraq policy:

Here is the bottom line: Americans must come to grips with the fact that our military alone cannot establish a democracy. We cannot win the current war without seriously damaging the Army and Marine Corps. Our troops have been asked to carry the burden of an ill-conceived mission. Unfortunately, the Bush administration has plunged our forces further into sectarian fighting. Instead of accepting a bipartisan path in Iraq offered by Congress even the Bush administration, this President stubbornly clings to his failed "my way or the highway" approach to governing America.

GEN George Casey, former Commander of U.S. Forces in Iraq, and current Chief of Staff of the Army, said:

This President has always been heavy and sustained military presence was not going to solve the problem in Iraq.
That was General Casey. Six months ago, the Iraq Study Group said the situation in Iraq was grave and deteriorating. The civil war in Iraq has only gotten more pronounced since then. Unfortunately, the President’s escalation strategy has not produced the positive results we seek. Attacks on U.S. forces have increased, not decreased. Since the onset of this latest surge, more than three U.S. soldiers have been killed every day. Nearly 90 soldiers have been killed this month so far, and almost 400 since the escalation plan began. Sectarian killings have increased to pre-surge levels.

According to today’s Washington Post newspaper, over 300 unidentified corpses, most dumped in streets and alleys and water sewer systems, showing signs of torture and execution, were found all across the capital of Iraq in the month of May. And the month of May is not over.

Four million Iraqis, including 1.6 million children, have fled their homes because of the violence, setting the stage for a massive humanitarian crisis.

Our military has been pushed to the breaking point. To make up for the shortages of combat-ready forces, tours of duty have been extended from 12 to 15 months, with many soldiers now in their third and fourth tours.

Mr. President, I spoke just last week to one Nevada family whose son was killed in action last week. We all remember them; three hostages, three prisoners of war, one called the father, and he said: I pray that my boy is one of the three. There were four that were unidentified. Well, his prayers were not answered. His son was the one incinerated in the humvee, and they had to wait until they took DNA to find out it was his son.

This soldier had survived four vehicle explosions during his four tours of duty. That is too much to ask of any soldier. Perhaps surprisingly after all, this soldier expressed reservations about the war in Iraq, is what he told his best friend before he left for the fourth time. His grandfather said:

It is a waste of young lives. We should not be in the middle of a civil war.

Meanwhile, our capacity to respond to other challenges around the world has been greatly constrained. Terror attacks across the world are up, not down. And standing and standing is down, not up. By focusing on Iraq and doing little or nothing in the rest of the Middle East, this critical region has been destabilized even further and stands even closer to a broader regional war.

The American people saw all this unfolding last November and they reached a conclusion that enough was enough. That is why they sent this President and Congress a clear and unmistakable challenge and a direct message: Find a responsible end to this war.

That is what congressional Democrats have done. From the very first day of this democratically controlled Congress, we have made it clear to the President that the days of blank checks and green lights for his failed policy are over. After 6 years of rubberstamping President Bush’s failed policy, Congress has reasserted its rightful role in our constitutional form of Government.

Democrats have held more hearings on Iraq in 4 months than the Republican-controlled Congress held in 4 years. We have repeatedly pressed our Republican colleagues in the Senate and in the House to debate and vote on where people stand with respect to the President’s failed Iraq policy. With each step we have taken, the pressure on the President and his Republican allies to change course has grown.

The most important step we have taken occurred last month. In the face of heavy White House pressure and more misleading statements by administration officials, Congress was able to pass a resolution asking what the American people asked us to do: No. 1, fully fund our troops and, No. 2, immediately change the direction of the war in Iraq.

In addition, the bill provides much needed funds to procure additional equipment for our Guard and Reserve and to provide health care services for active-duty troops and America’s heroic veterans.

As the Senate Democratic leader, I am very proud of Senate Democrats. In less than 4 months of Democratic control, with virtual Democratic unanimity, Congress sent the President binding language that would truly compel him to do what the American people desire. Unfortunately, though, the President vetoed that important legislation, leaving him further isolated from the American people, military experts, and an increasing number of his own political party.

In the days since that veto, we have had negotiations with the administration about how to proceed. The President made it very clear as late as last night that he intended to veto any effort to implement timelines, transition the mission, or ensure the readiness of our troops before they are deployed. Furthermore, here in the Senate our minority colleagues made it clear they are determined to place procedural hurdles, most notably requiring 60 votes rather than a simple majority, in the path of any effort to significantly change the President’s Iraq policy.

Democratic unanimity with a handful of Republicans will not be sufficient to do what we believe must be done. Until more Republicans develop the courage to step forward and insist that the President change course in Iraq, Republican intransigence has left us with no good options.

How to vote on this bill before us is a very difficult and personal decision for each Member of this Senate. There are those of my party who believe we should vote no, and continue to vote no until the President and his supporters come to their senses. There are equally thoughtful members who believe we must vote yes because this bill does take a step forward in holding the President and the Iraqis accountable and it does increase pressure on this administration and its supporters to change direction.

Although this is a very close call for me, as I suspect it is for many Senators, I have decided to support this measure. But let me say, I know those who oppose this bill care as deeply about the safety of our troops as I do. They know I care as deeply about changing the course in Iraq as they do.

This bill before us clearly does not go as far as a bipartisan majority of Congress would like. But it goes a lot further than the President and his supporters were willing to go earlier this month. That is why we saw this headline in a recent edition of the Los Angeles Times. Here is what it said: “Senate Tilting On Iraq Policy: Republicans Show Their Strongest Willingness Yet To Rein In Bush.”

Here is what the bill requires of the administration and Iraqis, the one before us tonight: It establishes 18 benchmarks to measure the Iraqi Government’s performance; restricts the use of foreign aid to the Iraqi Government should they fail to make meaningful progress; requires the President to certify that the Iraqi Government is making even if they fail to perform as promised; requires the administration to testify before Congress and an independent assessment by the Government Accountability Office on the performance of the Iraqi Government; requires the President submit a report on the combat proficiency of Iraqi security forces; requires the President to redeploy our troops if the Iraqi Government concludes our presence is no longer desired; restricts use of Defense Department funds to rearm foreign mercenaries; requires the use of foreign aid to the Iraqi Government; and states official U.S. policy precludes permanent military bases in Iraq, no torture of detainees, and no designs on Iraqi oil.

When the President signs the bill, that will be the law. Some of this language is taken from an amendment offered by Senator JOHN WARNER last week. Senator WARNER offered his amendment as an alternative to the Feingold-Reid amendment that would have immediately transitioned the mission in Iraq and required a phased redeployment by April 2008. Naturally I said the Feingold-Reid language was far superior to the Warner language. However, today we don’t have the option of choosing between Feingold-Reid and Warner. I wish we did. Although the Warner language is weak by comparison to Feingold-Reid, and I so stated on the Senate floor last week, I believe we can begin holding the administration accountable and that is the purpose of the Warner language plus the other Iraq-related provisions contained in this bill, which I have outlined.
I know none of these measures comes close to the timelines and accountability provisions I supported in the vetoed bill. However, I also know these provisions will force the administration to do more than they have ever done before. I also know the stakes are too high and our obligation to the troops and the country is too great for us to stop working to force the President and his supporters to change course. The burden for securing and governing Iraq must now rest with the Iraqi people.

As General Abizaid said:

It is easy for Iraqis to reply upon us to do this work. I believe that more American forces will not get the Iraqis from doing more, from taking more responsibility for their own future.

GEN Doug Lute, recently nominated by President Bush to be his war czar, said:

We believe at some point, in order to break this dependence on the coalition, you simply have to back off and let the Iraqis step forward.

As long as I am Democratic leader and this President persists in pursuing the worst foreign policy blunder in this Nation’s history, the American people should know I am determined to fight for change in Iraq. The Senate Armed Services Committee reported the fiscal year 2008 Defense authorization bill earlier today. We will move to it in our next work period, which starts in about 10 days. This battle for responsible and effective Iraq policy will be joined in the Senate no later than when we take up this bill. Senate Democrats will not stop our efforts to change our course in this war until either enough Republicans join us to reject President Bush’s failed policy or we get a new President.

In 1941, in an address at Harrow School, Winston Churchill said:


My colleagues here in the Senate, particularly my Republican colleagues, should know this is precisely my attitude when it comes to bringing about a change in course in the intractable civil war in Iraq. Although I didn’t get everything I sought in the bill before us, and that is an understatement, I will not give up until the supporters of the President’s failed policy accept the realities on the ground in Iraq, until they accept that the President’s plan is not working, that this war must come to an end, and that it is time for our troops to come home in a safe and responsible way.

Paraphrasing the words of Winston Churchill, when it comes to forcing the President to change course in Iraq, Senate Democrats will never give in, never give in, never, never, never.

I ask for the yeas and nays.

Mr. WARNER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) and the Senator from New York (Mr. SCHUMER) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from Minnesota (Mr. COLEMAN), the Senator from Utah (Mr. HATCH), and the Senator from Wyoming (Mr. THOMAS).

Further, in point and voting, the Senator from Utah (Mr. HATCH) and the Senator from Minnesota (Mr. COLEMAN) would have voted “yea.”

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 80, nays 14, as follows:

[Rollcall Vote No. 181 Leg.]

YEAS—80

NAYS—14

The motion was agreed to.

Mr. DURBIN. I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE EXPLANATION

Mr. SCHUMER. Mr. President, I am entering this statement in the RECORD because I am attending my daughter’s graduation at Columbia University in New York. Had I been here I would have voted in favor of the supplemental appropriations bill because I believe we must fund the troops who are in harm’s way. However, I believe just as strongly that we must change our mission in Iraq away from policing a civil war and toward a much more narrowly focused goal of counterterrorism, which requires a much smaller number of troops. That is what the Feingold-Reid amendment stood for and that is why I voted for it on May 16, 2007. Unfortunately, it did not have enough votes to pass. Our effort to force the President to change the mission in Iraq will continue almost immediately with the DOD authorization bill and will not end until we succeed.

MORNING BUSINESS

Mr. DURBIN. I ask unanimous consent that there now be a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

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

The Senator from Illinois.

DARFUR

Mr. DURBIN. Mr. President, I come to the floor this evening to address the ongoing genocide in Darfur. I have been coming to the floor almost every week to try to make certain we don’t forget what is happening in Sudan, even as we focus most of our energy on important issues such as the war in Iraq, immigration reform, and so many other things on our Senate agenda. But the crisis in Sudan is simply too great for us to ignore. It has now been over 2½ years since the President quite rightly called the situation in Sudan what it is, a genocide. It was September 9, 2004, when the President made that courageous statement, and we all know a statement like that has historic importance.

The United States, under the 1948 U.N. Convention on Genocide, is committed to providing effective penalties against the killers if it deems that genocide is taking place. We are compelled to act. Yet sadly, we have done precious little to change the situation to this point.

It is true that Congress, the administration, the private sector, and the nonprofit community have taken some steps to increase the pressure on the Sudanese Government to stop the killings and mass displacement of innocent people. That is at least a start. In Congress, Members have spoken out against the killings. They have introduced resolutions of condemnation, and they have proposed legislation in an effort to do something. I have introduced legislation that would support state governments which decide to encourage public funds to divest from Sudan-related investments. That bill has attracted strong bipartisan cosponsorship from over 25 Members of the Senate. Some of us have tried to make the right personal decisions to divest from Sudan-related investments in our own savings as a gesture of solidarity with the divestiture movement. But we have to do so much more.

For the Bush administration, the Office of Foreign Assets Control within the Treasury Department, working with many agencies and departments,
has worked hard to tighten economic and political sanctions against the leaders and supporters of the Sudanese regime. President Bush spoke out at the Holocaust Museum a few weeks ago. He has vowed to keep pushing for change in Sudan. Yet the administration must do more.

In the private sector, I was pleasantly surprised to see that Fidelity recently decided to sell part of its stake in PetroChina, a company listed on to the New York Stock Exchange, the parent company of a state-owned Chinese oil company with massive operations in Sudan. Fidelity sold 91 percent of its PetroChina holdings in the United States and even though that only amounts to 88 percent of its global PetroChina holdings, this is nonetheless a positive sign. The divestiture movement is under way. Other investment firms such as Calvert have gone a step further and promised to hold no shares of any firm that operates to the benefit of the government of Sudan. Yet the private sector must do more.

Within the nonprofit community, organizations such as the Sudan Divestment Task Force and the Genocide Intervention Network continue to apply pressure on governments and to private firms to get them all to do more to stop the genocide. Yet they too must do more. All of us must work together to do more in Congress, in the private sector, among nonprofit organizations and, yes, individuals and families concerned about this terrible situation. To that end, I am working with my colleagues in the Senate and House and with the Bush administration, with private sector advisors, and with the advocacy community to craft a new bill that will apply even more economic pressure on the Sudanese regime and those who support it.

My bill, which I will introduce when we return, is the Sudanese Disclosure and Enforcement Act. It would do the following...

... to report on the effectiveness of the current sanctions regime and recommend other steps Congress can take to help end the crisis.

... it also requires the administration to report on the effectiveness of the current sanctions regime and recommends other steps Congress can take to help end the crisis. Fifth, it authorizes greater resources for the Office of Foreign Assets Control within the Department of Treasury to strengthen its capabilities in tracking Sudanese economic activity and pursuing sanctions violations.

I will introduce this bill when we return. I urge my colleagues to seriously consider it, and I hope they will join me.

I have recently written to President Bush urging him to support the bill but also to take the next step. He promised he would do both. His speech was, as was noted at an auspicious location, the Holocaust Museum in Washington, DC, a museum which notes the terrible tragedy that befell 6 million people during World War II. The President said on that day:

You who have survived evil know that the only way to defeat it is to look it in the face and not back down. It is evil we are now seeing in Sudan—and we’re not going to back down.

He went on to say:

No one who sees these pictures can doubt that genocide is the only word for what is happening in Darfur and that we have a moral obligation to stop it.

Those are the words of the President. They are words worth repeating. The President declared that the current negotiations between the U.N. Secretary General Ban Ki-moon and President Bashir of Sudan are the “last chance” for Sudan to do the following: Follow through on the deployment of U.N. support forces, allow the deployment of a full joint U.N.-African Union peacekeeping force, end support for the Janjaweed militia, reach out to rebel leaders, allow humanitarian aid to reach the people of Darfur, stop his pattern of destruction once and for all.

President Bush then declared that if Bashir does not follow these steps, in a short time the Bush administration will take the following steps, in the President’s words: Tighten U.S. economic sanctions on Sudan, target sanctions against individuals responsible for the violence, and prepare a strong new United Nations Security Council resolution.

Five weeks later, a short time has passed, and now it is time to act. In these 5 weeks, President Bashir has ignored the world. In fact, a spokesperson for the Secretary General of the United Nations has called recently renewed bombing in Sudan indiscriminate and a violation of international law. While we wait, while we ponder, while we think, while we work, while we vacate, innocent people die, victims of a genocide. How will history judge us? Will we have acknowledged this genocide and responding, or will it judge us for having acknowledged this terrible tragedy and responded with nothing?

It is time to act. We must do more. This is simply too important and too historic to be allowed any longer.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I compliment my friend from Illinois. He might have known me, or I might have known him, met with the Secretary General of the United Nations on Monday in his office. I indicated I wanted to know what he was prepared to propose. As you know, there are three phases to the process whereby the Sudanese have agreed to the implementation of ultimately 21,000 troops made up of the African Union as well as United Nations forces. He indicated he would have an answer as to what he thought might be able to be done probably by the end of Memorial Day. My point to him was that if we don’t believe to my friend from Illinois. If, in fact, the Sudanese Government refuses to allow, on the basis of the sovereignty and the placement of U.N. forces on the ground, that it violates their sovereignty.

I indicated I believed—and others believe as well—that the country forfeits its sovereignty when it participates and engages in genocide and that we, the United States, should push the Security Council to implement the placement of those troops on the ground regardless of what Khartoum says. Furthermore, if they don’t allow the United States unilaterally should engage through a no-fly zone as well as the placement of 2,500 troops on the ground to take out the Janjaweed. That is not a political settlement, but the United States unilaterally should engage through a no-fly zone as well as the placement of 2,500 troops on the ground to take out the Janjaweed.

It also provides the American people an opportunity to discuss with us, our Congress, the larger moral obligation to stop it.

The President declared that the current negotiations between the U.N. Secretary General Ban Ki-moon and President Bashir of Sudan are the “last chance” for Sudan to do the following...
In vetoing that bill, the President denied our troops funding they needed and the American people the plan they want. When the President did that, I urged, like others, that we send the bill back to him again and again and again. But every time, we found out that we did not have the 53 votes we had the first time, that we did not have even 50 votes, that we would not be able to send it back. And ultimately, even if we had the 50 votes, we probably did not have enough to override a veto. We clearly do not have 67 votes to overcome another veto. We do not have those votes either.

I do not like the bill we just voted on, the bill I voted for. It amounts to the American people a plan for a responsible way out of Iraq. It would also start to cut off funds for the Iraqis if the benchmarks are not met. What a silly idea. That would be self-defeating. We are already taking a hit on this, but so we can get out of harm’s way, and we are going to tell the Iraqis, who have no possibility of getting themselves together, if they do not, we are going to stop training them.

I want something better than to have voted against this bill, but I think we have to deal with the reality. The reality is, first, for now, those of us who want to change course in Iraq do not have the 67 votes to override a Presidential veto. As long as the President refuses to budge, the only way we can force him to change his policy in Iraq is with 67 votes.

Well, we have 49 Democrats and one Independent I voted for. We need to bring 17 Republicans along the way to our thinking, to the way a strong majority of the American people are thinking. We are making progress, but we are not there yet. So it is nice to talk about taking a shot on this, but we do not have the votes, though, We do not have the votes yet to turn our rhetoric into reality. That is the reality.

Secondly, I believe as long as we have troops on the front lines, it is our shared responsibility to give them the equipment and protection they need. The President may be prepared to play a game of political chicken with the well-being of our troops, but I am not, and I will not.

For example, if we do not get the money this bill provides into the pipeline right now, we are not going to have a chance to build and field the mine-resistant vehicles that are being so dearly sought after by the Marine Corps and the rest of the services, and that I have been fighting for. If we build these mine-resistant vehicles, the facts show we can cut the deaths and casualties on the American side as a consequence of these bombings by two-thirds.

We just voted earlier on this bill—because we were going to drag out for 2 years the construction of these vehicles. In 2 years, another 2,000 people could die. They need to begin to be built now, and they all must be built by the end of this year.

Under anyone’s plan for Iraq—even those who advocate pulling every single troop out of the country tomorrow—there is a reality: It would take months to get them out. In the meantime, our troops are riding around in the midst of these roadside bombs: 70 percent—70 percent—of the deaths and 70 percent of the casualties.

As long as there is a single soldier there, I believe we have an obligation. We need to do everything to make sure he or she has the best protection this country can provide. That is my reality.

Third, I am prepared to cut funding to get our troops out of the sectarian civil war in Iraq and to start bringing most of them home, while limiting the mission of those who remain. That is why I voted for the Reid-Feingold amendment last week. But I am not sure why I voted for one roofing to another roofing, but it is bigger than that. The President refuses to budge, the only way we can cut off 100 percent of the funding for all troops in Iraq because everyone in this room knows there is going to be a requirement—no matter what happens—to leave some troops in Iraq for a while.

So what are we going to do? Cut funding off for them to satisfy what is a very difficult—difficult—thing to explain to the vast majority of the American people who do not understand why we are not out of this war? We can and we must get most of our troops out by early next year. But we still need a much smaller number. That is my reality as well.

We need to bring the troops home because, as I have in the last 3 weeks, it will not change the President's mind. I had to vote for this funding. So what are we going to do? Cut funding off for them to satisfy what is a very difficult—difficult—thing to explain to the vast majority of the American people who do not understand why we are not out of this war? We can and we must get most of our troops out by early next year. But we still need a much smaller number. That is my reality.

We do not have 60 votes to stop a filibuster. We clearly do not have 67 votes to overcome another veto. We do not have those votes either.

I do not like the bill we just voted on, the bill I voted for. It amounts to the American people a plan for a responsible way out of Iraq. It would also start to cut off funds for the Iraqis if the benchmarks are not met. What a silly idea. That would be self-defeating.

The President may be prepared to play a game of political chicken with the well-being of our troops, but I am not, and I will not.

For example, if we do not get the money this bill provides into the pipeline right now, we are not going to have a chance to build and field the mine-resistant vehicles that are being so dearly sought after by the Marine Corps and the rest of the services, and that I have been fighting for. If we build these mine-resistant vehicles, the facts show we can cut the deaths and casualties on the American side as a consequence of these bombings by two-thirds.

We just voted earlier on this bill—because we were going to drag out for 2 years the construction of these vehicles. In 2 years, another 2,000 people could die. They need to begin to be built now, and they all must be built by the end of this year.

President, the carnage and chaos and stupidity in the conduct of this war is likely to continue. So I believe with every funding bill, we are going to have to come back at every juncture and require people to vote time and again against the will of American people in order to change the President’s mind. This is the reality.

As long as there is a single soldier there, I believe we have an obligation. We need to do everything to make sure he or she has the best protection this country can provide. That is my reality.

Third, I am prepared to cut funding to get our troops out of the sectarian civil war in Iraq and to start bringing most of them home, while limiting the mission of those who remain. That is why I voted for the Reid-Feingold amendment last week. But I am not sure why I voted for one roofing to another roofing, but it is bigger than that. The President refuses to budge, the only way we can cut off 100 percent of the funding for all troops in Iraq because everyone in this room knows there is going to be a requirement—no matter what happens—to leave some troops in Iraq for a while.

So what are we going to do? Cut funding off for them to satisfy what is a very difficult—difficult—thing to explain to the vast majority of the American people who do not understand why we are not out of this war? We can and we must get most of our troops out by early next year. But we still need a much smaller number. That is my reality.

We do not have 60 votes to stop a filibuster. We clearly do not have 67 votes to overcome another veto. We do not have those votes either.

I do not like the bill we just voted on, the bill I voted for. It amounts to the American people a plan for a responsible way out of Iraq. It would also start to cut off funds for the Iraqis if the benchmarks are not met. What a silly idea. That would be self-defeating.

The President may be prepared to play a game of political chicken with the well-being of our troops, but I am not, and I will not.

For example, if we do not get the money this bill provides into the pipeline right now, we are not going to have a chance to build and field the mine-resistant vehicles that are being so dearly sought after by the Marine Corps and the rest of the services, and that I have been fighting for. If we build these mine-resistant vehicles, the facts show we can cut the deaths and casualties on the American side as a consequence of these bombings by two-thirds.

We just voted earlier on this bill—because we were going to drag out for 2 years the construction of these vehicles. In 2 years, another 2,000 people could die. They need to begin to be built now, and they all must be built by the end of this year.
We already know these mine-resistant vehicles give four to five times more protection than uparmored HMMWVs. We already know the casualty and death rate will go down by two-thirds if we have these mine-resistant vehicles, which means we know we should be doing everything possible to build them as rapidly as possible, because every day we waste one more life is in jeopardy. We can save two-thirds of the lives being lost there—3,400 dead plus, and almost 24,000 severely wounded.

But the amazing test efforts only begin to happen this year? Why are we only now starting to build these mine-resistant vehicles? And why are we building them in such small quantities?

We learned this week the Marine commanders in Iraq in February of 2005—February of 2005—realized they needed these vehicles that have a V-shaped hull. They are designed specifically to defeat what everybody in America and our allies has come to know about: IED, improvised explosive devices. They are the roadside bombs and mines that we know cause 70 percent of all the casualties and deaths. Now, in February of 2005, the first chargers commanders asked for—and I am quoting from the statement they sent to the Pentagon called a Universal Needs Statement—they said: We need a vehicle to “protect the crew from IED/mine threat through integrated V-shaped monocoque hull design to disperse explosive blasts and fragmentary effects.”

The PRESIDING OFFICER. The Senator has used his 10 minutes.

Mr. BIDEN. Mr. President, I ask unanimous consent that I may be able to proceed for 3 more minutes.

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

Mr. BIDEN. The bottom line, in simple English, for nonphysicists is, no matter how much you reinforce a flat-bottomed vehicle, when a bomb goes off under the vehicle, it either penetrates the vehicle or penetrates the vehicle, bounces back, and comes back up off the ground again.

With these V-shaped vehicles, what happens is, when the blast goes off—other than the very point of the V—it takes the blast and, instead of it bouncing back on the ground and bouncing back up, it shoots off to the side, increasing by two-thirds the likelihood of survival.

No one should give us any of the malarky I have heard from some in the military and the administration about how any uparmored humvee might have satisfied these need. The bottom line is, they cannot do what these V-shaped vehicles can do.

Now, not only have these mine-resistant vehicles been fully tested at Aberdeen, but our allies have been using similar technologies for years. We are adding to yet another to the bottom of what happened in 2005. But for now, let me get right to the chase. We have an overwhelming moral obligation to build as many of these vehicles as rapidly as possible and get them to the field as soon as possible—even if we are pulling out every single troop in January. Between now and January, we have an obligation to save lives. It is within our capability and within our power to do it.

One more thing I would bring to the attention of my colleagues. I also learned today—and we will soon find out—I learned today they have also developed, out at the Aberdeen Proving Center, a way to thwart the ability of these things called EFPs, explosively formed penetrators. That is going to cost a lot of money. I hope I do not hear from anyone on this floor or anyone in the Congress that, notwithstanding the fact we now have the technology, we are going to wait down the road because it costs too much money to do it now or it will take too much time, and we may have to leave—as one military man said to me: We don’t want to build too many of these. It costs too much money, because we are going to have to leave them behind. That is a little like Franklin Roosevelt saying, when asked to build landing craft for the invasion of D-Day: We don’t want to build too many of these. It costs too much money, because we are going to have to leave them behind.

I say to my colleagues and to the distinguished Senator from West Virginia, Secretary Gates ended his press conference today to say there were competing interests for dollars. That may be true. But when it comes to the life of an American soldier we know—we know for a fact we can protect, there is no other competing interest. Competing interests may exist, there is no other competing interest. Competing interests may exist, but there is only one interest, and that is as this foolish war continues under this President, our sons and daughters are being killed, and we have the capacity right now to begin to build vehicles that will diminish by two-thirds the casualty rate. There are no other competing interests.

So I am going to continue to talk about this, I say to my colleagues, and I hope once we get the final call from the Pentagon, no one here on this floor will rise to tell me we can’t afford to do this.

I thank my colleague from West Virginia for his extreme courtesy, as always. I yield the floor.

The PRESIDING OFFICER. The President pro tempore is recognized.

MEMORIAL DAY

Mr. BYRD. Mr. President, I thank the Chair.

In Flanders fields the poppies blow Between the crosses, row on row That mark our place; and in the sky The lark, with music clear and sweet, Scarce heard amid the guns below. We are the Dead. Short days ago We lived, felt dawn, saw sunset glow, Loved and were loved, and now we lie In Flanders fields.

Take up our quarrel with the foe: To you from failing hands we throw The torch; be yours to hold it high. If ye break faith with us who die We shall not sleep, though poppies grow In Flanders fields.

John McCrae, who wrote “In Flanders Fields,” was a Canadian physician. He fought on the western front in 1914 before he was transferred to the medical corps and assigned to a hospital in France. He died of pneumonia while on active duty in 1918, and his volume of poetry was published in 1919.

This Monday, in our cemeteries around the Nation, flags will be placed, tenderly placed—tenderly placed—before gravestones that carefully and simply mark the thousands of enlisted men and officers, soldiers, sailors, airmen, and marines who, like John McCrae, did not come home to ticker tape parades but, rather, to slow caissons trailed by weeping families, final gunfire salutes, and the haunting melody of “Amazing Grace,” sung by bugler. Some of those graves will be lush with sod, and the final dates will bring back great battles in the campaigns from the Pacific, Africa, or Europe. Other graves will still be raw Earth, with dates on the headstones that mark the ambushes and improvised explosive devices of modern urban insurgent warfare. But on this day, none—none—will be forgotten, and all will be honored for their sacrifice, whatever their rank, wherever the service and whatever their last proud moment. The red of the poppies and the red stripes in the flags recall the red badge of their courage.

The current conflicts in Afghanistan and Iraq have also given rise to some new ways to remember and honor the fallen. On the Internet, each soldier lost in Iraq has his or her name, his or her picture, and the date and the place of their death listed on a number of Web sites, including those hosted by several newspapers. A traveling exhibit of 1,319 portraits lets “America’s Artists Honor America’s Heroes” through their own talents—through their own talents. When the exhibit is over, those portraits will be given to the soldier’s family. In these ways, each of us can put a face to these statistics. We can see the faces, young and old, just as their families remember them. Senate this week, has also remembered those who have fallen and those still in harm’s way in Afghanistan and Iraq. The Appropriations Committee has finalized the emergency supplemental bill to fund the operating costs of the military and provide more protective gear and technology to our troops in the field. I hope that this time the President, our President, will sign the bill and speed those funds to the troops. Also this week, the Senate Armed Services Committee is marking up the fiscal year 2008 Defense authorization bill. This bill too will look after all of our Active-Duty, Guard and Reserve forces that face the prospect of
additional and longer tours in Iraq in the months ahead. Like the emergency supplemental bill put together by the Appropriations Committee, the Defense authorization bill will continue the work of ensuring that the wounded from these conflicts receive the best care and support as they recover from their injuries.

In 430 BC, after the first year of the Peloponnesian War, the Greek historian Thucydides recorded the funeral oration delivered by Pericles, the great Greek general. Thucydides records that Pericles did not speak of the battles but, rather, of the glories—the glories of Athens and what a privilege it was—what a privilege it was—for each Athenian to live in such a perfect place. Pericles said that the sacrifice of those fallen in battle to keep the nation strong left them with the:

Noblest of all tombs—the noblest of all tombs, I speak not of that in which their remains are laid, but of that in which their glory survives.

Pericles felt there could be no better place to live than Athens and no place more deserving of a soldier’s sacrifice. Almost 2,500 years later, I feel confident that every soldier, sailor, airman, and marine who has fought and died in Afghanistan and Iraq probably felt the same way—yes—about the United States.

They were proud to be in uniform and ready to serve the Nation that they loved so much and in such high regard. The Nation will ever mourn their loss and honor their sacrifice.

IRAQ

Mr. BIDEN. Mr. President, the President of the United States has recently stated that we are remaining in Iraq in order to defeat al-Qaida—a summary of a statement he made yesterday. Well, I wish to briefly state what I think the facts are.

Iraq has become a Bush-fulfilling prophecy. Al-Qaida was not there before the war, and it is there now. It is the fiction of al-Qaida being our raison d’être. They are there now. But they were not there before. They are there now. But they are ready to respond to the President’s request to do that. This is doable. This is necessary. The President should begin to focus on the facts, not the fiction of al-Qaida being our raison d’être.

I will end where I began. Al-Qaida’s presence in Iraq has become a Bush-fulfilling prophecy. They were not there before. They are there now. But they are not the primary problem. It is the vicious cycle of sectarian violence. It must end.

MEMORIAL DAY TRIBUTE

Mr. McCONNELL. Mr. President, nearly 6 years after the worst terrorist attacks in American history, we have yet to be hit again on our soil. No one would have thought this possible immediately after the 9/11 attacks. But it is true because America is on offense in the war on terrorism.

Memorial Day is a time to reflect on the brave men and women of the Armed Forces who have made that achievement possible, and to honor their sacrifice. Since 2001, over 3,800 Americans have died fighting in Iraq or Afghanistan. Over 60 were from Kentucky.

Our country must honor those who did not make it past the line of the warriors. The debt we owe them can never be repaid. I have had the honor of meeting many of the families of these servicemembers, and I have told them their loved ones did not die in vain. Many who fought in the war on terror live to tell their stories, and I recently heard one I had like to share involving soldiers from Fort Campbell, KY. Four soldiers of the 1st Battalion, 506th Infantry Regiment, 101st Airborne Division lived up to the warrior ethos of never leaving a fallen or wounded comrade behind.

The city of Ramadi, Iraq, has seen some of the worst battles between coalition forces and the terrorists. One night in March 2006, SGT Jeremy Ferko, SGT Michael Ponce, PFC Jose Alvarez and PFC Gregory Pushkin, among others, made their way through the city’s narrow alleys back to base.

Suddenly Sergeant Row saw two figures run into a house. Immediately the team set out to find them. As they walked through the tracks just as machine-gun and small-arms fire and grenades erupted on the street in front of them. The soldiers took cover and returned fire.

Private First Class Alvarez noticed a fellow soldier had been hit and was lying in the middle of the storm of bullets. Without thinking twice, he ran into the line of fire and threw himself over his comrade. But he was too late. The soldier was dead.

Private First Class Alvarez kept firing until he had unloaded his weapon at the enemy, and then stood up and began to carry the soldier’s body to a safe area. Sergeant Row provided cover fire, while Sergeant Wilczek and Private First Class Pushkin ran into the firefight to help Private First Class Alvarez carry their colleague.

The three soldiers were nearing cover when two rocket-propelled grenades exploded yards away from them, knocking all three down and slicing Private First Class Alvarez’s knee with shrapnel. But the three continued, finally reaching a safe area out of the path of bullets.

Sergeant Wilczek and Private First Class Pushkin then ran back into the enemy’s kill zone several times, rescuing more trapped soldiers. Sergeant Row continued to lay down cover fire, even though the same explosion that injured Private First Class Alvarez’s knee had buried shrapnel deep in his elbow. Finally, every soldier made it to a safe area.

They were out of immediate danger. But gunfire all around them made clear the terrorists were still out to kill. Sergeant Wilczek, Sergeant Row, and Private First Class Pushkin made their way to the roof of a building, and with the advantage of the high ground, successfully killed, captured or drove off.
the terrorists, enabling the squad to return to base safely.

This February, now-Staff Sergeant Wilzcek and now-Specialists Alvarez and Pushklin were awarded the Silver Star, the third-highest award given for valor in the face of the enemy. Sergeant Row was awarded the Bronze Star for Valor.

Their acts of heroism rank them among the finest Americas has to offer. But what I find most amazing is that they are everyday people who could be your neighbor, coworker or relative. And we have thousands more brave Americans in uniform all willing to do the same.

So this Memorial Day, remember the courage of our servicemen and women, performing extraordinary feats just like the men of Fort Campbell. Remember the sacrifice of those who don’t make it back home. As long as America has fighter jets, that the way can never be defeated on the battlefield.

Mr. AKAKA. Mr. President, we are approaching Memorial Day, a time to honor those who have served and remember those very lives—what Abraham Lincoln described as “the last full measure of devotion.” When Lincoln spoke those words, he was dedicating a modest “soldiers cemetery” in a Pennsylvania town called Gettysburg. Today Gettysburg and the address Lincoln gave there hold a special place in our national memory. In fewer than 300 words, President Lincoln delivered one of the most famous speeches in the history of this great Republic. Today Gettysburg and the address Lincoln gave there hold a special place in our national memory. In fewer than 300 words, President Lincoln delivered one of the most famous speeches in the history of this great Republic. Today Gettysburg and the address Lincoln gave there hold a special place in our national memory. In fewer than 300 words, President Lincoln delivered one of the most famous speeches in the history of this great Republic.

In that speech, Lincoln said what was known: that it is good and right to dedicate a place to honor the brave servicemen who rest beneath it. But more importantly, he put into words what was felt: that the best way to honor the dead is to remember their sacrifices, and dedicate our lives to the Nation for which they gave their lives. What we now call Memorial Day was begun to honor those who died in the Civil War, with two dozen cities and towns across the United States laying claim to being the birthplace of what was then called Decoration Day. Generations later, Americans in uniform all willing to do your neighbor, coworker or relative.

And we have thousands more brave Americans in uniform all willing to do the same. Among the finest America has to offer. And we have thousands more brave Americans in uniform all willing to do your neighbor, coworker or relative.

Those of us can look at the sacrifices of those who have served and then look within ourselves to honor them with our own lives.

For myself, I pledge my continued best effort to make certain that those who serve receive the thanks and the recognition they deserve by their service and for those who gave their all, that their survivors are likewise given all they need.

TRIBUTE TO SENATOR TED STEVENS

Ms. SNOWE. Mr. President, I rise today to honor one of the true stalwarts of this institution an indefatigable leader, Senator Ted Stevens, the longest-serving Republican member of the U.S. Senate. Our good friend and colleague has received countless, well-deserved accolades for a tremendous milestone indeed.

It is fitting that we pay tribute to an esteemed lawmaker whose ongoing legacy is preserved and preserved of accomplishment over a remarkable span of nearly 39 years of service in the U.S. Senate stand as a testament to the courage, vigor, and sense of duty he feels toward this country and the issues and policies shaping it. Ted is a force of nature, steadfast and resolute, in this time-honored body and in our nation’s capital. His constituents wouldn’t have him any other way, and we wouldn’t either.

His legacy of achievement on behalf of Alaskans is as large as the State they call home, and began even before he entered politics when he first moved to Washington, DC, to join the Eisenhower administration. While working for the Secretary of the Interior, he was not only present at Alaska’s creation as a State in 1959, but was also instrumental in helping advocate for statehood. As a U.S. Senator, he was essential in championing the development of the Alaskan pipeline which was critical to his State and to the energy future of the country. He successfully advanced Alaska’s infrastructure and transportation capabilities, especially vital to the state that is one-fifth the size of the entire lower 48. Alaska rightfully commemorated Senator STEVENS’s indelible impact in these areas with the dedication of the Ted Stevens Anchorage International Airport in 2000. With innumerable accomplishments too numerous to mention, it comes as little surprise that the Alaska State Legislature—where he served as House majority leader in only his second term in the lower house—would name him at the millennium, the Alaskan of the Century.

The people of my State of Maine are especially grateful to Senator STEVENS for his landmark legislation that bears his name—the Magnuson-Stevens Fishery Conservation and Management Act—our Nation’s indispensable fisheries act, which was reauthorized this past January and signed into law. First as the chair, and now the ranking member STEVENS has always been bound by a commitment to sustain both fish and fishermen.

Through many Congresses, as both a chairman and ranking member, Senator STEVENS has spearheaded and done much to shepherd improvements in the landmark E-rate program which has been historic and consequential, and which will reverberate for generations. And, as I mentioned, Senator STEVENS has been a bulwark catalyst on this initiative, and, as we recently commemorated the 10th anniversary since its inception, I couldn’t help but recall with gratitude his crucial role in the wiring schools in my State and across the country.

It must also be noted that in an era of increasing partisanship, Senator STEVENS shares an unassailable bond with the senior Senator from Hawaii, a Democrat, Daniel Inouye a friendship, profound display of his mutual, he齒 order of duty in World War II, which continues to this day as a model example of collegiality, bipartisanship, and comity that transcends politics.

This decorated Army Air Forces pilot in the storied mid-1960s would name him at the millennium, the Alaskan of the Century. That sprightly, immense devotion to this land and its people extends across six decades, is not one to move to the side or step away when he is fighting for what he believes in or on behalf of his State or territory. That speaks volumes in explaining Senator STEVENS’s well-known trademark as he prepares to debate on the Senate floor and
OPEN GOVERNMENT ACT

Mr. LEAHY. Mr. President, I am deeply disappointed that the Senate may not act on the OPEN Government Act, S. 849, before it adjourns for the Memorial Day recess. The Judiciary Committee favorably reported this bipartisan bill. We have filed a committee report on this important legislation. Regrettably, an anonymous Republican hold is stalling this important Freedom of Information Act, FOIA, legislation, needlessly delaying long-overdue reforms to strengthen FOIA and protect the public’s right to know.

It is both unfortunate and ironic that this bipartisan bill, which promotes sunshine and openness in our government, is being hindered by a secret and anonymous hold. This is a good government bill that Democrats and Republicans alike, can and should work together to enact. I hope that the Senator placing the secret hold on this bill will come forward, so that we can resolve any legitimate concerns, and the full Senate can promptly act on this legislation.

The OPEN Government Act is co-sponsored by 10 Senators from both sides of the aisle. This bill is also endorsed by more than 100 business, public interest, and news organizations from across the political and ideological spectrum, including, the American Library Association, Conservation Congress, the Liberty Coalition, OpenTheGovernment.org, the Sunshine in Government Initiative, the Republican Liberty Caucus and Public Citizen.

I thank all of the cosponsors of this bill and commend Senator CORNYN as our lead Republican sponsor. I also thank the many open government organizations that are working tirelessly to encourage the Congress to enact this bill this year. This measure is cleared for passage on the Democratic side. It should not be held up without further delay.

The OPEN Government Act promotes and enhances public disclosure of government information under FOIA, by helping Americans to obtain timely responses to their FOIA requests and improving transparency in the Federal Government’s FOIA process. During the recent hearing that the Judiciary Committee held on this legislation, we learned that, although FOIA remains an indispensable tool in shedding light on bad policies and government abuses, this open government law is being hampered by excessive delays and lax FOIA compliance. Today, Americans who seek information under FOIA remain largely unable to obtain it than during any other time in FOIA’s 40-year history. This bill would help to reverse this trend and to restore the public’s trust in their government.

Senator CORNYN and I both know that open government is not a Democratic issue or a Republican issue. It is an American issue. It is in this spirit that I urge the removal of the anonymous hold placed on this bill. I also urge all Members of the Senate to join me in supporting this important open government legislation.

We have received numerous letters of support from such organizations as the American Library Association, the National Press Club, Public Citizen, Sunshine in Government Initiative and OpenTheGovernment.org. I ask unanimous consent that a letter in support sent to the majority and Republican leaders of the Senate and endorsed by more than 100 organizations from across the political spectrum be printed in the Record.

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

HON. HARRY REID, 
Hart Senate Office Building, 
Washington, DC.

HON. MITCH MCCONNELL,
Russell Senate Office Building, 
Washington, DC.

DEAR SENATOR REID AND SENATOR MCCONNELL: We write on behalf of the undersigned organizations to express our strong support of the OPEN Government Act of 2007 (S. 849), as introduced by Senator Patrick Leahy and Senator John Cornyn.

The Freedom of Information Act (FOIA) is the public’s most significant tool for ensuring integrity and accountability from the federal government. Unfortunately, FOIA’s promise of ensuring an open and accountable government has been seriously undermined by the excessive processing delays that FOIA requesters face across the government. The OPEN Government Act would: Close loopholes in FOIA; Help the public get timely responses to FOIA requests; and Improve agency accountability and require better management of FOIA programs.

The public’s confidence in the executive branch has reached a dramatic low point. The OPEN Government Act of 2007 would demonstrate bipartisan congressional leadership to restore public faith in government and to advance the ideals of openness that our democracy embodies. The Senate Judiciary Committee has reported favorably upon the bill without any amendments. We urge you to support this legislation and help it move quickly to the Senate floor for a vote.

Sincerely,

Alliance for Justice
America Association of Law Libraries
American Association of Small Property Owners
The Rutherford Institute
Sagebrush Sea Campaign
Semmelweis Society International
Snake River Alliance
Soccer Hall of Fame and Museum
Society of Professional Journalists
Southern California Association of Law Libraries
Southwest Research and Information Center
The Student Health Integrity Project
Tax Analysts
Tri-Valley CAREs (Communities Against a Radioactive Environment)
Union of Concerned Scientists
VA Whistleblowers Coalition
Weather Underground
Western Lands Project Western Resource Advocates
The Wilderness Society
Wild Wilderness
Wilderness Workshop

THE BUDGET

Mr. DODD. Mr. President, last week the Senate and House of Representa-
tives voted to adopt a budget resolution for the upcoming fiscal year. I was
to support this budget, which, in my view, represents an important first
step towards returning our nation to a healthier and stronger fiscal and economic

First, the budget resolution rein-
states pay-as-you-go rules, which re-
quire that any new spending or tax
cuts be paid for with spending cuts or
new sources of revenue—rather than
simply adding the cost to the national
debt. This year’s budget re-
stores much-needed fiscal discipline
while better targeting our resources to-
wards the investments that will best
promote economic growth, national se-
curity, and broad-based opportunity.

Second, the budget resolution also
provides for much-improved current
and discretionary spending limits, pro-
vide for more effective debt collection,
and fix our broken tax system.

The budget also puts a stop to
procedural abuses that had been
used by the previous leadership in
the Congress, notably the use of budget
reconciliation protections—designed
for legislation that reduces the def-
cit—to ram through passage of budget-
busting tax bills. These procedural im-
provements, combined with reasonable
and responsible spending limits and
revenue targets, provide for much-im-
proved—and much-needed fiscal disci-
pline on both the spending and rev-

In the 1990s, we saw how responsible
budget policies and economic growth
reinforced each other in a cycle that
lifted Americans’ standard of living
across the board. Under the current ad-
ministration, by contrast, Americans
have seen the opposite effect, as irre-
 sponsible and poorly targeted fiscal
policies have undermined the previous
decade’s fiscal gains while economic
growth has accrued more and more
narrowly to a smaller segment of the
population. The Federal budget has
declined from a surplus of $236 billion in
2000 to a deficit of $248 billion last year,
while the national debt has grown from
$5.6 trillion to $8.8 trillion. Over the
same period, real median household in-
come in our country has fallen by near-
ly $1,300.

Within the context of fiscal responsi-
bility, the budget adopted last week
puts in place a framework for restoring the
investments necessary for broad-
based economic growth and a return to
budget surpluses. Rather than leaving
our children to maximize potential and drive our nation’s economic
growth now and in the future. This
budget rejects the president’s cuts, pro-
viding an additional $6.3 billion for
education from preschool to graduate
school. As I have said numerous times
before, we can be confident that the in-
vestment we make here will be re-
turned to us many times over.

This year’s budget also directs more
resources towards improving health
care quality and coverage, and reduc-
ing cost—an issue that affects every
American family and businesses’ bot-
tom line. The resolution includes a def-
cit-neutral reserve fund to help cover
uninsured children and funds for health
information technology and compara-
tive effectiveness research to help reduce sky-
rocketing costs.

Just as importantly, with our mili-
tary being stretched to its limits, the
budget includes full funding for restor-
ing force readiness and adequately
equipping our military personnel serv-
ing in harm’s way. It also includes $3.6
billion above the Bush administration’s
budget to address the needs of veterans
when they return home, because the
brave Americans who have served our
country deserve much better than the
conditions that were revealed in the re-
cent Walter Reed Army Medical Center
scandal.

The priorities laid out in the budget
adopted last week contrast sharply
with the agendas of recent years.
Where the Bush administration and
previous leadership in the Congress
sacrificed all else at the altar of high-
income tax cuts, this year’s budget will
keep taxes low while restoring the im-
portance of education, health care,
clean and renewable energy, and the
needs of our military. This change is a
priority for the people of this country.
It focuses on strengthening the middle class—the
backbone of our economy.

This begins with promoting an aven-
da of innovation and entrepreneurship.
The President’s budget this year—for
the second consecutive year—proposed
the largest cut to education in the his-
tory of the Department of Education,
along with cuts to research and devel-
oment and technology transfer. It
would be hard to find a worse idea than
to cut the investments that allow our
children to reach their full potential and drive our nation’s economic
growth now and in the future.

The Aging Committee has a long and
distinguished history of investigating
and debating issues of importance to
America’s aging population. Along
with robust deliberations on retire-
ment security, the committee has also
initiated discussions on ways to
strengthen Medicare and Medicaid, and
to expose companies that prey upon
seniors using fraudulent marketing scams. I was proud to serve as chair-
man of this committee in the 109th
Congress, when we began the process of
compiling this report, and am pleased
to continue my service as ranking
member of the committee in the 110th
Congress.

The Aging Committee is tasked with
a significant challenge to ensure that
we, as a nation, are prepared for the
significant demographic shift with the
aging of our population. In a few short
years, a vast wave of Americans will
begin to retire. In fact, between 2010
and 2030, the number of people age 65
and older is projected to increase by 76
percent. This change will impact a
wide range of social and economic
issues, such as labor shortages, loss of
experienced workers many of whom
have skills that simply are not replace-
able—and put a significant strain on
the senior entitlement programs of So-
cial Security, Medicare and Medicaid.

To keep pace with the growing aging
population, it is critical that Congress
adopts policies that are thoughtful
manner that preserves benefits for
those in need. The report contains rel-

I look forward to continuing a
healthy debate on ways to best prepare
for the challenges that await us with
our aging nation. I hope this report
provides valuable insight as we con-
tinue these discussions throughout this
Congress.

I thank all the members of the Sen-
ate Special Committee on Aging from
the past 10 years for their participation
in these vital discussions. I especially
want to thank the committee’s current
chairman, Senator Herb Kohl, as well
as the committee’s past chairmen for
their dedication to ensuring a positive
future for America’s seniors.
DEATH PENALTY

Mr. KYL. Mr. President, I ask unanimous consent that an article entitled “Remembering Victims Key to Death Penalty, Executing Justice: Arizona’s Moral Dilemma,” by Steve Twist, be printed in the RECORD.

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

REMEMBERING VICTIMS KEY TO DEATH PENALTY—EXECUTING JUSTICE: ARIZONA’S MORAL DILEMMA

(By Steve Twist, May 20, 2007)

Opponents of the death penalty rarely want to discuss the crimes of those sentenced to death. One commentator has observed that this is “a bit like playing Hamlet without the ghost, reviewing the merits of capital punishment without revealing just what a capital crime is really like and how the victims have been brutalized.”

In the week ahead, the public will be invited to debate the morality of capital punishment, whether the crimes of those sentenced to death, even when they are raised in opposition, as they often are, are worth the death penalty.

There are 112 murderers on Arizona’s death row. Robert Comer is one of them, having been sentenced to death almost 20 years ago.


The Department of Corrections reports, “(On Feb. 23, 1987, Comer and his girlfriend were at a campground near Apache Lake. They invited Larry Pritchard, who was at the campsite next to theirs, to have dinner and drinks with them. Around 9 p.m., Comer shot Pritchard in the head, killing him. He . . . then stole Pritchard’s belongings. Around 11 p.m., Comer and (Juneva) Willis went to a campsite occupied by Richard Brough and Tracy Andrews. Comer broke into their property, hogtied Brough to a car fender and then raped Andrews in front of Brough. Comer and Willis then left the area, taking Brough with them but leaving Brough behind. Andrews escaped the next morning and ran for 23 hours before finding Brough behind. Andrews escaped the next morning and ran for 23 hours before finding Brough behind. Andrews escaped the next morning and ran for 23 hours before finding Brough behind.

Donald Beaty is another. “On the evening of May 9, 1984, Christy Ann Poffenbarger, a 13-year-old news carrier, was collecting from her customers at the Rockpoint Apartments in Tempe. Beaty, who was the apartment custodian, abducted Christy and sexually assaulted and suffocated her in his apartment. Beaty lured the girl to his apartment by offering to show her his police badge. When the girl refused to enter the apartment, Beaty grabbed her and dragged her into his apartment. Beaty then raped Christy and left her face down in the one-room apartment. Beaty later killed her. Beaty was subsequently convicted of murder and sentenced to death.”

Richard Bible is another. “On June 6, 1988, around midnight, 19-year-old Jennifer White was riding her bike on a Forest Service road in Flagstaff. Bible drove by in a truck, forced her off her bike and abducted her. He took Jennifer home with him where he sexually assaulted her. He then killed her hitting her in the face and head with a blunt instrument. Bible concealed the body and left the hospital later that day. Jennifer’s body was not found until June 25, 1988.”

Shawn Grell is yet another. “On Dec. 2, 1988, 13-year-old Jennifer Kristen was riding her bike on a remote area in Apache Junction, doused her with gasoline and set her on fire. After Kristen was engulfed in flames, she managed to walk around and stomp her feet for up to 60 seconds before collapsing in the dirt. Kristen (died suffering) third- and fourth-degree burns over 98 percent of her body.”

And there are so many more. Repeating them is hard. Thinking about the victims and their loved ones, is heart-breaking. But think about them we must if we are to truly understand the context of the death penalty debate.

Those who seek to abolish the death penalty for these killers say the killers don’t deserve to die because no crime justifies death.

These arguments continue to find disfavor with large portions of the public. Gallup consistently reports support for the death penalty by wide margins (67 percent in favor, 28 percent opposed: 2006) when the question is asked in a straightforward manner. When the question is asked whether death or life imprisonment is the “better” penalty, 48 percent choose life and 47 percent death. Yet, when the facts of a case are cited, support for the death penalty grows dramatically. Even among those who said they opposed the death penalty, 73 percent of those who supported the execution of Oklahoma City bomber Timothy McVeigh.”

Another issue the abolitionists like to avoid is deterrence, which is of two kinds, specific and general. Specific deterrence is the measure of the penalty’s effectiveness in deterring the sentenced murderer from ever killing again.

General deterrence is the effect of the penalty on deterring others from committing murder. Most recently, Professor Paul Rubin of Emory University and his colleagues have reported the results of the most extensive econometric study of death penalty deterrence and contrary to popular misconceptions saves on average 18 lives because of the murders that are deterred. Rubin’s results have been replicated by others.

This is such an “inconvenient truth” for the abolitionists that they prefer to ignore it. Professing to revere life so dearly as to oppose even the taking of depraved life, they nonetheless seem to care little that their advocacy would result, if successful, in the slaughter of more innocents.

This week, when the news is filled with Robert Comer’s crimes, let us pause to remember Robert Comer, let us remember little Kristen Grell and all the others.

In those memories, let us offer prayers for their families and a steady, steel-eyed resolve that we will value their innocent lives more dearly that we are willing to exact the ultimate penalty for their murders, in order that we might preserve justice and protect others from the same fate.

The ultimate question is: will the abolitionists that they prefer to ignore it. Professing to revere life so dearly as to oppose even the taking of depraved life, they nonetheless seem to care little that their advocacy would result, if successful, in the slaughter of more innocents.

This week, when the news is filled with Robert Comer’s crimes, let us pause to remember Robert Comer, let us remember little Kristen Grell and all the others.

In those memories, let us offer prayers for their families and a steady, steel-eyed resolve that we will value their innocent lives more dearly that we are willing to exact the ultimate penalty for their murders, in order that we might preserve justice and protect others from the same fate.

Let us hope, in the end, the law will speak those words. Let us hope, in the end, the law will speak those words.

Let us hope, in the end, the law will speak those words.

LET US HOPE, IN THE END, THE LAW WILL SPEAK THOSE WORDS.

SAFETY OF AVANDIA

Mr. GRASSLEY. Mr. President, over the last few days there have been countless articles about the popular diabetes drug Avandia. For me, some of the most important questions that need to be answered here are what did FDA know, when did it know it, and what did it do with the information.

Since The New England Journal of Medicine first reported on a new study by Cleveland Clinic Cardiologist Dr. Steven Nissen, my investigative staff has continued to gather information about both FDA and the drugmaker.

We are hearing a lot about what’s called the “RECORD” study, which was requested by the Europeans. There was talk at the FDA, before this week’s stories started appearing, that the agency wanted to wait for that study to be completed before it made a decision about whether or not to say anything about Avandia. The possible increased risk in heart attacks. Believe it or not, FDA officials have confirmed for my investigators this week that the
no threshold to me for the FDA to
for heart attacks; and Dr. Nissen sees a
increased risk of a heart attack; the
this: the drugmaker sees a 31-percent
consistent with Dr. Nissen
ongoing
'ton. That don't
American
about its concerns with Avandia be-
study is not expected to be
First Lady of the United States of America.
Last year, Landra Reid served as
and co-chairman and Landra Reid, together with over 20 Senate spouses, organized another
in honor of the First Lady of America.
Mr. WARNER, Mr. President, Tuesday,
CHAIRMAN and Jeanne Warner served as co-chairman of an unique
titled, "100 Dresses." This year, Jeanne Warner became Chairman, Grace Nelson became co-chairman and Landra Reid, together with over 20 Senate spouses, organized another
luncheon. This year's event, entitled "Heartfelt Safari," focused on the President and Mrs. Bush's initiative to help alleviate the plight of malaria in Africa. The number of deaths this year from malaria could be as high as two mil-
ially, largely among children in Africa. Part of the proceeds from the luncheon will be donated to a well-respected not-
for-profit charity—Malaria No More—
that works to alleviate this tragic suff-
In the evening, our two Senate lead-
presided over a dinner honoring the
Spouses of Senators. Senator Reid opened with a moving framework of remarks, humorously recounting how the es-
teemed author, Ralph Waldo Emerson, once spoke for over 2 hours at a Har-
ivard University event in the 1830s. He quickly assured the audience that he would not seek to match Emerson, and he
then proceeded to give a very warm in-
the senators themselves seem to marvel at the most.
no less a historian than our own Robert
Byrd has called the Senate a place of "re-
sourcing deeds." But of us writes a memoir, it's always the quiet deeds
that the senators themselves seem to marvel at the most.
Mr. W A R N E R. Mr. President, Tues-
day, May 22 was a memorable day in
Senior Spouses, Mike Mansfield, was a high-school dropout when
his wife Maureen convinced him to go back to school—and then sold her own life insur-
ance policy to pay for it. More than 70 years later, after one of the most distinguished po-
itical careers in U.S. history, Mansfield was invited back to the Capitol to receive one
last honor. He could have recalled a thou-
sand legislative deals. But when it came his
turn to speak, he praised Maureen instead.
what he said: he did it for whatever standing I have achieved in life
she should be given to my wife Maureen. She was and is my inspiration. She gave of herself to
make it work. In retrospect, we probably
her, her coaching, her understanding, and her love. I would not be with you tonight. What we did, we did together. In
short, I am who I am because of her.
Ronald Reagan once said there was only one person in the world that could make him lonely just by leaving the room. And we learned earlier this week that Nancy still marveled at her husband’s devotion. She shouldn’t. Those of us who are fortunate to share this life of highs and lows, of forced smiles and cancelled plans, of bland buffets and polite conversation can’t achieve much at all, much less resounding deeds, without the person sitting next to us.

ACCOUNTABILITY IN HIGHER EDUCATION

Mr. ALEXANDER. Mr. President, our country does not have just some of the best colleges and universities in the world. It has almost all of them. Our higher education system is our secret weapon in America’s competition in the world marketplace. It is the cornerstone of the brainpower advantage that last year permitted our country to produce thirty percent of the world’s wealth, measured by gross domestic product—for just 5 percent of the world’s people.

Education Secretary Margaret Spellings, to her credit, established a commission 2 years ago to examine all aspects of higher education to make certain that we do all we can to preserve excellence in this secret weapon and access to it. Among other things, the commission called for more accountability in higher education.

The Department should get the part about accountability right. We in Congress have a duty to make certain that the billions we allocate to higher education are spent wisely.

Unfortunately, the commission headed in the wrong direction when it proposed how to achieve accountability. In its report, and in the negotiated rulemaking process, the Department of Education proposed a complex system of accountability to tell colleges how to accept transfer students, how to measure what students are learning, and how colleges should accredit themselves.

I believe excellence in American higher education comes from institutional autonomy, markets, competition, choice for students, federalism and limited Federal regulation.

The Department is proposing to restrict autonomy, choice, and competition.

Such changes are so fundamental that only Congress should consider them. For that reason, if necessary, I will offer an amendment to the Higher Education Act to prohibit the Department from issuing any final regulations on these issues until Congress acts. Congress needs to legislate first. Then the Department can regulate.

Instead of pursuing this increased Federal regulation, I have suggested to the Secretary a different course.

First, convene leaders in higher education—especially those who are leading the accrediting movement—for accountability and assessment and let them know in clear terms that if colleges and universities do not accept more responsibility for assessment and accountability, the Federal Government will do it for them.

Second, establish an award for accountability in higher education like the Baldridge Award for quality in American industry. The Baldridge Award, granted by the Department of Commerce, encourages a focus on quality in American business. It has been enormously successful, causing hundreds of businesses to change their procedures to compete for the prize. I believe the same kind of award—or awards for different kinds of higher education institutions—would produce the same sort of result for accountability in higher education.

Finally, make research and development grants to states, institutions, accreditors and assessment researchers to develop new and better appropriate measures of accountability.

This combination of jawboning, creating a Baldridge-type prize for accountability, and development for better assessment techniques will, in my judgment, do a better and more comprehensive job of encouraging accountability in higher education than anything Federal regulation can do.

If I am wrong, then we in Congress and the U.S. Department of Education can step in and take more aggressive steps.

Are there some things wrong with the American higher education system? Of course.

And in my testimony in Nashville last year before the Secretary’s Commission on the Future of Higher Education I detailed some of them.

One is the failure of colleges of education to prepare school leaders to raise our k-12 system to the level of our higher education system.

Two is the growing political one-sidedness that has infected many campuses. Too often, university of thought is discouraged in the same of a preferred brand of diversity.

Third, is the rising cost of tuition and large amount of students debt although costs are lower than most Americans realize and the reason for the increase is primarily the State failure to fund higher education because of all the money that is being soaked up by rising medical costs.

Fourth, there is no doubt that college credits are not as efficient as they should be. Campuses are too vacant in the summer. Faculty teaching loads are too light. And semesters are too short to justify the large expenditures.

Fifth, no one in Washington takes a coordinated look at the tens of billions of dollars spent for higher education.

Secretary Spellings is the first to do this, and I applaud her for it, although I had hoped the result would have been less regulation, not more.

Finally, deregulation. There is too much Washington DC, regulation.

Instead of debating how many more regulations we need, if we really are serious about excellence and opportunity, we should be debating which regulations we can get rid of.

The question is whether you believe that excellence in higher education comes from institutional autonomy, markets, competition, choice for students, federalism and limited Federal regulation or whether you don’t.

I believe it does. In fact, I have spent most of my public career arguing that we should borrow these principles from higher education where we have excellence and try them in k-12 where we too often don’t.

There is plenty of evidence that America’s secret weapon is our system of colleges and universities. More Americans go to college than in any country. Most of the best universities of the world are in our country, attracting 500,000 of the brightest students from outside America—many of whom stay to create more good jobs for Americans.

Just a few short weeks ago, after two years of work, the Senate passed the America Competes Act. It authorizes investing $62 billion over 4 years to help our country keep its brainpower advantage so we can keep jobs from going to India and China.

In China, India, in Europe and Latin America countries seeking to improve the incomes of their citizens are seeking to emulate our college and universities because they know that better schools and colleges mean better jobs.

The former Brazilian President, Fernando Henrique Cardoso, recently told a group of Senators that the strongest memory of the United States he would take back to his country is the American University. “The uniqueness, strength and autonomy of the American university,” Dr. Cardoso said, “...is the key word in Dr. Cardoso’s response.”

Deregulating higher education and preserving the autonomy of its institutions—not more Washington, DC, regulation—is the key to maintaining the quality of this secret weapon in our efforts to keep our high standard of living.

The United States system of higher education is a remarkable system of 6,000 autonomous institutions. Some are public, like the University of Tennessee of which I was once President. Some are private like Vanderbilt and New York University, from which I graduated. Some are Jewish. Some are non-profit. Some are for profit. Some, like UCLA, are research universities.

Some are trade schools like the Nashville Auto Diesel College which graduated 1,300 of the nation’s auto mechanics in the world each year. Some are 2-year community colleges or technical institutes.

Some, like the University of Texas, have 100,000 students. Some, like Valley College in West Virginia have 34 students.

Some like Harvard, have 20,000 applicants for 1,700 freshman places. Some,
Fundamentally the state of California with the addition of Pell grants and marketplace and fueled it even further to institutions. Instead, it created this since the GI bill for Veterans was enacted.

The second regulator is the Federal Government. This stack of regulations I have here represent the 7,000—yes, 7,000 regulations—that each one of the 6,000 colleges and universities who accept federal aid must deal with in order to accept students with Federal grants or loans.

The president of Stanford has estimated it costs 7 cents of every tuition dollar just to deal with federal regulations and loans. Universities have compliance officers and divisions to keep track of regulations from almost every Cabinet agency in Washington.

Then there are the State regulators. The Governor is chairman of the board of all Tennessee public universities. Of course, the State legislature has its say when it passes budget funding public universities. The Tennessee Higher Education Commission reviews budgets, duplicitive programs and standards—and it also has some rules for private universities.

Fundamentally the autonomous college or university regulates itself. As president of the University of Tennessee system of institutions, I had overall responsibility for admissions and standards of quality for faculty and students established by the board of trustees to which I reported. A chancellor supervised each campus. The faculty senate on each campus played a major role.

Then there is also the self-accreditation system—an elaborate, time consuming review of programs in each department for the purpose of determining whether that department held true to its mission and its level of quality.

With these multiple layers of regulation, higher education needs less, not more regulation from Washington, DC. In fact, I believe the greatest threat to excellence of higher education is over-regulation, not underfunding.

Not long ago, the president of the North Carolina higher education system—Eraske Bowles—visited me along with several of his presidents of public and private institutions. That system has for years been one of the Nation’s best. Their message was, “Of course accountability is important. We believe in it. But we are the ones to do it and we are doing it.”

The best way for Congress to assure the quality of higher education is to determine that State regulators and accrediting agencies are doing their jobs.
many occasions. All of her work in the area of GSE-related oversight and legislation by Congress demonstrated an extremely detailed understanding of the complex, significant policy issues surrounding these institutions and their obligations. Her insights and perspective were plain, and understandable; the clarity and rigor of her analyses won praise from members and commendations at CRS.

In 2000, Ms. Miles assumed the position of Section Head of the Banking, Securities, Insurance, and Macroeconomics Section within the CRS Government and Finance Division. For the next five years she supervised eight to ten economists, ranging from experienced veterans to newly-appointed staff hired from the private sector, other government agencies, and from distinguished graduate programs. She was generous with her time and offered constructive advice working with staff through multiple revisions to produce the most useful products for members and staff. She challenged veteran staff to think and write in new ways to better serve Congress.

She emphasized the need for economists to write clearly and to connect the micro economic foundations of financial markets to macro economic policy to best assist Congress in its duties of scrutiny, oversight, and legislation. Ms. Miles’ own broad expertise and command of expertise in her section’s wide-ranging policy responsibilities provided her with unique tools during her period as a section manager in CRS. She conducted knowledgeable oversight of section written materials and was regarded by her staff and management as a skilled reviewer whose insistence on the highest standards was matched by her ability as a mentor and educator. She constantly worked with her staff to improve the precision and clarity of their writing and to produce accurate, balanced and insightful analysis of the issues of the day in a timely manner. Ms. Miles led her section to new levels of intellectual excellence and dedicated service to Congress, while gaining the unquestioned respect and genuine affection of her staff.

Ms. Miles was an invaluable resource in many ways that did not always attract notice. Throughout the course of her career, other analysts frequently consulted with her for her subject matter advice and expertise. She tirelessly peer-reviewed papers. Ms. Miles managed a long-running CRS cooperative “Capstone” project, initiated with students and faculty of the University of Texas, that examined corporate governance policy issues and questions for Congress. She initiated and nurtured a popular “Brown Bag Luncheon” series of lecture-discussions on policy issues. She selected topics and used her wide contacts to arrange for speakers for a program that has covered a very broad range of topics and continues to draw standing-room-only audiences. Ms. Miles was honored by her colleagues when they elected her president of the Congressional Research Employee Association.

CRS management recognized Ms. Miles for achieving and exceeding the organizational goals established for her section, leading her staff to new levels of organizational performance that could not be attained without her steady and inspired guidance. Her mastery of technical skills, her understanding of and commitment to the mission and goals of the Congressional Research Service, and her expertise enabled her to match this to her staff, helped lead her section to significantly improved organizational performance.

After stepping down as section head in 2005, Ms. Miles continued to mentor new staff. In stepping down, she planned to spend more time analyzing and writing about government-sponsored enterprises, housing issues, and financial services. She also took on the role of division reviewer to ensure that all products met the highest CRS standards.

Ms. Miles won numerous awards and praise from members during her 32 years at CRS. In 1985, a Senator praised one of her products explaining that the debate between the direct lending and the guaranteed loan program is fundamentally a debate over political philosophy and not a debate over economics. . . . It is important to keep in mind that not all economists at the Congressional Research Service are individuals who work for the Republican Party, nor are they individuals who have some hidden agenda, who have some connection to the banks or the guaranty agencies. They are simply economists who work for the Congressional Research Service and provide us with objective, non-partisan analyses of the programs that Congress develops.” In 1998, two Senators and a representative praised her work on the Higher Education Amendments of 1998.

She wrote numerous concise and complete reports for CRS. She also contributed to Economic Committee’s Demographic Change and the Economy of the Nineties with “Demography and Housing in the 1990s,” which turned out to be a classic work on housing.

Ms. Miles also testified before Congressional committees numerous times on housing and mortgage issues. The members of the House Committee on Financial Services and the House Committee on the Budget were the most frequent beneficiaries of her insights and wisdom.

In 1993, she received a CRS special achievement award for “extraordinary contributions to debate over the student loan program during the Omnibus Budget Reconciliation Act of 1993.” In 2000, 2001, 2002, and 2004 she received incentive awards for sustained high performance. In 2001 and 2002 she received honorary superior service awards. Upon her retirement, Ms. Miles received a meritorious service award.

Ms. Miles was active in professional associations, conferences and meet-
TRIBUTE TO TERESA KIRKEENG-KINCAID

Mr. BOND. Mr. President, today I pay tribute to Teresa Kirkeeng-Kincaid, a remarkable civil servant who dedicated her entire career to working for the Corps of Engineers. Teresa joined the U.S. Army Corps of Engineers as a civil engineer with the Rock Island District in 1981, and continued with the Corps for 26 years. In that time, she served in many roles, including assistant chief of the planning, program, and project management division.

During her two and a half decades of service, Teresa earned a reputation on the Upper Mississippi Region and across the Nation as a person of great dedication and integrity. She played a leadership role in important projects including formulating navigation, flood damage, and ecosystem restoration projects throughout the entire Upper Mississippi River basin. She was the “go to person” throughout the Corps of Engineers on numerous planning issues. The team she led reestablished the Corps’ Planning Associates program to train future planners for the Corps, a legacy that will last for many decades.

I had the occasion to meet Teresa several times, and know the very high regard in which she was held by her co-workers, her countless friends, and her loving family. She will be missed.

RECOGNIZING MONROE CITY, MISSOURI

Mr. BOND. Mr. President, it is with great pleasure that I congratulate Monroe City, MO, on the 150th Anniversary of its founding.

Monroe City has had a long and proud history. Founded in July 1857, the town was incorporated in 1869 by E.B. Talcott and John Duff at a picnic where town lots were sold. The town has a long history of economic, agricultural, and structural growth.

In the early 1870s an educational system was created that included both public and parochial schools. In 1913, a Carnegie Library was built that was still owned and supported by the city of Monroe City.

TRIBUTE TO JONESBORO HIGH SCHOOL

Mr. CHAMBLISS. Mr. President, today I congratulate the Jonesboro High School Mock Trial team of Clayton County, GA, for winning the 2007 National High School Mock Trial Championships in Dallas, TX. The championship consisted of 44 teams representing 40 States, South Korea, and the North Marianas Islands.

The mock trial program is an excellent experience for students, allowing them to further their understanding of the legal system; to improve proficiency in basic skills such as listening, speaking, reading and reasoning; to promote better communication and cooperation between the educational and legal community; to provide a competitive environment for students to improve their skills; and to promote cooperation among young people of various abilities and interests.

Jonesboro’s long journey to the national championships began by practicing 3 days a week under the tutelage of prominent judges and lawyers in Clayton County. The team qualified for the National High School Mock Trial Championships by winning their fifth

Throughout its 150-year history, Monroe City has continued to flourish and has striven to maintain its concern for, and involvement in, the lives of its citizens. Members of this community have often assumed leadership positions in the community through participation in fire, police, and administration departments, as well as with their work with a variety of civic and church groups.

I am pleased to join with the State of Missouri in congratulating Monroe City on this milestone and wishing them continued growth and success for the next 150 years.

RETIREMENT OF LIEUTENANT GENERAL DONALD WETEKAM

Mr. CHAMBLISS. Mr. President, today I pay tribute to a great military leader, officer, and good friend, LTG Donald Wetekam. After 34 years of distinguished and honorable service, General Wetekam the Deputy Chief of Staff of the Air Force for Installations and Logistics, will retire from the U.S. Air Force.

General Wetekam began his active duty service graduating from the U.S. Air Force Academy. As a career logistics officer, he commanded three maintenance squadrons, a logistics group and a logistics center, and has served staff tours at both the major command and staff levels.

General Wetekam’s noteworthy service and responsibilities have been widely recognized. He received the Distinguished Service Medal, the Meritorious Service Medal with four oak leaf clusters, the Legion of Merit with an oak leaf cluster, and the Air Force Commendation Medal with an oak leaf cluster.

Prior to serving as the Deputy Chief of Staff for Installations and Logistics, General Wetekam served as Commander of the 49th Logistics Group, at Robins Air Force Base, GA. He also served both as Director of Maintenance and Logistics and Deputy Director of Combat Weapon Systems at Headquarters Air Combat Command, Langley Air Force Base, VA; and as Director of Logistics, Headquarters Pacific Air Forces, Hickam Air Force Base, HI. Prior to that he served as Vice Commander and Director, Aircraft Management Directorate at the Oklahoma City Air Logistics Center, Tinker Air Force Base, OK; and commanded the 49th Logistics Group at Holloman Air Force Base, NM.

General Wetekam has been a visionary leader, and among his most significant and championed initiatives including Repair Enterprise 21, establishing a single enterprise-wide maintenance repair network. He was a driving force behind the Global Logistics Support Center moving from a base centric supply process to a centrally repositioned and distributed supply chain management. During General Wetekam’s tenure, the Air Force saw the implementation of Centralized Asset Management, culminating in a $14 billion savings and the elimination of complex and redundant financial processes. General Wetekam worked extensively to increase the number of Security Forces available for deployment and through this effort provided much needed support to our warfighters. He was successful in reducing career field operations tempo, and forged a ground breaking path for both privatized housing and joint basing.

General Wetekam’s leadership was instrumental to air and space forces engaged across a breadth of support activities in Operation Iraqi Freedom and Operation Enduring Freedom. As the prime architect of Lean implementation, his guidance enabled the Air Force to increase efficiency in a resource constrained, high operations tempo environment. His efforts provided the foundation for Air Force Smart Operations 21 and the ability to fund the recapitalization of aging fleet and build the Air Force of tomorrow while fighting today’s war.

The Nation will miss General Wetekam’s commitment to duty, ceaseless drive for improvement, and unshakable support for our Air Force. I will miss having him in the U.S. Air Force, although I know he will continue to serve his Nation wherever he goes. I know I speak on behalf of a grateful Nation in saying thank you to General Wetekam for his years of service and sacrifice. I hope my colleagues will join me in wishing him well in all his future endeavors and hope that those who follow in his footsteps will continue his legacy of unprecedented support to our great Nation. Good luck and Godspeed.

TRIBUTE TO JONESBORO HIGH SCHOOL

Mr. CHAMBLISS. Mr. President, today I congratulate the Jonesboro High School Mock Trial team of Clayton County, GA, for winning the 2007 National High School Mock Trial Championships in Dallas, TX. The championship consisted of 44 teams representing 40 States, South Korea, and the North Marianas Islands.

The mock trial program is an excellent experience for students, allowing them to further their understanding of the legal system; to improve proficiency in basic skills such as listening, speaking, reading and reasoning; to promote better communication and cooperation between the educational and legal community; to provide a competitive environment for students to improve their skills; and to promote cooperation among young people of various abilities and interests.

Jonesboro’s long journey to the national championships began by practicing 3 days a week under the tutelage of prominent judges and lawyers in Clayton County. The team qualified for the National High School Mock Trial Championships by winning their fifth
Georgia State Championship, and their fourth in the last 6 years, defeating a very talented Grady High School team from Atlanta. After winning the State championship, the team turned its focus to the national championship, where the students presented their case in front of legal professionals in a courtroom environment.

En route to the final round, Jonesboro defeated the State championship teams from Hawaii, Idaho, Colorado, and Illinois. In the finals, they played the defense side against Kalamazoo Central High School from Kalamazoo, MI, in a civil case based on the tragic events in Texas City, TX, in 1947. The team vigorously debated who was at fault for an accident that resulted in the sinking of several ships, along with injuries and fatalities. Jonesboro did not back down from the runners-up of the 2006 competition, and they defeated Kalamazoo to bring the national title back to the Peach State for the third time since 1995, and tying Georgia with Iowa for the most national titles in the Nation.

I would like to congratulate Kayla Delgado, Lindsay Hargis, Mathew Mitchell, Sandra Hagans, Kyle Skinner, Lindley Curtis, Laura Parkhouse, Braedon Orr, Brian Cunningham, Jayda Hazell, Tobias Kelly, Jurod James, Joe Strickland, and team captain Brittnie Walden for their hard work and accomplishments. I would also like to extend my gratitude to the parents and supporters of the team for reaching out to these students and providing them with the leadership and guidance to reach their goal of a championship. The team’s successes would not have been possible without the guidance of their teacher coaches, Anna and Andrew Cox, their attorney coaches, the Honorable John Carbo, the Honorable Deborah Benefield, and Tasha Mosely, and their student coach from Mercer Law School, Katie Powers. They have all made the State of Georgia proud.

RECOGNIZING GALESBURG, NORTH DAKOTA

Mr. CONRAD. Mr. President, I am pleased to recognize a community in North Dakota that will be celebrating its 125th anniversary. On June 14 to 17, the residents of Galesburg will gather to celebrate their community’s history and founding.

Galesburg is a community in Traill County, near the Elm River. Founded in 1882, Galesburg, like many small towns in North Dakota, began when the railroad stretched across the State. The residents share a rich Scandinavian background and celebrate their heritage with an annual lutefisk and meatball supper. Galesburg is noted as being home to the world’s largest standing structure, the KKJB-TV mast. Many individuals travel to Galesburg in the fall to take advantage of the excellent deer hunting available in that region.

The residents of Galesburg are proud of their bean plant, local softball team, and community-owned cafe&cafe;e. A yearly church bazaar and live auction brings the community together as the residents make homemade gifts and treats to auction. The residents are enthusiastic about their upcoming celebration and have made a Veterans Memorial for all individuals from Galesburg that have served the United States. An exciting weekend is planned that begins with a parade that will lead by a resident of Galesburg who is 106 years old.

Mr. President, I ask the Senate to join me in congratulating Galesburg, ND, and its residents on their first 125 years and in wishing them well in the future. By honoring Galesburg and all the other historic small towns of North Dakota, we keep the pioneering frontier spirit alive for future generations. It is places such as Washburn that have helped to shape this country into what it is today, which is why it is deserving of our recognition.

RECOGNIZING WASHBURN, NORTH DAKOTA

Mr. CONRAD. Mr. President, I am pleased to recognize a community in North Dakota that will be celebrating its 125th anniversary. On June 8 to 10, the residents of Davenport will gather to celebrate their community’s history and founding.

Davenport, a railroad town located in Cass County just 20 miles southwest of Fargo, is a community of about 261 people. The city was founded in 1882 and platted by G.F. Channing and Henry D. Cooke, Jr. The post office was established April 6, 1882, and Davenport was organized into a city in 1895. Channing named the town for Mary Buckland Davenport, a friend from Massachusetts and the second wife of William Claflin, who was the Governor of Massachusetts from 1869 to 1872.

Davenport has plenty to offer its residents and visitors. Young couples and families are drawn to Davenport as it offers an escape from the big city, more affordable housing, and an opportunity to raise children in a more rural setting. Businesses in Davenport include a bar and restaurant, a beauty shop, and additional home-based businesses. The town also has a park called Tuskind Park, named after the Davenport family that used to own the grocery store.

The 125th celebration in the town where Mayor Jason Lotzer notes, “everybody knows everybody,” will include a “Wagon Train,” karaoke, a parade, a silent auction, all school reunion, and a variety of activities in Tuskind Park.

Mr. President, I ask the Senate to join me in congratulating Davenport, ND, and its residents on their first 125 years and in wishing them well in the future. It is clear that Washburn has a proud past and a bright future. By honoring Washburn and all the other historic small towns of North Dakota, we keep the pioneering frontier spirit alive for future generations. It is places such as Washburn that have helped to shape this country into what it is today, which is why it is deserving of our recognition.
years and in wishing them well in the future. By honoring Davenport and all the other historic small towns of North Dakota, we keep the great pioneering frontier spirit alive for future generations. It is places such as Davenport that have helped to shape this country into what it is today, which is why this fine community is deserving of our recognition.

Davenport has a proud past and a bright future.

RECOGNIZING PISEK, NORTH DAKOTA

Mr. CONRAD. Mr. President, I am pleased to recognize a community in North Dakota that will be celebrating its 125th anniversary. On June 23, the residents of Pisek will gather to celebrate their community’s history and founding.

Pisek, a railroad town located in Walsh County, was established in 1882 by Frank P. Rumreich and other Czech and Moravian settlers. Pisek was chosen as the name because some its settlers had come from Pisek, Czechoslovakia. Because the community was built near a sand ridge, Pisek means “sand” in Czech.

Pisek is home to 96 residents and several small businesses. The local J-Mart draws customers throughout the area because it is known for having the best Christmas candy selection in the region. Pisek’s church, the St. John Nepomucene Catholic Church, was blessed on the feast of St. John Nepomucene on May 16, 1897, and to this day it continues to be vital part of the community. The community’s celebration will include a church service, a parade, a traditional Bohemian pork and dumpling meal, and various afternoon activities. An evening street dance will close the celebration.

Mr. President, I ask the Senate to join me in congratulating Pisek, ND, and its residents on their first 125 years and in wishing them well into the future. By honoring Pisek and all the other historic small towns of North Dakota, we keep the great pioneering frontier spirit alive for future generations. It is places such as LaMoure that have helped to shape this country into what it is today, which is why this fine community is deserving of our recognition.

LaMoure has a proud past and a bright future.

WISCONSIN JAZZ AND HERITAGE FESTIVAL

Mr. KOHL. Mr. President, today I honor the late Milwaukee jazz legend, Tony King.

Mr. Tony King was an inspiration and mentor to all of his students during his tenure as teacher and director of the jazz program at the Wisconsin Conservatory of Music in downtown Milwaukee. As an accomplished pianist, he not only applied his talent to share beautiful music with the world, but also dedicated himself to help foster the talent of young musicians. Mr. King recognized the potential and skill of his students and guided them with respect, care, and humility.

Mr. King’s life and legacy will be celebrated this Memorial Day weekend in Milwaukee at the Second Annual Wisconsin Jazz and Heritage Festival at Jamie’s Club Theatre. Mr. King’s historic contributions to the jazz community in Wisconsin have impacted back then to the lives and accomplishments of his former students who will return to Milwaukee and perform in his honor. Many teachers hope they have an impact on their students’ lives and the contribution they have taught. Mr. King’s impact will be remembered this weekend in Milwaukee with sounds of happiness, laughter, and the music that he loved so much.

TRIBUTE TO WILLIAM E. COLSON

Mr. SMITH. Mr. President, today I pay tribute to William E. Colson, a great Oregonian, who devoted his entire life to building and operating quality senior housing. Beginning in 1971 in Salem, OR, Bill Colson and his father Hugh built and operated independent living communities for seniors. The Colsons founded, Holiday Retirement Corp., earned a reputation for providing middle-income seniors access to outstanding housing and services. By steadily constructing and selectively acquiring senior housing properties, Holiday Retirement Corp. grew to become the largest owner and manager of senior housing in the world.

Bill Colson and his partners, including his wife Bonnie, son Bart, and Dan Belgard, founder of Belgard, Patrick Kennedy, Thilo Best, Mark Burnham, the Hass family, Bruce Thorn, and their loyal employees and investors collectively built and managed over 80,000 senior living units in the United States, Canada, France and United Kingdom.

Bill Colson has been recognized as a founding father of seniors housing by the American Seniors Housing Association, an organization he helped create in 1991. With his passing at age 66, Bill Colson leaves a legacy that will be remembered by his family and by the thousands of employees and residents he served so well over the years. I ask my colleagues to join me in recognizing Bill Colson and celebrating his lifetime of achievements building and operating outstanding housing for seniors across North America and Europe. He will be remembered by those whose lives he touched as a devoted family man, successful businessman, generous philanthropist, genuine friend and a great American.

TRIBUTE TO JOAN MCKINNEY

Ms. LANDRIEU. Mr. President, I would like to take a moment to pay tribute to Joan McKinney—journalist, advocate for the free press and accomplished pianist, who turned 60 this week, for her outstanding contributions to the State of Louisiana and to our country.

Joan McKinney, originally of Greenville, SC, came to Washington in 1971 to work on the press staff of former Senator Fritz Hollings. As her career advanced, she chose to return to journalism, and she worked for papers in both Louisiana and South Carolina before coming back to work here at the Capitol, covering Washington for the Baton Rouge Advocate, a position she held from 1979 to 2003. I came to know and respect Joan in my many hallway meetings with her since I came to the Senate in 1997.

In her tenure as the advocate’s congressional correspondent, Joan beat the Capitol’s marble floors and came to be well respected by the Louisiana delegation. The Members from my State knew there was nothing, nothing that could get by her. She was so skilled at asking the right questions that she was able to draw from our elected officials
some truly famous singers—such as when former Senator Breaux in 1981, while still a House Member, told her why he was voting for a particular plan President Reagan was putting forth. He said his vote could not be bought, but it was up for rent.

Joan’s work as a reporter stayed true to the best tenets of journalism. She served the people of Louisiana for a quarter of a century by informing them about the personalities and policies of their elected representatives in Washington.

Through her work, Joan became an expert on the intricacies of the Senate and the Supreme Court. She has taken this knowledge with her into her current role as a member of the Senate Daily Press Gallery staff. Her Senate acumen on the institution and its procedures is of great value to the reporters roaming the gallery, cub reporters, and veterans alike, who rely on her for deep insight about the Chamber they cover.

Joan, who has won reporting awards from the South Carolina and Louisiana press associations, is a long-time member of the 112-year-old, elite Gridiron Club of newspaper writers. She was one of the first women to become a member, as an editor and a journalist, which earned her the respect of fellow members of the press and politicians alike, should be an example to all aspiring women journalists. And for those lucky enough to gain a spot in the value-added eyes of the Senate Daily Press Gallery, I know Joan will offer them a helping hand. The smart one will take it, and draw on the knowledge, experience and good heart, which has distinguished Joan among all who know her and the many more who have benefited from her years of believing in and serving the best ideals of our democracy.

---

TRIBUTE TO JOEL COGEN

- Mr. LIEBERMAN. Mr. President, those of us who hold elected office are accustomed to getting the recognition and praise that comes with a career in public service. However, I think all of us would also recognize that there are many equally dedicated public servants who work behind the scenes and are just as deserving of the public’s gratitude and recognition. I rise today to honor one such public servant.

In 1966, Mr. Cogen became the executive director and general counsel of the Connecticut Conference of Municipalities, an organization dedicated to both advocating for the best interests of Connecticut municipalities and promoting efficiency and responsiveness within municipal government, has grown in both size and influence to the point where it is now the dominant voice for Connecticut’s cities and towns. In addition to its advocacy work, CCM has also provided its member municipalities with numerous services, including management assistance, individualized inquiry service, as well as liaison services, technical assistance and training, policy development, research and analysis, publications, information programs, and service programs such as workers’ compensation.

In addition, Mr. Cogen also serves as corporate executive officer of CCM’s Connecticut Interlocal Risk Management Agency. This agency allows CCM’s member towns to pool their resources to purchase services, such as workers’ compensation insurance, that many towns might otherwise find too expensive.

Before his tenure at CCM, Mr. Cogen held numerous other public service positions. He worked for 9 years at the New Haven Redevelopment Agency, while at the same time working as an assistant for then-mayor Richard C. Lee. Before that, he worked for the Ansonia Redevelopment Agency, the New York State Mediation Board, and the U.S. Wage Stabilization Board. He also brought his skills to the U.S. Army, where, as a member for 2 years, he handled various management assignments.

Given all of these accomplishments, I cannot help but think of Mr. Cogen’s retirement in bittersweet terms. While I am certainly happy for him and wish him all the best, I cannot help but think about what a loss it will be for Connecticut when he steps down. I am sure, however, that his dedication to the State will live on in all who know him and worked with him and that we will be left with.

Thank you, Joel Cogen. Connecticut is a better place because of you and all you have done.

---

TRIBUTE TO JAMES BURTON BLAIR

- Mr. PRYOR. Mr. President, today I honor a man who has given so much of himself to public service, the State of Arkansas and its legal community.

In 1957, James Burton (Jim) Blair was admitted to practice law in Arkansas. A successful attorney, he was the only general counsel that Tyson Foods had in the 20th century as the company grew from a regional poultry company to the second largest food producer in the Fortune 500.

Jim Blair has shared his success with contributions to his lifelong hometown of Fayetteville, the University of Arkansas, and the State that he both call home. He has contributed to the education of others by establishing funds and chairs at the University of Arkansas. He gave the largest private gift ever given to a public library in Arkansas; the new Fayetteville Public Library is named The Blair Library in memory of Jim’s late wife Diane Divers Blair, his grandmother Bessie Motley Blair and his aunt Dr. Mary Grace Blair. A patron of the arts, Jim established a sculpture garden at the Walton Arts Center, donated the Anita Huffington sculpture “Spring” to the University of Arkansas and also donated the Huffington sculpture “Earth” to the Arkansas Arts Center in Little Rock.

Jim Blair also has a passion for politics and public service. He was a delegate to the Democratic National Conventions of 1968, 1972, and 1980. He served as campaign manager of Senator William J. Fulbright’s 1974 reelection campaign, was vice president of the Clinton for President Committee 1992 and is listed in “Who’s Who in American Politics.”

Jim served for 10 years on the University of Arkansas Board of Trustees, serving 2 years as chairman, and also served for 9 years on the Arkansas Board of Higher Education, with 1 year as chairman. These days Jim continues his public service by serving on the Fayetteville Educational Foundation Board, the Fayetteville Public Library Board, the Tyson Family Foundation Board, the Arkansas Tennis Association Board and the Northwest Arkansas Community Foundation.

Mr. President, I ask that my colleagues join me in congratulating James Burton (Jim) Blair on his 50th anniversary in the legal profession and many philanthropic contributions to Arkansas.

---

TRIBUTE TO FRANK BUCKLES

- Mr. ROCKEFELLER. Mr. President, today I honor the Woodruff Buckles, a devoted American, who served this country in World War I. Mr. Buckles, born in 1901 in Harrison County, MO, is still going strong today in West Virginia. At the age of 106, he resides in Charles Town, where he manages his 330-acre farm.

Mr. Buckles was only 16 years old when his country entered World War I. After unsuccessful attempts to join the Marines and the Navy, Mr. Buckles contacted the Army. He claimed that birth certificates had not been issued in Missouri at the time of his birth and started his training at Fort Riley, KS, where many soldiers were ill with influenza. With an irrepressible desire to serve his country, Mr. Buckles joined the Army Ambulance Service and went overseas, first to England and France. Later, Mr. Buckles became an escort for German prisoners of war.

Upon his return from Europe, Mr. Buckles held various jobs. He accepted a position with White Star Line Steamship Company which took him to Toronto, Canada. In 1921, he put his business education to use at Bankers Trust Company in New York City.
Mr. Buckles eventually realized that he cared most for the steamship industry. While he was employed by Grace Line, he traveled along the western coast of South America. In 1940, the American President Lines had a task for him in Manila—Mr. Buckles had himself trapped in the Philippines when the Japanese invaded in December of the following year. He spent 3½ years in Japanese prison camps, until on February 23, 1945, a subsection of the 11th Airborne Division freed Mr. Buckles and 2,147 other prisoners in a daring raid on the Los Banos prison camp.

After his liberation from Los Banos, Mr. Buckles returned to the United States. He married Audrey Mayo, a young lady, whom he had known before the war and in 1954, they settled down on the Gap View Farm in West Virginia.

On this same farm, Mr. Buckles has remained mentally sharp and physically active. Up to the age of 105, he drove cars and tractors on his farm. Nowadays, he reads from his vast book collection and enjoys the company of his daughter, Susannah Flanagan, who came to live with him after his wife passed away in 1999.

Today, Mr. Buckles is one of three living World War I veterans in the United States, and his dedication and courage have not been overlooked in our Nation’s Capital. In 1999, Mr. Buckles was presented with the French Legion of Honor at the French Embassy in Washington, DC. On May 28, 2007, Mr. Buckles will represent his fellow World War I veterans as a Grand Marshall at the National Memorial Day Parade.

We must cherish our last links to World War I. In the same vein, we owe Mr. Buckles and all the men and women, who have served our country, a great debt of gratitude.

I ask the Senate to join me today in commending Frank Buckles, an American whose service to our country deserves recognition.

RECOGNIZING CASTLEWOOD, SOUTH DAKOTA

Mr. THUNE. Mr. President, today I recognize Castlewood, SD. The town of Castlewood will celebrate the 125th anniversary of its founding this year.

Located in Hamlin County, Castlewood was founded in 1882 when the Chicago and Northwestern railroad placed a turntable near the location of the present day town. According to the town’s folklore, the first train that passed through had an engineer named Cast and a conductor named Wood, hence the town was named “Castlewood.” Since its beginning, Castlewood has been a successful and thriving community and I am confident that it will continue to serve as an example of South Dakota values and traditions for the next 125 years.

I would like to offer my congratulations to the citizens of Castlewood on this milestone anniversary and wish them continued prosperity in the years to come.

RECOGNIZING ESTELLINE, SOUTH DAKOTA

Mr. THUNE. Mr. President, today I recognize Estelline, SD. The town of Estelline will celebrate the 125th anniversary of its founding this year.

Located in Hamlin County, Estelline was founded in 1882. The community’s folklore explains that the town was named after the daughter of one of its early residents; however, they just do not know which one. It was either the daughter of a prominent landowner, D.J. Spalding, or of Judge Granville Bennett. This story is just another example of the rich history that can be found in South Dakota’s rural communities. Over the past 125 years, Estelline has been a successful and thriving community and I am confident that it will continue to serve as an example of South Dakota values and traditions for the next 125 years.

It gives me great pleasure to rise with the citizens of Estelline in celebrating their 125th anniversary and wish them continued success in the years to come.

RECOGNIZING ONAKA, SOUTH DAKOTA

Mr. THUNE. Mr. President, today I recognize Onaka, SD. The town of Onaka will celebrate the 100th anniversary of its founding this year.

Located in Faulk County, Onaka was founded in 1907 with the arrival of the Chicago and Northwestern Railroad. The community of Onaka is a thriving community and I am confident that it will continue to serve as an example of South Dakota values and traditions for many years to come.

I would like to offer my congratulations to the citizens of Onaka on this milestone anniversary and wish them continued prosperity in the years to come.

RECOGNIZING PHILIP, SOUTH DAKOTA

Mr. THUNE. Mr. President, today I recognize Philip, SD. The town of Philip will celebrate the 100th anniversary of its founding this year.

Located in Hamlin County, Philip was founded in 1907 with the arrival of the Chicago and Northwestern Railroad. It was named after James “Scotty” Philip, a local rancher who was known for his efforts to preserve the buffalo population from extinction. Philip has been a successful and thriving community for the past 100 years and I am confident that it will continue to serve as an example of South Dakota values and traditions for the next 100 years.

I would like to offer my congratulations to the citizens of Philip on this milestone anniversary and wish them continued prosperity in the years to come.

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 which were referred to the appropriate committees.

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

MESSAGES FROM THE HOUSE

At 2:15 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills. In addition, it requests the concurrence of the Senate:

H.R. 67. An act to amend title 38, United States Code, to improve the outreach activities of the Department of Veterans Affairs, and for other purposes.

H.R. 612. An act to amend title 38, United States Code, to extend the period of eligibility for health care for combat service in the Persian Gulf War or future hostilities from two years to five years after discharge or release.

H.R. 1108. An act to revise the boundary of the Cari Sandburg Home National Historic Site in the State of North Carolina, and for other purposes.

H.R. 1232. An act to protect consumers from price-gouging of gasoline and other fuels, and for other purposes.

H.R. 1427. An act to reform the regulation of certain housing-related Government-sponsored enterprises, and for other purposes.

H.R. 1470. An act to amend the Department of Veterans Affairs Health Care Programs Enhancement Act of 2001 to require the provision of chiropractic services to veterans at all Department of Veterans Affairs medical centers.

H.R. 1660. An act to direct the Secretary of Veterans Affairs to establish a national cemetery for veterans in the southern Colorado region.

H.R. 2199. An act to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to provide certain improvements in the treatment of individuals with traumatic brain injuries, and for other purposes.

H.R. 2239. An act to amend title 38, United States Code, to expand eligibility for vocational rehabilitation benefits administered by the Secretary of Veterans Affairs.

H.R. 2429. An act to amend title XVIII of the Social Security Act to provide an exception to the 60-day limit on Medicare reciprocal billing arrangements between two physicians during the period in which one of the physicians is ordered to active duty as a member of a reserve component of the Armed Forces.

The message also announced that pursuant to 46 U.S.C. 51312(b), and the order of the House of January 4, 2007, the Speaker appoints the following
Members of the House of Representatives to the Board of Visitors to the United States Merchant Marine Academy: Mrs. McCarthy of New York and Mr. King of New York.

At 2:58 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:


ENROLLED BILL SIGNED
At 5:27 p.m., a message from the House of Representatives, delivered by Mr. Byrd, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 988. An act to designate the facility of the United States Postal Service located at 5757 Tilton Avenue in Riverside, California, as the “Lieutenant Todd Jason Bryant Post Office”.

The enrolled bill was subsequently signed by the President pro tempore (Mr. Byrd).

At 7:14 p.m., a message from the House of Representatives, delivered by Ms. Chiappardi, one of its reading clerks, announced that the House agrees to the amendment of the Senate to the bill (H.R. 2199) making emergency supplemental appropriations and additional supplemental appropriations for agricultural and other emergency assistance for the fiscal year ending September 30, 2007, and for other purposes, and requests the concurrence of the Senate.

MEASURES REFERRED
The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 67. An act to amend title 38, United States Code, to improve the outreach activities of the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans’ Affairs.

H.R. 612. An act to amend title 38, United States Code, to extend the period of eligibility for health care for non-service-connected Persian Gulf War or future hostilities veterans for chiropractic care, and for other purposes; to the Committee on Veterans’ Affairs.

H.R. 1100. An act to revise the boundary of the Carl Sandburg Home National Historic Site in the State of North Carolina, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 1232. An act to protect consumers from price-gouging of gasoline and other fuels, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 1407. An act to amend the Department of Veterans Affairs Health Care Programs Enhancement Act of 2001 to require the provision of chiropractic care and services to veterans at all Department of Veterans Affairs medical centers; to the Committee on Veterans’ Affairs.

H.R. 1660. An act to direct the Secretary of Veterans Affairs to establish a national cemetery for veterans in the southern Colorado region; to the Committee on Veterans’ Affairs.

H.R. 2199. An act to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to provide certain improvements in the treatment of individuals with traumatic brain injuries, and for other purposes; to the Committee on Veterans’ Affairs.

H.R. 2329. An act to amend title 38, United States Code, to expand eligibility for vocational rehabilitation benefits administered by the Secretary of Veterans Affairs; to the Committee on Veterans’ Affairs.

H.R. 2429. An act to amend title XVIII of the Social Security Act to provide an exception to the 60-day limit on Medicare reciprocal billing arrangements between two physicians during the period in which one of the physicians is ordered to active duty as a member of the Armed Forces; to the Committee on Finance.

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-2002. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled “Regional Trade Agreement Between the United Kingdom and the Republic of Jordan; State of Bahrain” (FRL No. 8318-6) received on May 23, 2007, to the Committee on Environment and Public Works.

EC-2004. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Implementation Plans; State of Missouri” (FRL No. 8318-6) received on May 23, 2007, to the Committee on Environment and Public Works.

EC-2005. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Implementation Plans; State of Florida; Prevention of Significant Deterioration Requirements for Power Plants Subject to the Florida Power Plant Siting Act” (FRL No. 8317-8) received on May 23, 2007, to the Committee on Environment and Public Works.

EC-2006. A communication from the Assistant Legal Adviser, Office of Treaty Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Implementation Plans; State of Kansas” (FRL No. 8315-9) received on May 23, 2007, to the Committee on Environment and Public Works.

EC-2007. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a recommendation to continue the waiver of application of Subsections (a) and (b) of Section 402 of the Act to Belize for one year; to the Committee on Finance.

EC-2007. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a recommendation to continue the waiver of application of Subsections (a) and (b) of Section 402 of the Act to Belize for one year; to the Committee on Finance.

EC-2007. A communication from the Administrator, Office of Foreign Labor Certification, Department of Labor, transmitting, pursuant to law, the report of a rule entitled “Labor Certification for the Permanent Employment of Aliens in the United States” (FRL No. 8318-6) received on May 23, 2007, to the Committee on Environment and Public Works.

EC-2007. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a recommendation to continue the waiver of application of Subsections (a) and (b) of Section 402 of the Act to Belize for one year; to the Committee on Finance.

EC-2007. A communication from the Administrator, Office of Foreign Labor Certification, Department of Labor, transmitting, pursuant to law, the report of a rule entitled “Labor Certification for the Permanent Employment of Aliens in the United States” (FRL No. 8318-6) received on May 23, 2007, to the Committee on Environment and Public Works.

EC-2007. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a recommendation to continue the waiver of application of Subsections (a) and (b) of Section 402 of the Act to Belize for one year; to the Committee on Finance.

EC-2007. A communication from the Administrator, Office of Foreign Labor Certification, Department of Labor, transmitting, pursuant to law, the report of a rule entitled “Labor Certification for the Permanent Employment of Aliens in the United States” (FRL No. 8318-6) received on May 23, 2007, to the Committee on Environment and Public Works.

EC-2007. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a recommendation to continue the waiver of application of Subsections (a) and (b) of Section 402 of the Act to Belize for one year; to the Committee on Finance.

EC-2007. A communication from the Administrator, Office of Foreign Labor Certification, Department of Labor, transmitting, pursuant to law, the report of a rule entitled “Labor Certification for the Permanent Employment of Aliens in the United States” (FRL No. 8318-6) received on May 23, 2007, to the Committee on Environment and Public Works.

EC-2007. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a recommendation to continue the waiver of application of Subsections (a) and (b) of Section 402 of the Act to Belize for one year; to the Committee on Finance.

EC-2007. A communication from the Administrator, Office of Foreign Labor Certification, Department of Labor, transmitting, pursuant to law, the report of a rule entitled “Labor Certification for the Permanent Employment of Aliens in the United States” (FRL No. 8318-6) received on May 23, 2007, to the Committee on Environment and Public Works.

EC-2007. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a recommendation to continue the waiver of application of Subsections (a) and (b) of Section 402 of the Act to Belize for one year; to the Committee on Finance.

EC-2007. A communication from the Administrator, Office of Foreign Labor Certification, Department of Labor, transmitting, pursuant to law, the report of a rule entitled “Labor Certification for the Permanent Employment of Aliens in the United States” (FRL No. 8318-6) received on May 23, 2007, to the Committee on Environment and Public Works.

EC-2007. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a recommendation to continue the waiver of application of Subsections (a) and (b) of Section 402 of the Act to Belize for one year; to the Committee on Finance.

EC-2007. A communication from the Administrator, Office of Foreign Labor Certification, Department of Labor, transmitting, pursuant to law, the report of a rule entitled “Labor Certification for the Permanent Employment of Aliens in the United States” (FRL No. 8318-6) received on May 23, 2007, to the Committee on Environment and Public Works.

EC-2007. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a recommendation to continue the waiver of application of Subsections (a) and (b) of Section 402 of the Act to Belize for one year; to the Committee on Finance.

EC-2007. A communication from the Administrator, Office of Foreign Labor Certification, Department of Labor, transmitting, pursuant to law, the report of a rule entitled “Labor Certification for the Permanent Employment of Aliens in the United States” (FRL No. 8318-6) received on May 23, 2007, to the Committee on Environment and Public Works.

EC-2007. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a recommendation to continue the waiver of application of Subsections (a) and (b) of Section 402 of the Act to Belize for one year; to the Committee on Finance.
EC-2059. A communication from the Administration, Environmental Protection Agency, transmitting, pursuant to law, the Inspector General’s Semiannual Report for the period October 1, 2006 through March 31, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-2060. A communication from the Director, U.S. Special Operations Command, American Legion, transmitting, pursuant to law, a report relative to the financial condition of the Legion as of December 31, 2006; to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-97. A resolution adopted by the City Commission of Sunny Isles Beach, Florida, requesting fair treatment for Haitian asylum seekers who recently arrived ashore in Hallandale Beach, Florida; to the Committee on the Judiciary.

POM-98. A concurrent resolution adopted by the House of Representatives of the State of Arizona urging Congress to take immediate action to allow the Arizona Game and Fish Department to restore the Kofa National Wildlife Refuge desert bighorn sheep population; to the Committee on Energy and Natural Resources.

H. CON. MEMORIAL 2008. A memorial from the Senate of Arizona urging Congress to take immediate action to reaffirm the Arizona Game and Fish Department as the leading agency in the management of non-migratory and nonendangered state wildlife; to the Committee on the Judiciary, without amendment:

1. That the United States Congress take immediate action to reaffirm the Arizona Game and Fish Department’s position as the leading agency in the management of non-migratory and nonendangered state wildlife.

2. That the Arizona Game and Fish Commission employ, without any unnecessary delay, all available management tools and measures necessary to recover the Kofa National Wildlife Refuge desert bighorn sheep population, including the management of predators, water developments, human intervention and the potential for disease epizootics.

3. That the Secretary of State of the State of Arizona transmit copies of this Memorial to the President of the United States Senate, the Speaker of the United States House of Representatives, each Member of Congress from the State of Arizona and the Director of the Arizona Game and Fish Department.

POM-99. A concurrent resolution adopted by the State of Arizona urging Congress to repeal federal tax withholding on certain payments made by government agencies; to the Committee on Finance.

SENATE CONCURRENT MEMORIAL 1001. Whereas, section 511 of the Tax Increase Prevention and Reconciliation Act of 2005 imposes on certain governmental agencies the duty to withhold and remit income taxes on certain payments for providers of services or property; and

Whereas, many providers of covered transactions may be in marginal businesses with little or no federal income tax liability, thereby forcing an interest-free loan to the federal government by the businesses that can least afford them; and

Whereas, section 511 places an undue burden on governmental agencies, creating yet another unfunded mandate to state and local governments; and

Whereas, the Internal Revenue Service is barely able to cope with the current level of tracking of withholding payments, much less handle the expected increase in such payments that section 511 creates; and

Whereas, this withholding scheme will inevitably lead to endless disputes between governmental agencies and their service providers over billing and account balances.

Wherefore your memorialist, the Senate of the State of Arizona, transmit copies of this Memorial to the President of the United States Senate, the Speaker of the United States House of Representatives, and the Governor of the State of Arizona:

That the Senate of the State of Arizona, having considered the body of expertise relative to managing the natural resources of the Kofa National Wildlife Refuge, the National Wildlife Refuge System Improvement Act of 1997 which provides for the use of the Interior will ensure effective coordination, interaction and cooperation with the fish and wildlife agency of the states in which the units of the system are located.

Whereas, the Arizona Game and Fish Commission and Department are recognized for their body of expertise relative to managing both desert bighorn sheep and mountain lions, and immediate management action is needed to secure the health and viability of the Kofa desert bighorn population.

Wherefore your memorialist, the House of Representatives of the State of Arizona, the Senate concurring, pray:

1. That the United States Congress take immediate action to reaffirm the Arizona Game and Fish Department’s position as the leading agency in the management of non-migratory and nonendangered state wildlife.

2. That the Arizona Game and Fish Commission employ, without any unnecessary delay, all available management tools and measures necessary to recover the Kofa National Wildlife Refuge desert bighorn sheep population, including the management of predators, water developments, human intervention and the potential for disease epizootics.

3. That the Secretary of State of the State of Arizona transmit copies of this Memorial to the President of the United States Senate, the Speaker of the United States House of Representatives, each Member of Congress from the State of Arizona and the Director of the Arizona Game and Fish Department.

POM-100. A concurrent resolution adopted by the Senate of the State of Louisiana urging Congress to take such actions as are necessary to support the goals and ideals of a National Day of Remembrance for Murder Victims and to recognize the significant benefits that Parents of Murdered Children, Inc., provides to the loved ones of murder victims, be it

Resolved that the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to support the goals and ideals of a National Day of Remembrance for Murder Victims and to recognize the significant benefits that Parents of Murdered Children, Inc., provides to the loved ones of murder victims, be it further

Resolved that a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INOUYE, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

H. CON. RES. 61. A bill to strengthen the United States Coast Guard’s Integrated Deepwater Program (Rept. No. 110-72).

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

S. 368. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to enhance the COOPS ON THE BEAT grant program, and for other purposes (Rept. No. 110-73).

By Mr. BYRD, from the Committee on Appropriations:

Special Report entitled ‘Allocations to Subcommittee of Budget Total’ (Rept. No. 110-74).

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

H. R. 361. A bill to amend title 18, United States Code, to prevent caller ID spoofing, and for other purposes.

By Mr. LEAHY, from the Committee on the Judiciary, with amendment and with a preamble:

H. Con. Res. 76. A concurrent resolution honoring the 50th Anniversary of the Inter-American Geophysical Year (IGY) and its past contributions to space research, and looking forward to future accomplishments.
EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. INOUYE for the Committee on Commerce, Science, and Transportation.

*Charles and Gina Smalley, of Pennsylvania, to be a Member of the Board of Directors of the Metropolitan Washington Airports Authority for a term expiring May 30, 2012.

By Mr. BIDEN for the Committee on Foreign Relations.

*Mark P. Lacon, of Virginia, to be Director of the Office to Monitor and Combat Trafficking, with the rank of Ambassador at Large.

*James K. Glassman, of Connecticut, to be Chairman of the Broadcasting Board of Governors.

James K. Glassman, of Connecticut, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 2007.

*Phillip Carter, III, of Virginia, 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 Cameroon.

Nominee: James K. Glassman.

Post: Yaoundé, Cameroon.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, Donee:

2. Spouse: none.

5. Grandparents: N/A.


6. Brothers and spouses: Cameron R. Hume, deceased; Paul Cifrino, deceased; Mary Cifrino, deceased.


7. Sisters and spouses: none.


2. Spouse: none.


2. Spouse: none.


2. Spouse: none.

3. Children and spouses: None.

2. Spouse: none.


2. Spouse: none.


2. Spouse: none.


2. Spouse: none.


2. Spouse: none.

of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Democratic Republic of Timor-Leste.

Nominated: Hans George Klemm.


(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, Donee:
2. Spouse: none.
3. Children and spouses: N/A.
5.-grandchildren: none.

Mr. BIDEN. Mr. President, for the Committee on Foreign Relations I report favorably the following nominations listed 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.

Foreign Service nomination of Ross Martin Hicks.

Foreign Service nominations beginning with Patricia A. Miller and ending with Dean L. Smith, were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SUNUNU:

S. 1478. A bill to provide lasting protection for inventoried roadless areas within the National Forest System; to the Committee on Energy and Natural Resources.

By Mrs. SCHUMER (for himself and Mr. LEAHY):

S. 1479. A bill to improve the oversight and regulation of tissue banks and the tissue donation process, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. CLINTON:

S. 1480. A bill to amend title 38, United States Code, to provide for the payment of a monthly stipend to the surviving parents (known as “Gold Star parents”) of members of the Armed Forces who die during a period of war; to the Committee on Veterans’ Affairs.

By Mr. BAUCUS (for himself and Mr. ENZI):

S. 1481. A bill to restore fairness and reliability to the medical justice system and promote patient safety by fostering alternatives to current medical malpractice litigation, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ROCKEFELLER (for himself and Ms. SNOWE):

S. 1482. A bill to amend part A of title IV of the Social Security Act to require the Secretary of Health and Human Services to conduct research on indicators of child well-being; to the Committee on Finance.

By Mr. ROCKEFELLER (for himself and Ms. SNOWE):

S. 1483. A bill to create a new incentive fund that will encourage States to adopt the 21st Century Skills Framework; to the Committee on Finance.

By Mr. ROBERTS (for himself, Mr. REED, Mr. SALAZAR, and Mr. VÖLCKER):

S. 1484. A bill to amend part B of title XVIII of the Social Security Act to restore the Medicare treatment of ownership of oxygen equipment to that in effect before enactment of the Deficit Reduction Act of 2005; to the Committee on Finance.

By Mrs. CLINTON (for herself, Ms. SNOWE, Mrs. MURRAY, Mr. FINKEL, Mr. CONRAD, Mr. CRAIO, and Ms. KLOUSBAR):

S. 1485. A bill to impose tariff-rate quotas on certain casings and concentrates; to the Committee on Finance.

By Mr. DORGAN (for himself and Mr. GRASSLEY):

S. 1486. A bill to amend the Food Security Act of 1985 to restore integrity to and strengthen payment limitation rules for commodity payments and benefits; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. FEINSTEIN (for herself, Mr. DOZIER, Mr. BANDERS, Mr. INOUYE, Mr. OKAMURA, Mr. BURSON, Mr. MENENDEZ, Mr. KENNEDY, and Mrs. CLINTON):

S. 1487. A bill to amend the Help America Vote Act of 2002 to require an individual, durable, voter-verifiable paper record under title III of such Act, and for other purposes; to the Committee on Rules and Administration.

By Mr. COLEMAN (for himself and Ms. LANDRIEU):

S. 1488. A bill to amend the definition of independent student for purposes of the need analysis in the Higher Education Act of 1965 to include older adopted students; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. MURRAY (for herself and Ms. CANTWELL):

S. 1489. A bill to provide for an additional place of holding court in the western district of Washington; to the Committee on the Judiciary.
By Mr. CARPER (for himself and Mr. VOINOVICH):
S. 1490. A bill to provide for the establishment and maintenance of electronic personal health records for individuals, and for family members enrolled in Federal employee health benefits plans under chapter 89 of title 5, United States Code, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Ms. KLOBUCHAR (for herself, Mr. OBAMA, Mr. BOND, Mr. VOINOVICH, Ms. SHERMAN, Mr. DURBIN, Mr. McCASKILL, Mrs. CLINTON, Mr. KERRY, Mr. BROWN, Mr. NELSON of Nebraska, and Mr. DORGAN):
S. 1491. A bill to amend the Agricultural Risk Protection Act of 2000 to direct the Secretary of Agriculture to provide grants for the improvement of fuel infrastructure, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. INOUYE (for himself, Mr. DORGAN, Mr. PHYOR, Ms. CANTWELL, Ms. KLOBUCHAR, and Mr. KERRY):
S. 1492. A bill to improve the quality of federal and state data regarding the availability and quality of health care services and to promote the deployment of affordable broadband services to all parts of the Nation; to the Committee on Commerce, Science, and Transportation.

By Mr. INOUYE (for himself and Mr. STEVENS):
S. 1493. A bill to promote innovation and basic research in advanced information and communications technologies that will enhance or facilitate the availability and affordability of advanced communications services to all Americans; to the Committee on Commerce, Science, and Transportation.

By Ms. DOMENICI (for himself, Mr. DORGAN, Mr. INOUYE, Mr. BAUCUS, Ms. COLLINS, Ms. NELSON, Mr. HAYRAN, Mr. BINGAMAN, Ms. STABENOW, Mr. SCHUMER, and Mr. DURBIN):
S. 1494. A bill to amend the Public Health Service Act to reauthorize the special diabetes programs for Type I diabetes and Indians under that Act; to the Committee on Health, Education, Labor, and Pensions.

By Mr. INOUYE (for himself and Mr. WYDEN):
S. 1495. A bill to amend the Internal Revenue Code of 1986 to modify the application of the tonnage tax on vessels operating in the dual United States domestic and foreign trades, and for other purposes; to the Committee on Finance.

By Mr. BAUCUS (for himself, Mr. CHAMBLISS, Mr. GRASSLEY, Ms. LANDREI, Mr. NELSON of Florida, Mr. ISAKSON, Mr. CRAIG, Mr. CASEY, Mr. DORGAN, Mrs. FEINSTEIN, Mrs. CLINTON, Mr. BROWN, Mr. HARKIN, Mr. KERRY, Mr. ALLARD, Ms. COLLINS, Ms. BISKUPIC, Mr. BOXER, Mr. TESTER, Mr. FEINGOLD, Mr. SANDERS, Ms. SNOWE, Mr. COCHRAN, Mr. NELSON of Nebraska, Mr. ROBERTS, Mr. SCHATZ, Mr. GRAHAM, Mr. STABENOW, and Mr. CONRAD):
S. 1496. A bill to amend the Food Security Act of 1985 to include pollinators in certain conservation programs; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. CARDIN:
S. 1497. A bill to promote the energy independence of the United States, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. BOXER (for herself, Mr. VITTER, Mr. LIEBERMAN, Mr. LAUGHLIN, and Mr. MENENDEZ):
S. 1498. A bill to amend the Lacey Act Amendments of 1981 to prohibit the importation, export, transportation, sale, receipt, acquisition, or purchase in interstate or foreign commerce of any live animal of any prohibited wildlife species, and for other purposes; to the Committee on Environment and Public Works.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):
S. 1499. A bill to amend the Clean Air Act to reduce air pollution from marine vessels; to the Committee on Environment and Public Works.

By Mrs. CLINTON (for herself, Mr. FEINGOLD, and Mr. LUGAR):
S. 1500. A bill to support democracy and human rights in Zimbabwe, and for other purposes; to the Committee on Foreign Relations.

By Mr. BAYH:
S. 1501. A bill to amend the Internal Revenue Code of 1986 to consolidate the current education tax incentives into one credit against income tax for higher education expenses, and for other purposes; to the Committee on Finance.

By Mr. CONRAD (for himself, Mr. ROBERTS, Mr. LEAHY, Mr. THUNE, Mr. SALAZAR, Mr. ENZI, Mr. DORGAN, Mr. NELSON of Nebraska, Mr. BAUCUS, Mr. STEVENS, Mr. KERRY, and Mrs. CLINTON):
S. 1502. A bill to amend the Food Security Act of 1985 to encourage owners and operators of coconut and palm oil farms and processors of such crops to commit voluntarily to make their land available for access by the public under programs administered by States and tribal governments; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. INHOFE (for himself and Mr. THUNE):
S. 1503. A bill to improve domestic fuel security; to the Committee on Environment and Public Works.

By Ms. SNOWE:
S. 1504. A bill to revalue the LIFO inventories of major integrated oil companies; to the Committee on Finance.

By Mr. GREGG (for himself, Mr. BURR, and Mr. COBURN):
S. 1505. A bill to amend the Public Health Service Act to provide for the approval of biosimilars, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LAUTENBERG (for himself and Mr. DURBIN):
S. 1506. A bill to amend the Federal Water Pollution Control Act to modify provisions relating to beach monitoring, and for other purposes; to the Committee on Environment and Public Works.

By Mr. GRASSLEY (for himself and Mr. BAUCUS):
S. 1507. A bill to amend title XVIII of the Social Security Act to provide for drug and health care claims data release; to the Committee on Finance.

By Mr. BIPEN:
S. 1508. A bill to amend title 10, United States Code, to provide for the distribution of a share of certain mineral revenues to the State of Colorado, and for other purposes; to the Committee on Armed Services.

By Mr. REED (for himself, Mr. ALLARD, Mr. MIRKULIS, Mr. BOND, Mr. DURBIN, Mr. COLLINS, Mr. SCHUMER, Mr. AKAKA, Mrs. CLINTON, Mr. WHITEHOUSE, Mr. LEVIN, Mr. BROWN, and Mrs. BOXER):
S. 1509. A bill to provide environmental assistance to non-Federal interests in the State of Colorado; to the Committee on Environment and Public Works.

By Mr. ALLARD:
S. 1510. A bill to amend title 10, United States Code, to provide for the distribution of a share of certain mineral revenues to the State of Colorado, and for other purposes; to the Committee on Armed Services.

By Mr. REED (for himself and Mr. SALAZAR):
S. 1511. A bill to amend title XVIII of the Social Security Act to provide for a transition to a new voluntary quality reporting program for physicians and other health professionals; to the Committee on Finance.

By Mr. NELSON of Florida:
S. 1520. A bill to prohibit price gouging relating to gasoline and diesel fuels in areas affected by major disasters; to the Committee on Commerce, Science, and Transportation.

By Mr. FEINGOLD (for himself and Mr. SPECTER):
S. 1521. A bill to provide information, resources, recommendations, and funding to help State and local law enforcement enact crime prevention and crime suppression strategies supported by rigorous evidence; to the Committee on the Judiciary.

By Mr. WYDEN (for himself, Mr. SMITH, Mr. CRAIG, Mrs. MURRAY, Ms. CANTWELL, Mr. BAUCUS, Mr. CRAPO, and Mr. TESTER):
S. 1522. A bill to amend the Bonneville Power Administration portions of the Fisheries Restoration and Irrigation Mitigation Act of 2000 to authorize appropriations for fiscal years 2008 through 2012, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. BOXER (for herself and Mr. AXNEDEN):
S. 1524. A bill to amend the Clean Air Act to reduce emissions of carbon dioxide from...
the Capitol power plant; to the Committee on Environment and Public Works.

By Mr. BROWN (for himself, Ms. STABENOW, and Mr. VOINOVICH):
S. 117. A bill to modify caps on享受 chess unlimited said by law in order to allow the Medal of Honor to be awarded to Gary Lee McKiddy, of Miamisburg, Ohio, for acts of valor for ferry crew during the Vietnam War; to the Committee on Armed Services.

By Mr. SMITH (for himself, Mrs. LINCOLN, Ms. CANTWELL, and Ms. SNOWE):
S. 1523. A bill to amend the Internal Revenue Code of 1986 to modify the energy efficiency in appliances manufactured or sold in interstate commerce after 2013 meet those standards, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. STEVENS (for himself, Mr. LIEBERMAN, Ms. SNOWE, Mr. CARPER, Ms. MURKOWSKI, and Ms. LANDRIEU):
S. 1526. A bill to modify the energy efficiency Code of 1986 to modify the energy efficiency in appliances manufactured or sold in interstate commerce after 2013 meet those standards, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BINGAMAN, and Mr. COLEMAN):
S. 1521. A bill to waive time limitations specified by law in order to allow the Medal of Honor to be awarded to Alberto Gonzales no longer holds the position of Attorney General; to the Committee on the Judiciary.

By Mr. SMITH (for himself, Mrs. LINCOLN, Ms. CANTWELL, and Ms. SNOWE):
S. 1522. A bill to amend the Internal Revenue Code of 1986 to modify the energy efficiency standards for appliances produced after 2007; to the Committee on Finance.

By Mr. STEVENS (for himself, Mr. LIEBERMAN, Ms. SNOWE, Mr. CARPER, Ms. MURKOWSKI, and Ms. LANDRIEU):
S. 1527. A bill to direct the Secretary of Energy to develop standards for general service lamps that will operate more efficiently and assist in reducing costs to consumers, business concerns, government entities, and other users, to require that general service lamps produced or sold in interstate commerce after 2013 meet those standards, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. STEVENS (for himself, Mr. LIEBERMAN, Ms. SNOWE, Mr. CARPER, Ms. MURKOWSKI, and Ms. LANDRIEU):
S. 1529. A bill to amend chapter 87 of title 5, United States Code, to end the terrorizing of those detained by the United States.

By Mr. BIDEN (for himself, Mr. LIEBERMAN, Ms. SNOWE, Mr. CARPER, Ms. MURKOWSKI, and Ms. LANDRIEU):
S. 1530. A bill to amend title XVIII of the Public Health Service Act to expand the clinical drug data bank.

By Mr. BINGAMAN, and Mr. COLEMAN):
S. 185. A bill to restore habeas corpus for those detained by the United States.

By Mr. HARKIN (for himself and Mr. LUGAR):
S. 189. A bill to amend the Food Stamp Act of 1977 to end benefit erosion, support retirement and education savings, to encourage multiple savings, and assist in reducing costs to consumers, business concerns, government entities, and other users, to require that general service lamps produced or sold in interstate commerce after 2013 meet those standards, and for other purposes; to the Committee on Finance.

By Mr. CORNYN:
S. 1926. A bill to amend chapter 87 of title 5, United States Code, to end the terrorizing of those detained by the United States.

By Mr. HARKIN (for himself and Mr. LUGAR):
S. 1928. A bill to amend chapter 87 of title 5, United States Code, to end the terrorizing of those detained by the United States.

By Mr. CORNYN:
S. 1929. A bill to amend the Food Stamp Act of 1977 to end benefit erosion, support working families with child care expenses, encourage retirement and education savings, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. CORNYN (for himself, Mrs. FEINSTEIN, Mr. KENNEDY, Mr. BIDEN, Mr. DURBIN, Mr. WHITEHOUSE, Mr. DODD, Mr. AKAKA, Mr. BINGAMAN, Mr. BOXER, Mr. BROWN, Mr. BYRD, Mr. CASEY, Mrs. CLINTON, Mr. CONRAD, Mr. DORGAN, Mr. HARKIN, Mr. INOUYE, Mr. KERRY, Mr. KLOHCHUR, Mr. LEVIN, Mr. MENENDEZ, Mrs. MURRAY, Mr. NELSON of Florida, Mr. OBAMA, Mr. REID, Mr. SANDERS, Ms. STABENOW, and Mr. WEBB):
S. J. Res. 14. A joint resolution expressing the sense of the Senate that Attorney General Alberto Gonzalez no longer holds the confidence of the Senate and of the American people; read the first time.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. CARDIN (for himself, Ms. MIKULSKI, Mr. BIDEN, Mr. LIEBERMAN, Mr. SMITH, Mrs. CLINTON, Mr. DODD, Mr. HARKIN, Mr. KOCH, Mr. MENENDEZ, and Mr. COLSAN):
S. Res. 214. A resolution calling upon the President to immediately release Dr. Haleh Esfandiari; considered and agreed to.

By Mr. ALLARD (for himself, Mr. MCCAIN, Mr. CASEY, Mr. COCHRAN, Mr. ENZI, Mr. STEVENS, Mr. GRAHAM, Mr. CHAMBLISS, Mr. CRAIG, and Mr. INHOFE):
S. Res. 215. A resolution designating September 22nd as the National First Responder Appreciation Day; to the Committee on the Judiciary.

By Mr. FEINSTEIN (for herself and Mr. STEVENS):
S. Res. 216. A resolution recognizing the 100th Anniversary of the founding of the American Association for Cancer Research and declaring the month of May National Cancer Research Month; to the Committee on the Judiciary.

By Mr. VITTER (for himself, Mr. SHEPHERD, Mr. LOTT, Mr. MARTINEZ, Mr. NELSON of Florida, Ms. LANDRIEU, and Mr. DEMINT):
S. Res. 217. A resolution designating the week beginning May 21, 2007, as Nuclear Hurricane Preparedness Week; considered and agreed to.

By Mr. CHAMBLISS (for himself, Mr. PERRY, and Mr. ISAKSON):
S. Res. 219. A resolution recognizing the year 2007 as the official 50th anniversary celebration of the beginnings of marine renewable power production, recreation, and boating on Lake Sidney Lanier, Georgia; considered and agreed to.

ADDITIONAL COSPONSORS

S. 37
At the request of Mr. DOMENICI, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 37, a bill to enhance the man- dated retirement and education savings, and for other purposes.

S. 48
At the request of Mr. ENGNISH, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 48, a bill to return mean- ing to the Fifth Amendment by limiting the power of eminent domain.

S. 185
At the request of Mr. LEAHY, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 185, a bill to restore habeas corpus for those detained by the United States.

S. 274
At the request of Mr. AKAKA, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 274, a bill to amend chapter 23 of title 5, United States Code, to clarify the disclosures of information protected from prohibited personnel practices, require a statement in non-disclosure policies, forms, and agreements that such policies, forms, and agreements conform with certain dis- closure protections, provide certain authority for the Special Counsel, and for other purposes.

S. 329
At the request of Mr. CRAPO, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 329, a bill to amend title XVIII of the Social Security Act to provide coverage for cardiac rehabilitation and pulmonary rehabilitation services.

S. 357
At the request of Mrs. FEINSTEIN, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 357, a bill to improve passenger automobile fuel economy and safety, reduce greenhouse gas emissions, re-duce dependence on foreign oil, and for other purposes.

S. 399
At the request of Mr. BUNNING, the names of the Senator from Nevada (Mr. ENSIGN), the Senator from New York (Mr. SCHUMER) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 399, a bill to amend title XIX of the Social Security Act to include podiatrists as physicians for purposes of covering physicians services under the Medicaid program.

S. 430
At the request of Mr. BOND, the names of the Senator from Ohio (Mr. VOINOVICH) and the Senator from Nevada (Mr. ENSIGN) were added as cosponsors of S. 430, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the Chief of the National Guard Bureau and the enhancement of the functions of the National Guard Bureau, and for other purposes.

S. 450
At the request of Mr. ENSIGN, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 450, a bill to amend title XVIII of the Social Security Act to repeal the medici- care outpatient rehabilitation therapy caps.

S. 467
At the request of Mr. DODD, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 467, a bill to amend the Public Health Service Act to expand the clinical trials drug data bank.

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

S. 569
At the request of Mr. LUGAR, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 569, a bill to accelerate efforts to de- velop vaccines for diseases primarily affecting developing countries and for other purposes.
At the request of Mr. Smith, the name of the Senator from Pennsylvania (Mr. Specter) was added as a cosponsor of S. 582, a bill to amend the Internal Revenue Code of 1986 to classify automatic fire sprinkler systems as 5-year property for purposes of depreciation.

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

At the request of Mr. Rockefeller, the name of the Senator from Louisiana (Mr. Vitter) was added as a cosponsor of S. 609, a bill to amend section 244 of the Communications Act of 1934 to provide that funds received as universal service contributions and the universal service support programs established pursuant to that section are not subject to certain provisions of title 31, United States Code, commonly known as the Antideficiency Act.

At the request of Mr. Dodd, the name of the Senator from Massachusetts (Mr. Kerry) was added as a cosponsor of S. 634, a bill to amend the Public Health Service Act to establish grant programs to provide for education and outreach on newborn screening and coordinated followup care once newborn screening has been conducted, to reauthorize programs under part A of title XI of such Act, and for other purposes.

At the request of Mr. Salazar, the name of the Senator from New York (Ms. Clinton) was added as a cosponsor of S. 672, a bill to amend the Internal Revenue Code of 1986 to provide tax-exempt financing for qualified renewable energy facilities, and for other purposes.

At the request of Ms. Clinton, the names of the Senator from Hawaii (Mr. Inouye) and the Senator from Maryland (Mr. Cardin) were added as cosponsors of S. 764, a bill to amend title XIX and XXI of the Social Security Act to permit States the option of coverage of legal immigrants under the Medicaid Program and the State children's health insurance program (SCHIP).

At the request of Mrs. Clinton, the name of the Senator from Ohio (Mr. Brown) was added as a cosponsor of S. 804, a bill to amend the Help America Vote Act of 2002 to improve the administration of elections for Federal office, and for other purposes.

At the request of Mr. Obama, the name of the Senator from Washington (Ms. Cantwell) was added as a cosponsor of S. 823, a bill to amend the Public Health Service Act with respect to facilitating the development of microbicides for preventing transmission of HIV/AIDS and other diseases, and for other purposes.

At the request of Ms. Mikulski, the names of the Senator from Maryland (Mr. Cardin) and the Senator from California (Mrs. Boxer) were added as cosponsors of S. 829, a bill to reauthorize the HOPE VI program for revitalization of severely distressed public housing, and for other purposes.

At the request of Mr. Smith, the name of the Senator from California (Mrs. Feinstein) 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.

At the request of Mr. Lieberman, the name of the Senator from North Carolina (Mrs. Dole) was added as a cosponsor of S. 871, a bill to establish and provide for the treatment of Individual Development Accounts, and for other purposes.

At the request of Mr. Kohl, the name of the Senator from Ohio (Mr. Brown) was added as a cosponsor of S. 879, a bill to amend the Sherman Act to make oil-producing and exporting cartels illegal.

At the request of Mr. Craig, the name of the Senator from Idaho (Mr. Craig) 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.

At the request of Mr. Lincoln, the name of the Senator from Maine (Ms. Snowe) was added as a cosponsor of S. 881, supra.

At the request of Mr. Kennedy, the names of the Senator from Michigan (Ms. Stabenow) and the Senator from South Dakota (Mr. Dorgan), the Senator from Indiana (Mr. Lugar) and the Senator from Ohio (Mr. Voinovich) were added as cosponsors 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.

At the request of Mr. Martinez, the name of the Senator from Idaho (Mr. Craig) was added as a cosponsor of S. 929, a bill to streamline the regulation of nonadmitted insurance and reinsuran ce, and for other purposes.

At the request of Mr. Nelson of Nebraska, the name of the Senator from Connecticut (Mr. Lieberman) was added as a cosponsor of S. 961, a bill to amend title 46, United States Code, to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II, and for other purposes.

At the request of Mr. Smith, the names of the Senator from Michigan (Ms. Stabenow), the Senator from California (Mrs. Boxer), the Senator from Wisconsin (Mr. Kohl) 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.

At the request of Mr. Enzi, the name of the Senator from Utah (Mr. Hatch) was added as a cosponsor 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.

At the request of Mrs. Clinton, the name of the Senator from Georgia (Mrs. Chambliss) was added as a cosponsor of S. 1064, a bill to provide for the improvement of the physical evaluation processes applicable to members of the Armed Forces, and for other purposes.

At the request of Mr. Smith, the name of the Senator from Washington (Ms. Cantwell) was added as a cosponsor of S. 1107, a bill to amend title XVIII of the Social Security Act to reduce cost-sharing under part D of such title for certain non-institutionalized full-benefit dual eligible individuals.

At the request of Mr. Durbin, the names of the Senator from New Jersey (Mr. Menendez) and the Senator from Ohio (Mr. Brown) were added as cosponsors of S. 1172, a bill to reduce hunger in the United States.

At the request of Mr. Bayh, the name of the Senator from Ohio (Mr. Voinovich) was added as a cosponsor of S. 1226, a bill to amend title XIX of the Social Security Act to establish programs to improve the quality, performance, and delivery of pediatric care.

At the request of Ms. Cantwell, the names of the Senator from Ohio (Mr. Brown) and the Senator from Maine (Ms. Snowe) were added as cosponsors of S. 1263, a bill to protect the welfare of consumers by prohibiting price gouging with respect to gasoline and petroleum distillates during natural disasters and abnormal market disruptions, and for other purposes.

At the request of Mr. Dodd, the name of the Senator from Connecticut (Mr. Lieberman) was added as a cosponsor of S. 1334, a bill to amend section 2306 of title 38, United States Code, to make permanent authority to furnish government headstones and markers for graves of veterans at private cemeteries, and for other purposes.
At the request of Mr. KERRY, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 1337, a bill to amend title XXI of the Social Security Act to provide for equal coverage of mental health services under the National Children’s Health Insurance Program.

S. 1373

At the request of Mr. PRYOR, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1373, a bill to provide grants and loan guarantees for the development and construction of science parks to promote the clustering of innovation through high technology activities.

S. 1379

At the request of Mrs. FEINSTEIN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1379, a bill to amend chapter 35 of title 26, United States Code, to strike the exception to the residency requirements for United States attorneys.

S. 1382

At the request of Mr. REID, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from Minnesota (Mr. COLEMAN) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 1382, a bill to amend the Public Health Service Act to provide the establishment of an Amyotrophic Lateral Sclerosis Registry.

S. 1398

At the request of Mr. REID, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1398, a bill to expand the research and prevention activities of the National Institute of Diabetes and Digestive and Kidney Diseases, and the Centers for Disease Control and Prevention with respect to inflammatory bowel disease.

S. 1418

At the request of Mr. DODD, the names of the Senator from Maryland (Ms. MUKULSKI), the Senator from Maine (Ms. SNOWE) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. 1418, a bill to provide additional funding for the welfare of newborns, children, and mothers in developing countries, and for other purposes.

S. 1430

At the request of Mr. OBAMA, the names of the Senator from California (Mrs. BOXER), the Senator from Maryland (Ms. MUKULSKI) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 1430, a bill to authorize State and local governments to direct destitute from, and prevent investment in, companies with investments of $50,000,000 or more in Iraq’s energy sector, and for other purposes.

S. 1499

At the request of Mr. ROBERTS, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1499, a bill to reauthorize the broadband loan and loan guarantee program under title VI of the Rural Electrification Act of 1936.

S. 1497

At the request of Mr. REED, the name of the Senator from Wisconsin (Mr. FEINFOLD) was added as a cosponsor of S. 1497, a bill to extend the same Federal benefits to law enforcement officers serving private institutions of higher education and rail carriers that apply to law enforcement officers serving units of State and local government.

S. 1466

At the request of Mr. DODD, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 1466, a bill to amend the Internal Revenue Code of 1986 to exclude property tax rebates and other benefits provided to volunteer firefighters, search and rescue personnel, and emergency medical responders from income and employment taxes and wage withholding.

S. J. RES. 10

At the request of Mr. KENNEDY, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. J. Res. 10, a joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

S. CON. RES. 25

At the request of Mr. OBAMA, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. Con. Res. 25, a concurrent resolution condemning the recent violent actions of the Government of Zimbabwe against peaceful opposition party activists and members of civil society.

S. RES. 82

At the request of Mr. HAGEL, the names of the Senator from Idaho (Mr. CRAPO) and the Senator from Wisconsin (Mr. FEINFOLD) were added as cosponsors of S. Res. 82, a resolution designating August 16, 2007 as “National Airborne Day”.

S. RES. 21

At the request of Mr. LUGAR, the names of the Senator from Delaware (Mr. BIDEN), the Senator from Nebraska (Mr. HAGEL), the Senator from Minnesota (Mr. COLEMAN), the Senator from Illinois (Mr. DURBIN), the Senator from New Hampshire (Mr. SUNUNU), the Senator from Florida (Mr. NELSON), the Senator from Arizona (Mr. McCAIN), the Senator from Georgia (Mr. ISAKSON), the Senator from Florida (Mr. MARTINEZ), the Senator from New York (Mrs. CLINTON) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of S. Res. 211, a resolution expressing the profound appreciation of the Senate for the transgression against freedom of thought and expression that is being carried out in Venezuela, and for other purposes.

AMENDMENT NO. 1157

At the request of Mr. VITTER, the names of the Senator from Wyoming (Mr. THOMAS), the Senator from Wyoming (Mr. ENZI), the Senator from Oklahoma (Mr. COBURN) and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of amendment No. 1157 proposed to S. 1348, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 1158

At the request of Mr. COLEMAN, the names of the Senator from Georgia (Mr. ISAKSON), the Senator from Alabama (Mr. SESSIONS), the Senator from Colorado (Mr. ALLARD) and the Senator from North Carolina (Mrs. DOLE) were added as cosponsors of amendment No. 1158 proposed to S. 1348, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 1159

At the request of Mr. COLEMAN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of amendment No. 1159 intended to be proposed to S. 1348, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 1167

At the request of Ms. CANTWELL, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of amendment No. 1167 intended to be proposed to S. 1348, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 1170

At the request of Mr. McCONNELL, the names of the Senator from Texas (Mr. CORNYN) and the Senator from South Carolina (Mr. DEMINT) were added as cosponsors of amendment No. 1170 proposed to S. 1348, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 1179

At the request of Mr. LAUTENBERG, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of amendment No. 1179 intended to be proposed to S. 1348, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 1181

At the request of Mr. DORGAN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of amendment No. 1181 proposed to S. 1348, a bill to provide for comprehensive immigration reform and for other purposes.
At the request of Mr. Corker, his name was added as a cosponsor of amendment No. 1181 proposed to S. 1348, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. Sununu (for himself and Mr. Johnson):

S. 40. A bill to authorize the issuance of Federal charters and licenses for carrying on the sale, solicitation, negotiation, and underwriting of insurance or any other insurance operations, to provide a comprehensive system for the Federal regulation and supervision of national insurers and national agencies, to provide for policyholder protections in the event of an insolvency or the impairment of a national insurer, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. Sununu. Mr. President, I rise today to reintroduce legislation that will bring our Nation’s insurance regulatory system into the 21st century by providing uniformity, predictability, and greater efficiency to the way insurance is regulated in this country.

The National Insurance Act of 2007, which builds upon legislation Senator Johnson and I first introduced last year, provides for an optional Federal charter that would offer insurers the choice of being regulated under a new Commission on National Insurance or under the continued jurisdiction of the States.

I am pleased that Senator Johnson once again joins me as an original co-sponsor of this bill. Since we introduced the initial National Insurance Act just over a year ago, momentum has been building for the reforms called for under our legislation and the question has become not whether an optional Federal charter should be implemented, but when.

In an increasingly global financial services industry, numerous studies have called for changes to the manner in which insurance is regulated in the United States as one of the ways to make our financial services sector more competitive in the worldwide economy.

The bipartisan Bloomberg-Schumer report on financial services industry competitiveness, for example, states, “In the context of enhancing competitiveness for the entire financial services sector and improving responsiveness and customer service, should be an optional Federal charter for insurance, based on market principles for serving customers.”

Furthermore, the Blue Ribbon Commission on Mega-Catastrophes states, “It (an optional federal charter for insurance) would lead to... consistent regulation of insurer safety and soundness, and the elimination of duplicative regulation and supervision... In addition, an OFC should promote greater competition that would benefit policyholders.”

In addition to the study recommendations, a number of other indicators suggest that the time is right for reform. The coalition in support of the bill continues to grow and the general acceptance of the concept of reform we have proposed is also growing.

The arguments are increasingly seen for what they are: parochial in nature, rather than forward-looking and in the best interests of consumers, our financial services sector, and the strength of our overall economy.

In 1999, Congress passed the Gramm-Leach-Bliley Act—broad legislation that modernized the rules that regulate banks and securities firms and provided a foundation for the financial services industry to become more integrated, market-oriented, technologically advanced, and global in nature. Since then, consumers have benefited from improved industry competition and innovation, greater choice of financial products, and more efficient delivery of services.

The insurance industry, however, has not enjoyed the same dynamic marketplace within the global economy. Long subject to a patchwork of State regulations, new services are not as robust as they could be. An inefficient regulatory system spread across more than 50 different jurisdictions imposes direct and indirect costs on insurers in the form of higher compliance expenses associated with non-uniform regulations and delayed market entry for new products from onerous approval barriers.

With advances in technology, insurance is increasingly a global product that cries out for a more consistent and efficient regulatory environment that allows new products to be brought to market in a much quicker fashion than the current system often allows.

Under the State regulatory regime new financial products are consistently delayed up to 2 years while they await the approval of an individual State regulator.

A more uniform regulatory environment, mirroring the highly successful dual banking system, should substantially improve the climate in several critical ways for those who buy, sell and underwrite insurance, while also providing superior consumer protection.

As the Bloomberg-Schumer report puts it, our bill would allow best-in-breed regulations to “rise to the top” and become national standards. A division of consumer protection, as created by the regulator, would oversee strict regulations and guard against unfair and deceptive practices by insurers and agents for the advertising, sale and administration of products. A division of insurance fraud, also created under the bill, would be authorized to sell under the Federal producer’s license.

The only real substantive change to this year’s bill in comparison with the one introduced last year is that our updated legislation includes language that would add surplus lines of insurance as a type of insurance that a person with a Federal producer’s license would be authorized to sell under the Federal charter program.

Other technical and clarifying changes were made, but by and large this is last year’s bill, with its spirit and purpose intact.

Former New York Insurance Commissioner George Miller, who founded the National Association of Insurance Commissioners, NAIC made the following statement in 1871: “The Commissioners are now fully prepared to go before their various legislative committees with plans for a system of insurance law which shall be the same in all States, not reciprocal but identical, not retaliatory, but uniform.

It’s now been over 135 years since that statement was made, and unfortunately we are not much closer to Mr. Miller’s goal.

In the months ahead, however, we look forward to making substantial progress on this legislation as we build on the momentum to modernize this country’s insurance regulatory system and do what the State system has failed to do for over 135 years.

By Mrs. Feinstein (for herself and Mrs. Boxer):

S. 1472. A bill to authorize the Secretary of the Interior to create a Bureau of Reclamation to achieve objectives relating to water supply, water quality, and environmental restoration; to the Committee on Energy and Natural Resources.

Mrs. Feinstein. Mr. President, today I am pleased to introduce the North Bay Water Reuse Program Act of 2007, together with my colleague Senator Boxer. This legislation authorizes Federal participation in a regional water reuse project that is the first of its kind in Northern California, and model for the West.

The program will allow urban water agencies to treat wastewater now discharged into the sensitive bay-delta ecosystem and put it to productive use on water-short agricultural lands and environmentally valuable wildlife management areas in a “win-win” solution that will protect the environment as well as meet the future water needs of urban and agricultural...
water users in the North Bay region of California.

Agricultural producers in the North Bay region are facing, and will continue to encounter, major water shortages. At the same time, as regulations continue to restrict and/or eliminate wastewater discharge, many communities in the North Bay region will face challenges as they try to determine the best way to discharge their treated wastewater.

The North Bay Water Reuse Program will address both problems and enhance the ecosystem of the San Francisco Bay. Specifically, the program will distribute reclaimed water through a conveyance system and deliver it to agricultural growers, promising a permanent and dedicated supply of about 30,000 acre-feet of water per year. The use of reclaimed water for irrigation will reduce the demand on both surface and groundwater supplies, and thus improve in-stream flows for riparian and estuarine fisheries recovery. Furthermore, in the off-season when irrigation demand is diminished, the reclaimed water will be used to increase surface water flows for the restoration of wetlands, creating habitat for migratory waterfowl and other wetland species.

Most notably, this program grew from a collaboration of the three major stakeholders in the region that vie for the same water. It is significant that the program is supported by the local governments in three counties, Napa, Sonoma and Marin Counties; agricultural organizations, such as the Napa and Sonoma County Farm Bureaus, the Carneros Quality Alliance, the Winegrape Growers of Napa County, the Napa Vintners Association, the North Bay Agriculture Alliance; and environmental organizations, such as The Bay Institute.

Thus, the North Bay Water Reuse Program engages stakeholders that are usually at odds with one another to the table to find a solution that is beneficial to all.

Finally, I would like to note the energy benefits of this project. The Sonoma Valley treatment plant, installing solar panels that will generate 40 percent of its energy needs. Another partner in the program, Las Gallinas Valley Sanitary District, generates 90 percent of its operating energy using solar.

The North Bay Water Reuse Program will allow vineyard managers to cease or significantly reduce their use of gas and electric powered pumps that currently deliver irrigation water. The program proponents expect to see a net reduction of overall energy use for regional irrigation operations, as well as a net reduction in the emissions of carbon dioxide from irrigation operations.

I ask unanimous consent that the text of the bill be printed in the RECORD. There being no objection, the text was ordered to be printed in the RECORD, as follows:

S. 1472

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 “North Bay Water Reuse Program Act of 2007”.

SEC. 2. DEFINITIONS.

In this Act:

SEC. 3. NORTH BAY WATER REUSE PROGRAM.

(a) In General.—The Secretary, acting through a cooperative agreement with the State on behalf of a non-Federal entity, may offer to enter into cooperative agreements with eligible entities for the planning, design, and construction of water reclamation and reuse projects.

(b) Coordination With Other Federal Agencies.—In carrying out this section, the Secretary and the eligible entity shall, to the maximum extent practicable, use the design work and environmental evaluations initiated by—

(1) non-Federal entities; and

(2) the Corps of Engineers in the San Pablo Bay Watershed of the State.

(c) Cooperative Agreement.—

(1) Requirements.—A cooperative agreement entered into under paragraph (1) shall—

(A) ensure that the cost-sharing requirements established by subsection (e) are met;

(B) complete—

(i) a needs assessment for the water reclamation and reuse project; and

(ii) the planning and final design of the water reclamation and reuse project;

(C) any environmental compliance activity required for the water reclamation and reuse project;

(D) the construction of facilities for the water reclamation and reuse project; and

(E) administering any contract relating to the construction of the water reclamation and reuse project.

(2) Phased Project.—

(A) In General.—A cooperative agreement described in paragraph (1) shall require that any water reclamation and reuse project carried out under this section shall consist of 2 phases.

(B) First Phase.—During the first phase, the Secretary and an eligible entity shall complete the planning, design, and construction of the main treatment and main conveyance system of the water reclamation and reuse project.

(C) Second Phase.—During the second phase, the Secretary and an eligible entity shall complete the planning, design, and construction of the sub-regional distribution systems of the water reclamation and reuse project.

(d) Payment.—

(1) Federal Assistance.—

(A) In General.—The Secretary may provide financial and technical assistance to an eligible entity to assist in planning, design, and construction of the preconstruction activities for, and constructing a water reclamation and reuse project.

(B) Use.—Any financial assistance provided under paragraph (1) shall be obligated and expended only in accordance with a cooperative agreement entered into under this section.

(e) Cost-Sharing Requirement.—

(1) Federal Share.—The Federal share of the total cost of any activity or construction carried out using amounts made available under this section shall not be more than 25 percent of the total cost of a water reclamation and reuse project.

(2) Non-Federal Share.—The non-Federal share may be in the form of any kind services that the Secretary determines would contribute substantially toward the completion of the water reclamation and reuse project, including—

(A) reasonable costs incurred by the eligible entity relating to the planning, design, and construction of the water reclamation and reuse project; and

(B) the fair-market value of land that is—

(i) used for planning, design, and construction of the water reclamation and reuse project facilities; and

(ii) owned by an eligible entity.

(f) Operation, Maintenance, and Replacement Costs.—

(1) In General.—The eligible entity shall be responsible for the annual operation, maintenance, and replacement costs associated with the water reclamation and reuse project.

(2) Operation, Maintenance, and Replacement Plan.—The eligible entity, in consultation with the Secretary, shall develop an operation, maintenance, and replacement plan for the water reclamation and reuse project.

(g) Effect.—Nothing in this Act—

(1) affects or preempts—

(A) State water law; or

(B) an interstate compact relating to the allocation of water; or

(2) confers on any non-Federal entity the ability to exercise any Federal right to—

(A) the water of a stream; or

(B) any groundwater resource.

(h) Authorization to Participate.—

There is authorized to be appropriated for the Federal share of the total cost of the first phase of water reclamation and reuse projects carried out under this Act, an amount not to exceed 25 percent of the total cost of those reclamation and reuse projects or $25,000,000, whichever is less, to remain available until expended.

By Mrs. FEINSTEIN:

S.1473. A bill to authorize the Secretary of the Interior, acting through the Bureau of Reclamation, to enter into a cooperative agreement with the Madera Irrigation District for purposes of supporting the Madera Water Supply Enhancement Project; to the Committees on Energy and Natural Resources.

Mrs. FEINSTEIN. Mr. President, today I am introducing the Madera Water Supply Enhancement Act. This legislation authorizes the Bureau of Reclamation, Bureau, to participate in the design and construction of the Madera Water Supply Enhancement Project, project, that is essential to
improving the water supply in the Madera Irrigation District, MID, in Madera County, CA, and in California’s Central Valley.

Representative GEORGE RADANOVICH has introduced companion legislation to the bill in the House, and I look forward to working with him to get this bill enacted.

Agriculture is a multibillion enterprise in California, which produces a significant portion of the Nation’s food supply. To secure this food supply, water is essential. When constructed, the project will have the capacity to store up to 250,000 acre-feet of water and move up to 55,000 acre feet in or out of storage each year.

With increasing demands on limited water supply, the project will enable water users to store excess wet year water supply and this stored water can then be used during dry years to meet demand. To ensure the viability of the groundwater table and address over-draft problems, 10 percent of the water placed in storage would be left in the ground to replenish the aquifer over time.

This Project is also a useful complement to efforts to restore the San Joaquin Valley ecosystem. Altering water flow to the San Joaquin River may reduce the flood hazard. However, San Joaquin Valley is also a leading agricultural region. Storing water in the Valley would be beneficial to the area’s food security.

The feasibility of constructing a water bank on the Madera Ranch property has been under consideration for over a decade. In 1996 the Bureau began studying this possibility, and in 1998 the Bureau finalized plans to fund a water bank on some property. After conducting extensive studies regarding the feasibility of building a water bank on the property, the Bureau was prepared to pay over $40 million for the property. However, the Bureau was unable to complete the project because of many of the same concerns raised during the Bureau’s efforts. However, many more studies were done during this phase for the reformulated project. MID has also spent $37.5 million to conduct further studies. To date, over $8 million has been spent on studies related to the Project, exclusive of the Bureau’s own extensive studies of the project.

The legislation identifies 18 specific studies done over the past decade on this project, many by the Bureau itself and others by private parties and MID, all with the Bureau’s full knowledge and involvement. In many cases, the same engineering consulting firms used by the Bureau were retained to conduct these further studies. There is simply nothing left to study, and we should proceed immediately to the construction phase of this project.

The Bureau has been a long-term supporter of irrigation agriculture, and working in partnership with the State, local governments, water users and others has helped provide irrigation water for over 10 million farmland acres.

The MID water bank is consistent with the Bureau’s historical mission of supporting such locally controlled and initiated water projects. Swift enactment of this legislation is necessary to bring over 10 years of study to a conclusion and make the water bank a reality for Madera County, the surrounding region, the Central Valley and the entire State of California.

I ask unanimous consent that the text of the bill be printed in the RECORD. There being no objection, the text was ordered to be printed in the RECORD, as follows:

8, 1473

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 “Madera Water Supply Enhancement Act”.

SEC. 2. DEFINITIONS.
For the purposes of this Act:

(1) the term “District” means the Madera Irrigation District, Madera, California.

(2) the term “Project” means the Madera Water Supply Enhancement Project, a water bank on the 13,486 acre Madera Ranch in Madera, California, owned, operated, maintained, and managed by the District that will plan, design, and construct recharging, storing, and delivering systems, and deliver up to 250,000 acre-feet of water over 50,000 acre-feet of water per year.

(3) the term “Secretary” means the Secretary of the United States Department of the Interior.

(4) the term “total cost” means all reasonable costs, such as the planning, design, permitting, financing, and construction of the Project and the fair market value of lands used or acquired by the District for the Project. The total cost of the Project shall not exceed $90,000,000.

SEC. 3. NO FURTHER STUDIES OR REPORTS.
(a) FINDINGS.—Congress finds that the Bureau of Reclamation and others have conducted numerous studies regarding the Project, including, but not limited to the following:


(b) NO FURTHER STUDIES OR REPORTS.—Pursuant to the Reclamation Act of 1902 (32 Stat. 388) and Acts amendatory thereof and supplemental thereof, the Project is feasible and the Bureau of Reclamation shall not conduct any further studies or reports related to determining the feasibility of the Project.

SEC. 4. COOPERATIVE AGREEMENT.
All planning, design, and construction of the Project authorized by this Act shall be undertaken in accordance with a cooperative agreement between the Secretary and the District for the Project. Such cooperative agreement shall set forth in a manner acceptable to the Secretary and the District the responsibilities of the District for participating, which shall include—
the Benediction of the Project shall be the sole responsibility. The operation, ownership, and maintenance costs incurred by the District prior to the date of the enactment of this Act shall be considered a portion of the non-Federal share.

(c) In-Kind Services.—In-kind services performed for the Project shall be considered a part of the local cost share to complete the Project authorized by subsection (a).

(d) Credit for Non-Federal Work.—The District shall be credited toward the non-Federal share of the cost of the Project for—

(1) reasonable costs incurred by the District as a result of participation in the planning, design, permitting, financing, construction, and construction of the Project; and

(2) for the fair market value of lands used or acquired by the District for the Project.

(e) Limitation.—The Secretary shall not provide funds for the operation or maintenance of the Project authorized by this section. The operation, ownership, and maintenance of the Project will be the sole responsibility of the District.

(f) Plans and Analyses Consistent with Federal Law.—Before obligating funds for design or construction under this section, the Secretary shall work cooperatively with the District to use, to the extent possible, plans, designs, and engineering and environmental analyses that have already been prepared by the District for the Project. The Secretary shall ensure that such information as is necessary is consistent with applicable Federal laws and regulations.

(g) Title: Responsibility: Liability.—Nothing in this section or the assistance provided under this Act shall be construed to transfer title, responsibility or liability related to the Project to the United States.

(h) Authorization of Appropriation.—There is authorized to be appropriated to the Secretary to carry out this Act $22,500,000 or 25 percent of the total cost of the Project, whichever is less.

SEC. 6. SUNSET.

The authority of the Secretary to carry out any provisions of this Act shall terminate 10 years after the date of the enactment of this Act.

By Mrs. FEINSTEIN:

S. 174. A bill to authorize the Secretary of the Interior to plan, design, and construct facilities to provide water for irrigation, municipal, domestic, and other uses from the Bunker Hill Groundwater Basin, Santa Ana River, California, and for other purposes; to the Committee on Energy and Natural Resources.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce legislation to authorize the Riverside-Corona feeder. This project, which is being underwritten by Western Municipal Water District, would provide one of California’s fastest growing but drought-prone regions, with 40,000 acre-feet of new supply at a reasonable cost of approximately $370 per acre-foot. The project would efficiently integrate groundwater with existing surface supply management.

The purpose of the Riverside-Corona feeder water supply project is to capture and store new water in the underground aquifer in order to increase water supply, reduce water costs, and improve water quality. The project will include about 20 wells and 28 miles of pipeline. Studies have shown the safe annual yield of the aquifer is about 30,000 acre-feet.

The project would allow locally stored water to replace the need to import water from Colorado River and State water project sources in times of drought or other shortages. The project would manage the ground water levels by the construction of ground water wells and pumping capacity to deliver the pumped ground water supply to water users. A new water conveyance pipeline was also proposed that will serve the Western Riverside County.

For water users, dependence on imported water in dry years will be reduced, water costs will be reduced, and water reliability will be improved.

There are also very important environmental remediation aspects of the project. Up to half of the wells would be placed within plumes of VOCs and perchlorate. These wells could remediate about 20,000 acre-feet of currently contaminated water per year. Detailed feasibility studies and environmental reports have been prepared and approved by Western Municipal Water District and certified by the State of California.

The California State Water Resources Control Board recognizes that the Riverside Corona feeder is an important project, recently awarding it $1.3 million from Proposition 50 competitive funds.

Because water agencies understand that the project is integral to regional water planning, the Riverside-Corona feeder has the support of agencies upstream in San Bernardino County and downstream in Orange County. This bill is also supported by and fully consistent with the Metropolitan Water District of Southern California’s Integrated Resource Plan, the Santa Ana Watershed Authority’s Integrated Watershed Plan, and the water management plans for the cities of Riverside, Norco and Corona as well as the Elsinore Valley Municipal Water District.

This is a bipartisan initiative, as witnessed by the list of cosponsors of the House version of the bill I introduce today. I urge my colleagues to support this bill to help meet the West’s water supply needs and to reduce our dependence on imported water.

I ask unanimous consent that the text of the bill be printed in the Record.
water resources, and a unique environmental setting, address its critical water needs.

The bill, the Bay Area Regional Water Recycling Program Authorization Act of 2007, would help seven bay area communities to implement wastewater reuse projects. The bill would provide federal funding to support the design, planning, and construction of recycled water facilities.

These projects offer significant benefits. For California and the Federal Government such benefits include: the preservation of State and Federal reservoir supplies for higher uses rather than for urban landscape irrigation, particularly in drought years; and, a cost effective, environmentally friendly, implementable solution for increased dry year yield in the sensitive bay-delta region. Regional and local benefits include: the preservation of ever declining water supplies from the Sierra and delta for higher uses; assistance in drought-proofing the region through provision of a sustainable and reliable source of water; and reduction in wastewater discharges to the sensitive bay-delta environment.

The Bay Area Regional Water Recycling Program is a partnership between 17 local bay area water and wastewater agencies, the California Department of Water Resources and the U.S. Bureau of Reclamation that is dedicated to maximizing water recycling throughout the region. The regional approach taken by the bay area project sponsors ensures that projects with the greatest regional, statewide, and national benefits receive the highest priority for implementation.

This bill would authorize the U.S. Bureau of Reclamation to participate in seven bay area water recycling program projects that are closest to completion. Each community with a project would be eligible to receive 25 percent of the project’s construction cost. Such cost, of the total cost of the project is $110 million, but the Federal Government’s share is only $27.5 million. State funding is available for these projects.

For the most part, the projects are ready to proceed and start delivering their benefits the projects having been repeatedly vetted, both internally at the local level and through the various steps of the Federal review process but Federal funding is needed to make implementation a reality and to allow the many benefits of these projects to be realized.

Specifically, the bill would authorize the Secretary of the Interior to participate in the following bay area water reuse projects: Antioch Recycled Water Project—Delta Diablo Sanitation District, city of Antioch; North Coast County Water District Recycled Water project—North Coast County Water District; Mountain View/Moffett Area Water District, city of Palo Alto, city of Mountain View; Pittsburg Recycled Water Project—Delta Diablo Sanitation District, city of Pittsburg; Redwood City Recycled Water project—city of Redwood; South Santa Clara County Recycled Water Project—Santa Clara Valley Water District, South County Regional Wastewater Authority; and, South Bay Advanced Recycled Water Treatment Facility—Santa Clara Valley Water District, city of San Jose.

These seven projects are estimated to make 12,205 acre-feet of water available annually in the short term, and 37,600 acre-feet annually in the long term, all while reducing the use of the delta and on existing water infrastructure.

Congressman GEORGE MILLER introduced a companion bill, H.R.1526, in the House on March 14, 2007. The bill was cosponsored by other bay area lawmakers, including Representatives ANNA ESHOO, ELLEN TASSUCHU, JERRY McNERNEY, TOM LANTOS, MIKE HONDA; ZOE LOFGREN, and PETE STARK.

Water recycling offers great potential to States like California that suffer periodic drought and have limited fresh water supplies. To address these issues, the bill would establish a partnership between the Federal Government and local communities to implement a regional water recycling program in the bay area. I urge my colleagues to join in support of this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD. There being no objection, the text was ordered to be printed in the RECORD, as follows:

S.1475

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 “Bay Area Regional Water Recycling Program Authorization Act of 2007”.

SEC. 2. PROJECT AUTHORIZATIONS.

(a) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Field Demonstration Act, Pub. L. 102-575, title XVI, 33 U.S.C. 2202 et seq.) is amended by adding at the end following:

“SEC. 16xx. MOUNTAIN VIEW, MOFFETT AREA RECLAMATION WATER PIPELINE PROJECT.

(a) AUTHORIZATION.—The Secretary, in cooperation with the City of Palo Alto, California, and the City of Mountain View, California, is authorized to participate in the design, planning, and construction of recycled water distribution systems.

(b) COST SHARE.—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

(c) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000.

SEC. 16xx. PITTSBURG RECYCLED WATER PROJECT.

(a) AUTHORIZATION.—The Secretary, in cooperation with the City of Pittsburg, California, and the Delta Diablo Sanitation District, is authorized to participate in the design, planning, and construction of recycled water system facilities.

(b) COST SHARE.—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

(c) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000.

SEC. 16xx. SOUTH SANTA CLARA COUNTY RECYCLED WATER PROJECT.

(a) AUTHORIZATION.—The Secretary, in cooperation with the South County Regional Wastewater Authority and the Santa Clara Valley Water District, is authorized to participate in the design, planning, and construction of recycled water system distribution facilities.

(b) COST SHARE.—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

(c) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $7,000,000.

SEC. 16xx. SOUTH BAY ADVANCED RECYCLED WATER TREATMENT FACILITY.

(a) AUTHORIZATION.—The Secretary, in cooperation with the City of San Jose, California, and the Santa Clara Valley Water
District, is authorized to participate in the design, planning, and construction of recycled water treatment facilities.

(b) COST SHARE.—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

(c) LIMITATION.—The Secretary shall not provide funds under this section to the extent that the operation and maintenance of the project authorized by this section

"(COLOR AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $8,250,000."

(b) CONFORMING AMENDMENTS.—The table of items included in Public Law 96-75 is amended by inserting after the item relating to section 16xx the following:

 Sec. 16xx. Mountain View, Moffett Area Recycled Water Pipeline Project.
 Sec. 16xx. Pittsburg Recycled Water Project.
 Sec. 16xx. Antioch Recycled Water Project.
 Sec. 16xx. North Coast County Water District Recycled Water Project.
 Sec. 16xx. Redwood City Recycled Water Project.
 Sec. 16xx. South Santa Clara County Recycled Water Project.
 Sec. 16xx. South Coast Advanced Recycled Water Treatment Facility.''.

SEC. 3. SAN JOSE AREA WATER RECLAMATION AND REUSE PROJECT.

It is the sense of Congress that a comprehensive water recycling program for the San Francisco Bay Area include the San Jose Area water reclamation and reuse program authorized by section 1607 of the Reclamation Projects Authorization and Adjustment Act of 1992 (43 U.S.C. 390-h).

By Mrs. FEINSTEIN (for herself, Mrs. BOXER, and Mr. INOUYE):

S. 1476. A bill to authorize the Secretary of the Interior to conduct a special resources study of the Tule Lake Segregation Center in Modoc County, California, to determine suitability and feasibility of establishing a unit of the National Park System; to the Committee on Energy and Natural Resources.

Mrs. FEINSTEIN, Mr. President, I rise today with Senators BARBARA BOXER and DANIEL INOUYE to introduce legislation that would authorize the National Park Service to conduct a special resource study of the Tule Lake Segregation Center, a World War II-era Japanese American internment camp, located in Northern California.

My colleagues in the House of Representatives, Congressman JOHN DOOLITTLE and Congresswoman DORIS MATSIU, also are introducing companion legislation.

In 1942, as part of a wave of anti-Japanese sentiment following the attack on Pearl Harbor, Franklin D. Roosevelt signed Executive Order 9066 to authorize the U.S. military to incarcerate Japanese American families from California and other west coast States, in violation of their due process rights afforded to all Americans.

Over the years, California's political leaders have led a national bipartisan effort to ensure that this chapter in American history is not forgotten. In 1992, my colleagues in the California congressional delegation passed bi-partisan legislation to establish the Manzanar National Historic Site, the Nation's first unit of the National Park System dedicated to telling the story of the wrongful internment of the Japanese American community during World War II.

I am pleased to say that Manzanar has been a terrific success story. My colleague Representative JERRY LEWIS and I were able to secure Federal appropriations to refurbish the camp auditorium to accommodate the tens of thousands of visitors to the site. Last October, nearly 90,000 people visited the Manzanar National Historic Site to learn about this unfortunate chapter in United States history.

As part of the Manzanar legislation, Congress directed the National Park Service to conduct a study of the other camp sites and to recommend National Historic Landmark designation for these sites. Based on this study, the Department of the Interior designated Tule Lake as a National Historic Landmark in 2002. That designation has retained 42 acres of federally owned land at the site possesses national significance.

All of the camp sites, Tule Lake has retained some of the most significant historic features dating back to the internment. The federally owned lands include numerous camp buildings in their original locations, most notably the camp stockade, which was a "jail within a jail." The finding of the site's national significance by the Secretary of the Interior last year is a key step forward in the process to evaluate the site's potential for management by the National Park Service.

Over the past several years, the Tule Lake Preservation Committee, the Japanese American Citizens League, the Japanese American National Museum and other local, regional and national partners have worked with Modoc County and the local community to develop legislation to study the potential for designation of the Tule Lake Segregation Center as a National Historic Site. I am pleased that this legislation has been endorsed by the Modoc County Board of Supervisors.

Although the Tule Lake Segregation Center is already a National Historic Landmark, the 42-acre site is not managed by the National Park Service. This bill would authorize the National Park Service to study the feasibility and suitability of managing the Federal lands at Tule Lake as a 42-acre National Historic Site, to be managed as part of the Lava Beds National Monument. Through this legislation, the NPS will develop various management alternatives for the site and give the public an opportunity to comment on the alternatives, through a public process.

In light of the recent National Park Service work to prepare the national historic landmark designation, the amendment is quite modest. Upon completion of the study, the NPS would transmit the study to Congress for review.

This year marks the 65th anniversary of the internment of Japanese Americans, when the Federal Government ordered Japanese American men, women and children to report to temporary assembly centers, including 13 centers in California. Many families were broken up as a result of these actions; some were sent to the Tule Lake Segregation Center, while others were sent to work camps and Department of Justice camps hundreds of miles away. Without hearings or any evidence of disloyalty, Japanese-American families were transported to assembly centers near Pinedale and Topaz in April and May of 1942. The largest assembly center was the Santa Anita racetrack, which held over 18,000 people in horse stalls and other make-shift quarters.

Deprived of their basic constitutional rights and resident aliens, were held in these centers until the U.S. government built more permanent camps in 10 locations in California and throughout the Western States and Arkansas. Together, these camps held over 120,000 Japanese Americans, of which about three quarters were living in California before the war.

My good friend, the late-Representative Robert Matsui, was just an infant when his family was ordered from their home in Sacramento to the Pinedale Assembly Center. From there, he was sent to the Tule Lake Segregation Center in Modoc County, CA not far from the Oregon border.

Like the other camps, the Tule Lake Relocation Center was constructed in a remote area, on a large tract of federally owned land, managed by the U.S. Bureau of Reclamation. Prisoners there held frequent demonstrations and strikes, demanding their rights under the U.S. Constitution. As a result, Tule Lake was made a "segregation camp," and internees from other camps who had refused to take the loyalty oath or had caused disturbances were sent there.

Despite these injustices, many young men in camp answered the call to serve in the U.S. Army and demonstrated their loyalty to the United States and to defend the same basic constitutional freedoms that had been violated by the U.S. Government’s actions. Japanese American served with great valor and bravery in Europe, including our colleague Senator DANIEL INOUYE.

During its operation, Tule Lake was the largest of the 10 camps, with 18,798 people housed in two-shift barracks. Opened on May 27, 1942, Tule Lake was one of the last camps to be closed, staying open until March 20, 1946, 7 months following the end of World War II.

Following World War II, our Nation has recognized that the forced evacuation and incarceration of Japanese Americans was wrong and that there was no basis to question the loyalty and patriotism of Japanese Americans. The internment was just one of the many wrongs done to Americans during World War II was a grim chapter in America’s history. Conducting this special resources study,
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 “Tule Lake Segregation Center Special Resource Study Act”.

SEC. 2. STUDY.
(a) In general.—The Secretary of the Interior (referred to in this Act as the “Secretary”) shall conduct a special resource study of the National Park System contained in section 8 of the Act (referred to in this Act as the “Act”) and the Jackson Gulch Canal system and related infrastructures in southwest Colorado.

(b) Inclusion of sites in the National Park System.—The study under subsection (a) shall include an analysis and any recommendations of the Secretary concerning the suitability of designating the site as a unit of the National Park System.

(c) Study Guidelines.—In conducting the study authorized under subsection (a), the Secretary shall use the criteria for the study of areas for potential inclusion in the National Park System contained in section 8 of Public Law 91–383 (16 U.S.C. 1a–5).

(d) Consultation.—In preparing and conducting the study under subsection (a), the Secretary shall consult with Modoc County, the State of California, appropriate Federal agencies, local and State government entities, private organizations, and private landowners.

SEC. 3. THEMES.
The study authorized under section 2 shall evaluate the Tule Lake Segregation Center with respect to the following themes:

(1) The significance of the site as a component of World War II.

(2) The significance of the site as it related to other war relocation centers.

(3) The condition of buildings, including the stockade, that are intact and in place, along with numerous other resources.

(4) The contributions made by the local agricultural community to the war effort.

(5) The potential impact of designation of the site as a unit of the National Park Service on private landowners.

SEC. 4. REPORT.
Not later than 1 year after funds are made available for this Act, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report describing the findings, conclusions, and recommendations of the study.

By Mr. SALAZAR (for himself and Mr. ALLARD):
S. 1477. A bill to authorize the Secretary of the Interior to carry out the Jackson Gulch rehabilitation project in the State of Colorado; to the Committee on Energy and Natural Resources.

Mr. SALAZAR, the President, today Senator ALLARD and I introduced the Jackson Gulch Rehabilitation Act of 2007, which would authorize $6.4 million, subject to appropriations, to pay an 80-percent Federal cost-share for rehabilitation of the Jackson Gulch Canal system and related infrastructures in southwest Colorado.

Nearly 60 years ago, the Mancos Project canal was built, delivering water from the Jackson Gulch Dam to residents, farms and businesses in Montezuma County. Since its construction, the Mancos Project has been maintained by the Mancos Water Conservancy District and inspected by the Bureau, but has outlived its expected life and is now badly in need of rehabilitation.

The people of Montezuma County have shown great patience on the Mancos Project, but the situation is turning dire. Washington must not forget the needs of people in rural areas, and in the rural areas of the West, water is one of the most important needs they have.

The Mancos Project and the Jackson Gulch Dam provide supplemental agricultural water for about 8,650 irrigated acres and a domestic water supply for the town of Mancos, and at least 237 agricultural businesses.

The project was built in 1949, and although it has been maintained since then by the district and inspected by the Bureau of Reclamation, the project has outlived its expected life and is badly in need of rehabilitation. The estimated cost to rehabilitate the canal system is less than one-third the cost of replacement.

If the Jackson Gulch Canal system experiences a catastrophic failure, it could result in Mesa Verde National Park being without water during the peak of their visitation and fire season, the town of Mancos suffering a severe municipal water shortage, and the possible loss of up to approximately $1.48 million dollars of crop production and sales annually.

Mr. President, the Mancos Water Conservancy District has already obtained a loan from the Colorado Water Conservation Board, which, when combined with a recent mill levy increase, will enable the district to meet its share of the project costs. The Federal Government and the Bureau of Reclamation has an important role to play as well. I look forward to working with my colleagues to pass this legislation.

By Mr. BAUCUS (for himself and Mr. ENZI):
S. 1481. A bill to restore fairness and reliability to the medical justice system and promote patient safety by fostering alternatives to current medical tort litigation, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. BAUCUS. Mr. President, for years, Congress has not been able to answer the question, “What can be done about rising medical malpractice insurance premiums?” Today, Senator ENZI and I begin a process we hope will end with action by Congress to resolve the problem.

The discussions the Senate has had about medical malpractice premiums until now have centered around imposing caps on noneconomic damages. The debate over caps has occurred on several occasions in recent years and has always ended with a failure to invoke cloture to vote on the legislation.

I have consistently opposed caps legislation because they have been unsuccessful in preventing increases in medical malpractice premiums in my home State of Montana, as well as several other States. Clearly, it is time for a different approach.

The problem of rising insurance premiums affects the medical community, the legal community and, most importantly, patients. Doctors, burdened continually with continually increasing insurance costs, have chosen to retire early, relocate their practices, or limit the services they provide to avoid high-risk procedures. Lawyers are concerned that these caps force them to compromise their duty to be compensated for their injuries.

While patients find themselves caught in the middle, with ever-decreasing access to medical and legal services.

I believe that a solution to this complex problem requires flexibility. We believe that because the civil justice system is largely a function of State law, the States are best situated to decide how their systems can be improved to work better for patients. We also believe that changes of this order require thoughtful debate over caps has occurred several times in recent years and has always ended with a failure to invoke cloture to vote on the legislation.

I think a new approach is in order. As such, Senator ENZI and I introduced the Fair and Reliable Medical Justice Act in the 109th Congress, and we are here today to reintroduce it. Our bill is innovative in how it confronts the problem.

We believe that a solution to this complex problem requires flexibility. We believe that because the civil justice system is largely a function of State law, the States are best situated to decide how their systems can be improved to work better for patients. We also believe that changes of this order should be tested and well thought out rather than simply mandated. There is no size fits all approach.

So, our bill provides flexibility, leaves the decision-making to States and provides for demonstration programs to implement change in a thoughtful way. We owe a debt of gratitude to the experts at the Institute of Medicine for their 2002 report entitled, Fostering Rapid Advances in Health...
Care: Learning from System Demonstration, for helping shape the Fair and Reliable Justice Act.

Our bill promotes State-based demonstrations of alternatives to current medical liability litigation. It aims to increase the number of patients who receive compensation for their injuries. It also tries to improve the speed with which they receive such compensation. The bill also encourages patient safety by promoting disclosure of medical errors, unlike the current tort system which encourages doctors to cover up medical mistakes.

Because the insurance premium problem and civil justice remedies vary by state we feel that the States are best positioned to analyze their unique situations and most capable to implement an effective solution. Therefore, the Fair and Reliable Medical Justice Act would establish State-based demonstration programs. The bill allows States to develop new ways to address and resolve their health care dispute issues.

There are innovative efforts already in effect in the private sector and some States that have achieved some success. I think it is time to encourage more innovative policy solutions, and to empower the states to experiment and learn how to solve this persistent problem.

I want to thank Senator ENZI for his leadership on this issue. I am pleased to have him here today, and I also want to recognize Representatives COOPER and THORNHURST, who are dropping a companion bill in the House today. This bill approaches the medical liability insurance premium problem from a new perspective, through a set of common-sense pilot projects centered on improving patient safety. Rather than mandating a Federal band-aid for this recurring problem, this bill encourages the States to be innovative and creative. It gives them flexibility and Federal support to implement their policies.

Mr. ENZI, Mr. President, I rise to discuss a bill that I will introduce today with Senator BAUCUS— the Fair and Reliable Medical Justice Act of 2007. This legislation recognizes the current disrepair of our medical liability system and puts into place a process that will provide better results for patients and for doctors.

Our legislation is designed to encourage States to rethink the way the system works so that injured patients receive fair and just compensation in a more timely manner. The new system would also provide consistent and reliable results so that doctors can eliminate the fear of defensive medicine and instead focus on the needs of each individual patient. Unfortunately, that doesn’t happen right now because our system is broken.

I know we debate medical litigation frequently here on the floor, but throughout those debates I have noticed something interesting. Whenever we argue the pros and cons of the bills before us, no one ever stands up to argue that the system doesn’t need any reform. In fact, everyone in the Senate agrees that our medical litigation system needs to be changed.

Why doesn’t anyone try to defend our current system? Because it doesn’t work. No one—not patients or health care providers—are appropriately served by our current procedures. Right now, many patients who are hurt by negligent actions receive no compensation for their loss. Those who do receive a mere 40 cents of every premium dollar, given the high costs of legal fees and administrative costs. That is simply a waste of medical resources. The randomness and delay associated with medical litigation does not contribute to timely, reasonable compensation for most injured patients. Some injured patients get huge jury awards, while many others get nothing at all. It is important to patients and doctors that our justice system is efficient and fair. Furthermore, the likelihood and outcomes of lawsuits and settlements bear little relation to whether a healthcare provider was at fault. Consequently, we are not learning from our mistakes. Rather, we are simply diverting our doctors.

When someone has a medical emergency they want to see a doctor in an operating room, not a court room.

The medical liability system is losing information that could be used to improve the practice of medicine. Although zero medical errors is an unattainable goal, the reduction of medical errors, should be the ultimate goal in medical liability reform. The Institute of Medicine, in its seminal study, “To Err is Human,” estimated that preventable medical errors kill somewhere between 44,000 and 98,000 Americans each year.

To study little progress has been made. Instead, the practice of medicine has become more specialized and complex, while the tort system has forced more focus on individual blame than on system safety.

To mitigate that individual blame, doctors practice “defensive medicine.” Simply put, “defensive medicine” occurs when a doctor departs from doing what is best for the patient because of fear of a lawsuit. Defensive medicine can mean ordering more tests or providing more treatment than necessary. For instance, a doctor might order an unnecessary and painful biopsy. Some estimates suggest that Americans will pay $70 billion for defensive medicine this year. Even if it is half that, it is still way too much.

Let’s fix it. Our medical litigation system is in need of repair. It fails to achieve its twin objectives. It doesn’t provide fair and just compensation to injured patients, and it doesn’t effectively deter future mistakes. Even worse, it replaces the element of trust that is so vital to the provider-patient relationship with distrust. We can make it better.

That is why I am introducing this legislation today. Our bill would provide $5 million to 10 States to initiate, fund, and evaluate demonstration projects that offer alternatives to traditional tort litigation. It will not pre-empt State law. It will allow States to find creative and innovative solutions that work better for patients and providers in each State. The States have been policy pioneers in many areas before, including workers’ compensation, welfare reform, and electricity deregulation.

Medical litigation should be the next item on the agenda of the laboratories of democracy that are our 50 States. Let’s take a step forward for American patients and their doctors by allowing this framework to move forward and make the changes that we all know are needed.

By Mr. ROCKEFELLER (for himself and Ms. SNOWE):

S. 1482. A bill to amend part A of title IV of the Social Security Act to require the Secretary of Health and Human Services to conduct research on indicators of child well-being; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, I am pleased to introduce bipartisan legislation today along with my distinguished colleague, Senator OLYMPIA SNOWE, known as the State Child Well-Being Research Act of 2007. This bill is designed to enhance child well-being by requiring the Secretary of Health and Human Services to facilitate the collection of State-specific data based on a set of defined indicators. The well-being of children is important to both the national and State governments and child well-being is a priority that should not be ignored.

In 1996, Congress passed bold legislation to dramatically change our welfare system, and I supported it. The driving force behind this reform was to promote work and self-sufficiency of families and to provide flexibility to States—where most child and family legislation takes place—to achieve these goals. States have used this flexibility to design different programs that work better for families who rely on them. Other programs that serve children, ranging from the Children Health Insurance Program, CHIP, to child welfare services, can vary among States.

It is obvious that in order for policy makers to evaluate child well-being, we need State-by-State data on child well-being to measure the results. Current survey methods can provide minimal data on some indicators of child well-being, but insufficient data is provided on income, families, geographic variation, and year-to-year. Additionally, the information is not provided in a timely manner, which impedes legislators’ ability to effectively
accomplish the goals set forth in welfare reform. The State Child Well Being Research Act Of 2007 is intended to fill this information gap by collecting up-to-date, State-specific data that can be used by policymakers, researchers, and child advocates to understand the well-being of children. It would require that a survey examine the physical and emotional health of children, adequately represent the experiences of families in individual States, be consistent across States, be updated annually, and create a 21st Century Skills Incentive Fund to match Federal dollars for new State investments and foundation donations to 21st Century Skills. This legislation also establishes an advisory committee which consists of a panel of experts who specialize in survey methodology, indicators of child well-being, and application of this data to ensure that the purpose is being achieved. Further, this bill avoids some of the other problems in the current system by making data files easier to use and more readily available to the public. As a result, the information will be more useful for policy-makers managing welfare reform and programs for children and families. Finally, this legislation also offers the potential for the Health and Human Service Department to partner with several private charitable foundations, including the Annie E. Casey, John D. and Catherine T. MacArthur, and McKnight foundations, who are interested in a partnership to provide outreach and support and to guarantee that the data collected would be broadly disseminated. This type of public-private partnership helps to leverage additional resources for children and families and increases the study's impact. Given the tight budget we face, partnerships make sense to meet this essential need. I hope my colleagues review this legislation carefully and support it so that we can work together and advocate for children and families the information necessary to make good decisions for children.

By Mr. ROCKEFELLER (for himself and Ms. SNOWE): S. 1483. A bill to create a new incentive fund that will encourage States to adopt the 21st Century Skills Framework; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, I rise today to introduce legislation to create a 21st Century Skills Incentive Fund, and I am proud to have the bipartisan support of my colleague, Senator OLYMPIA SNOWE. We have a tradition of working together, especially on education and technology. This legislation is designed to support and encourage States that are willing to accept the bold challenge of the Partnership for 21st Century Skills to teach the core subjects, but to also beyond the basics to include 21st Century skills like critical thinking, innovation and communication skills. It also promotes information and communications technology literacy, known as ICT literacy, and life and career skills such as self direction and leadership. This bold agenda needs to be woven into State education strategy at every level, including standards, assessments, curriculum, professional development, and learning environments. Every State willing to accept and work to implement such a progressive model of education deserves encouragement and support. That is why this bill would create a 21st Century Skills Incentive Fund to provide Federal matching dollars for new State investments and foundation donations to 21st Century Skills. There would also be a Federal tax incentive for corporate donations. The Federal Government won't put up a dime until a state's plan is approved by the Partnership for 21st Century Skills, a nonprofit organization of leading companies and education leaders. But the Federal Government will offer matching grants to help States that are willing to make an investment in such quality education.

This is an important investment, and the next step to enhance education and prepare our students for the new, competitive workforce. This initiative also will emphasize global awareness, civic literacy and life skills so young people understand their place in the world and are ready to take on greater responsibilities in understanding and improving their own communities.

The Partnership for 21st Century Skills Framework has introduced a new model for education. It represents a bold and important new direction for the future of education in this country. This legislation is designed to help the Federal Government become a partner and play a positive role in preparing our students for their future.

By Mr. COLEMAN (for himself and Ms. LANDRIEU): S. 1488. A bill to amend the definition of independent student for purposes of the need analysis in the Higher Education Act of 1965 to include older adopted students; to the Committee on Health, Education, Labor, and Pensions.

Mr. COLEMAN. Mr. President, as U.S. Senators, we are well aware of the difficulty in making tough decisions. That, a tough decision. A 15-year-old foster care child shouldn't be choosing between being adopted and having a permanent loving, stable, and secure family, or attending college for a promising future. Today, I am proud to be joined by my friend, Senator MARY LANDRIEU from Louisiana, in introducing the Fostering Adoption To Further Student Achievement Act because we believe all youth deserve both a loving family and a future of hope. Our legislation promotes broader adoption of foster care youth by not later penalizing the adopting family when their student applies for student Federal financial aid.

We have heard from former foster teens across our Nation who have stated that they were better off “aging” out of the foster care system than being adopted by a family because of a fear of losing student Federal financial aid because as a foster student they don't have to report student financial income on their student financial aid application.

Our legislation provides a solution by amending the definition of “independent student” to include foster care youth who were adopted after the age of 13 in the Higher Education Act of 1965. Thus, the family and student would not be penalized on their Federal financial aid as their classification would be determined by only the student's ability to pay. Most prospective adopting parents would not have financially planned for an older teen becoming part of their family. Our legislation offers an incentive to promote older adoptions rather than having the teen stay in foster families until they “age out.”

The numbers are startling and its time we act. Currently, 20,000 youth “age out” of the foster care system each year with 30 percent of these youth incarcerated within 12 months of doing so. There are 513,000 children in foster care with nearly half the kids over the age of 10. Children in foster care are twice as likely as the rest of the population to drop out before finishing high school. Several foster care alumni studies indicate that within three years after leaving foster care: only 54 percent had earned their high school diploma, only 2 percent had graduated from a four-year college, and 25 to 44 percent had experienced homelessness.

Statistics show youth that are adopted out of the foster care system attend college, have stable lives, have a permanent family, and have a future of hope. One to two years' worth of foster care, college coursework significantly increases the likelihood of economic self-sufficiency. A college degree is the single greatest factor in determining access to better job opportunities and higher earnings.

The Fostering Adoption To Further Student Achievement Act ensures that children don't have to make a tough decision between choosing to have a family or an education.

As an amendment, I 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. 1488 Be it enacted by the Senate and House of Representa-tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Fostering Adoption To Further Student Achievement Act”.

SEC. 2. AMENDMENT TO INDEPENDENT STUDENT.

Section 480(d) of the Higher Education Act of 1965 (20 U.S.C. 1087vv(d)) is amended—
By Mr. CARPER (for himself and Mr. VINOVIČ):

S. 1490. A bill to provide for the establishment and maintenance of electronic personal health records for individuals and family members enrolled in Federal employee health benefits plans under chapter 89 of title 5, United States Code, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. CARPER. Mr. President, I rise today to reintroduce a piece of legislation that Senator VOINOVICH and I have been working on for over a year now.

The Federal Employees Electronic Personal Health Records Act of 2007 makes available electronic personal health records for every enrollee of a Federal health benefits plan who wishes to have one.

Americans will probably spend more than $2 trillion on health care this year alone. Over the next 10 years, health care costs will more than double, topping $4 trillion in 2015.

We spend $8,700 per person on health care, more than twice of what other industrialized nations spend; and for the most part, we are not receiving the gold standard of treatment in care. A 2006 survey found that medical errors related to the care the United States far exceed those of other Western countries.

And in that survey, one in three Americans reported getting the wrong dosage of medication, incorrect test results, mistakes in treatment, or late notification of results. That is nearly 15 percent higher than similar results in Britain and Germany.

Our excessive reliance on paper record keeping makes our health care system far too costly, far more costly and more prone to mistakes.

Doctors diagnose patients without knowing their full medical history, what they are allergic to, what kind of surgeries they have had, whether they have complained about similar symptoms before.

Time constraints, or medical necessity, often force doctors to form a quick diagnosis. Sometimes that diagnosis is wrong and sometimes it proves to be costly.

The widespread use of health information technology, the ability to immediately grab someone’s full medical history off of a computer, can help doctors provide better care more cheaply. It has the potential to drastically transform the way we provide health care.

If we are looking for success stories on how health care professionals have integrated the use of electronic health records into their daily routines, we don’t have to look any further than our own Departments of Defense and Veterans Affairs.

Times have certainly changed since I retired from the Navy some 16 years ago. I used to keep all my medical records in a brown manila folder.

I carried this manila folder with me from the time I left Ohio State, on to Pensacola, Corpus Christi Naval Air Station, out to California, across the seas and back again, and finally, getting off of active duty and coming to Delaware to enroll in business school, on the GI bill, at the University of Delaware.

Over a decade ago, the DOD and the VA decided there was a better way. And the results have been nothing short of phenomenal.

Today, when a veteran enrolls in DOD’s Military Health System, they get an electronic health record, not a brown manila folder in which to carry years of paper medical records. Your electronic record will follow you wherever you go, both during your time when you are serving in the military and when you leave to join our veterans’ community.

Researchers and doctors now laud the VA for having to use electronic health records to improve patient care and transform itself into one of the best health care operations in the country.

And the cost? About $78 per patient, roughly the cost of not repeating one blood test. In other words, money well spent.

I have witnessed that new-found satisfaction right in my own back yard, at our Veterans Medical Center in Elsmere. When Veterans from neighboring States are now coming to Elsmere to seek care instead of going to regular civilian hospitals near them. So what is keeping the rest of the Nation’s health care system from following the lead of the DOD and the VA?

The answer is the high cost of implementing the latest information technologies, as well as the lack of uniformity among various technology products.

A physician can spend up to $40,000 implementing an electronic health records system. A hospital can spend up to five times that amount.

If that wasn’t enough of a reason to say “no thanks,” there is another. We don’t have a set of national standards in place to make sure that once health care providers have made the switch, their new systems can communicate with the VA or doctor on the other side of town.

As a nation, we cannot afford to rely solely on health care providers to bring the health care industry into the 21st century.

While I was Governor, I signed legislation that would call for the creation of a statewide information network to bring our health care system into the 21st century. Delaware is well underway toward meeting our goal of establishing the first statewide health information infrastructure.

We must think outside of the box and build on health information technology initiatives that are all already underway in other areas of the health care industry.

The Federal Employees Electronic Personal Health Records Act of 2006 will require all Insurance Plans that contract with the Federal Employees Health Benefits Program, FEHBP, to make available an electronic personal health record for enrollees in the program.

Via the Internet, an enrollee will be able to log-on to his or her electronic personal health record to keep track of such things as their medications, cholesterol and glucose levels, allergies, and immunization records. An enrollee will also be able to view a comprehensive, easily understood listing of their health care claims.

An enrollee can easily share sections of the electronic personal health record with their health care provider, ensuring that their health care provider has their most up-to-date and accurate health information when making clinical decisions.

Having health information readily available will increase the efficiency and safety of health care for an enrollee by eliminating repeated tests, procedures, and prescriptions.

Most importantly, the legislation ensures that the electronic personal health records provided for through this act are kept private and secure.

The electronic personal health records are required to include a number of security features, such as a user authentication and audit trails.

The legislation also requires that insurance plans comply with all privacy and security regulations outlined in the Health Insurance Portability and Accountability Act.

This bill is designed to jumpstart this new technology by requiring some of the largest health insurance companies to offer electronic personal health records, which many are already doing.

As more insurance companies, health care providers and consumers use this new technology, I am convinced that more people will realize its advantages and we can more quickly move America’s health care industry into the 21st century.

And as the Nation’s largest employer-sponsored health insurance program, who better than the Federal Employees Health Benefits Program to lead the way in this endeavor.

I urge my colleagues to support the Federal Employees Electronic Personal Health Records Act of 2007.

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

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

S. 1490

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 “Federal Employees Electronic Personal Health Records Act of 2007”.

S8658 CONGRESSIONAL RECORD — SENATE May 24, 2007
SEC. 2. ELECTRONIC PERSONAL HEALTH RECORDS FOR FEDERAL EMPLOYEE HEALTH BENEFITS PLANS.

(a) Contract requirements.—Section 8902 of title 5, United States Code, is amended by adding at the end the following:

"(p) Each contract under this chapter shall require the carrier to provide for the establishment and maintenance of electronic personal health records in accordance with section 8915.

(b) ELECTRONIC PERSONAL HEALTH RECORDS.—Chapter 89 of title 5, United States Code, is amended by adding after section 8914 the following:

"§ 8915. Electronic personal health records

(a) In this section, the term—

'(1) "claims data" means—

'(A) a comprehensive record of health care services provided to an individual, including prescriptions; and

'(B) contact information for providers of health care services; and

'(2) "standard electronic format" means a format that—

'(A) uses open electronic standards;

'(B) enables health information technology to be used for the collection of clinically specific data;

'(C) promotes the interoperability of health care information across health care settings, including reporting under this section to other Federal agencies;

'(D) facilitates clinical decision support;

'(E) is useful for diagnosis and treatment and is understandable for the individual or family member; and

'(F) is based on the Federal messaging and health vocabulary standard endorsed by—

'(i) the Office of the National Coordinator for Health Information Technology;

'(ii) the American Health Information Community; or

'(iii) the Secretary of Health and Human Services.

'(b)(1) Each carrier entering into a contract for a health benefits plan under section 8915 shall provide for the establishment and maintenance of electronic personal health records for each individual and family member enrolled in that health benefits plan in accordance with this section.

'(2) In the administration of this section, the Office of Personnel Management—

'(A) shall ensure that each individual and family member provided—

'(i) the establishment and maintenance of electronic personal health records; and

'(ii) an opportunity to file an election at any time to—

'(I) not participate in the establishment or maintenance of an electronic personal health record for that individual or family member; and

'(II) in the case of an electronic personal health record that is established under this section, terminate that electronic personal health record;

'(B) shall ensure that each electronic personal health record shall—

'(i) be based on standard electronic formats;

'(ii) be available for electronic access through the Internet for the use of the individual or family member to whom the record applies;

'(iii) enable the individual or family member to—

'(I) share any contents of the electronic personal health record through transmission in standard electronic format, fax transmission, or other additional means to providers of health care services or other persons;

'(II) copy or print any contents of the electronic personal health record; and

'(III) add supplementary health information, such as information relating to—

'(aa) personal, medical, and emergency contacts;

'(bb) laboratory tests;

'(cc) social history;

'(dd) health conditions;

'(ee) allergies;

'(ff) dental services;

'(gg) immunizations;

'(hh) prescriptions;

'(ii) family health history;

'(jj) allergies and adverse reactions;

'(kk) appointments; and

'(ll) any additional information as needed; and

'(v) take—

'(I) to the extent feasible, claims data from—

'(aa) providers of health care services that participate in health benefits plans under this chapter;

'(bb) other providers of health care services; and

'(cc) other health benefits plans in which the individual or family members have participated;

'(II) to the extent feasible, clinical care, pharmacy, and laboratory records; and

'(III) the name of the source for each item of health information;

'(v) authenticate the identity of each individual upon access to the electronic personal health record; and

'(vi) contain an audit trail to list the identities of individuals who access the electronic personal health record;

'(vii) contain—

'(A) information regarding each individual's health benefits plan;

'(B) a procedural guide for direction on how to obtain the electronic personal health record in an emergency;

'(C) shall require each carrier that enters into a contract for a health benefits plan to provide for the electronic transfer of the contents of an electronic personal health record to another electronic personal health record under a different health benefits plan maintained under this section or a similar record not maintained under this section if—

'(i) coverage for the benefits plans under this chapter for an individual or family member terminates; and

'(ii) that individual or family member elects such a transfer;

'(F) shall require each carrier to provide for education, awareness, and training on electronic personal health records for individuals and family members enrolled in health benefits plans; and

'(G) may require each carrier to provide for an electronic personal health record to be made available for electronic access, other than through the Internet, for the use of the individual or family member to whom the record applies, if that individual or family member requests such access;

'(3) Nothing in paragraph (2)(C) shall be construed to provide any rights additional to the rights provided under titles 5 and 1, and other relevant laws relating to privacy and security."

(c) TECHNICAL AND CONFORMING AMENDMENTS.—The table of sections for chapter 89 of title 5, United States Code, is amended by adding at the end the following:

"Sec. 8915. Electronic personal health records."
would be available for electronic access through Internet, fax, or printed method for the use of the individual, and that to the extent possible, records could be transferred from one plan to another. The bill would require EHRs to be made available 2 years after the date of enactment. The Commission or another at the discretion of OPM in consultation with the Office of the National Coordinator for Health Information Technology within HHS.

Not only can EHRs save lives and improve the quality of health care, they also have the potential to reduce the cost of the delivery of health care. According to Rand Corporation, the health care delivery system in the United States could save approximately $100 billion annually with the widespread use of electronic medical records. As a result, the private market already is moving toward implementing electronic medical records.

This bill, simply encourages the health care industry to continue in that direction and take their use of technology in the delivery of care to the next step. I urge my colleagues to consider not only the benefit it will provide to the 8 million individuals who now receive their health care through the FEEHP, but also to our Nation’s overall health care system.

By Mr. INOUYE (for himself, Mr. DORAN, Mr. PRIOR, Ms. CANTWELL, Ms. KLOBUCHAR, and Mr. KERRY).

S. 1492. A bill to improve the quality of federal and state data regarding the availability and quality of broadband service and to promote the deployment of affordable broadband services to all parts of the Nation; to the Committee on Commerce, Science, and Transportation.

Mr. INOUYE. Mr. President, broadband communications are quickly becoming the great economic engine of our time. Broadband deployment drives opportunities for business, education, and healthcare. It provides widespread access to information that can change the way we communicate with one another and improve the quality of our lives. From our smallest rural hamlets to our largest urban centers, communities across this country should have access to the opportunities ubiquitous broadband can bring. The state of our broadband union should be broadband for all.

But the news on this front is not all good. Last month, the Organization for Economic Cooperation and Development reported that the United States has fallen to 15th in the world in broadband penetration. In some Asian and European countries, households have high-speed connections that are 20 times faster than ours, on behalf of the cost. While some will debate what, in fact, these rankings measure, one thing that is clear is the fact that we continue to fall precipitously down the list. In 2000 the United States ranked 4th; last year we dropped to 12th; and just last month we dropped to 15th. The broadband bottom line is that too many of our international counterparts are passing us by. For this we are paying a price. Some experts estimate that universal broadband access would add $500 billion to the U.S. economy and create more than a million new jobs.

In a digital age, the world will not wait for us. It is imperative that we get our broadband house in order and our communications policy right. But we cannot wait to no measure. So the first step in an improved broadband policy is ensuring that we have better data on which to build our efforts.

That is why I am here today to introduce the Broadband Data Improvement Act. This legislation will improve the quality of Federal and State data regarding the availability of broadband service. This, in turn, can be used to craft policies that will increase the availability and adoption of broadband service in all parts of the Nation. This legislation will improve broadband data collection at the Federal Communications Commission and Bureau of the Census. It will direct the Commissioner General and the Small Business Administration to study our broadband challenge. It will encourage State initiatives to improve broadband adoption by establishing a State broadband data and development grant program that will authorize $20 million for each of fiscal years 2010 through 2012.

With too many of our industrial counterparts ahead of us, we sorely need the kind of granular data that will inform our policies and propel us to the front of the broadband ranks. I believe that the Broadband Data Improvement Act will give us the tools to make this happen.

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. 1492

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 “Broadband Data Improvement Act”.

SEC. 2. FINDINGS. The Congress finds the following:

(1) The deployment and adoption of broadband technology has resulted in enhanced economic development and public safety for communities across the Nation, improved health care and educational opportunities, and a better quality of life for all Americans.

(2) Continued progress in the deployment and adoption of broadband technology is vital to ensuring that our Nation remains competitive and continues to create business and job growth.

(3) Improving Federal data on the deployment and adoption of broadband service will assist in the development of broadband technology across all regions of the Nation.

(4) The Federal Government should also recognize and encourage complementary state efforts to improve the quality and usefulness of broadband data and should encourage and support the partnership of the public and private sectors in the continued growth of broadband services and technology for the residents and businesses of the Nation.

SEC. 3. IMPROVING FEDERAL DATA ON BROADBAND.

(a) IMPROVING FCC BROADBAND DATA.—Within 120 days after the date of enactment of this Act, the Federal Communications Commission shall issue an order in WC docket No. 07-38 which shall, at a minimum—

(1) review or update, if determined necessary, the existing definitions of advanced telecommunications capability, or broadband;

(2) establish a new definition of second generation broadband to reflect a data rate that is not less than the data rate required to reliably transmit full-motion, high-definition video; and

(3) revise its Form 477 reporting requirements to require filling entities to report broadband connections and second generation broadband connections by 5-digit postal zip code plus 4-digit location.

(b) EXCEPTION.—The Commission shall exempt an entity from the reporting requirements of subsection (a) if the Commission determines that the entity’s business is not competitive.

(c) IMPROVING SECTION 706 INQUIRY.—Section 706 of the Telecommunications Act of 1996 (47 U.S.C. 157 nt) is amended—

(1) by striking “regularly” in subsection (b) and inserting “annually”;

(2) by redesignating subsection (c) as subsection (e); and

(3) by inserting after subsection (b) the following:

“(c) MEASUREMENT OF EXTENT OF DEPLOYMENT.—In determining under subsection (b) whether advanced telecommunications capabilities are being deployed to all Americans in a reasonable and timely fashion, the Commission shall consider data collected using 5-digit postal zip code plus 4-digit location.

“(d) DEMOGRAPHIC INFORMATION FOR UNSERVED AREAS.—As part of the inquiry required by subsection (b), the Commission shall, using 5-digit postal zip code plus 4-digit location information from a list of geographical areas that are not served by any provider of advanced telecommunications capability (as defined by section 706(1) of the Telecommunications Act of 1996 (47 U.S.C. 157 nt)) and to the extent that data from the Census Bureau is available, determine, for each such unserved area—

“(1) the population;

“(2) the population density; and

“(3) the average per capita income;”;

(4) by inserting “an evolving level of” after “technology,” in paragraph (1) of subsection (e), as redesignated.

(d) IMPROVING CENSUS DATA ON BROADBAND.—The Secretary of Commerce, In consultation with the Federal Communications Commission, shall expand the American Community Survey conducted by the Bureau of the Census to elicit information by that entity about residential households, including those located on native lands, to determine whether persons at such households own or use a computer at that address, whether persons at that address subscribe to Internet service and, if so, whether such persons subscribe to dial-up or broadband Internet service at that address.

SEC. 4. STUDY ON ADDITIONAL BROADBAND METRICS AND STANDARDS.

(a) IN GENERAL.—The Comptroller General shall conduct a study to evaluate additional broadband metrics or standards that may be used by industry and the
Federal Government to provide users with more accurate information about the cost and capability of their broadband connection, and to better compare the deployment and price of broadband in the United States with other countries. At a minimum, such study shall consider potential standards or metrics that may be used—
(1) to determine the average price per megabyte of broadband offerings;
(2) to reflect the average actual speed of broadband offerings compared to advertised potential speeds;
(3) to compare the availability and quality of broadband offerings in the United States with the availability and quality of broadband offerings in other industrial nations, including countries that are members of the Organization for Economic Cooperation and Development; and
(4) to work with complementary and substitutable broadband offerings in evaluating deployment and penetration.
(b) REPORT.—Not later than one year after the date of enactment of this Act, the Comptroller General shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce on the results of the study, with recommendations for how industry and the Federal Government can use such metrics and comparisons to improve the quality of broadband data and to better evaluate the deployment and penetration of complementary services at comparable rates across all regions of the Nation.

SEC. 5. STUDY ON THE IMPACT OF BROADBAND SPEED AND PRICE ON SMALL BUSINESS.
(a) IN GENERAL.—The Small Business Administration Office of Advocacy shall conduct a study evaluating the impact of broadband speed and price on small businesses.
(b) REPORT.—Not later than one year after the date of enactment of this Act, the Office shall submit a report to the Senate Committee on Commerce, Science, and Transportation, the Senate Committee on Small Business and Entrepreneurship, the House of Representatives Committee on Energy and Commerce, and the House of Representatives Committee on Small Business on the results of the study, including—
(1) a survey of broadband speeds available to small businesses;
(2) a survey of the cost of broadband speeds available to small businesses;
(3) a survey of the type of broadband technology used by small businesses; and
(4) any policy recommendations that may improve small businesses access to comparable broadband services at comparable rates in all regions of the Nation.

SEC. 6. ENCOURAGING STATE INITIATIVES TO IMPROVE BROADBAND.
(a) PURPOSES.—The purposes of any grant under subsection (b) are—
(1) to ensure that all citizens and businesses in a State have access to affordable and reliable broadband service;
(2) to achieve improved technology literacy, increased computer ownership, and home broadband use among such citizens and businesses;
(3) to establish and empower local grassroots technology teams in each State to plan for improved technology use across multiple community sectors; and
(4) to establish and sustain an environment ripe for local broadband services and information technology investment.
(b) ESTABLISHMENT OF STATE BROADBAND DATA AND DEVELOPMENT GRANT PROGRAM—
(1) GRANT AWARDS.—The Secretary of Commerce shall award grants, taking into account the results of the peer review process under subsection (d), to eligible entities for the development and implementation of statewide initiatives to identify and track the availability and adoption of broadband services within the State.
(2) COMPETITIVE BASIS.—Any grant under subsection (b) shall be awarded on a competitive basis.
(3) ELIGIBILITY.—To be eligible to receive a grant under subsection (b), an eligible entity shall—
(A) submit an application to the Secretary of Commerce, at such time, in such manner, and containing such information as the Secretary may require; and
(B) contribute, or secure non-Federal funds in an amount equal to not less than 20 percent of the total amount of the grant.
(d) NONFEDERAL FUNDS.—(1) IN GENERAL.—The Secretary shall by regulation require appropriate technical and scientific peer review of applications made for grants under this section.
(2) REVIEW PROCEDURES.—The regulations required under paragraph (1) shall require that any technical and scientific peer review group—
(A) be provided a written description of the grant to be reviewed; and
(B) provide the results of any review by such group to the Commerce Secretary.
(3) CERTIFICATION.—(A) The Secretary shall certify that such group will enter into voluntary nondisclosure agreements as necessary to prevent the unauthorized disclosure of confidential and proprietary information provided by broadband service providers in connection with projects funded by any such grant.
(4) USE OF FUNDS.—A grant awarded to an eligible entity under subsection (b) shall be used—
(A) to conduct a baseline assessment of broadband service deployment in each State; (B) to identify and track—
(i) areas in each State that have low levels of broadband deployment;
(ii) the rate at which residential and business users adopt broadband service and other related information technology services; and
(iii) children and other population groups which is underutilized; and
(B) to identify barriers to the adoption by individuals and businesses of broadband services and related information technology services, including, where appropriate, voluntary nondisclosure agreements as necessary to prevent the unauthorized disclosure of confidential and proprietary information provided by broadband service providers in connection with projects funded by any such grant.
(5) IN GENERAL.—The Secretary may require that a grant recipient—
(A) provide a supplemental assessment of the deployment of broadband service in each State;
(B) provide the results of any review by such group to the Commerce Secretary;
(C) certify that such group will enter into voluntary nondisclosure agreements as necessary to prevent the unauthorized disclosure of confidential and proprietary information provided by broadband service providers in connection with projects funded by any such grant.
(6) REPORTING.—The Secretary of Commerce shall—
(A) require each recipient of a grant under subsection (b) to submit a report on the use of the funds provided by the grant; and
(B) create a web page on the Department of Commerce web site that aggregates relevant information made available to the public by grant recipients, including, where appropriate, hyperlinks to any geographic inventory maps created by grant recipients under subsection (e)(10).

SEC. 7. REPORT TO CONGRESS ON THE IMPACT OF BROADBAND SPEED AND PRICE ON SMALL BUSINESS.
(a) REQUIREMENT.—In this section:
(1) ELIGIBLE ENTITY.—The term ‘‘eligible entity’’ means a non-profit organization that is selected by a State to work in partnership with State agencies and private sector partners to identify and track the availability and adoption of broadband services within each State.
(2) NONPROFIT ORGANIZATION.—The term ‘‘nonprofit organization’’ means an organization—
(A) described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code; or
(B) no part of the net earnings of which inures to the benefit of any member, founder, contributor, or individual; and
(C) that has an established competency and proven record of working with public and private sectors to accomplish widespread deployment and adoption of broadband services and information technology.
(b) REPORT.—(1) IN GENERAL.—The board of directors of the corporation shall—
(A) prepare and distribute an annual report to the Secretary of Commerce, and (B) make recommendations to the Secretary of Commerce on how funds should be used.
(c) AUTHORIZATION OF APPROPRIATIONS.—Nothing in this section shall be construed as giving any public or private entity established or affected by this Act any regulatory jurisdiction or oversight authority that aggregates relevant information on broadband services or information technology.
By Mr. INOUYE (for himself and Mr. STEVENS):

S. 1493. A bill to promote innovation and basic research in advanced information and communications technologies that will enhance or facilitate the affordability and availability of advanced communications services to all Americans; to the Committee on Commerce, Science, and Transportation.

Mr. INOUYE. Mr. President, the telecommunications industry started in this country during a series of wires crisscrossing the country to provide simple telegraph service. The telegraph allowed people to communicate from coast to coast in a matter of minutes, which was a marked improvement over the days required to deliver postal correspondence via the pony express. The industry quickly evolved from those initial telegraph lines with Alexander Graham Bell’s invention of the telephone. This revolutionized telecommunications and created a multi-billion dollar industry.

Today, telecommunications accounts for 3 percent of this country’s gross domestic income, or roughly $335 billion. It employs over 1.25 million U.S. workers. The industry is a critical driver of U.S. economic growth and innovation. Historically, advances in telecommunications resulted from AT&T’s steady funding of Bell Laboratories, the world-famous research facility that discovered the transistor, the laser, radar, and sonar, digital signal processors, cellular telephone technology, and data-networking technology. Indeed, research in this last field, data-networking, is the basis of the 21st century’s greatest resource, the Internet.

However, today, the pace of innovation in the United States is no longer as swift or as certain. For example, much of the world’s wireless technologies come from Europe, and many of the handsets are designed and manufactured in Asia and South Korea. Part of the problem is the decline of Bell Labs, but financial pressures from Wall Street to perform in the short-term are also partly to blame. Companies can no longer afford to invest in basic, fundamental telecommunications research with project horizons beyond 5 years. Unless we can reverse this trend, I fear that the United States may fall permanently behind in the telecommunications innovation race.

That is why I am here today, to introduce the Advanced Information and Communications Technology Research Act. By re dedicating our efforts to the pursuit of innovation through basic, fundamental research, we can begin to restore our Nation’s historic leadership in this critical industry. Toward that end, the legislation that I am introducing today will establish a telecommunications program within the National Science Foundation to focus research and development on available advanced communications services in America. It would authorize $40 million in fiscal year 2008, increasing in $5 million increments to reach $60 million in FY 2012. The bill would also establish a Federal Advanced Information and Communications Technology Board within NSF to advise the program on appropriate research topics. Finally, national security efforts initiated almost 4 years ago to promote spectrum sharing technologies. It would require NTIA and the FCC to initiate a pilot program within 1 year that would make a small amount of spectrum available for shared use between Federal and non-Federal government users.

I look forward to working with my colleagues on this legislation in the weeks ahead.

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

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

S. 1493
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 “Advanced Information and Communications Technology Research Act”.

SECTION 2. SPECTRUM-SHARING INNOVATION TESTBED.
(a) SPECTRUM-SHARING PLAN.—Within 1 year after the date of enactment of this Act, the Federal Communications Commission, the National Telecommunications and Information Administration, and the Assistant Secretary of Commerce for Communications and Information, in coordination with other Federal agencies, shall:
(1) develop a plan to increase sharing of spectrum between Federal and non-Federal government users; and
(2) establish a pilot program for implementation of the plan.

(b) TECHNICAL SPECIFICATIONS.—The Commission and the Assistant Secretary—
(1) shall each identify a segment of spectrum of equal bandwidth within their respective jurisdiction for the pilot program that is approximately 10 megahertz in width for assignment on a non-Federal and non-Federal government use; and
(2) may take the spectrum for the pilot program from bands currently allocated on either an exclusive or nonexclusive basis.

(c) REPORT.—The Commission and the Assistant Secretary shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce 2 years after the inception of the pilot program detailed in the results of the program and suggesting appropriate procedures for expanding the program as appropriate.

SEC. 3. TELECOMMUNICATIONS INNOVATION ACCELERATION.
(a) PROGRAM.—In order to accelerate the pace of innovation with respect to telecommunication services (as defined in section 3(46) of the Communications Act of 1934 (47 U.S.C. 153(46)), equipment, and technology, the Director of the National Institute of Standards and Technology shall—
(1) establish a program linked to the goals and objectives of the measurement laboratories, to be known as the ‘‘Telecommunications Innovations Acceleration Research Program’’, to support and promote innovation in the United States through high-risk, high-reward telecommunications research and development of affordable advanced communications services to all Americans; and
(2) set aside, from funds available to the measurement laboratories, an amount equal to not less than 8 percent of the funds available to the Institute each fiscal year for such Program.

(b) EXTERNAL FUNDING.—The Director shall ensure that at least 80 percent of the funds available for such Program shall be used to award competitive, merit-reviewed grants, cooperative agreements, or contracts to public or private entities, including universities. In selecting entities to receive such assistance, the Director shall ensure that the project proposed by an entity has scientific and technical merit and that any resulting intellectual property shall vest in a United States entity that can commercialize the technology in a timely manner. Each external project shall involve at least one small or medium-sized business and the Director shall give priority to joint ventures between small or medium-sized businesses and universities. Each high-risk, high-reward grant shall be for a period not to exceed 3 years.

(c) COMPETITIONS.—The Director shall solicit proposals annually to address areas of national need for high-risk, high-reward telecommunications research, as identified by the Director.

(d) ANNUAL REPORT.—Each year the Director shall issue an annual report describing the program’s activities, including include a description of the metrics upon which grant funding decisions were made in the previous fiscal year, any proposed changes to those metrics, metrics for evaluating the success of ongoing and completed grants, and an evaluation of ongoing and completed grants. The first annual report shall include best practices for management of programs to stimulate high-risk, high-reward telecommunications research.

(e) ADMINISTRATIVE EXPENSES.—No more than 5 percent of the funding available to the program may be used for administrative expenses.

(f) HIGH-RISK, HIGH-Reward TELECOMMUNICATIONS RESEARCH DEFINED.—In this section, the term ‘‘high-risk, high-reward telecommunications research’’ means research that—
(1) has the potential for yielding results with far-ranging or wide-ranging implications;
(2) addresses critical national needs related to measurement standards and technology; and
(3) is too novel or spans too diverse a range of disciplines to fare well in the traditional peer review process.

SEC. 4. ADVANCED COMMUNICATIONS SERVICES FOR ALL AMERICANS.
The Director of the National Institute of Standards and Technology shall continue to support research and support standards development in advanced information and communications technologies focused on enhancing or facilitating the availability and affordability of advanced communications services to all Americans, in order to implement the Institute’s responsibilities under section 201(b)(12) of the National Institute of Standards and Technology Act (15 U.S.C. 272(c)(12)). The Director shall support intramural research and cooperative research with institutions of higher education (as defined in section 103(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)) and industry.

SEC. 5. ADVANCED INFORMATION AND COMMUNICATIONS TECHNOLOGY RESEARCH.
(a) INFORMATION AND COMMUNICATIONS TECHNOLOGY RESEARCH.—The Director of the National Science Foundation shall establish a program of basic research in advanced information and communications technologies focused on enhancing or facilitating the availability and affordability of advanced communications services to all Americans.
In developing and carrying out the program, the Director shall consult with the Board established under subsection (b).

(b) **Federal Advanced Information and Communications Technology.** The Director shall advance the mission of the National Science Foundation by supporting research and development in advanced information and communications technologies that will contribute to enhancing or facilitating the availability and affordability of advanced communications services to all Americans. Areas of research to be supported through these grants include—

1. affordable broadband access, including wireless technologies;
2. network architecture and reliability;
3. communications interoperability;
4. networking protocols and architectures, including resilience to outages or attacks;
5. trusted software;
6. privacy;
7. nanoelectronics for communications applications;
8. low-power communications electronics;
9. such other related areas as the Director, in consultation with the Board, finds appropriate; and
10. implementation of equitable access to national advanced fiber optic research and educational networks, including access in noncontiguous States.

(c) **Grant Program.**—The Director, in consultation with the Board, shall award grants for basic research into advanced information and communications technologies that will contribute to enhancing or facilitating the availability and affordability of advanced communications services to all Americans. Areas of research to be supported through these grants include—

1. the development of fundamental knowledge and expertise in information and communications technologies, including representatives from the National Telecommunications and Information Administration, the Federal Communications Commission, the National Institute of Standards and Technology, the Department of Defense, and representatives from industry and educational institutions.

2. **Grant Program.**—The Director, in consultation with the Board, shall award grants for basic research into advanced information and communications technologies that will contribute to enhancing or facilitating the availability and affordability of advanced communications services to all Americans. Areas of research to be supported through these grants include—

(a) **Grant Program.**—The Director, in consultation with the Board, shall award grants for basic research into advanced information and communications technologies that will contribute to enhancing or facilitating the availability and affordability of advanced communications services to all Americans. Areas of research to be supported through these grants include—

1. the development of fundamental knowledge and expertise in information and communications technologies, including representatives from the National Telecommunications and Information Administration, the Federal Communications Commission, the National Institute of Standards and Technology, the Department of Defense, and representatives from industry and educational institutions.

2. **Grant Program.**—The Director, in consultation with the Board, shall award grants for basic research into advanced information and communications technologies that will contribute to enhancing or facilitating the availability and affordability of advanced communications services to all Americans. Areas of research to be supported through these grants include—

(a) **Grant Program.**—The Director, in consultation with the Board, shall award grants for basic research into advanced information and communications technologies that will contribute to enhancing or facilitating the availability and affordability of advanced communications services to all Americans. Areas of research to be supported through these grants include—

1. the development of fundamental knowledge and expertise in information and communications technologies, including representatives from the National Telecommunications and Information Administration, the Federal Communications Commission, the National Institute of Standards and Technology, the Department of Defense, and representatives from industry and educational institutions.
results that I believe justify its continued support. Diabetes is taking too heavy a toll on too many Americans and their families. Continued funding is vital to the continuation of our fight against diabetes.

The prevention and treatment of diabetes have improved greatly over the past decade and I believe it is in large part due to the funding and research accomplished through these two programs. Complications of diabetes can be prevented and the costs of this disease our society can be contained. Research, early detection and treatment, however, are the keys. I hope that Congress will join together to reauthorize these programs and also provide to them the increase in funding that they need to keep making advances.

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. 1494

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

SECTION 1. REAUTHORIZATION OF SPECIAL DIABETES PROGRAMS FOR TYPE I DIABETES AND INDIANS.

(a) SPECIAL DIABETES PROGRAMS FOR TYPE I DIABETES.—Section 330B(b)(2) of the Public Health Service Act (42 U.S.C. 254c–2(b)(2)) is amended—

(1) in subparagraph (B), by striking “and” at the end;

(2) in subparagraph (C), by striking the period at the end and inserting “;” and “;”;

and (3) by adding at the end the following:

“(D) $200,000,000 for each of fiscal years 2009 through 2013.”

(b) SPECIAL DIABETES PROGRAMS FOR INDIANS.—Section 330C(c)(2) of the Public Health Service Act (42 U.S.C. 254c–3(c)(2)) is amended—

(1) in subparagraph (B), by striking “and” at the end;

(2) in subparagraph (C), by striking the period at the end and inserting “;” and “;”;

and (3) by adding at the end the following:

“(D) $200,000,000 for each of fiscal years 2009 through 2013.”

Mr. DORGAN. Mr. President, I am pleased today to join my colleague from New Mexico in introducing legislation to reauthorize two very important efforts to address diabetes prevention and treatment and research: the Special Diabetes Program for Indians, which is administered by the Indian Health Service’s Division of Diabetes Treatment and Prevention, and the Special Diabetes Programs for Children with Type I Diabetes Research, which is administered by the National Institutes of Health.

The Indian Affairs Committee held an oversight hearing on diabetes in Indian country this past February. Diabetes is an illness that afflicts Native Americans more than any other ethnic/racial group in the United States, and some tribes have the onerous distinction of having the highest diabetes rate in the world. Indian people are 318 percent more likely to die from diabetes than the general population.

The Special Diabetes Program for Indians is recognized as the most comprehensive rural system of care for diabetes in the United States. Grants under this program have been awarded by the Indian Health Service to nearly 400 IHS, tribal and urban Indian programs within the 12 IHS Areas in 35 States. The program serves approximately 116,000 Native American people with various prevention and treatment services.

While each of the Special Diabetes Programs grants reflects the unique tribal community that conducts the program, here are some examples of the kinds of activities the program provides: teaching Indians living with diabetes how to examine and take care of their feet; helping young mothers learn how to eat healthy using commodity foods issued under the USDA’s Food Distribution Program on Indian reservations, and how to learn the value of breastfeeding their babies to reduce the incidence of diabetes in the children grow older; enabling diabetics to have access to regular eye screening exams; helping Native Americans know the connection between eating healthy and preventing diabetes by adapting materials of the National Institutes of Health-funded National Diabetes Education Program, called the Diabetes Prevention Program, to be culturally-appropriate; promoting physical activity in the reservation environment, such as building walking trails and displaying signs that say, “Walk, don’t walk” and enabling Indian Health Service, tribal and urban Indian health programs to offer new medications for diabetes, such as glitazone, which helps increase insulin sensitivity.

Reauthorization of the Special Diabetes Program for Indians is both a legislative and a medical priority for Indian country. I urge my colleagues to support the measure that we are introducing today.

By Mr. INOUYE (for himself and Mr. Wyden):

S. 1495. A bill to amend the Internal Revenue Code of 1986 to modify the application of the tonnage tax on vessels operating in the dual United States domestic and foreign trades, and for other purposes; to the Committee on Finance.

Mr. INOUYE. Mr. President, foreign registered ships now carry 97 percent of the imports and exports moving in the U.S. international trade. These foreign vessels are held to lower standards than U.S. registered ships, and are, virtually, untaxed. Therefore, their costs of operation are lower than U.S. ship operating costs, which explains their 97 percent market share.

Three years ago, in order to help level the playing field for U.S. flag ships that compete in international trade, Congress enacted, under the American Competitiveness Act of 2004, Public Law 108–357, Subchapter R, a “tonnage tax” that is based on the tonnage of a vessel, rather than taxing the U.S. flag ship’s international income at a 35 percent corporate income tax rate. However, during the House and the Senate conference, language was included, which states that a U.S. vessel cannot use the tonnage tax on international income if that vessel also operates in U.S. domestic commerce for more than 30 days per year.

This 30-day limitation dramatically limits the availability of the tonnage tax for those U.S. ships that operate in both domestic and international trade and, accordingly, severely hinders their competitiveness in foreign commerce. It is important to recognize that ships operating in U.S. domestic trade already have significant cost disadvantages vis-a-vis U.S. ships operating in international trade. Specifically, U.S.-flag ships that operate solely in international trade: 1. are built in foreign shipyards at one-third U.S. shipyard prices; 2. receive $2.6 million per ship per year in Federal maritime security payments; 3. are only available in these vessels available to the Department of Defense in time of national emergency; and 3. are owned by U.S. subsidiaries of foreign corporations. Contrast, U.S.-flag ships that operate both in international and domestic trade a dollar per ton: 1. can be built in higher priced U.S. shipyards; 2. do not receive maritime security payments, even when operated in international trade, but have the same commitments to the Department of Defense; and 3. are owned by U.S.-based American corporations. Furthermore, the inability of these domestic operators to use the tonnage tax for their international service is an unnecessary burden on their competitive position in foreign commerce.

When windows of opportunity present themselves in international trade, American tax policy and maritime policy should facilitate the participation of these American-built ships. Instead, the 30-day limit results in not eligible to use the tonnage tax, and further handicaps American vessels when competing for international cargo. Denying the tonnage tax to coastwise qualified ships further stymies the operation of American built ships in international commerce, and further exacerbates America’s 97 percent reliance on foreign ships to carry its international cargo.

These concerns were of such sufficient importance that in December 2006, the Congress repealed the 30-day limit on domestic trading but only for approximately 50 ships operating in the Great Lakes. These ships primarily operate in domestic trade on the Great Lakes, but also carry cargo between the United States and Canada in international trade Section 415 of P.L. 109–432, the Tax Relief and Health Care Act of 2006.

The identifiable universe of remaining smaller ships other than the Great Lakes ships that operate in domestic trade, but that may also operate temporarily in international trade, totals 13 U.S. flag vessels. These 13 ships...
operate in domestic trades that involve Washington, Oregon, California, Hawaii, Alaska, Florida, Mississippi, and Louisiana. In the interest of providing equity to the U.S. corporations that own and operate these vessels, my bill would increase the tonnage tax 30-day limit on domestic operations and enable these vessels to utilize the tonnage tax on their international income so they receive the same treatment as other U.S. flag international operators. I strongly urge my bill, these ships will continue to pay the normal 35 percent U.S. corporate tax rate on their domestic income.

Repeal of the tonnage tax’s 30-day limit on domestic operations is a necessary step toward providing tax equity between U.S. flag and foreign flag vessels. I strongly urge the tax writing committees of the Congress to give this legislation their expedited consideration and approval. 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. 357. A bill to remove the tax disadvantage for vessels in domestic trades and to increase the tonnage tax for vessels operating in domestic trades.

(a) IN GENERAL.—Section 1356 of the Internal Revenue Code of 1986 (as amended by section 201 of the American Competes Act) is amended—

(1) by striking "13 vessels" and inserting "13 vessels, including vessels that operate in domestic trades that involve Washington, Oregon, California, Hawaii, Alaska, Florida, Mississippi, and Louisiana.

(b) REGULATORY AUTHORITY FOR ALLOCATION OF CREDITS, INCOME, AND DEDUCTIONS.—Section 1356 of the Internal Revenue Code of 1986 (as amended by section 201 of the American Competes Act) is amended—

(1) by striking "federal renewable portfolio standard, and" and inserting "federal renewable portfolio standard, and creating a comprehensive energy policy that is conducive to the development of energy technologies, and providing incentives for telecommunication, and providing additional renewable energy less daunting, by creating a long-term market for renewable energy through increasing the Federal Government’s use of renewables and creating a Federal renewable portfolio standard, and will cosponsor legislation to be offered by Senator Bingaman to do so. I have also cosponsored S. 590, Senator Smith’s legislation that would extend solar production tax credits, and S. 761, Senator Reid’s America COMPETES Act, which will increase R&D funding for the Department of Energy, increase the DOE’s emphasis on advanced energy research to overcome the long-term and high-risk technological barriers to the development of energy technologies, and implement recommendations made by the National Academies of Sciences report Rising Above a Gathering Storm. These recommendations will be advanced under the framework of energy policy reform, including increasing funding for weatherization, providing incentives for telecommuting, and providing additional renewable energy and efficiency standards for appliances.

We can do better, and the one overarching theme in the quest for a sustainable, long-term energy policy is the need to be able to be flexible and change our energy policy to fit our needs, capacity, research and development. My bill will give us the ability to provide long-term, bipartisan solutions that will address our energy policy going forward, and give us the flexibility and the confidence of experts, to give the American people the energy policy they deserve.

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

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:
S. 1498

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 ‘‘Energy Independence Act of 2007’’.

SECTION 2. PURPOSE AND GOALS.
The purpose of this Act is to provide support for projects and activities to facilitate the energy independence of the United States so as to ensure that—

(a) not 10 percent of the energy needs of the United States are supplied by domestic energy sources by calendar year 2017; and

(b) all but 20 percent of the energy needs of the United States are supplied by non-fossil fuel sources by calendar year 2037.

SECTION 3. ENERGY POLICY COMMISSION.
(a) ESTABLISHMENT.—There is established a commission, to be known as the ‘‘National Commission on Energy Independence’’ (referred to in this section as the ‘‘Commission’’).

(b) MEMBERSHIP.—The Commission shall be composed of 15 members, of whom—

(A) 3 shall be appointed by the President; (B) 3 shall be appointed by the majority leader of the Senate; (C) 3 shall be appointed by the minority leader of the House of Representatives; (D) 3 shall be appointed by the Speaker of the House of Representatives; and (E) 3 shall be appointed by the majority leader of the Senate; of whom—

(A) 3 shall be appointed by the President; (B) 3 shall be appointed by the majority leader of the Senate; (C) 3 shall be appointed by the Speaker of the House of Representatives; and (D) 3 shall be appointed by the minority leader of the Senate.
The co-chairpersons shall be—

(A) in general.—The President shall designate 2 co-chairpersons from among the members of the Commission appointed.

(B) political affiliation.—The co-chairpersons designated under subparagraph (A) shall not both be affiliated with the same political party.

(c) REPORT AND RECOMMENDATIONS.
The Commission shall carry out the duties of the Commission.

(i) NATURE OF DUTY.—Any detail of a Federal employee under clause (i) shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

(ii) technical assistance.—The co-chairpersons designated under paragraph (B) may, in the name of the Commission, enter into agreements with other Federal agencies, upon the request of the Commission, for such technical assistance as may be necessary to carry out the duties of the Commission.

(d) COMMISSION PERSONNEL MATTERS.
(1) STAFF AND DIRECTOR.—The Commission shall have a staff headed by an Executive Director.

(2) STAFF APPOINTMENT.—The Executive Director may appoint such personnel as the Executive Director and the Commission determine to be appropriate.

(3) EXPENSE AND CONSULTANTS.—With the approval of the Commission, the Executive Director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(e) RESOURCES.—

(i) IN GENERAL.—The Commission shall have reasonable access to materials, resources, statistical data, and such other information from Executive agencies as the Commission determines to be necessary to carry out the duties of the Commission.

(ii) TECHNICAL ASSISTANCE.—The Commission shall have reasonable access to materials, resources, statistical data, and such other information from Federal agencies as the Commission determines to be necessary to carry out the duties of the Commission.

(2) FORM OF REQUESTS.—The Commission shall make requests in writing, as necessary.

(f) RESOURCES.

(i) IN GENERAL.—The Commission shall have reasonable access to materials, resources, statistical data, and such other information from Executive agencies as the Commission determines to be necessary to carry out the duties of the Commission.

(ii) TECHNICAL ASSISTANCE.—The Commission shall have reasonable access to materials, resources, statistical data, and such other information from Federal agencies as the Commission determines to be necessary to carry out the duties of the Commission.

(2) FORM OF REQUESTS.—The Commission shall make requests in writing, as necessary.

B. Mrs. BOXER (for herself, Mr. VITTER, Mr. LIEBERMAN, Mr. LAUTENBERG, and Mr. MENENDEZ):

S. 1498. A bill to amend the Lacey Act Amendments of 1981 to prohibit the import, export, transportation, sale, receipt, or re-export of wildlife species, and for other purposes; to the Committee on Environment and Public Works.

Mrs. BOXER. Mr. President, today, I am introducing the Captive Primate Safety Act. I am pleased to be joined by Senators VITTER, LIEBERMAN, LAUTENBERG, and MENENDEZ.

The fact of the matter is that, like it or not, the United States, the American Zoo and Aquarium Association, the American Veterinary Medical Association, Defenders of Wildlife and the Wildlife Conservation Society and many other organizations, I look forward to working with all my colleagues to enact this legislation.

By Mr. INHOFE (for himself and Mr. THUNE):

S. 1503. A bill to improve domestic fuels security; to the Committee on Environment and Public Works.

Mr. INHOFE. Mr. President, today I rise to introduce the Gas Petroleum Refiner Improvement and Community Empowerment Act or Gas PRICE Act. While chairman of the Committee on Environment and Public Works, I sought to move a similar measure. Unfortunately, my colleagues on the other side of the aisle managed to block the bill at that time.

Today, motorists are facing record high gas prices and according to Labor statistics, those higher fuel prices are hurting the national economy as a whole. Unfortunately, the pain at the pump, the grocery store, and the shopping mall were predicted long ago and are largely a function of politicking, rhetoric, and finger pointing, actions that continue today.

According to Deutsche Bank energy experts Paul Sankey and Rich Volina, who testified May 15, 2007 before the Senate Energy Committee, ‘‘Anybody who blames record high U.S. gasoline prices on ‘gouging’ simply reveals their total ignorance of global supply and demand fundamentals.” Yet yesterday the House narrowly passed a bill that; goes just that; goes after so called ‘‘gougers’’ while doing nothing to affect supply.

I am hopeful that my colleagues in the Senate will join me and quickly pass the bill I am introducing today. Our constituents elected us to solve problems and make their lives better, not to name call and demonize.

I have been talking about the lack of adequate refining supplies for some years. In May 2004, while chairman of the Committee on Environment and Public Works, I held a hearing on the environmental issues regarding oil refining. The committee received testimony about the lack of adequate refining capacity and the obstacles the industry faced in order to meet consumer demands.

In a May 2005 speech, then-Federal Reserve Chairman Alan Greenspan stated, ‘‘The status of world refining capacity has become worrisome as well. Of special concern is the need to add ‘adequate’ coking and desulphurization capacity to convert the average gravity and sulphur content of much of the world’s crude oil to the lighter and sweeter needs of product markets, which are increasingly dominated by transportation fuels that meet ever more stringent environmental requirements.”

The fact of the matter is that, like it or not, the U.S. needs to increase its
refining capacity if we are to solve the economic struggles facing every family.

The bill I am introducing today redefines and broadens our understanding of a "refinery" to be a "domestic fuels facility." Oil has been and will continue to play a major role in the U.S. economy, but the future of our domestic transportation fuels system must also include new sources such as ultra-clean syn-fuels derived from coal and cellulosic ethanol derived from homegrown grasses and biomass.

Expanding existing domestic fuels facilities like refineries or constructing new ones face a maze of environmental permitting challenges. The GasPRICE Act provides a Governor with the option of requiring the Federal EPA to provide the state with financial and technical resources to accomplish the job and establishes a certain permit for preparing for the eventuality of cost.

The public demands increasing supplies of transportation fuel, but they also expect that fuel to be good for their health and the environment. To that end, the bill requires the EPA to establish a demonstration to assess the use of Fischer-Tropsch FT diesel and jet fuel as an emission control strategy.

Initial tests have found that FT diesel emits 25 percent less NOx, nearly 20 percent less PMIO, and approximately 50 percent less SOX than low sulfur petroleum diesel. Further, U.S. Air Force tests at Tinker base in my home state found that blends of FT aircraft fuel reduced particulate 47-90 percent and completely eliminated SOX emissions over contemporary fuels in use today.

Good concepts in Washington are bad ideas if no one wants them at home. As a former Mayor of Tulsa, I am a strong believer in local and state control. The Federal Government should provide incentives to not mandate on local communities. Increasing clean domestic fuel supplies is in the nation's security interest, but those facilities can also provide high paying jobs to people and towns that historically have benefited from the oil and gas industry.

The public wants to prepare for the economic and environmental challenges facing them today. My bill provides incentives to not mandate on local communities. Increasing clean domestic fuel supplies is in the nation's security interest, but those facilities can also provide high paying jobs to people and towns that historically have benefited from the oil and gas industry.

I hope that the new majority joins me in endorsing this legislation, in supporting its passage. As my colleagues are aware, I am the original author with Representative HENRY WAXMAN of the Drug Price Competition and Patent Term Restoration Act, a law which gave rise to today's generic drug industry. And so, I have a long-standing interest in making sure that consumers have access to affordable medications and that we provide the appropriate incentives for development of the new products that are eventually to be copied.

We must rectify the fact that there is no clear pathway for follow-on copies
of biological products, such as human growth hormone or insulin, to take two easy examples. And it must be rectified on a priority basis.

That the Hatch-Waxman law did not cover these biological products was not a simple oversight. Indeed, the market for biologicals really did not develop until after enactment of Waxman-Hatch in 1984.

For many years, I have worked toward development of a pathway for these “follow-on” products, but it was not until recently that I believe we have developed a public consensus that there is the scientific and regulatory underpinning necessary to write a good law.

Came now the Gregg-Burr-Coburn bill, which must be seen as an important contribution to the necessary dialog on follow-on biologics.

The Gregg-Burr-Coburn proposal addresses elements which I believe are key to enactment. First, there must be sufficient incentive for the development of biologic products. That incentive is tied inherently to an appropriate protection of the innovator’s intellectual property. And the protection must be for a sufficient length of time to allow inventors of the new biologics and others who have a financial stake in its development to recoup the substantial time and investment necessary to invent a biologic. Such protections are key for biotechnology companies, large and small, but also for universities that conduct much of the research on new molecules and the other investors who support that promising research.

Second, we should not create unnecessary barriers to marketing of lower-cost, successor biologic products. While the law must contemplate that the follow-on products be subjected to a rigorous scientific review to ensure they are safe, pure and potent, that review, however, should be flexible enough to make certain there are not unnecessary barriers to market entry for the lower-cost alternatives.

Third, past history should inform our decision-making when it can, but any law we write must reflect the emerging realities of today’s pharmaceutical market.

And, finally, the law must reflect a careful balance. We all want consumers to have access to more affordable medication, but there is a need to allow patients to buy less expensive biologic products. At the same time, we want to make certain that the abbreviated pathway for these follow-on biologics contemplates review of products that are truly follow-ons to the innovator, and not just imitating biologics. This is tied inherently to the standard which is developed for “similarity” of the follow-on to the innovator.

As many are aware, Senators Kennedy, Enzi, Clinton and I have been meeting for some time to discuss the elements that must be included in any follow-on biologics legislation. While I have been working on draft legislation for some time, I have not introduced a proposal pending a successful conclusion to those discussions. It has been our hope, and it remains our hope, that our meetings will lead to development of a consensus document that will provide the basis for the HELP Committee markup on June 13th.

There is no doubt in my mind that the Gregg-Burr-Coburn proposal will help inform the discussions of the HELP Committee on this issue. Senators Gregg, Burr and Coburn have a proven record in contributing greatly to the body of law we call the Food, Drug and Cosmetic Act. Their bill is a thoughtful and serious contribution and it is a significant work that this body should recognize.

By Mr. LUTENBERG (for himself and Mr. MENENDEZ):
S. 1569. A bill to amend the Federal Water Pollution Control Act to modify provisions relating to beach monitoring; and for other purposes; to the Committee on Environment and Public Works.

Mr. LUTENBERG. Mr. President, I rise today to introduce legislation that would increase protections for the Nation’s beaches and the public.

This bill, the Beach Protection Act, will amend the sections of the Clean Water Act that were enacted in the Beaches, Environmental Assessment and Coastal Health, BEACH, Act, which I wrote in 1990, and which was enacted and signed by President Clinton in 2000.

The BEACH Act required states to adopt the Environmental Protection Agency’s 1986 national bacteria standard for beach water quality and provided incentive grants for States to set up beach monitoring and public notification programs. At the time Congress passed the Beach Act, only 7 States had adopted water quality standards for bacteria at least as stringent as those recommended by EPA in 1986. Only 9 States had programs in place to monitor all or most of their beaches for pathogens, and to close the beaches or issue advisories when coastal waters are not safe. Only 5 States compiled and publicized records of beach closings and advisories. New Jersey was one of the leaders in all three of these categories.

Now, thanks to the BEACH Act, every coastal State except Alaska has a monitoring program and a program for public notification of contamination of beach waters. In addition, every State has adopted standards at least as stringent as those set by EPA.

The Beach Protection Act would build upon the progress we have made since passage of the BEACH Act, to improve monitoring and notification requirements, and improve the protection of our oceans and beaches.

The Beach Protection Act will reauthorize the Federal grants created under the BEACH Act, and make several improvements to the program, based upon the lessons learned over the last 7 years. These amendments will increase protections and help reduce the water pollution that threatens the environment and public health.

The Beach Protection Act will increase the funds available to States, and expand the uses of those funds to include tracking the sources of pollution that cause beach closures, and supporting pollution prevention efforts. It will also require EPA to develop methods for rapid testing of beach water, so that results are available in 2 hours, instead of 2 days.

Secondly, this legislation will strengthen the requirement for public notification of health risks posed by beach water contamination, and ensure that all State and local agencies that play a role in protecting the environment and public health are notified of violative beach water quality standards.

Finally, the Beach Protection Act will improve accountability for states that fail to comply with the requirements of the Act. These measures will improve the public’s awareness of health risks posed by contamination of coastal waters, and create additional tools for addressing the sources of pollution that cause beach closures, including leaking or overflowing sewer systems and stormwater runoff.

Clean water is an economic and public health necessity for New Jersey and other coastal states. I have devoted my career to keeping New Jersey’s waters clean and safe for swimming and fishing. The original BEACH Act I authored was an important step toward ensuring cleaner, safer beaches. The Beach Protection Act will further strengthen protections for the public and our beaches.

I am pleased that Senator Menendez is joining me as an original cosponsor of this legislation. I look forward to working with my colleagues to move this legislation forward toward passage.

By Mr. GRASSLEY (for himself and Mr. BAUCUS):
S. 3897. A bill to amend title XVIII of the Social Security Act to provide for drug and health care claims data release; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, I am pleased to join my colleague from Montana in introducing a bill that would expand the Access to Medicare Data Act of 2007. This legislation is based on S. 3897, the Medicare Data Access and Research Act, which Senator BAUCUS and I introduced in the 109th Congress.

The bill we are introducing today establishes a framework under which Federal agencies within the Department of Health and Human Services would have access to Medicare data, including data collected under the Medicare prescription drug benefit, to conduct research consistent with the agencies’ missions. The legislation also creates a process through which university-based and other researchers who
meet a strict set of requirements would be permitted to use Medicare data for research purposes.

As I said last year, Medicare data, particularly prescription drug data, are an immense resource that can support critical health services research. Additionally, access to Medicare data could help the FDA identify situations, such as the one involving Vioxx more quickly and to take quick action to protect the public’s health and safety.

But the FAA is the only place that this important research can and should occur. The study issued earlier this week in the New England Journal of Medicine regarding the prescription medicine Avandia clearly demonstrates that point. Researchers from the Cleveland Clinic found that there are serious problems with Avandia a drug that has been on the market for 8 years and is used to treat diabetes. Specifically, the researchers believe that taking Avandia increases the likelihood that a diabetic patient will have a heart attack and maybe even die. These researchers came to this conclusion after reviewing information from 2 clinical trials. Making Medicare data available to researchers like those at the Cleveland Clinic will offer another avenue for them to take in conducting research like this.

I want to be clear that, similar to last year’s bill, the Access to Medicare Data Act won’t permit just anyone to get the Medicare data. In applying for data access, researchers at universities and other organizations will have to meet strict criteria. They must have well-documented experience in analyzing the type and volume of data to be provided under the agreement. They must agree to publish and publicly disseminate their research methodology and results. They must obtain approval for their study from a review board. They must comply with all safeguards established by the Secretary to ensure the confidentiality of information. These safeguards cannot permit the disclosure of information to an extent greater than permitted by the Health Insurance Portability and Accountability Act of 1996 and the Privacy Act of 1974.

I am hopeful that we can get this bill approved soon. I, for one, don’t want to be standing here next year talking about another Vioxx or another Avandia. We need to improve and create more opportunities for the government, as well as other researchers, to spot potential trouble with a drug more quickly and to take swifter steps to protect the public’s health and safety. The Access to Medicare Data Act will help us accomplish that critical goal.

By Ms. LANDRIEU (for herself, Mr. KERRY, Mr. NELSON of Florida, and Mr. MARTINEZ):

S. 1509. A bill to improve United States hurricane forecasting, monitoring, and warning capabilities, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Ms. LANDRIEU. Mr. President, I come to the floor today to speak about a very important, and timely issue, for all of us in this country, as well as our neighbors in the Gulf Coast, as well as coastal residents along the Atlantic seaboard, the need for accurate hurricane forecasting and tracking. This issue is particularly timely with the 2007 Atlantic Hurricane season beginning today. According to the National Hurricane Center, 2007 is estimated to have between 13 to 17 named storms, 7 to 10 hurricanes, and 3 to 5 major hurricanes. When I hear “three to five major hurricanes” I have to admit it makes me and my constituents a little nervous because, in 2005, as the world is well aware, we had another active hurricane season with three major storms, Katrina, Rita and Wilma impacting the Gulf Coast States. Two of these powerful storms, Katrina and Rita, slammed into my State of Louisiana. We lost hundreds of lives and thousands of businesses as a result. To this day, the region is still slowly recovering, but by all accounts, the loss of life could have been much worse had we not had top-notch forecasting and tracking of these storms. Accurate monitoring of these storms, from their development in the Gulf and Atlantic Ocean, until they impact land or ocean, is critical. Literally saved lives as thousands of residents were able to evacuate from the impacted areas. This accurate forecast, showing residents if they are in the possible “danger zone,” is provided by the experts in the National Hurricane Center but they cannot do their job without the necessary data. Such data is provided via buoys in the water, Hurricane Hunter Aircraft, radar stations on the ground, as well as satellites. With these satellites, in particular, I believe sometimes we take for granted these satellites, which are so far removed from our daily existence as to be “out of sight, out of mind.” However, they are a major part of our daily lives as satellites now provide us with our radio stations, give us driving directions, bring us our favorite television shows. These same satellites also give us views of distant galaxies/stars and allow us to see weather patterns days before they come through our weather. That is the benefit of having tracking satellites of which I would like to highlight with the upcoming hurricane season. As Hurricane Katrina showed us, Federal and State response plans are not worth the paper they are printed on if you do not know where or when the disaster might strike. No amount of satellite phones or stockpiles of supplies are helpful if they are on the other side of the country when a disaster hits. Pre-positioning personnel and supplies ahead of disaster can mean the difference in evacuations of residents from a possible disaster area depends just as much on accurate weather forecasting as it does on efficient planning. That is why these weather satellites are so key, they allow experts to say with some certainty that one area will be out of harm’s way while another area is in potential danger.

One of these weather satellites is the Quick Scatterometer, or QuikSCAT satellite. QuikSCAT is an ocean-observing satellite launched in June 1999 to replace the capability of the National Aeronautics and Space Administration’s Scanning Scatterometer, or SCAT, satellite. The NSCAT lost power in 1997, 9 months after launch in September 1996. QuikSCAT has the objective of improving weather forecasts near coastlines by using wind data in numerical weather-and-wave prediction. It was also launched with the purpose of improving hurricane warning/monitoring as well as serving as the next “El Niño watcher” for NASA. This particular satellite was instrumental in accurate tracking of Tropical Storm, later Hurricane Katrina, as it provided NOAA experts with accurate data on the wind speed and direction for Katrina. It gives experts an estimate of the size of the tropical storm winds and the hurricane radius.

Given how important this satellite is for hurricane forecasting, many in Congress including myself are concerned as this essential satellite is currently 5 years over its intended 3 year lifespan and could fail at any moment. I am aware that there are ongoing discussions in terms of getting a replacement satellite for QuikSCAT but it is just that, discussions. As it stands today, there are currently no contingency plans in place should this satellite fail and no program in place to fast track a next-generation QuikSCAT. What would the impact be you ask if this satellite fails? Well, according to Bill Proenza, Director of the National Hurricane Center, without this satellite, hurricane forecasting would be 16 percent less accurate 72 hours before hurricane landfall and 10 percent less accurate 48 hours before hurricane landfall. This loss of accuracy means a great deal for those impacted by future storms as experts would have to expand the area possibly impacted to fully ensure those impacted were properly warned. For example, a 16 percent loss of accuracy at 72 hours before landfall would increase the area expected to be under hurricane danger from 222 miles on average. With a 10 percent loss of accuracy at 48 hours before landfall, the area expected to be under hurricane danger would rise from 136 miles to 150 miles on average. Greater inaccuracy of this type would lead to more “false alarm” evacuations along the Gulf Coast and Atlantic Coast and, as a result, decrease the possibility of impacted populations sufficiently heed mandatory evacuations. As someone who has spent my whole life in Louisiana and weathering many hurricanes, I can tell you that if someone evacuates and then the storm turns or does not impact their area,
they are less likely to evacuate for the next storm. It is human nature and although Katrina has left many in the part of the country more attentive to evacuation orders, as time passes certainly people will not heed orders if inaccurate. I urge my colleagues to support this legislation since it will improve hurricane forecasting and will maintain continuity of operations for current hurricane forecasting and warning capabilities.

I ask unanimous consent that the text of the bill and articles relating to QuikSCAT be printed in the RECORD. There being no objection, the material was ordered to be printed in the RECORD, as follows:

SEC. 1. SHORT TITLE.

This Act may be cited as the ‘‘Improved Hurricane Tracking and Forecasting Act of 2007’’.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Scatterometers on satellites are state-of-the-art radar instruments which operate by transmitting microwave pulses to the ocean surface and measuring echoed radar pulses bounced back to the satellite.

(2) Scatterometers can acquire hundreds of times more observations of surface wind velocity each day than can ships and buoys, and are the only remote-sensing systems that can provide continuous, accurate and high-resolution measurements of both wind speeds and direction regardless of weather conditions.

(3) The Quick Scatterometer satellite (QuikSCAT) is an ocean-observing satellite launched on June 19, 1999, to replace the capability of the National Aeronautics and Space Administration Scatterometer (NSCAT), an instrument which lost power in 1997, 9 months after launch in September 1996.

(4) The QuikSCAT satellite has the operational objective of improving weather forecasts near coastlines by using wind data in numerical weather prediction, as well as improve hurricane warning and monitoring and acting as the next ‘‘El Nino watcher’’ for the National Aeronautics and Space Administration.

(5) The QuikSCAT satellite was built in just 12 months and was launched with a 3-year design life, but continues to perform per specifications, with its backup transmitter, as it enters into its 8th year—5 years past its projected lifespan.

(6) The QuikSCAT satellite provides daily coverage of 90 percent of the world’s oceans, and its data has been a vital contribution to National Weather Service forecasts and warnings of ocean waves since 1999.

(7) Despite its continued performance, the QuikSCAT satellite is well beyond its expected design life and a replacement is urgently needed to ensure continuity of operations for the current hurricane forecasting and warning capabilities are not degraded.

(8) The National Hurricane Center, without the QuikSCAT satellite—

(a) hurricane forecasting would be 16 percent less accurate 72 hours before hurricane landfall; and
(b) greater inaccuracy of this type would lead to more ‘‘false alarm’’ evacuations along the Gulf Coast and Atlantic Coast and decrease the possibility of impacted populations sufficiently heeding mandatory evacuations.

(9) According to recommendations in the National Academies of Science report entitled ‘‘Improved Satellite Ocean Surface Winds’’ QuikSCAT satellite mission is needed during the three year period beginning in 2013.

(10) According to the National Hurricane Center, a next generation ocean surface vector wind satellite is needed to take advantage of current technologies that already overcome current capabilities of the QuikSCAT satellite and enhance the capabilities of the National Hurricane Center to better warn coastal residents of possible hurricanes.

SEC. 3. PROGRAM FOR IMPROVED OCEAN SURFACE WINDS VECTOR SATELLI TE.

(a) REQUIREMENT.—The Administrator of the National Oceanic and Atmospheric Administration shall, in consultation with the Administrator of the National Aeronautics and Space Administration and the head of another department or agency of the United States Government designated by the President for purposes of this section, carry out a program for an improved ocean surface wind vector satellite.

(b) PURPOSES.—The purposes of the program required under subsection (a) shall be to—

(1) address science and application questions related to air-sea interaction, coastal circulation, and biological productivity; and

(2) improve forecasting for hurricanes, coastal winds and storm surge, and other weather-related disasters;

(3) ensure continuity of quality for satellite ocean surface vector wind measurements so that existing weather forecasting and warning capabilities are not degraded;

(4) advance satellite ocean surface vector wind data capabilities; and

(5) address such other matters as the Administrator of the National Oceanic and Atmospheric Administration, in consultation with the Administrator of the National Aeronautics and Space Administration, considers appropriate.

(c) ANNUAL REPORTS.—

(1) REPORTS REQUIRED.—Not later than six months after the date of the enactment of this Act and annually thereafter until the termination of the program required under subsection (a), the Administrator of the National Oceanic and Atmospheric Administration shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology of the House of Representatives a report on the program required under subsection (a).

(2) ELEMENTS.—Each report under paragraph (1) shall include the following:

(A) A current description of the program required under subsection (a), including the amount of funds expended for the program during the period covered by such report and the purposes for which such funds were expended; and

(B) A description of the operational status of the satellite developed under the program, including a description of the current capabilities of the satellite and current estimate of the anticipated lifespan of the satellite.

(C) A description of current and proposed uses of the satellite by the United States Government and any other private entities, during the period covered by such report.
Forecasts carry the importance of preparedness, but he also set out slightly different positions. Global warming was one of them. Last year, the Caribbean, which has the highest sea temperatures since 1930, but the season turned out to be quieter than expected, Proenza said. “So there’s got to be other factors that lead to the hurricanes and tropical storms than just sea surface temperatures or global warming,” he said.

His comments distinguished him from Bush administration officials who had said climate change wouldn’t substantially enhance hurricane activity, especially the number of storms. Both men talked about being in a period of heightened hurricane activity since 1995, as part of a natural fluctuation.

Like Mayfield, Proenza stressed the importance of preparedness, and he also set out slightly different positions. Global warming was one of them. Last year, the Caribbean, which has the highest sea temperatures since 1930, but the season turned out to be quieter than expected, Proenza said. “So there’s got to be other factors that lead to the hurricanes and tropical storms than just sea surface temperatures or global warming,” he said.

His comments distinguished him from Bush administration officials who had said climate change wouldn’t substantially enhance hurricane activity, especially the number of storms. Both men talked about being in a period of heightened hurricane activity since 1995, as part of a natural fluctuation.
“false alarms.” If communities are evacuated multiple times, but do not suffer a direct hit, people will stop responding to evacuation mandates. There has been no assessment of the impact of forecasting rules they would impact deaths or damages from potential storms all along the Gulf and Atlantic coasts.

WHY HURRICANE HUNTER AIRCRAFT CANNOT REPLACE THE QUIKSCAT

The valiant Hurricane Hunter aircraft, managed by the U.S. Air Force Reserves, are important tools for assessing a developing storm. Hurricane Hunter pilots fly directly into the storm and gather data along the flight path. The craft have been provided with “active microwave scatterometers,” technology that is installed in the QuikSCAT. This technology, installed at a cost of $10 million, allows the aircraft to gather the same kind of data that the QuikSCAT collects.

However, the Hurricane Hunter craft cannot replace the QuikSCAT satellite. This is easiest to explain through analogy. Hurricane Katrina’s massive storm winds filled the entire Gulf of Mexico and the storm system towered miles into the atmosphere. Imagine that the whole area covered by such a massive storm were an extremely large fishing pond. A single plane gathering data is like a tiny fishing line collecting data only along the single strand of the line. The satellite, on the other hand, provides rich, detailed data horizontally from one side of the storm to the other side, and vertically, from the ocean surface to the top of the storm’s swirling winds. The QuikSCAT is like a detailed MRI.

LOOKING FORWARD

Designing and launching a replacement satellite is expensive. The aging QuikSCAT will be decommissioned in 180 days of enactment of this bill, and its key components.

As most of us know, portable generators are frequently used to provide electricity during temporary power outages. These generators use fuel-burning engines that emit carbon monoxide gas in their exhaust. Enough is enough. Industry self-regulation, which works in some settings, clearly is not working in this area. Congress must now step in and do its part to eliminate these tragic and avoidable deaths.

My bill, the Portable Generator Safety Act of 2007, takes some simple, common-sense steps to help the Consumer Product Safety Commission to pass tough Federal regulations within 180 days of enactment of this bill. The new regulations would have three key components.

First, every portable generator would be required to have a sensor that automatically shuts off the generator before lethal levels of carbon monoxide are reached. Other products, such as portable heaters, already contain these types of sensors, and they save lives.

Second, every portable generator must have clearly written warnings on the packaging, in the instruction manual accompanying the generator, and on the generator itself. In January, the Consumer Product Safety Commission issued new regulations requiring placement of warning labels on generators. Unfortunately, these labels are not as clear as they should be. This bill will require clear, easy-to-read warnings that consumers will read both when purchasing the generators and when they power them up in emergency situations.

Third, this legislation will require the Consumer Product Safety Commission to carry out a comprehensive education program warning the public of the risks of carbon monoxide poisoning.

How many more innocent people must die before we require the Consumer Product Safety Commission and the portable generator industry to take some sensible, pro-consumer steps? The National Hurricane Center just issued its 2007 hurricane season forecast, and it looks like we will have an above-average year for hurricane activity. I hope we are not back here at the end of the year asking these same questions.

I ask unanimous consent that the text in 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:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Portable Generator Safety Act of 2007.”

SEC. 2. FINDINGS.

Congress finds the following:

(1) Portable generators are frequently used to provide electricity during temporary power outages. These generators use fuel-burning engines that emit carbon monoxide gas in their exhaust.

(2) In the last several years, hundreds of people nationwide have been seriously injured or killed due to exposure to carbon monoxide poisoning from portable generators. Between 2000 through 2006, carbon monoxide poisoning deaths related to portable generator use were reported to the Consumer Product Safety Commission. In the last three years, 56,000 carbon monoxide deaths were linked to generator use.

(3) Virtually all of the serious injuries and deaths due to carbon monoxide from portable generators were preventable. In many instances, consumers simply were unaware of the hazards posed by carbon monoxide.

(4) The Consumer Product Safety Commission has been to reduce the risk of injury or death.

SEC. 3. SAFETY STANDARD: REQUIREMENT TO REDUCE THE POTENTIAL FOR INJURY OR DEATH FROM CARBON MONOXIDE EXPOSURE.

Not later than 180 days after the date of the enactment of this Act, the Consumer Product Safety Commission shall promulgate consumer product safety rules, pursuant to section 7 of the Consumer Product Safety Act (15 U.S.C. 2057), requiring, at a minimum, that every portable generator sold for public resale shall be equipped with an interlock safety device that—

(1) detects the level of carbon monoxide in the areas surrounding such portable generator; and

(2) automatically turns off the portable generator before the level of carbon monoxide reaches a level that would cause serious bodily injury or death to people.

SEC. 4. LABELING AND INSTRUCTION REQUIREMENTS.

Not later than 180 days after the date of the enactment of this Act, the Consumer Product Safety Commission shall promulgate consumer product safety rules, pursuant to section 7 of the Consumer Product Safety Act (15 U.S.C. 2057), requiring, at a minimum, the following:
Mr. AKAKA. Mr. President, today I ask unanimous consent that the text of the bill be printed in the CONGREGATIONAL RECORD, as follows:

SEC. 1. SHORT TITLE. This Act may be cited as the “Marine and Hydrokinetic Renewable Energy Promotion Act of 2007.”

SEC. 2. DEFINITION. For purposes of this Act, the term “marine and hydrokinetic renewable energy” means electrical energy from—

(1) waves, tides, and currents in oceans, estuaries, and tidal areas;

(2) free flowing water in rivers, lakes, and streams;

(3) free flowing water in man-made channels, including projects that utilize non-mechanical structures to accelerate the flow of water for electric power production purposes; and

(4) differentials in ocean temperature (ocean thermal energy conversion).

This term shall not include energy from any source that utilizes a dam, diversionary structure, or impoundment for electric power purposes, except as provided in paragraph (3).

SEC. 3. RESEARCH AND DEVELOPMENT. (a) PROGRAM.—The Secretary of Commerce, in consultation with the Secretary of Commerce and the Secretary of the Interior, shall establish a program of marine and hydrokinetic renewable energy research focused on—

(1) developing and demonstrating marine and hydrokinetic renewable energy technologies;

(2) reducing the manufacturing and operation costs of marine and hydrokinetic renewable energy technologies;

(3) increasing the viability and survivability of marine and hydrokinetic renewable energy facilities;

(4) integrating marine and hydrokinetic renewable energy into electric grids;

(5) identifying opportunities for cross fertilization and development of economies of scale between offshore wind and marine and hydrokinetic renewable energy sources;

(6) identifying, in consultation with the Secretary of Commerce and the Secretary of the Interior, the environmental impacts of marine and hydrokinetic renewable energy technologies and ways to address adverse impacts, and providing public information concerning technologies and other means available for monitoring and determining environmental impacts; and

(7) standards development, demonstration, and technology transfer for advanced systems engineering and system integration methods to identify critical interfaces.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Energy for carrying out this section $50,000,000 for each of the fiscal years 2008 through 2017.

SEC. 4. ADAPTIVE MANAGEMENT AND ENVIRONMENTAL FUND. (a) FINDINGS.—The Congress finds that—

(1) the use of marine and hydrokinetic renewable energy technologies can avoid contributions to global warming gases, and such technologies can be produced domestically;

(2) marine and hydrokinetic renewable energy offers a nascent industry;

(3) the United States must work to promote new renewable energy technologies that reduce contributions to global warming gases and improve our country’s domestic energy production in a manner that is consistent with environmental protection, recreation, and other public values.

(b) ESTABLISHMENT.—The Secretary of Energy shall establish an Adaptive Management and Environmental Fund, and shall
lend amounts from that fund to entities described in subsection (f) to cover the costs of projects that produce marine and hydrokinetic renewable energy. Such costs include design, fabrication, deployment, operation, monitoring, and decommissioning costs. Loans under this section may be subordinate to project-related loans provided by committed private sources. The Secretary considers appropriate, to the project area and facilities for the purposes of independent environmental research.

(c) PUBLIC AVAILABILITY.—As a condition of receiving a loan under this section, a recipient shall provide reasonable access, to Federal or State agencies and other research institutions as the Secretary considers appropriate, to the project area and facilities for the purposes of independent environmental research.

(d) RECOMMENDATION FOR RESEARCH.—(1) The Secretary of Commerce and the Secretary of Energy shall, in cooperation with the Federal Energy Regulatory Commission and the Secretary of Energy, and in consultation with appropriate State agencies, jointly prepare programmatic environmental impact statements which contain all the elements of an environmental impact statement under section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq), regarding the impacts of the deployment of marine and hydrokinetic renewable energy technologies in the navigable waters of the United States. One programmatic environmental impact statement shall be prepared under this section for each of the Environmental Protection Agency regions of the United States. The agencies shall issue the programmatic environmental impact statements under this section not later than 18 months after the date of enactment of this Act. The programmatic environmental impact statements shall evaluate among other things the potential impacts of site selection on fish and wildlife and related habitat. Nothing in this section shall operate to delay consideration of any application for a license or permit for a marine and hydrokinetic renewable energy technology project.

SEC. 5. PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENT.

The Secretary of Commerce and the Secretary of the Interior shall, in cooperation with the Federal Energy Regulatory Commission and the Secretary of Energy, and in consultation with appropriate State agencies, jointly prepare programmatic environmental impact statements which contain all the elements of an environmental impact statement under section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq), regarding the impacts of the deployment of marine and hydrokinetic renewable energy technologies in the navigable waters of the United States. One programmatic environmental impact statement shall be prepared under this section for each of the Environmental Protection Agency regions of the United States. The agencies shall issue the programmatic environmental impact statements under this section not later than 18 months after the date of enactment of this Act. The programmatic environmental impact statements shall evaluate among other things the potential impacts of site selection on fish and wildlife and related habitat. Nothing in this section shall operate to delay consideration of any application for a license or permit for a marine and hydrokinetic renewable energy technology project.

SEC. 6. PRODUCTION CREDIT FOR ELECTRICITY PRODUCED FROM MARINE RENEWABLES.

(a) In general.—Subsection (c) of section 45 of the Internal Revenue Code of 1986 (relating to resources) is amended—

(1) in paragraph (1)—

(A) by striking “and” at the end of subparagraph (B),

(B) by striking the period at the end of subparagraph (H) and inserting “, and”, and

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

(1) marine and hydrokinetic renewable energy,”;

and

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

“(10) MARINE AND HYDROKINETIC RENEWABLE ENERGY.—

(A) In General.—The term ‘marine and hydrokinetic renewable energy’ means energy derived from—

(i) waves, tides, and currents in oceans, estuaries, and tidal areas,

(ii) free flowing water in rivers, lakes, and streams,

(iii) coastal bodies of water in man-made channels, including projects that utilize non-tidal stream flow for the flow of water for electric power production purposes, or

(iv) differentials in ocean temperature (ocean thermal energy conversion).

(B) EXCEPTIONS.—Such term shall not include any energy which is—

(i) derived in paragraphs (A) through (H) of paragraph (1), or

(ii) derived from any source that utilizes a dam, diversionary structure, or impoundment electric energy projects, or except as provided in subparagraph (A)(iii).

(C) DEFINITION OF FACILITY.—Subsection (d) of section 45 of such Code (relating to qualified facilities) is amended by adding at the end the following new paragraph:

“(11) MARINE AND HYDROKINETIC RENEWABLE ENERGY FACILITIES.—(A) Manning producing electricity from marine and hydrokinetic renewable energy, the term ‘qualified facility’ means any facility owned by or operated and maintained for the taxpayer which is originally placed in service after the date of the enactment of this paragraph and before January 1, 2016.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to electricity produced and sold after the date of the enactment of this Act, in taxable years beginning after such date.

SEC. 7. INVESTMENT CREDIT AND 5-YEAR DEPRECIATION FOR EQUIPMENT WHICH PRODUCES ELECTRICITY FROM MARINE AND HYDROKINETIC RENEWABLE ENERGY.

(a) In general.—Subparagraph (A) of section 48(b) of the Internal Revenue Code of 1986 (relating to energy property) is amended—

(1) by striking “or” at the end of clause (ii),

(2) by inserting “or” at the end of clause (iv), and

(3) by adding at the end the following new clause:

“(iv) equipment which uses marine and hydrokinetic renewable energy (as defined in section 48(a)(4)), but only with respect to property placed in service after the date of the enactment of this Act, in taxable years beginning after such date.

(b) 30 PERCENT CREDIT.—Clause (i) of section 48(a)(2)(A) of such Code (relating to 30 percent credit) is amended—

(1) by striking “and” at the end of subclause (II), and

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

“(II) any energy property described in paragraph (3)(A)(V), and”;

(c) CREDITS ALLOWED FOR INVESTMENT AND PRODUCTION.—Paragraph (3) of section 48(a) of such Code (relating to energy property) is amended by inserting “(other than property described in subparagraph (A)(iv) after “any property” in the last sentence thereof.

(d) DENIAL OF DUAL BENEFIT.—Paragraph (9) of section 45(e) of such Code (relating to coordination with credit for producing fuel from a nonconventional source) is amended—

(1) in subparagraph (A), by striking “shall not include and all that follows and inserting “shall not include any facility which produces electricity from gas derived from the biodegradation of municipal solid waste if such biodegradation occurs in a facility covered by clause (ii) of subparagraph (f)(5) the production from which is allowed as a credit under section 45K for the taxable year or any prior taxable year, or

(2) in the paragraph, by striking “and inserting “, and”;

and

(B) by inserting “and investment in marine and hydrokinetic renewable energy” after “any property”.
By Mr. OBAMA:

S. 1513. A bill to amend the Higher Education Act of 1965 to authorize grant programs to enhance the access of low-income African-American students to higher education; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DODD (for himself, Mr. SMITH, and Mr. REED):

S. 1514. A bill to revise and extend provisions under the Garrett Lee Smith Memorial Act; to the Committee on Health, Education, Labor, and Pensions.

By Mr. President. I rise to speak on this bill I am introducing with my colleagues, Senator SMITH and Senator REED. The bill is a reauthorization of the Garrett Lee Smith Memorial Act, a landmark legislation enacted nearly three years ago that significantly strengthened our commitment as a Nation to reduce the public and mental health tragedy of youth suicide. I would like to take a moment to thank my colleagues who joined me in this effort, particularly Senator SMITH. We all know the personal tragedy Senator SMITH, his wife, Sharon, and their family suffered when their son and brother, Garrett, took his life over 3 years ago. Since that time, Senator SMITH and Sharon have become tireless advocates in advancing the cause of youth suicide prevention and their work should be commended.

Three years after this important legislation became law, suicide among our Nation’s young people remains an acute crisis that knows no geographic, racial, cultural, or socio-economic boundaries. Each year, almost 3,000 young people take their lives, making suicide the third overall cause of death between the ages of 10 and 24. Young people under the age of 25 account for 25 percent of all suicides completed. In fact, more children and young adults die from their own hand than from cancer, heart disease, AIDS, birth defects, stroke and chronic lung disease combined.

Equally alarming are the numbers of young people who consider taking or attempt to take their lives. Centers for Disease Control and Prevention figures estimate that almost 3 million high school students, or 20 percent of young adults between the ages of 15 and 19, consider suicide every year. Furthermore, over 2 million children and young adults actually attempt suicide each year. Seventy percent of people who die by suicide tell someone about it in advance. Yet, tragically, few of these young people do not receive appropriate intervention services before it’s too late.

When it was enacted into law, the Garrett Lee Smith Memorial Act became the first law specifically designed to prevent youth suicide. The legislation established a new grant initiative for the further development and expansion of youth suicide early intervention and prevention strategies and the community-based services they seek to coordinate. It additionally authorized a dedicated technical assistance center to assist States, localities, tribes, and community service providers with the planning, implementation, and evaluation of these strategies and services. It established a new grant initiative to enhance and improve early intervention and prevention services specifically designed for college-aged students. Lastly, it created a new inter-agency collaboration to focus on policy development and the dissemination of data specifically pertaining to youth suicide. I am pleased to say that to date, 29 States, 7 tribes, and 55 colleges and universities have benefitted from $63.4 million in resources to increase their services to youth, provided by the Garrett Lee Smith Memorial Act.

The bill we introduce today seeks to continue the good work started by the initial legislation. First, it authorizes $210 million over 5 years for continued development and expansion of statewide youth suicide prevention and early intervention strategies. Second, it authorizes $25 million over 5 years to continue assisting college campuses meet the needs of their students. And third, it authorizes $25 million over 5 years to continue the vital research on suicide prevention for all age groups being conducted by the Garrett Lee Smith Memorial Technical Assistance Center.

I continue to believe that finding concrete, comprehensive and effective remedies to the epidemic of youth suicide cannot be done by lawmakers on Capitol Hill alone. Those remedies must also come from individuals, doctors, psychiatrists, psychologists, counselors, nurses, teachers, advocates, survivors, and affected families, who are dedicated to this issue or spend each day with children and young adults that suffer from illnesses related to suicide. Despite the goals we have achieved with the Garrett Lee Smith Memorial Act, I believe that our work is not done. I hope that, as a society, we can continue working collectively both to understand better the tragedy of youth suicide and develop innovative and effective public and mental health initiatives that reach every child and being adult in this country. I am committed to pushing initiatives that give them encouragement, hope, and above all, life. 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. 1514

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 “Garrett Lee Smith Memorial Act Reauthorization of 2007.”

SEC. 2. AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT.

(a) INTERAGENCY RESEARCH, TRAINING, AND TECHNICAL ASSISTANCE CENTER.—Section 550c of the Public Health Service Act (42 U.S.C. 290b-34) is amended—

(1) in subsection (b), by striking “youth suicide early intervention and prevention strategies” and inserting “youth suicide early intervention and prevention strategies for all ages, particularly for youth”;

(b) in paragraph (2), by striking “youth suicide early intervention and prevention strategies” and inserting “youth suicide early intervention and prevention strategies for all ages, particularly for youth.”

May 24, 2007
Congressional Record — Senate
S6875
(C) in paragraph (3)—
   (i) by striking “youth”; and
   (ii) by inserting before the semicolon the following: “for all ages, particularly for youth”;

(D) in paragraph (4), by striking “youth suicide” and inserting “suicide for all ages, particularly among youth”;

(E) in paragraph (5), by striking “youth suicide early intervention techniques and technology” and inserting “suicide early intervention techniques and technology for all ages, particularly youth”;

(F) in paragraph (7)—
   (i) by striking “youth”; and
   (ii) by inserting “for all ages, particularly for youth” after the period.

(G) in paragraph (8)—
   (i) by striking “youth suicide” each place that such appears and inserting “suicide”; and
   (ii) by striking “in youth” and inserting “among all ages, particularly among youth”;

(2) in subsection (e)—
   (A) in paragraph (1), by striking “$4,000,000” and all that follows through the period and inserting “$5,000,000 for each of fiscal years 2009 through 2012.”;
   (B) in paragraph (2), by striking “$5,000,000” and all that follows through the period and inserting “$6,000,000 for each of fiscal years 2008 through 2012.”;

(b) by striking subsection (m) and inserting—
   (1) in subsection (a), by striking paragraph (1) and (2) by striking subsection (m) and inserting—
   (i) in paragraph (1), by striking “$4,000,000” and all that follows through the period and inserting “$5,000,000 for each of fiscal years 2009 through 2012.”;
   (ii) by inserting before the semicolon the following:
      “...and $5,000,000 for each of fiscal years 2009 through 2012...”;
   (iii) by inserting after “prohibitions.” the following:
      “...and nothing in this paragraph shall affect the prohibition on grants to any State...”;
   (iv) by striking “$50,000,000 for fiscal year 2012.” and inserting “$5,000,000 for each of fiscal years 2009 through 2012.”;

(c) in paragraph (5), by striking “States of the United States” and inserting “States of the United States and outlying areas”. 

In his memory, I have committed myself to helping prevent other families from experiencing the tremendous pain that comes with the loss of a loved one to suicide. We know that each year, more than 4,000 young people aged 15 to 24 die by suicide. From this number we know that since Garrett’s death more than 14,000 young people have lost their lives to suicide. Too many young lives have been lost and continue to be lost.

While we can always do more, this Act has taken that first, significant step toward creating and funding an organized effort at the Federal, State and local levels to prevent and intervene when youth are at risk for mental and behavioral conditions that can lead to suicide. The loss of a life to suicide at any age is sad and traumatic, but when it happens to someone who has just begun their life, has just begun to fulfill their potential the impact somehow seems harsher, sadder and more pronounced.

Once signed into law, this bill will authorize $220 million in new funding over 5 years to further support States and Native American tribes in building systems of State-wide early intervention and prevention strategies. This bill will continue the current practice of guaranteeing that 85% of all that portion of the funding will be provided to entities focused on identifying and preventing suicide at the State and community level. Since the Garrett Lee Smith Memorial Act was signed into law in 2004, 29-States and seven tribes have received grants to help them plan for and implement youth suicide prevention strategies.

The new and higher funding level will allow States that have never received a grant to receive funding. It will also authorize States that have received grants in the past to expand their efforts to include more geographic areas and youth populations.

In my home State of Oregon, which has been especially active and forward-thinking in combating youth suicide, the Department of Human Services has been working in a number of counties throughout the State to increase referrals so care is available when needed, ensure linkage to improve knowledge among clinicians, crisis response workers, school staff, youth and lay persons related to youth who are at-risk. The Native American Rehabilitation Association of the Northwest, Inc. also has implemented the Native Youth Prevention Project, which serves nine tribes and tribal confederations in Oregon where American Indian youth have the highest suicide rate in the State. Programs such as these can be important catalysts for change across the Nation and we must continue to support them.

The bill also reauthorizes a Suicide Prevention Resource Center, which provides technical assistance to States and local communities so they are able to implement their State-wide early intervention and prevention strategy. It also collects data related to the programs, evaluates the effectiveness of the programs, and identifies and distributes best practices.

I hope that the Senate will continue to support this legislation, to which it has already contributed so much. I look forward to working with my colleagues in the Senate to get this Act signed into law so that we can continue to take the fight against youth suicide to the next level.
May 24, 2007

CONGRESSIONAL RECORD — SENATE

S6877

best manner possible and that information is being circulated among participants. The Center will receive $25 million over 5 years for these purposes. Since 2004, the Center has done great work to support the grantees under this Act as well as push forward broader service efforts to combat youth suicide.

Finally, the bill will provide $31 million over 5 years to continue the colleges and universities grant program. This program works to establish mental health programs or enhance existing mental health programs focused on increasing access to and enhancing the range of mental and behavioral health services for students. Entering college can be one of the most disruptive and demanding times in a young person’s life, but for persons with a mental illness, these changes can become overwhelming. Loss of their parental support system, and lack of a familiar and easily accessed health care providers often mean too much of a burden to bear. We must ensure programs are in place to help them overcome these challenges.

So far, 55 colleges and universities have received grants through the Garrett-Miller Symposium Act, creating two in my home State, helping countless students. However, with more than 4,000 degree-granting institutions in the United States, there are many more campuses that will be helped by this reauthorization.

I am a champion of this cause and this bill and hope my colleagues will join me in supporting its passage.

By Mr. BIDEN (for himself and Mr. SPECTER):

S. 1515. A bill to establish a domestic violence volunteer attorney network to represent domestic violence victims; to the Committee on the Judiciary.

Mr. BIDEN. Mr. President, today I am introducing with my good friend from Pennsylvania, Senator SPECTER, an innovative bill that will help the lives of domestic violence victims.

Sadly, domestic violence remains a reality for one out of four women in our country. Experts agree a pivotal factor to ending domestic violence is meaningful access to the justice system. Recent academic research finds that increased provision of legal services is “one of the most significant factors explaining the decline of domestic violence.” Because legal services help women with practical matters such as protective orders, custody, and child support they appear to actually support them to actually present women with real, long-term alternatives to their relationships.

Stopping the violence hinges on a victim’s ability to obtain effective protection orders, initiate separation proceedings, or discharge safe child custody.

Yet thousands of victims of domestic violence go without representation every day in this country. A patchwork of services do their best to provide representational domestic violence victims, law school clinics, individual State domestic violence coalitions, legal services, and private attorneys. But there are obvious gaps and simply not enough lawyers for victims and their myriad legal needs due to the abuse, including protection orders, divorce and child custody, restraining orders, and bankruptcy declarations. Experts estimate that current legal services serve about 170,000 low-income domestic violence victims each year and yet, there are at least 1 million victims each year. Could that mean out of 5 low-income victims ever see a lawyer?

I believe there is a wealth of untapped resources in this country, lawyers who want to volunteer. My National Domestic Violence Volunteer Act would harness the skills, enthusiasm and dedication of these lawyers and infuse 100,000 new volunteer lawyers into the justice system to represent domestic violence victims. We should make it as smooth and simple as possible for victims to connect a streamlined, organized and national system to connect lawyers to clients.

I can’t overemphasize the importance of having a lawyer standing shoulder-to-shoulder with a victim as she navigates the courts. It matches a willing lawyer to a victim as soon as the victim calls the Hotline, walks into a courtroom or involves the police. It is at that crucial moment a victim needs to feel support, and if she doesn’t, she may retreat back into the abuse.

To enlist, train and place volunteer lawyers, my bill creates a new, electronic National Domestic Violence Attorney Network and Referral Project that will be administered by the American Bar Association Commission on Domestic Violence.

There are five components of my legislation.

First, it creates a National Domestic Violence Volunteer Attorney Network Referral Project to be managed by the American Bar Association Commission on Domestic Violence. With $2 million of new Federal funding each year, the American Bar Association Commission on Domestic Violence will solicit for volunteer lawyers and then create and maintain an electronic network. It will provide appropriate mentoring, training and technical assistance to volunteer lawyers. And it will establish and maintain a point of contact in each State, a statewide legal coordinator, to help match willing lawyers to victims.

Second, it enlists the National Domestic Violence Hotline and Internet sources to provide legal referrals. The bill will help the National Domestic Violence Hotline to update their system and train advocates on how to provide legal referrals to callers in coordination with the American Bar Association Commission on Domestic Violence. Legal referrals may also be done by qualified Internet-based services.

Third, it creates a Pilot Program and National Rollout of National Domestic Violence Volunteer Attorney Network and Referral Project. The bill designs a pilot program to implement the volunteer attorney network in five diverse States. The Office on Violence Against Women in the Department of Justice will administer these monies to qualified statewide organizations to help them connect with the ABA Commission on Domestic Violence, the National Domestic Violence Hotline, and the volunteer lawyers. After a successful stint in five States, the bill will route the program nationwide.

Fourth, the measure establishes a Domestic Violence Legal Advisory Task Force to monitor the program and make recommendations.

Fifth, the bill mandates the General Accounting Office to study each State and assess the scope and quality of legal services available to battered women and report back to Congress within a year.

A terrific roundtable of groups reviewed and contributed to this legislation, including the National Network to End Domestic Violence, the Legal Resource Center for Violence Against Women, the National Coalition Against Domestic Violence, the American Bar Association Commission on Juvenile and Family Court Judges, the American Bar Association, WomensLaw.org, the National Domestic Violence Hotline, the Legal Services Corporation, the American Prosecutors Research Institute, National Legal Aid and Defender Association, National Center for State Courts, National Association for Attorneys General, Battered Women’s Justice Project, National Association of Women Judges, National Association of Women Lawyers, National Crime Victims Bar Association and National Center for the Victims of Crime.

I want to end today with a story about an American hero, a woman who has been to hell and back and now is a tremendous advocate for domestic violence victims, Yvette Cade. I want to tell it to you because I think it serves as such a powerful message about why battered women should have legal assistance.

Yvette Cade, a Maryland resident, was doused with gasoline and set on fire by her estranged husband while she was at work. Half of her upper body, including her entire face, suffered third-degree burns, the most serious level.

Just three weeks before the attack, a judge dismissed the protective order Yvette had against her husband, despite protests that he was violent. At the hearing in which the judge dismissed Cade’s protective order, the judge told Cade she could not be her advocate, only the “umpire.” Cade told him that she no longer wanted to be married to this violent. The judge replied, “well, then get a lawyer, and get a divorce. That’s all you have to do.” I believe that today’s National Domestic Violence Volunteer Attorney Network Act would make getting a lawyer a reality, not just good advice.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.
There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1515

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 Domestic Violence Volunteer Attorney Network."  

SECTION 2. DEFINITIONS.
In this Act, the terms ‘‘dating partner,’’ ‘‘dating violence,’’ ‘‘domestic violence,’’ ‘‘legal services,’’ ‘‘linguistically and culturally specific services,’’ ‘‘stalking,’’ and ‘‘State domestic violence coalitions’’ shall have the same meaning given such terms in section 3 of the Violence Against Women Act of 2000, as amended.

SECTION 3. NATIONAL DOMESTIC VIOLENCE VOLUNTEER ATTORNEY NETWORK.

Section 201 of the Violence Against Women Act of 2000 (42 U.S.C. 3796gg-6) is amended by adding at the end the following:

'(g) NATIONAL DOMESTIC VIOLENCE VOLUNTEER ATTORNEY NETWORK.—
'(1) IN GENERAL.—The Attorney General may award grants to the American Bar Association Commission on Domestic Violence to work in collaboration with the American Bar Association Committee on Pro Bono and Public Service and other organizations to create, recruit lawyers for, and provide training to, and technical assistance for a National Domestic Violence Volunteer Attorney Network.
'(2) USE OF FUNDS.—Funds allocated to the American Bar Association’s Commission on Domestic Violence under this subsection shall be used to—
'(i) create and maintain a network to field and manage inquiries from volunteer lawyers seeking to represent and assist victims of domestic violence;
'(ii) solicit lawyers to serve as volunteer lawyers in the network;
'(iii) retain dedicated staff to support volunteer attorneys by—
'(a) providing field technical assistance inquiries;
'(b) providing on-going mentoring and support;
'(c) collaborating with national domestic violence law centers, technical assistance providers and statewide legal coordinators and local legal services programs; and
'(d) developing legal education and other training materials;
'(iv) maintain a point of contact with the statewide legal coordinator in each State regarding coordination of training, mentoring, and supporting volunteer attorneys representing victims of domestic violence.
'(2) AUTHORIZATION.—There are authorized to be appropriated $5,800,000 for each of fiscal years 2008 and 2009 and $3,000,000 for each of the fiscal years 2010 through 2013.

SECTION 4. DOMESTIC VIOLENCE VOLUNTEER ATTORNEY REFERRAL PROGRAM.

SEC. 4. DOMESTIC VIOLENCE VOLUNTEER ATTORNEY REFERRAL PROGRAM.

(1) PILOT PROGRAM.—
(a) IN GENERAL.—For fiscal years 2008 and 2009, the Office on Violence Against Women of the Department of Justice, in consultation with the American Bar Association Commission on Domestic Violence, shall designate 5 States in which to implement the pilot program of the National Domestic Violence Volunteer Attorney Referral Project and distribute funds under this subsection.
(b) CRITERIA.—Criteria for selecting the States for the pilot program under this subsection shall be—
(A) equitable distribution between urban and rural areas, equitable geographical distribution;
(B) States that have a demonstrated capacity to coordinate among local and statewide domestic violence organizations;
(C) organizations serving immigrant women; and
(D) volunteer legal services offices throughout the State.
(c) PURPOSE.—The purpose of the national pilot program under this subsection is to—
(A) provide for a coordinated system of ensuring that domestic violence victims throughout the country have access to culturally and linguistically appropriate representation in civil matters arising as a consequence of the abuse or violence; and
(B) support statewide legal coordinators in each State to manage referrals for victims to attorneys and to train attorneys on related domestic violence issues, including immigration matters.
(2) GRANTS.—The Attorney General shall award grants to the States under this subsection for the purposes set forth in subsection (a) and to support designated statewide legal coordinators under this subsection.
(3) ROLE OF STATEWIDE LEGAL COORDINATOR.—The statewide legal coordinator under this subsection shall—
(A) provide for a coordinated system of ensuring that domestic violence victims in each State have access to culturally and linguistically appropriate representation in all legal matters arising as a consequence of the abuse or violence;
(B) support statewide legal coordinators in each State to coordinate referrals to domestic violence attorneys and provide train and ongoing mentorship opportunities to attorneys on related domestic violence issues, including immigration matters;
(4) GUIDELINES.—The Office on Violence Against Women, in consultation with the Domestic Violence Legal Advisory Task Force and the results detailed in the Study of Representation of Domestic Violence Victims, shall develop guidelines for the implementation of the national program under this section, based on the effectiveness of the Pilot Program in improving victims’ access to culturally and linguistically appropriate legal representation in the pilot States.
(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $8,000,000 for each of fiscal years 2010 through 2013 to fund the statewide coordinator position in every State and other costs associated with the position.
(6) EVALUATION AND REPORTING.—An entity receiving a grant under this subsection shall submit to the Department of Justice a report detailing the activities taken with the grant funds, including such additional information as the agency shall require.

SECTION 5. TECHNICAL ASSISTANCE FOR THE NATIONAL DOMESTIC VIOLENCE VOLUNTEER ATTORNEY NETWORK.

(1) PURPOSE.—The purpose of this section is to—
(A) national domestic violence legal technical assistance providers to expand their services to provide training and ongoing technical assistance to volunteer attorneys in the National Domestic Violence Volunteer Attorney Network;
(B) provide volunteer domestic violence law to receive additional funding to train and assist attorneys in the areas of—
(i) custody and child support;
(ii) employment;
(iii) housing;
(iv) immigration, including protection order, family and public benefits issues; and
(E) interstate custody and relocation law.

SEC. 5. TECHNICAL ASSISTANCE FOR THE NATIONAL DOMESTIC VIOLENCE VOLUNTEER ATTORNEY NETWORK.

(a) PURPOSE.—The purpose of this section is to—
(1) national domestic violence legal technical assistance providers to expand their services to provide training and ongoing technical assistance to volunteer attorneys in the National Domestic Violence Volunteer Attorney Network;
(2) provide volunteer domestic violence law to receive additional funding to train and assist attorneys in the areas of—
(A) custody and child support;
(B) employment;
(C) housing;
(D) immigration, including protection order, family and public benefits issues; and
(E) interstate custody and relocation law.
(b) Grants.—The Attorney General shall award grants to national domestic violence legal technical assistance providers to expand their services to provide training and on-going assistance to volunteer attorneys in the National Domestic Violence Volunteer Attorney Network, statewide legal coordinators, the National Domestic Violence Hotline and Internet-based legal referral organizations described in section 1231(i)(1) of the Violence Against Women Act of 2000 and this section.

(c) Eligibility for Other Grants.—A receipt of an award under this section shall not preclude the national domestic violence legal technical assistance providers from receiving additional grants under the Office on Violence Against Women's Technical Assistance Program to carry out the purposes of that program.

(d) Eligible Entities.—In this section, an eligible entity is a national domestic violence legal technical assistance provider that—

(1) has expertise on legal issues that arise in cases of victims of domestic violence, dating violence and stalking, including family, intimate partner, sexual violence, elder abuse, housing, protection order, public benefits, custody, child support, interstate custody and relocation, employment and other civil legal needs of victims; and

(2) has an established record of providing technical assistance and support to lawyers representing victims of domestic violence.

(e) Removal of Appropriations.—There are authorized to be appropriated to carry out this section $800,000 for national domestic violence legal technical assistance providers for each fiscal year from 2008 through 2013.

SEC. 6. NATIONAL DOMESTIC VIOLENCE HOTLINE LEGAL REFERRALS.

Section 8 of the Violence Against Women Act of 2000 (42 U.S.C. 3796ex-6) is amended by adding at the end the following:

"(h) Legal Referrals by the National Domestic Violence Hotline.—

"(1) In General.—The Attorney General may award grants to the National Domestic Violence Hotline (as authorized by section 316 of the Family Violence Prevention and Services Act (42 U.S.C. 10416)) to provide information about statewide legal coordinators and legal assistance providers to clients.

"(2) Use of Funds.—Funds allocated to the National Domestic Violence Hotline under this subsection shall be used to—

(A) update the Hotline's technology and systems to reflect legal services and referral rates to statewide legal coordinators;

(B) collaborate with the American Bar Association Commission on Domestic Violence and the American Bar Association Commission on Elder Abuse to provide legal technical assistance providers to train and provide appropriate assistance to the Hotline's advocates on legal services; and

(C) maintain a network of legal services and statewide legal coordinators and collaborate with the American Bar Association Commission on Domestic Violence.

"(3) Authorization.—There are to be appropriated to carry out this subsection $500,000 for each of fiscal years 2008 through 2013.

SEC. 7. STUDY OF LEGAL REPRESENTATION OF DOMESTIC VIOLENCE VICTIMS.

(a) In General.—The General Accountability Office shall specifically assess the representation and advocacy of—

(1) organizations providing direct legal services and other support to victims of domestic violence, dating violence, and stalking, including, legal services Corporation legal services organizations, domestic violence programs receiving Legal Assistance for Victims grants or other Violence Against Women Act funds to provide legal assistance, volunteer programs (including those operated by bar associations and law firms), law schools which operate domestic violence, and family law clinical programs; and

(2) organizations providing support to direct legal services delivery programs and to their volunteers, including State coalitions on domestic violence, National Legal Aid and Defender Association, the American Bar Association Commission on Domestic Violence, the American Bar Association Committee on Pro Bono and Public Service, State bar associations, judicial organizations, and national advocacy organizations (including the Legal Resource Center on Violence Against Women, and the National Center on Full Faith and Credit).

(b) Assessment.—The assessment shall, with respect to each entity under subsection (a), include—

(1) what kind of legal assistance is provided to victims of domestic violence, such as counseling or representation in court proceedings;

(2) number of lawyers on staff;

(3) what legal services are being administered in a culturally and linguistically appropriate manner, and the number of multi-lingual advocates;

(4) what type of cases are related to the abuse, such as counseling, divorce, housing, and child custody matters, and immigration filings;

(5) what referral mechanisms are used to match a lawyer with a domestic violence victim;

(6) what, if any, collaborative partnerships are in place between the legal services program and domestic violence agencies;

(7) what existing technical assistance or training on domestic violence and legal skills is provided to attorneys providing legal services to victims of domestic violence;

(8) what training or technical assistance for attorneys would improve the provision of legal services to victims of domestic violence;

(9) how does the organization manage means-testing or income requirements for clients;

(10) what, if any legal support is provided by non-lawyer victim advocates; and

(11) whether they provide support to or sponsor a pro bono legal program providing legal representation to victims of domestic violence.

(c) Report.—Not later than 1 year after the date of enactment of this Act, the General Accountability Office shall submit to Congress a report on the findings and recommendations of the study required by this section.

SEC. 8. ESTABLISH A DOMESTIC VIOLENCE LEGAL ADVISORY TASK FORCE.

(a) In General.—The Attorney General shall establish the Domestic Violence Legal Advisory Task Force to provide guidance for the implementation of the Study of Legal Representation of Domestic Violence Victims, the Pilot Program for the Domestic Violence Volunteer Attorney Referral Project, and the National Program for the Domestic Violence Volunteer Attorney Referral Project.

(b) Composition.—The Task Force established under this section shall be composed of experts in providing legal assistance to domestic violence victims and developing effective volunteer programs providing legal assistance to domestic violence victims, including experts in civil, domestic, family, violence, individuals with experience representing low-income domestic violence victims, and private bar members involved with volunteering for the purposes of this section.

(c) Responsibilities.—The Task Force shall provide—

1. ongoing advice to the American Bar Association Commission on Domestic Violence, the National Domestic Violence Hotline, and the Statewide Coordinators regarding implementation of the Pilot Program and the National Program of the Domestic Violence Volunteer Attorney Referral Project;

2. recommendations to the Office on Violence Against Women regarding the selection of sites for the Pilot Program; and

3. attend regular meetings covered by the American Bar Association Commission on Domestic Violence.

(d) Report.—The Task Force shall report to Congress every 2 years on its work under this section.

(e) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section $100,000 for each of fiscal years 2008 through 2013.

By Mr. REED (for himself, Mr. ALLARD, Ms. MIKULSKI, Mr. BOND, Mr. DURBIN, Ms. COLLINS, Mr. SCHUMER, Mr. AKAKA, Mrs. CLINTON, Mr. WHITEHOUSE, Mr. LEVIN, Mr. BROWN, and Mrs. BOXER):

S. 1518. A bill to amend the McKinney-Vento Homeless Assistance Act to reauthorize the Act, and for other purposes; to the Committee on Banking, Housing and Urban Affairs.

Mr. REED. Mr. President, I introduce, along with Senators ALLARD, MIKULSKI, BOND, DURBIN, COLLINS, SCHUMER, AKAKA, CLINTON, WHITEHOUSE, LEVIN, BROWN, and BOXER, the Community Partnership to End Homelessness Act of 2007, CPEHA. This legislation would reauthorize and amend the housing titles of the McKinney-Vento Homeless Assistance Act of 1987. Specifically, our bill would realign the incentives behind the Department of Housing and Urban Development’s homelessness assistance programs to accomplish the goals of preventing and ending homelessness.
According to the Homeless Research Institute at the National Alliance to End Homelessness, as many as 3.5 million Americans experience homelessness each year. On any one night, approximately 744,000 men, women, and children are without homes. Many of these people have served our country in uniform. According to the National Coalition for Homeless Veterans, nearly 200,000 veterans of the United States armed forces are homeless on any given night, and about one-third of homeless men are veterans.

Statistics regarding the number of children who experience homelessness are especially troubling. Each year, it is estimated that at least 1.36 million children experience homelessness. Over 900,000 homeless children and youth were identified and enrolled in public schools in the 2005-2006 school year. However, this Department of Education count does not include preschool children, and 50 percent of homeless children are under the age of five. Whatever their age, we know that children who are homeless are in poorer health, have developmental delays, and suffer academically.

In addition to one in three people who are homeless who have a disability, according to the Homelessness Research Institute, about 23 percent of homeless people were found to be “chronically homeless,” which according to the current HUD definition means that they are homeless for long periods of time or homeless repeatedly, and they have a disability. For many of these individuals and families, housing alone, without some attached services, may not be enough.

Finally, as rents have soared and affordable housing units have disappeared from the market during the past several years, even more working Americans have been left unable to afford housing. According to the National Low Income Housing Coalition’s most recent “Out of Reach” report, nowhere in the country can a minimum wage earner afford a one-bedroom home. Eighty-eight percent of renters in cities live in areas where they cannot afford the fair market rent for a two-bedroom rental even with two minimum wage jobs. Low income renters who live paycheck to paycheck are in precarious circumstances and sometimes must make tough choices between paying rent and buying food, prescription drugs, or other necessities. If one unforeseen event occurs in their lives, they can end up homeless.

So why should the Federal Government work to help prevent and end homelessness? Simply put, we cannot afford not to address this problem. Homelessness leads to untold costs, including expenses for emergency rooms, jails, shelters, foster care, detoxification, and emergency mental health treatment. According to a number of studies, it costs just as much, if not more in overall expenditures, to allow men, women, and children to remain homeless as it does to provide them with assistance and get them back on the road to self-sufficiency.

It has been 20 years since the enactment of the Stewart B. McKinney Homeless Assistance Act, and we have not made much progress to prevent the problem of homelessness since then. At the time of its adoption in 1987, this legislation was viewed as an emergency response to a national crisis, and was to be followed by measures to prevent homelessness and to create more systemic solutions to the problem. It is now time to take what we have learned during the past 20 years, and put those practices, best proposals and plans into action.

First and foremost, our bill would consolidate HUD’s three main competitive homelessness programs, Supportive Housing Program, Shelter Plus Care, and Moderate Rehabilitation/Single Room Occupancy, into one program called the Community Homeless Assistance Program. The consolidation would reduce the administrative burden on communities caused by different program requirements. It also would allow funding to be used for an array of activities, maximizing flexibility, creativity, and local decision-making.

Second, the bill would create a new prevention title that would allow communities to apply for funding to prevent long-term homelessness. This would allow them to serve people who move frequently for economic reasons, are doubled up, are about to be evicted, live in severely overcrowded housing, or otherwise live in an unstable situation that puts them at risk of homelessness. The program could fund short to medium-term housing assistance, housing relocation and stabilization, and supportive services. The program would be authorized for up to $250 million in fiscal year 2008.

Third, the bill would create a more flexible set of requirements for rural communities by modifying HUD’s long-dormant Rural Homelessness Grant Program. Under the new requirements, a rural community could use funds for homelessness prevention and housing stabilization, in addition to transitional housing, permanent housing, and supportive services. The application process for these funds would be streamlined to be more consistent with the capacities of rural homelessness programs.

Fourth, HUD would be required to provide incentives for communities to use proven strategies to end homelessness. These strategies would include permanent supportive housing for chronically homeless people, rapid rehousing programs for homeless families, and other research-based strategies that HUD, after public comment, determines are effective.

Finally, thirty percent of funds would be allocated for permanent housing for individuals with disabilities or families headed by a person with disabilities. At least 10 percent of overall funds would be allocated for permanently housing families with children.

Sixth, communities that demonstrate results, reducing the number of people who become homeless, the time people spend homeless, and recidivism back into homelessness—would be allowed to use their homeless assistance funding more flexibly and to serve groups that are at risk of becoming homeless.

Finally, leasing, rental assistance, and operating costs of permanent housing programs would be renewed for 1 year at a time through the section 8 housing voucher account, provided that the applicant demonstrates need and compliance with appropriate standards.

There is a growing consensus on ways to help communities break the cycle of repeated and prolonged homelessness. If we combine Federal dollars with the right incentives to local communities, we can prevent and end long-term homelessness.

This bipartisan legislation seeks to do just that. It will reward communities for initiatives that prevent and end homelessness.

I hope my colleagues will join me in endorsing the Community Partnership to End Homelessness Act include: The National Alliance to End Homelessness; the U.S. Conference of Mayors; the National Association of Counties; National Association of Local Housing Finance Agencies; National Community Development Association; the National Housing Conference; the Corporation for Supportive Housing; National Alliance on Mental Illness; Consortium for Citizens With Disabilities Housing Task Force; Habitat for Humanity; Technical Assistance Collaborative; and the Housing Assistance Council.

The Community Partnership to End Homelessness Act will set us on the path to meeting an important national goal. I hope my colleagues will join us in supporting this bill and other homelessness prevention efforts.

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

There being no objection, the text of the bill was ordered to be printed in the Record as follows:

SEC. 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the “Community Partnership to End/Homelessness Act of 2007”.

(b) Table of Contents.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings and purpose.
Sec. 3. United States Interagency Council on Homelessness.
Sec. 4. Housing assistance general provisions.
Sec. 5. Emergency homelessness prevention and shelter assistance.
Sec. 6. Homeless assistance program.
Sec. 7. Rural housing stability assistance.
Sec. 8. Funds to prevent homelessness and stabilize housing for precariously housed individuals and families.

Sec. 9. Repeal and conforming amendments.

SEC. 10. Effective date.

SEC. 2. FINDINGS AND PURPOSE.

Section 2 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11301) is amended to read as follows:

"SEC. 102. FINDINGS AND PURPOSE.

"(a) Findings.—Congress finds that—

"(1) the United States faces a crisis of individuals and families who lack basic affordable housing and appropriate shelter;

"(2) assistance from the Federal Government is essential to the success of any effort to end homelessness in a comprehensive manner;

"(3) there are several Federal Government programs to assist persons experiencing homelessness, including programs for individuals with disabilities, veterans, children, and youth;

"(4) homeless assistance programs must be evaluated on the basis of their effectiveness in reducing homelessness, transitioning individuals to permanent housing and stability, and optimizing their self-sufficiency;

"(5) States and units of general local government receiving Federal block grant and other Federal grant funds must be evaluated on the basis of their effectiveness in—

"(A) implementing plans to appropriately discharge individuals to and from mainstream service systems; and

"(B) reducing barriers to participation in mainstream service systems as identified in—

"(i) a report by the Government Accountability Office entitled ‘Homelessness: Coordination and Evaluation of Programs Are Essential’ issued February 26, 1996; or

"(ii) a report by the Government Accountability Office entitled ‘Homelessness: Barriers to Using Mainstream Programs’, issued July 6, 2000;

"(6) an effective plan for reducing homelessness should provide a comprehensive housing system (including permanent housing and supportive services) that recognizes that, while some individuals and families experiencing homelessness attain economic viability and independence utilizing this transitional housing, others can reenter society directly and optimize self-sufficiency through acquiring permanent housing;

"(7) housing activities include the provision of permanent housing or transitional housing, and appropriate supportive services, in an environment that can meet the short-term or long-term needs of persons experiencing homelessness as they reintegrate into mainstream society;

"(8) homeless housing and supportive service programs and community collaborative efforts are most effective when they are developed and operated as part of an inclusive, collaborative, locally driven homeless planning process that promotes cross-agency and multi-agency decision making; and

"(9) homelessness should be treated as a symptom of many neighborhood, community, and system problems, whose resolutions require a comprehensive approach integrating all available resources;

"(10) there are many private sector entities, including nonprofit organizations, that have successfully operated outcome-effective homeless programs;

"(11) Federal homeless assistance should supplement other public and private funding provided by communities for housing and supportive services for low-income households;

"(12) the Federal Government has a responsibility to establish partnerships with State and local governments and private sector entities to address comprehensively the problem of homelessness; and

"(13) the results of Federal programs targeted for persons experiencing homelessness have been disappointing;

"(b) PURPOSE.—It is the purpose of this Act—

"(1) to create a unified and performance-based process for monitoring and administering funds under title IV;

"(2) to encourage comprehensive, collaborative local planning of housing and services programs for persons experiencing homelessness;

"(3) to focus the resources and efforts of the public and private sectors on ending and preventing homelessness;

"(4) to provide funds for programs to assist individuals and families in the transition from homelessness, and to prevent homelessness for those homeless;

"(5) to consolidate the separate homeless assistance programs carried out under title IV (consisting of the supportive housing programs and the safe havens program, the section 8 assistance programs for single-room occupancy dwellings, and the shelter plus care program) into a single program with specific eligible activities;

"(6) to allow flexibility and creativity in rethinking solutions to homelessness, including alternative funding strategies, outcome-effective service delivery, and the involvement of persons experiencing homelessness in decision-making regarding opportunities for their long-term stability, growth, well-being, and optimum self-sufficiency; and

"(7) to ensure that multiple Federal agencies are involved in the provision of housing, health care, human services, employment, and education assistance, as appropriate for the missions of the agencies, to persons experiencing homelessness for those vulnerable to homelessness;

"(8) the Federal Government must work with Federal, State, and local governments and other organizations, including alternative service delivery strategies, to promote coordination among Federal agencies, including providing funding for a United States Interagency Council on Homelessness to advance such coordination.

SEC. 3. UNITED STATES INTERAGENCY COUNCIL ON HOMELESSNESS.

Title II of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11311 et seq.) is amended—

(1) in section 201 (42 U.S.C. 11311), by striking that subsection and inserting the following: "whom the mission shall be to develop and coordinate the implementation of a national strategy to prevent and end homelessness while maximizing the effectiveness of the Federal Government in contributing to an end to homelessness in the United States;

(2) in section 202 (42 U.S.C. 11312)—

(A) in subsection (a)—

(i) by striking ‘‘(16)’’ and inserting ‘‘(19)’’;

and

(ii) by inserting after paragraph (15) the following:

‘‘(16) The Commissioner of Social Security, or the designee of the Commissioner.’’;

(3) in section 203 (42 U.S.C. 11313)—

(A) by redesigning paragraphs (1), (2), (3), (4), (5), (6), and (7) as paragraphs (2), (3), (4), (5), (6), and (10), respectively;

(B) by inserting before paragraph (2), as redesignated by subparagraph (A), the following:

‘‘(1) not later than 1 year after the date of enactment of the Community Partnership to End Homelessness Act of 2007, develop and submit to the President and to Congress a National Strategic Plan to End Homelessness;’’;

(C) in paragraph (5), as redesignated by subparagraph (A), by striking ‘‘at least 2, but in no case more than 5’’ and inserting ‘‘not less than 5, but in no case more than 10’’; and

(D) by inserting after paragraph (5), as redesignated by subparagraph (A), the following:

‘‘(6) encourage the creation of State Interagency Councils on Homelessness and the formulation of multi-year plans to end homelessness at State, city, and county levels;

(4) by striking section 208 (42 U.S.C. 11318) and inserting the following:

"SEC. 208. AUTHORIZATION OF APPROPRIATIONS.

‘‘There are authorized to be appropriated to carry out this title $3,000,000 for fiscal year 2007 and such sums as necessary for fiscal years 2008, 2010, 2011, and 2012.’’.

SEC. 4. HOUSING ASSISTANCE GENERAL PROVISIONS.

Subtitle A of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11361 et seq.) is amended—

(1) by striking the subtitle heading and inserting—

"Subtitle A—General Provisions;

(2) by redesigning section 401 (42 U.S.C. 11361) as section 403;

(3) by redesigning section 402 (42 U.S.C. 11362) as section 404;

(4) by inserting before section 403 (as redesignated in paragraph (2)) the following:

"SEC. 401. DEFINITIONS.

"In this title, the following definitions shall apply—

‘‘(1) CHRONICALLY HOMELESS—’’;

‘‘(2) (A) the Director of the Office of Management and Budget, or the designee of the Director;’’;

‘‘(B) in subsection (c), by striking ‘‘annually’’ and inserting ‘‘2 times each year’’; and

‘‘(C) by adding at the end the following:’’;

‘‘(e) ADMINISTRATION.—The Assistant to the President for Domestic Policy within the executive office of the President shall oversee the functioning of the United States Interagency Council on Homelessness to ensure Federal interagency collaboration and program coordination to focus on preventing and ending homelessness, to increase access to mainstream programs (as identified in a report by the Government Accountability Office entitled ‘Homelessness: Barriers to Using Mainstream Programs’, issued July 6, 2000) by persons experiencing homelessness, to coordinate the barriers to participation in those programs, to implement a Federal plan to prevent and end homelessness, and to identify Federal resources that can be expanded to prevent and end homelessness.’’

In this title, the following definitions shall apply—

‘‘(1) CHRONICALLY HOMELESS—’’;
“(A) IN GENERAL.—The term ‘chronically homeless’, used with respect to an individual or family, means an individual or family who—

(i) is homeless and lives or resides in a place not meant for human habitation or in an emergency shelter;

(ii) has been homeless and living or residing in an emergency shelter continuously for at least 1 year or on at least 4 separate occasions in the last 3 years; and

(iii) has an adult head of household with a diagnosable substance use disorder, serious mental illness, developmental disability (as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 5302(a))), or chronic physical illness or disability, including the co-occurrence of 2 or more of those conditions.

(2) COLLABORATIVE APPLICANT.—The term ‘collaborative applicant’ means an entity that—

(A) carries out the duties specified in section 402;

(B) serves as the applicant for project sponsors who jointly submit a single application for a grant under subtitle C in accordance with a collaborative process; and

(C) if the entity is a legal entity and is a legal entity and is awarded such grant, receives such grant directly from the Secretary.

(3) LEGAL ENTITY.—The term ‘legal entity’ means a State, metropolitan area, urban county, town, village, or other political entity, a private entity, or an entity that is a combination of public and private entities, that is eligible to receive direct grant amounts under that title.

(4) GEOGRAPHIC AREA.—The term ‘geographic area’ means a State, metropolitan city, county, town, village, or other nonmetropolitan area, or a combination or consortia of such, in the United States, as described in section 106 of the Housing and Community Development Act of 1974 (42 U.S.C. 5306).

(5) ELIGIBLE ENTITY.—The term ‘eligible entity’ means, with respect to a sub- title, a public entity, a private entity, or an entity that is a combination of public and private entities, that is eligible to receive direct grant amounts under that subtitle.

(6) HOMELESS INDIVIDUAL WITH A DISABILITY.—

(A) IN GENERAL.—The term ‘homeless individual with a disability’ means an individual who is homeless, as defined in section 103, and has a disability that—

(i) is expected to be long-continuing or of indefinite duration;

(ii) substantially impedes the individual’s ability to live independently;

(iii) is caused, or is caused to occur, by the provision of more suitable housing conditions; and

(iv) is a physical, mental, or emotional impairment, including an impairment caused by alcohol or drug abuse;

(ii) a developmental disability, as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 1592); or

(iii) is the disease of acquired immuno- deficiency syndrome or any condition arising from the etiologic agent for acquired immunodeficiency syndrome.

(B) RULE.—Nothing in clause (iii) of subparagraph (A) shall be construed to limit eligibility under clause (i) or (ii) of subparagraph (A).

(7) LEGAL ENTITY.—The term ‘legal entity’ means—

(A) an entity described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of that Code;

(B) an instrumentality of State or local government;

(C) a consortium of instrumentalities of State or local governments that has constituted itself as an entity directly responsible for the proposed eligible activities, means the organization directly responsible for the proposed eligible activities described in the application; and

(D) that has an accounting system, or has agreed to have an accounting system.

(8) PROJECT.—The term ‘project’ means a project sponsored by one or more eligible persons for not less than the term of the contract.

(9) METROPOLITAN CITY; URBAN COUNTY; NONMETRO AREA.—The terms ‘metropolitan city’, ‘urban county’, and ‘nonmetropolitan area’ mean such terms in section 102(a) of the Housing and Community Development Act of 1974 (42 U.S.C. 5302(a)).

(10) NEW.—The term ‘new’, used with respect to a grant program, means any assistance that has not been awarded under this title.

(11) OPERATING COSTS.—The term ‘operating costs’ means the expenses incurred by a project sponsor operating transitional housing or permanent housing under this title with respect to—

(A) the administration, maintenance, repair, and security of such housing;

(B) utilities, fuel, furnishings, and equipment for such housing; or

(C) coordination of services as needed to ensure long-term housing stability.

(12) OUTPATIENT HEALTH SERVICES.—The term ‘outpatient health services’ means out- patient health care services, mental health services, and outpatient substance abuse treatment services.

(13) PERMANENT HOUSING.—The term ‘permanent housing’ means community-based housing without a designated length of stay, and includes permanent supportive housing for individuals with disabilities and homeless families that include such an individual who is an adult.

(14) PRIVATE NONPROFIT ORGANIZATION.— The term ‘private nonprofit organization’ means an organization—

(A) no part of the net earnings of which inures to the benefit of any member, found- er, contributor, or individual;

(B) that has a voluntary board;

(C) that has an accounting system, or has designated a fiscal agent in accordance with requirements established by the Secretary; and

(D) that practices nondiscrimination in the provision of assistance.

(15) Permanent housing project.—A project, used with respect to activities carried out under subtitle C, means eligible activities described in section 423(a), undertaken pursuant to a permanent housing project, for the purpose of which is to facilitate the move- ment of individuals and families experi- encing homelessness to permanent housing within 24 months or such longer period as the Secretary determines necessary.

(16) PROJECT-BASED.—The term ‘project- based’ means, used with respect to rental assist- ance, means assistance provided pursuant to a contract that—

(A) is between—

(i) a project sponsor; and

(ii) an owner of a structure that exists as of the date the contract is entered into; and

(B) provides that rental assistance payments shall be made to the owner and that the units in the structure shall be occupied by eligible persons for not less than the term of the contract.

(17) PROJECT SPONSOR.—The term ‘project sponsor’, used with respect to proposed eligible activities, means the organization directly responsible for the proposed eligible activities described in the application.

(18) RECIPIENT.—Except as used in sub- title B, the term ‘recipient’ means an eligi- ble entity who—

(A) submits an application for a grant under section 422 that is approved by the Secretary;

(B) receives the grant directly from the Secretary to support approved projects described in the application; and

(C) serves as a project sponsor for the projects of—

(i) a project sponsor, and

(ii) awards the funds to project sponsors to carry out the projects.

(19) SECRETARY.—The term ‘Secretary’ means the Secretary of Housing and Urban Development.

(20) SERIOUS MENTAL ILLNESS.—The term ‘serious mental illness’ means a severe and persistent mental illness or emotional im- pairment that seriously limits a person’s ability to live independently.

(21) STATE.—Except as used in subtitle B, the term ‘State’ means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Is- lands, the Trust Territory of the Pacific Is- lands, and any other territory or possession of the United States.

(22) SUPPORTIVE SERVICES.—The term ‘supportive services’ means the supportive services described in section 423(c).

(23) TENANT-BASED.—The term ‘tenant- based’, used with respect to rental assist- ance, means assistance that allows an eligible person to select a housing unit in which such person will live using rental assistance payments under subtitle C, if necessary to assure that the provision of sup- portive services to a person participating in a program is feasible, a recipient or project sponsor may require that the person live—

(A) in a particular structure or unit for not more than the first year of the participa- tion; and

(B) within a particular geographic area for the full period of the participation, or the period remaining after the period referred to in subparagraph (A).

(24) TRANSITIONAL HOUSING.—The term ‘transitional housing’ means housing, the purpose of which is to facilitate the move- ment of individuals and families experi- encing homelessness to permanent housing within 24 months or such longer period as the Secretary determines necessary.

(25) UNIFIED FUNDING AGENCY.—The term ‘unified funding agency’ means a collab- orative applicant that performs the duties described in section 402(f).

SEC. 402. COLLABORATIVE APPLICANTS: ELLIGIBILITY AND DETERMINATION.—(a) FUNDING AGENCY.—A collaborative applicant shall be established for a geographic area by the relevant parties in that geographic area to—

(1) submit an application for amounts under this subtitle; and

(2) perform the duties specified in subsection (e) and, if applicable, subsection (f).

(b) NO REQUIREMENT TO BE A LEGAL ENTI- TY.—An entity may be established to serve as a collaborative applicant under this section without being a legal entity.

(c) REMEDIAL ACTIONS.—If the Secretary finds that a collaborative applicant for a geographic area does not meet the require- ments of this section, or if there is no collab- orative applicant for a geographic area, the Secretary may take remedial action to ensure fair distribution of grant amounts under subtitle C to eligible entities within that area. Such measures may include designating another body as a collaborative appli- cant, or permitting other eligible entities to apply directly for grants.

(d) CONSTRUCTION.—Nothing in this sec- tion shall be construed to displace conflict of interest or government fair practices laws, or their equivalent, that govern applicants for grant amounts under subtitles B and C.

(e) DUTIES.—A collaborative applicant shall—
"(1) design a collaborative process for the development of an application under subtitle C, and for evaluating the outcomes of projects for which funds are awarded under subtitle B, for a geographic area involved, to provide information necessary for the Secretary—

(A) to determine compliance with—

(i) the program requirements under section 412; and

(ii) the selection criteria described under section 427; and

(B) to establish priorities for funding projects within a geographic area involved; and

(2) participate in the Consolidated Plan for the geographic area served by the collaborative applicant; and

(C) provide information to project sponsors and applicants for needs analyses and funding priorities that is provided under section 425; and

(f) UNIFIED FUNDING.

(1) IN GENERAL.—In addition to the duties described in subsection (e), a collaborative applicant shall receive from the Secretary and distribute to other project sponsors in the applicable geographic area funds for projects to be carried out by such other project sponsors, if—

(A) the collaborative applicant—

(i) applies to undertake such collection and distribution responsibilities in an application submitted under this subtitle; and

(ii) is selected to perform such responsibilities by the Secretary; or

(B) the Secretary designates the collaborative applicant as the unified funding agency for the geographic area, after—

(i) a finding by the Secretary that the applicant—

(A) has the capacity to perform such responsibilities; and

(B) would serve the purposes of this Act as they apply to the geographic area; and

(ii) the Secretary provides the collaborative applicant with the technical assistance necessary to perform such responsibilities as such assistance is agreed to by the collaborative applicant.

(2) RESERVATION.—A collaborative applicant that is either selected or designated as a unified funding agency for a geographic area under paragraph (1) shall—

(A) require each project sponsor who is funded by a grant received under subtitle C to establish such fiscal control and fund accounting procedures as may be necessary to assure the proper disbursement of, and accounting for, Federal funds awarded to the project sponsor under subtitle C in order to ensure that—

(i) all transactions carried out under subtitle C are conducted, and records maintained, in accordance with generally accepted accounting principles; and

(ii) arrange for an annual survey, audit, or evaluation of the financial records of each project carried out by a project sponsor funded by a grant received under subtitle C.

(g) CONFLICT OR INTEREST.—No board member of a collaborative applicant may participate in decisions of the collaborative applicant concerning the award of a grant, or provision of other financial benefits, to such member or the organization that such member represents.

(h) UNIFIED FUNDING.—(1) a finding by the Secretary that the applicant—

(A) has the capacity to perform such responsibilities; and

(B) would serve the purposes of this Act as they apply to the geographic area; and

(ii) the Secretary provides the collaborative applicant with the technical assistance necessary to perform such responsibilities as such assistance is agreed to by the collaborative applicant.

(T) RESERVATION.—A collaborative applicant that is either selected or designated as a unified funding agency for a geographic area under paragraph (1) shall—

(A) require each project sponsor who is funded by a grant received under subtitle C to establish such fiscal control and fund accounting procedures as may be necessary to assure the proper disbursement of, and accounting for, Federal funds awarded to the project sponsor under subtitle C in order to ensure that—

(i) all transactions carried out under subtitle C are conducted, and records maintained, in accordance with generally accepted accounting principles; and

(ii) arrange for an annual survey, audit, or evaluation of the financial records of each project carried out by a project sponsor funded by a grant received under subtitle C.

(g) CONFLICT OR INTEREST.—No board member of a collaborative applicant may participate in decisions of the collaborative applicant concerning the award of a grant, or provision of other financial benefits, to such member or the organization that such member represents.

(h) UNIFIED FUNDING.—(1) a finding by the Secretary that the applicant—

(A) has the capacity to perform such responsibilities; and

(B) would serve the purposes of this Act as they apply to the geographic area; and

(ii) the Secretary provides the collaborative applicant with the technical assistance necessary to perform such responsibilities as such assistance is agreed to by the collaborative applicant.

(T) RESERVATION.—A collaborative applicant that is either selected or designated as a unified funding agency for a geographic area under paragraph (1) shall—

(A) require each project sponsor who is funded by a grant received under subtitle C to establish such fiscal control and fund accounting procedures as may be necessary to assure the proper disbursement of, and accounting for, Federal funds awarded to the project sponsor under subtitle C in order to ensure that—

(i) all transactions carried out under subtitle C are conducted, and records maintained, in accordance with generally accepted accounting principles; and

(ii) arrange for an annual survey, audit, or evaluation of the financial records of each project carried out by a project sponsor funded by a grant received under subtitle C.

(g) CONFLICT OR INTEREST.—No board member of a collaborative applicant may participate in decisions of the collaborative applicant concerning the award of a grant, or provision of other financial benefits, to such member or the organization that such member represents.

(h) UNIFIED FUNDING.—(1) a finding by the Secretary that the applicant—

(A) has the capacity to perform such responsibilities; and

(B) would serve the purposes of this Act as they apply to the geographic area; and

(ii) the Secretary provides the collaborative applicant with the technical assistance necessary to perform such responsibilities as such assistance is agreed to by the collaborative applicant.

(T) RESERVATION.—A collaborative applicant that is either selected or designated as a unified funding agency for a geographic area under paragraph (1) shall—

(A) require each project sponsor who is funded by a grant received under subtitle C to establish such fiscal control and fund accounting procedures as may be necessary to assure the proper disbursement of, and accounting for, Federal funds awarded to the project sponsor under subtitle C in order to ensure that—

(i) all transactions carried out under subtitle C are conducted, and records maintained, in accordance with generally accepted accounting principles; and

(ii) arrange for an annual survey, audit, or evaluation of the financial records of each project carried out by a project sponsor funded by a grant received under subtitle C.

(g) CONFLICT OR INTEREST.—No board member of a collaborative applicant may participate in decisions of the collaborative applicant concerning the award of a grant, or provision of other financial benefits, to such member or the organization that such member represents.

(h) UNIFIED FUNDING.—(1) a finding by the Secretary that the applicant—

(A) has the capacity to perform such responsibilities; and

(B) would serve the purposes of this Act as they apply to the geographic area; and

(ii) the Secretary provides the collaborative applicant with the technical assistance necessary to perform such responsibilities as such assistance is agreed to by the collaborative applicant.

(T) RESERVATION.—A collaborative applicant that is either selected or designated as a unified funding agency for a geographic area under paragraph (1) shall—

(A) require each project sponsor who is funded by a grant received under subtitle C to establish such fiscal control and fund accounting procedures as may be necessary to assure the proper disbursement of, and accounting for, Federal funds awarded to the project sponsor under subtitle C in order to ensure that—

(i) all transactions carried out under subtitle C are conducted, and records maintained, in accordance with generally accepted accounting principles; and

(ii) arrange for an annual survey, audit, or evaluation of the financial records of each project carried out by a project sponsor funded by a grant received under subtitle C.

(g) CONFLICT OR INTEREST.—No board member of a collaborative applicant may participate in decisions of the collaborative applicant concerning the award of a grant, or provision of other financial benefits, to such member or the organization that such member represents.

(h) UNIFIED FUNDING.—(1) a finding by the Secretary that the applicant—

(A) has the capacity to perform such responsibilities; and

(B) would serve the purposes of this Act as they apply to the geographic area; and

(ii) the Secretary provides the collaborative applicant with the technical assistance necessary to perform such responsibilities as such assistance is agreed to by the collaborative applicant.

(T) RESERVATION.—A collaborative applicant that is either selected or designated as a unified funding agency for a geographic area under paragraph (1) shall—

(A) require each project sponsor who is funded by a grant received under subtitle C to establish such fiscal control and fund accounting procedures as may be necessary to assure the proper disbursement of, and accounting for, Federal funds awarded to the project sponsor under subtitle C in order to ensure that—

(i) all transactions carried out under subtitle C are conducted, and records maintained, in accordance with generally accepted accounting principles; and

(ii) arrange for an annual survey, audit, or evaluation of the financial records of each project carried out by a project sponsor funded by a grant received under subtitle C.

(g) CONFLICT OR INTEREST.—No board member of a collaborative applicant may participate in decisions of the collaborative applicant concerning the award of a grant, or provision of other financial benefits, to such member or the organization that such member represents.

(h) UNIFIED FUNDING.—(1) a finding by the Secretary that the applicant—

(A) has the capacity to perform such responsibilities; and

(B) would serve the purposes of this Act as they apply to the geographic area; and

(ii) the Secretary provides the collaborative applicant with the technical assistance necessary to perform such responsibilities as such assistance is agreed to by the collaborative applicant.

(T) RESERVATION.—A collaborative applicant that is either selected or designated as a unified funding agency for a geographic area under paragraph (1) shall—

(A) require each project sponsor who is funded by a grant received under subtitle C to establish such fiscal control and fund accounting procedures as may be necessary to assure the proper disbursement of, and accounting for, Federal funds awarded to the project sponsor under subtitle C in order to ensure that—

(i) all transactions carried out under subtitle C are conducted, and records maintained, in accordance with generally accepted accounting principles; and

(ii) arrange for an annual survey, audit, or evaluation of the financial records of each project carried out by a project sponsor funded by a grant received under subtitle C.

(g) CONFLICT OR INTEREST.—No board member of a collaborative applicant may participate in decisions of the collaborative applicant concerning the award of a grant, or provision of other financial benefits, to such member or the organization that such member represents.

(h) UNIFIED FUNDING.—(1) a finding by the Secretary that the applicant—

(A) has the capacity to perform such responsibilities; and

(B) would serve the purposes of this Act as they apply to the geographic area; and

(ii) the Secretary provides the collaborative applicant with the technical assistance necessary to perform such responsibilities as such assistance is agreed to by the collaborative applicant.

(T) RESERVATION.—A collaborative applicant that is either selected or designated as a unified funding agency for a geographic area under paragraph (1) shall—

(A) require each project sponsor who is funded by a grant received under subtitle C to establish such fiscal control and fund accounting procedures as may be necessary to assure the proper disbursement of, and accounting for, Federal funds awarded to the project sponsor under subtitle C in order to ensure that—

(i) all transactions carried out under subtitle C are conducted, and records maintained, in accordance with generally accepted accounting principles; and

(ii) arrange for an annual survey, audit, or evaluation of the financial records of each project carried out by a project sponsor funded by a grant received under subtitle C.

(g) CONFLICT OR INTEREST.—No board member of a collaborative applicant may participate in decisions of the collaborative applicant concerning the award of a grant, or provision of other financial benefits, to such member or the organization that such member represents.

(h) UNIFIED FUNDING.—(1) a finding by the Secretary that the applicant—

(A) has the capacity to perform such responsibilities; and

(B) would serve the purposes of this Act as they apply to the geographic area; and

(ii) the Secretary provides the collaborative applicant with the technical assistance necessary to perform such responsibilities as such assistance is agreed to by the collaborative applicant.

(T) RESERVATION.—A collaborative applicant that is either selected or designated as a unified funding agency for a geographic area under paragraph (1) shall—

(A) require each project sponsor who is funded by a grant received under subtitle C to establish such fiscal control and fund accounting procedures as may be necessary to assure the proper disbursement of, and accounting for, Federal funds awarded to the project sponsor under subtitle C in order to ensure that—

(i) all transactions carried out under subtitle C are conducted, and records maintained, in accordance with generally accepted accounting principles; and

(ii) arrange for an annual survey, audit, or evaluation of the financial records of each project carried out by a project sponsor funded by a grant received under subtitle C.

(g) CONFLICT OR INTEREST.—No board member of a collaborative applicant may participate in decisions of the collaborative applicant concerning the award of a grant, or provision of other financial benefits, to such member or the organization that such member represents.
in paragraph (1), the Secretary shall obligate the funds for the grant involved.

(3) Distribution.—A unified funding agency that receives funds through a grant under this section shall:

(A) distribute the funds to project sponsors (in advance of expenditures by the project sponsors); and

(B) ensure that the appropriate portion of the funds to a project sponsor not later than 45 days after receiving a request for such distribution from the project sponsor.

(4) Expenditure of Funds.—The Secretary may establish a date by which funds made available through a grant announced under subsection (a) for any fiscal year, either by direct award or through the program requirements described in paragraphs (1) and (2) of section 402(e), for which the collaborative applicant may use not more than 3 percent of the total funds made available in the geographic area under such subtitle for such costs, in addition to funds used under paragraph (10).

(5) In the case of a collaborative applicant that is a legal entity, performance of the duties described under section 402(f), payment of administrative costs related to the requirements described in paragraphs (1) and (2) of section 402(e), for which the collaborative applicant may use not more than 3 percent of the total funds made available in the geographic area under such subtitle for such costs, in addition to funds used under paragraph (10).

(6) Payment of administrative costs to project sponsors, for which each project sponsor may use not more than 5 percent of the total funds made available to that project sponsor under this subtitle for such costs.

(7) Minimum Grant Terms.—The Secretary may impose minimum grant terms of up to 5 years for new projects providing permanent housing.

(8) Other Activities.—The project is consistent with activities described in paragraphs (3) through (12) of subsection (a) shall be operated for the purpose specified in the application submitted for the project under section 422 for the duration of the grant period involved.

(9) Conversion.—If the recipient or project sponsor carrying out a project that provides transitional or permanent housing submits a request to the collaborative applicant or unified funding agency involved to carry out instead a project for the direct benefit of low-income persons, and the collaborative applicant or unified funding agency determines that the initial project is no longer needed to provide transitional or permanent housing, the collaborative applicant or unified funding agency may recommend that the Secretary approve the project described in the request and authorize the recipient or project sponsor to carry out that project. If the collaborative applicant or unified funding agency is the recipient or project sponsor, it shall submit such a recommendation to the Secretary.

(10) In the case of a collaborative applicant that is a legal entity, performance of the duties described in paragraphs (1) and (2) of section 402(e), for which the collaborative applicant may use not more than 3 percent of the total funds made available in the geographic area under such subtitle for such costs, in addition to funds used under paragraph (10).

(11) In the case of a collaborative applicant that is a unified funding agency under section 422 for the duration of the grant period involved.

(12) Payment of administrative costs to project sponsors, for which each project sponsor may use not more than 5 percent of the total funds made available to that project sponsor under this subtitle for such costs.

(13) In the case of a collaborative applicant that is a legal entity, performance of the duties described in paragraphs (3) through (12) of subsection (a) shall be operated for the purpose specified in the application submitted for the project under section 422 for the duration of the grant period involved.

(14) Conversion.—If the recipient or project sponsor carrying out a project that provides transitional or permanent housing submits a request to the collaborative applicant or unified funding agency involved to carry out instead a project for the direct benefit of low-income persons, and the collaborative applicant or unified funding agency determines that the initial project is no longer needed to provide transitional or permanent housing, the collaborative applicant or unified funding agency may recommend that the Secretary approve the project described in the request and authorize the recipient or project sponsor to carry out that project. If the collaborative applicant or unified funding agency is the recipient or project sponsor, it shall submit such a recommendation to the Secretary.

(15) In the case of a collaborative applicant that is a legal entity, performance of the duties described in paragraphs (3) through (12) of subsection (a) shall be operated for the purpose specified in the application submitted for the project under section 422 for the duration of the grant period involved.
Congressional Record

May 24, 2007

S6885

"(d) REPAYMENT OF ASSISTANCE AND PREV

"(1) REPAYMENT.—If a recipient (or a project sponsor receiving funds from the recipient) fails to carry out a project that consists of activities described in paragraph (1) or (2) of subsection (a) and the project ceases to provide transitional housing, the Secretary shall—

(A) earlier than 10 years after operation of the project begins, the Secretary shall require the recipient (or the project sponsor receiving funds from the recipient) to repay 100 percent of the assistance; or

(B) not earlier than 10 years, but earlier than 15 years, after operation of the project begins, the Secretary shall require the recipient (or the project sponsor receiving funds from the recipient) to repay 20 percent of the assistance for each of the years in the 15-year period for which the project fails to provide that housing.

"(2) PREVENTION OF UNDUE BENEFITS.—Except as provided in paragraph (3), if any property is used for a project that receives assistance under subsection (a) and consists of activities described in paragraph (1) or (2) of subsection (a), the sale or disposition of the property occurs before the expiration of the 15-year period beginning on the date that operation of the project begins, the recipient (or the project sponsor receiving funds from the recipient) who received the assistance shall comply with such terms and conditions as the Secretary may prescribe.

"(3) EXCEPTION.—A recipient (or a project sponsor receiving funds from the recipient) shall not be required to make the repayments under paragraphs (1) or (2) if—

(A) the sale or disposition of the property used for the project results in the use of the property for the direct benefit of very low-income persons;

(B) all of the proceeds of the sale or disposition are used to provide transitional or permanent housing meeting the requirements of this subtitle; or

(C) there are no individuals and families in the geographic area who are homeless, in which case the Secretary may declare the individuals and families at risk of homelessness under section 1003.

"SEC. 424. FLEXIBILITY INCENTIVES FOR HIGH-PERFORMING COMMUNITIES.

"(a) DESIGNATION AS A HIGH-PERFORMING COMMUNITY.—

"(1) BY PROJECT SPONSORS IN A HIGH-PERFORMING COMMUNITY.—Funds awarded under section 423(b) of this Act, or a portion of such funds, may be awarded to a project sponsor that is designated in a high-performing community.

"(2) COMMUNITY HOMELESSNESS PREVENTION FUNDS.—

(A) IN GENERAL.—Funds used for activities that are eligible under section 1003 but not under section 423 shall be subject to—

(i) the requirements of paragraph (1) of section 1003; and

(ii) the other program requirements of title X rather than of this subtitle.

(B) DUTY.—The Secretary shall transfer any funds awarded under section 423(b) for activities that are eligible under section 1003 but not under section 423 to the account for this subtitle to the account for title X.

"(b) DEFINITION OF HIGH-PERFORMING COMMUNITY.—For purposes of this section, the term ‘high-performing community’ means a geographic area that demonstrates through reliable data that all of the following 4 requirements are met for that geographic area:

(1) The mean length of episodes of homelessness for that geographic area—

(A) is less than 20 days; or

(B) for individuals and families in similar circumstances, in the preceding year was at least 10 percent less than in the year before.

(2) Of individuals and families—

(A) who leave homelessness, less than 5 percent of such individuals and families become homeless again at any time within the next 2 years; or

(B) for individuals and families who leave homelessness, the percentage of such individuals and families who become homeless again within the next 2 years has decreased by at least 10 percent in the last 2 years; or

(3) The communities that compose the geographic area—

(A) actively encouraged homeless individuals and families to participate in homeless assistance services available in that geographic area; and

(B) included each homeless individual or family who sought homeless assistance services in the data system used by that community for determining compliance with this subtitle.
“(D) they will provide data and reports as required by the Secretary pursuant to the Act; and

“(E) if the project includes the provision of permanent housing to individuals with disabilities, the housing will be provided for not more than—

“(i) 8 such persons in a single structure or contiguous structures; or

“(ii) 16 such persons, but only if not more than 20 percent of the units in a structure are designated for such persons; or

“(F) the plan of the recipient, which shall describe—

“(i) how the number of individuals and families who become homeless will be reduced in the community;

“(ii) how the length of time that individuals and families remain homeless will be reduced; and

“(iii) the extent to which the recipient will—

“(A) address the needs of all relevant subpopulations, including—

“(aa) individuals with serious mental illness, addiction disorders, HIV/AIDS and other prevalent disabilities;

“(bb) families with children;

“(cc) unaccompanied youth;

“(dd) veterans; and

“(ee) other subpopulations with a risk of becoming homeless;

“(B) incorporate all necessary strategies for reducing homelessness, including the interventions specified in section 242(d); and

“(C) set quantifiable performance measures;

“(IV) the extent to which the amount of assistance provided under this subtitle, including public schools; and

“(V) the benefits and services provided by the Department of Veterans Affairs, including any services funded under this subtitle.

“(G) demonstrated coordination by the recipient, which shall include—

“(i) public benefits and services for which they are eligible, besides the services funded under this subtitle, including public schools; and

“(ii) the benefits and services provided by the Department of Veterans Affairs.

“(H) the extent to which the opinions and views of the full range of people in the geographic area are considered, including—

“(i) homeless individuals and families, individuals and families at risk of homelessness, and individuals and families who have experienced homelessness;

“(ii) individuals associated with community-based organizations that serve homeless individuals and families and individuals and families at risk of homelessness and individuals and families who have experienced homelessness;

“(iii) persons who act as advocates for the diverse subpopulations of individuals and families experiencing or at risk of homelessness;

“(iv) relatives of individuals and families experiencing or at risk of homelessness;

“(v) Federal, State, and local government agency officials, particularly those officials responsible for administering funding under programs targeted for individuals and families experiencing homelessness, and other persons for whom the prioritization of families experiencing homelessness is eligible, including mainstream programs identified by the Government Accountability Office in the 2 reports described in section 102(a)(5)(B);

“(vi) local educational agency liaisons designated under section 722(g)(1)(J)(ii), or their designees;

“(vii) members of the business community; and

“(viii) members of neighborhood advocacy organizations; and

“(ix) members of philanthropic organizations that contribute to preventing and ending homelessness in the geographic area of the collaborative applicant; and

“(x) other factors the Secretary determines to be appropriate to carry out this subtitle in an effective and efficient manner.

“(2) ADDITIONAL CRITERIA.—In addition to the criteria required under paragraph (1), the criteria established under subsection (a) shall also include the need within the geographic area for homeless services, determined in accordance with and under the following conditions:

“(A) NOTICE.—The Secretary shall inform each collaborative applicant, at a time consistent with the receipt of the Notice of Funding Availability for grants under section 422(b), of the pro rata estimated need amount under this subtitle for the geographic area represented by the collaborative applicant.

“(B) AMOUNT.—
“(i) BASIS.—The estimated need amount under subparagraph (A) shall be based on a percentage of the total funds available, or estimated to be available, to carry out this subtitle for any fiscal year that is equal to the percentage of the total amount available for section 106 of the Housing and Community Development Act of 1974 (42 U.S.C. 5306) for that fiscal year.

“(ii) Rule.—In computing the estimated need amount under subparagraph (A), the Secretary shall adjust the allocated amount determined pursuant to clause (i) to ensure that—

“(I) 75 percent of the total funds available, or estimated to be available, to carry out this subtitle for any fiscal year are allocated to the metropolitan cities and urban counties that received a direct allocation of funds under section 413 for the prior fiscal year; and

“(II) 25 percent of the total funds available, or estimated to be available, to carry out this subtitle for any fiscal year are allocated—

“(aa) to the metropolitan cities and urban counties that received a direct allocation of funds made available to carry out this subtitle B and this subtitle for that fiscal year which shall be used for permanent housing for homeless individuals with disabilities and homeless families that include such an individual who is an adult.

“(bb) to counties that are not urban counties.

“(iii) COMBINATIONS OR CONSORTIA.—For a collaborative applicant that represents a combination or consortium of cities or counties, the estimated need amount shall be the sum of the estimated need amounts for the cities or counties represented by the collaborative applicant.

“(iv) AUTHORITY OF SECRETARY.—The Secretary may increase the estimated need amount for a geographic area if necessary to provide 1 year of renewal funding for all expiring contracts under this subtitle.

“SEC. 429. ALLOCATION AMOUNTS AND INCENTIVES FOR SPECIFIC ELIGIBLE ACTIVITIES.

“(a) Minimum Allocation for Permanent Housing for Homeless Individuals and Families with Disabilities.—

“(1) IN GENERAL.—From the amounts made available to carry out this subtitle for a fiscal year, a portion equal to not less than 30 percent of the funds available to carry out this subtitle B and this subtitle for that fiscal year shall be used for permanent housing for homeless individuals with disabilities and homeless families that include such an individual who is an adult.

“(2) CALCULATION.—In calculating the portion of the amount described in paragraph (1) that is used for activities that are described in paragraph (1), the Secretary shall not count funds made available to renew contracts for existing projects under section 429.

“(b) The Secretary shall adjust the 30 percent figure in paragraph (1) to be reduced proportionately based on need under section 427(b)(2) in geographic areas for which subsection (e) applies and the Secretary determines that a geographic area should receive the bonus or incentive provided under subsection (d), but may use such bonus or incentive for any eligible activity under either section 423 or section 1008 for homeless people generally or for the relevant subpopulation.

“(c) USE OF FUNDS.—Bonus or incentive funds authorized for use in paragraph (2) are used for activities that are eligible under section 1008 rather than section 430; and

“(d) Suspension.—The requirement established in paragraph (1) shall be suspended for any year in which available funding for grants under this subtitle would not be sufficient to renew for 1 year existing grants that would otherwise be funded under this subtitle.

“(e) Termination.—The requirement established in paragraph (1) shall terminate upon a finding by the Secretary that since the beginning of the fiscal year the cumulative units of permanent housing for homeless individuals and families with disabilities have been funded under this subtitle.

“SEC. 430. MATCHING FUNDING.

“(a) IN GENERAL.—A collaborative applicant may use such bonus or incentive for any eligible activity under either section 423 or section 1008 rather than section 430; and

“(b) LIMITATIONS ON IN-KIND MATCH.—The cash value of services provided to the residents or clients of a project sponsor by an entity other than the project sponsor may count toward the contributions in subsection (a) only when documented by a memorandum of understanding between the project sponsor and the other entity that such services will be provided.

“SEC. 431. COUNTABLE ACTIVITIES.

“The contributions required under subsection (a) may consist of—

“(1) funding for any eligible activity described under section 423; and

“(2) subject to subsection (b), in-kind provision of services of any eligible activity described under section 423.

“SEC. 432. RURAL HOUSING STABILITY ASSISTANCE.

“Subtitle D of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11408 et seq.), as redesignated by section 9, is amended—

“(1) by striking the subtitle heading and inserting the following:

“Subtitle D—Rural Housing Stability Assistance Program; and

“(2) in section 491—

“(A) by striking the section heading and inserting “rural housing stability grant program”; and

“(B) in subsection (a)—

“(i) by striking “rural homeless assistance grant program” and inserting “rural housing stability grant program”;

“(ii) by inserting “in lieu of grants under subtitle C and title X” after “eligible organizations”;

“(iii) by striking paragraphs (1), (2), and (3), and inserting the following:
“(1) rehousing or improving the housing situations of individuals and families who are homeless or in the worst housing situations in the geographic area;”

“(2) improving the housing of individuals and families who are in imminent danger of losing housing; and

“(3) improving the ability of the lowest-income members of the community to afford stable housing.”;

“(C) in subsection (b)(1)—

(i) by redesignating subparagraphs (E), (F), and (G) of subsection (a)(1) as paragraphs (1), (J), and (K), respectively; and

(ii) by striking subparagraph (D) and inserting the following:

“(D) construction of new housing units to provide transitional or permanent housing to homeless individuals and families;”

“(E) acquisition or rehabilitation of a structure to provide supportive services or to provide transitional or permanent housing, other than emergency shelter, to homeless individuals and families;

“(F) leasing of property, or portions of property, not owned by the recipient or project sponsor involved, for use in providing transitional or permanent housing to homeless individuals and families, or providing supportive services to homeless individuals and families;

“(G) provision of rental assistance to provide transitional or permanent housing to homeless individuals and families, or providing supportive services to homeless individuals and families;

“(H) payment of operating costs for housing units assisted under this title;”;

“(D) in subsection (b)(2), by striking “appropriated” and inserting “transferred”; and

“(E) in subsection (c)——

(i) in paragraph (1)(A), by striking “appropriated” and inserting “transferred”; and

(ii) in paragraph (3), by striking “appropriated” and inserting “transferred”; and

“(F) in subsection (d)—

(i) in paragraph (5), by striking “;” and

(ii) in paragraph (6)—

(I) by striking “an agreement” and all that follows through “families” and inserting the following: “a description of how individuals and families who are homeless or who have the lowest incomes in the community will be involved in the project”;

(ii) by striking the period at the end, and

(iii) by adding at the end the following:

“(7) a description of consultations that took place within the community to ascertain the most important uses for funding under this section, including the involvement of potential beneficiaries of the project; and

“(8) a description of the extent and nature of homelessness and of the worst housing situations in the community.”;

“(G) by striking subsection (f) and inserting the following:

“A contract shall include—

(1) in general.—An organization eligible to receive a grant under subsection (a) shall specify matching contributions that shall be made available in an amount equal to not less than 25 percent of the funds provided for the project or activity.

(2) limitations on in-kind match.—The cash value of services provided to the beneficiaries or clients of an eligible organization by an entity other than the organization may count toward the contributions in paragraph (1) only if the agreement is documented by a memorandum of understanding between the organization and the other entity that such services will be provided.

(3) accountable activities.—The contributions required under paragraph (1) may consist of—

“(A) funding for any eligible activity described under subsection (b); and

“(B) subject to paragraph (2), in-kind provision of services of any eligible activity described under subsection (b).”;

“(g) SELECTION CRITERIA.—The Secretary shall establish criteria for selecting recipients of grants under subsection (a), including—

“(1) the participation of potential beneficiaries of the project in assessing the need for, and importance of, the project in the community;

“(2) the degree to which the project addresses the most harmful housing situations present in the geographic area; and

“(3) the degree of collaboration with others in the community to meet the goals described in subsection (a);

“(4) the performance of the organization in improving housing situations, taking account of the severity of barriers of individuals and families served by the organization;

“(5) for organizations that have previously received funding under this section, the extent of improvement in homelessness and the worst housing situations in the community since such funding began;

“(6) the need for such funds, as determined by the formula established under section 427(b)(2); and

“(7) any other relevant criteria as determined by the Secretary.”;

“(H) in subsection (b)—

“(1) in paragraph (1)(A), by striking “providing housing assistance to homeless persons” and inserting “meeting the goals described in subsection (a);”

“(ii) in paragraph (1)(B), by inserting “in the worst housing situations” after “homelessness;”

“(iii) in paragraph (2), by inserting “in the worst housing situations” after “homelessness;”

“(I) in subsection (k)(1), by striking “rural homelessness grant program” and inserting “rural housing stability grant program”;

“(J) in subsection (i)—

(i) by striking the subsection heading and inserting “PROGRAM FUNDING.—”; and

(ii) by striking paragraph (1) and inserting the following:

“(1) IN GENERAL.—The Secretary shall determine the total amount of funding attributable under both section 427(b)(2) and section 1006(f) to purposes of any geographic area in the Nation that applies for funding under this section. The Secretary shall transfer any amounts determined under this subsection to the Community Homeless Assistance Program and the grant program under section 1002 and consolidate such transferred amounts for grants under this section;”;

“(K) by adding at the end the following:

“(m) DIVISION OF FUNDS.—

“(1) AGREEMENT AMONG GEOGRAPHIC AREAS.—If the Secretary receives an application or applications to provide services in a geographic area under this title, and also for a specific project previously funded under this title, the Secretary shall consult with all applicants from the geographic area to determine whether all agree to proceed under either this title or under subtitle C and title X by the criteria described in subsection (d)(1), even if the application was not selected to receive grant assistance. The Secretary may renew the funding for a project selected under such conditions as the Secretary determines to be appropriate.

“(2) DEFAULT IF NO AGREEMENT.—If no agreement is reached under paragraph (1), the Secretary shall proceed under this subtitle, or part of this subtitle, as the Secretary determines best, depending on which results in the largest total grant funding to the geographic area.”;

“SEC. 8. FUNDS TO PREVENT HOMELESSNESS AND STABILIZE HOUSING FOR PRECARIOUSLY HOUSED INDIVIDUALS AND FAMILIES.

“The McKinney-Vento Homeless Assistance Act (42 U.S.C. 11301 et seq.) is amended by inserting after title IX the following:

“TITLE X—PREVENTING HOMELESSNESS AND STABILIZING HOUSING FOR PRECARIOUSLY HOUSED INDIVIDUALS AND FAMILIES

“SEC. 1001. PURPOSES.

“The purposes of this title are—

“(1) to assist local communities to stabilize the housing of individuals and families who are homeless or at risk of homelessness; and

“(2) to improve the ability of publicly funded institutions to avoid homelessness among individuals and families leaving the institutions.

“SEC. 1002. COMMUNITY HOMELESSNESS PREVENTION AND HOUSING STABILITY.

“(a) PROJECTS.—The Secretary shall award grants to recipients, on a competitive basis, using the selection criteria described in section 1006, to carry out eligible activities under this title, for projects that meet the requirements established under section 1005.

“(b) NOTIFICATION OF FUNDING AVAILABILITY.—The Secretary shall release a notification of Funding Availability for grants awarded under this title for a fiscal year not later than 3 months after the date of enactment of the appropriate Act making appropriations for the Department of Housing and Urban Development for the fiscal year.

“(c) COLLABORATIVE APPLICANT.—(1) IN GENERAL.—A collaborative applicant, as such term is defined in section 401, shall for purposes of this title have the same responsibilities as set forth under section 406.

“(2) DUAL ROLE ENCOURAGED.—The Secretary shall encourage the same entity which serves as a collaborative applicant for purposes of subtitle C of title IV to serve as a collaborative applicant for purposes of this title.

“(d) APPLICATIONS.—

“(1) SUBMISSION TO THE SECRETARY.—A collaborative applicant shall submit an application to the Secretary at such time and in such manner as the Secretary may require, and containing such information as the Secretary determines necessary to determine if the applicant is in compliance with—

“(A) program requirements established under section 1005;

“(B) the selection criteria described in section 1006; and

“(C) the priorities for funding projects in the geographic area under this title.

“(2) COORDINATION WITH COMMUNITY HOMELESS ASSISTANCE PROGRAM.—The Secretary shall, to the maximum extent feasible, coordinate the application processes for programs under subtitles B and C of title IV.

“(3) ANNOUNCEMENT OF AWARDS.—The Secretary shall announce, within 4 months after the last date for the submission of applications described in this subsection for a fiscal year, the grants conditionally awarded under subsection (a) for that fiscal year.

“(e) RENEWAL FUNDING FOR UNSUCCESSFUL APPLICANTS.—(1) The Secretary may renew an application previously funded under this title that the Secretary determines is effective at preventing homelessness, and was included as part of a total application, if the application contains a collaborative sub-
SEC. 1004. ELIGIBLE CLIENTS FOR FUNDED PROJECTS.

(a) RULE OF CONSTRUCTION.—For purposes of this title, 'individuals and families at risk of homelessness' means individuals and families who are or were within the past 2 years living in a housing situation that is a legal entity and for which the collaborative applicant is responsible who meets all of the following criteria:

(1) Have incomes below 20 percent of the median for the geographic area, adjusted for household size;

(2) Have moved frequently due to economic hardship, have been evicted, or otherwise live in housing that has been vacated, live in severely overcrowded housing, or otherwise live in housing that has characteristics associated with instability and increased risk of homelessness as determined by the Secretary;

(3) Have insufficient resources immediately available to attain housing stability.

(b) WAIVER AUTHORITY.—The Secretary may waive any of the criteria described in subsection (a) in a geographic area upon a finding by the Secretary that individuals and families who meet such criteria in the geographic area will be served under this title, and that individuals and families in the geographic area who do not meet the criteria described in subsection (a) remain at risk of homelessness.

SEC. 1005. PROGRAM REQUIREMENTS.

The program requirements set forth under section 427 shall apply to projects funded under this title.

SEC. 1006. SELECTION CRITERIA.

(a) IN GENERAL.—The Secretary shall award funds under this title to eligible applicants on the basis of their capability to carry out this title $250,000,000 for fiscal year 2008, and such sums as may be necessary for fiscal years 2009, 2010, 2011, and 2012.
In the 109th Congress, I introduced bipartisan legislation implementing MedPAC’s recommendations and calling for Congress to repeal the SGR formula and update provider reimbursements by the cost of care. Replacing SGR will require a thoughtful and protracted process involving the input of lawmakers and the provider community, and it is costly, but it is something that we must do.

The most recent “fix” was made to the 2006 Tax Relief and Health Care Act, Public Law 109–432. That law froze payment rates, staving off an across-the-board cut of 5.1 percent. Congress also added a quality reporting system called the Physician Quality Reporting Initiative program PQRI, which made providers eligible for a bonus payment of 1.5 percent of their total allowed Medicare charges if they report to HHS on certain quality measures starting in July 2007.

This new system is also known as “pay-for-reporting,” and it is based on the concept that physicians should receive an increase in Medicare reimbursement only once they have participated in extensive quality reporting. Across my State, I have heard serious concerns that this will lead to a mandatory reporting system in the near future, and that we will soon see an untested “pay-for-performance” system in place.

Now, I think all my colleagues would agree that our seniors deserve the highest quality care. But in our quest for improved quality, we must answer two questions here: should we proceed with an untested system of reporting requirements just for the sake of reporting, and will we actually achieve better care for our seniors via the PQRI?

I am very concerned about implementing reporting requirements that have not been tested. I believe that we must first process the parent process of quality measure development; the necessary health information technology and administrative infrastructure to participate in a reporting system. The bill I am introducing today will assure that health professionals will be at the center of the process for defining areas where quality measures are needed, as well as for defining the relevant measures themselves. Why is this important? Health professionals must be actively engaged in developing and implementing an effective reporting system because they are on the front lines of health care delivery, and they best understand the nuances between care delivery and quality measurement. The development process for quality measures must be transparent and consistent for all health professionals because they are the ones who will determine its successful implementation.

Additionally, quality measures should be measured across a variety of specialties and practice settings before they are included in a reporting system because measures must be clinically valid to be relevant for defining quality, and because physicians and health professionals practice in a variety of settings, for example: small vs. large practices, urban vs. suburban vs. rural locations, office-based vs. hospital-based practices.

Most importantly, we should not be using hastily devised quality measures to justify payment cuts. There are some who advocate pay-for-performance as a way to slow the growth of physician spending. They think we can accomplish lower physician expenditures by setting arbitrary standards and then cutting payments to physicians who fail to meet them. But across America, there are practices that would face tremendous obstacles in meeting such standards: they lack of the information technology necessary to design report standards in a timely manner; they see patients with economic and language barriers that will result in higher noncompliance rates; they treat a patient population for whom ethnic and racial differences require different clinical interventions than for other patients. Ignoring these considerations will not only fail to dramatically improve quality, it will significantly penalize providers who treat traditionally underserved populations.

Rather than moving forward precipitously in 2008 with a permanent Medicare quality reporting system after a transitional 6-month period this year, as current law requires, our bill, the Voluntary Medicare Quality Reporting Act of 2007, instead would establish a more realistic timeline for quality measure reporting by health professionals. It does so by:

- Requiring the Secretary first to evaluate the health transitional reporting system and reporting findings to the Congress by June 1, 2008;
- Requiring the Secretary to undertake demonstrations for defining appropriate mechanisms whereby health professionals can submit clinical data on quality measures to the Secretary through an appropriate medical registry;

Allowing physicians and other eligible professionals to continue reporting to the Secretary quality measures developed for 2007, in order for the Secretary to refine systems for reporting quality measures;

After completion of the evaluation, phasing in a permanent Voluntary Medicare Quality Reporting Program, with implementation beginning January 1, 2010, based on a consistent set of rules that define an orderly and transparent process of quality measure development;

Requiring that the Physician Consortium for Performance Improvement of the American Medical Association be the beginning point for the designation of clinical areas where quality measures are needed;

Having the Consortium, in collaboration with physician specialty organizations and other eligible professional organizations, develop and propose quality measures to a consensus organization such as the American Board of Medical Quality Forum for endorsement; and

Prohibiting the Secretary from using any measures that have not been recommended by the Consortium and endorsed by the consensus organization.

I urge my colleagues to support this rational approach to promoting quality and guaranteeing access to care.

By Mr. FEINGOLD (for himself and Mr. SPECTER):

S. 1521. A bill to provide information, resources, recommendations, and funding to help State and local law enforcement combat crime prevention and intervention strategies supported by rigorous evidence; to the Committee on the Judiciary.

MR. FEINGOLD: Mr. President, today I will introduce the PRECAUTION Act the Prevention Resources for Eliminating Criminal Activity Using Tailored Interventions in Our Neighborhoods Act. It is a long name, but it stands for an important principle that it is better to invest in preventative strategies now than to address the costs of crime both in dollars and lives later on. I am very pleased that the Senator from Pennsylvania, Mr. SPECTER, will join me as a cosponsor of this legislation.

As the Memorial Day weekend approaches, there is a particular urgency for this bill. Last year, Milwaukee suffered a devastating surge of violence over that holiday weekend. Just to take one example, a gunman opened fire on a crowd of picnickers that included according to news reports, almost 50 children. By the end of the weekend, nearly 30 people were wounded in shootings around the city, many
of them fatal. Instead of spending their Memorial Day weekend remembering those who gave their lives in defense of this country, Milwaukee residents found themselves mourning the victims of a war-zone rising up in their own neighborhood.

Violence has continued to dominate the news in Milwaukee ever since. Brandon Sprew, a Special Olympian, was waiting at a bus stop when he was shot and killed for his wallet. Wisconsin Department of Justice office Jay Balchunas was shot and killed for no apparent reason, the victim of a random robbery that turned violent. Shaina Mersman was shot and killed at noon in the middle of a busy shopping area. She was 8 months pregnant, and she died in the middle of the street. And just this very month, 4-year-old Jasmine Owens was shot and killed by a drive-by shooter. She had been skipping rope in her front yard. These are but a few of the senseless deaths in a list that goes on far too long.

According to a report released by the Police Executive Research Forum, Milwaukee’s homicide rates have increased by 17 percent, robbery rates by 39 percent, and aggravated assault by 85 percent in the past 2 years. Milwaukee has been one of those cities hardest hit, cities across America are struggling with rising crime rates. In fact, the 2005 FBI Uniform Crime Report showed a startling increase in violent crime, reporting the largest single year percent increase in violent crime in 14 years. The FBI has also reported that crime increased another 3.7 percent in the first half of 2006 when compared with the same time frame in 2005.

These statistics are shocking, and they show that this is not a localized problem. Yet David Kennedy, director of the Center for Crime Prevention and Control at the John Jay College of Criminal Justice, reported in an August 2006 article in the Washington Post article, “State and local officials feel abandoned by the Federal Government. The Federal Government must return to its role as a real partner in combating crime by providing funding and crafting effective approaches to key problems.” Something must be done at the Federal level to stem the tide of violence threatening our Nation. Put very simply, we, as representatives of our constituents, have an obligation to act.

At the same time, we have an obligation to act responsibly. The Federal government must work in concert with state and local law enforcement, with the non profit criminal justice community, and with other branches of State and Federal government. While we have an obligation to provide leadership and support, we do not have the right to unilaterally take control from the state and local officials on the ground. We must also act wisely, investing in evidence-based measures that we are confident will work and whose effectiveness has been demonstrated. Sometimes, small and careful advances are the ones that yield the most benefit.

The PRECAUTION Act is based on the premise that the cornerstones of Federal participation in crime fighting are threefold. First, the Federal Government should disburse effective crime-fighting knowledge to State and local officials regarding the newest and most effective law enforcement techniques and strategies. Second, the Federal Government should provide financial support for innovative State and local initiatives, and local partners cannot afford to fund on their own. With that funding, we also should provide the guidance, training, and technical assistance to implement those innovations. Third, the Federal Government needs to create and maintain effective partnerships among agencies at all levels of government, partnerships that are crafted to address specific law enforcement challenges. And in its implementation, the PRECAUTION Act fulfills all three of these principles.

The PRECAUTION Act creates a national commission to wade through the sea of information on crime prevention and intervention strategies currently available and identify those programs that are accessible resource to turn to that recommendation a few, top-tier crime prevention and intervention programs. They need not screen out those existing programs that are truly effective. And the commission created by the PRECAUTION Act will provide just such a report, one written in plain language and focused on pragmatic implementation issues, approximately a year and a half after the bill is enacted.

In the course of holding hearings and writing the report, the commission will also identify some types of prevention and intervention strategies that are promising but need further research and development before they are ready for further implementation.

The National Institute of Justice then will administer a grant program that will fund pilot projects in these identified areas. The commission will follow closely the progress of these pilot projects, and at the end of the three year program, the commission will publish a second report, providing a detailed discussion of each pilot project and its effectiveness. This second report will include detailed implementation information will discuss frankly both the successes and failures that arose over the course of the 3 years of the grant program.

The PRECAUTION Act answers a call put out by police chiefs and mayors from more than 50 cities around the country during a national conference on crime prevention. According to a report on the event from the Forum, these law enforcement leaders argued that while there is a desperate need to focus on violent crime in the law enforcement community, “other municipal agencies and social services organizations, including schools, mental health, public health, courts, corrections, and conflict resolution organizations need to be brought together to partner toward the common goal of reducing violent crime.” In the hearings held by the commission, these voices will all be heard. In the reports filed by the commission, these perspectives will be acknowledged. And in the pilot projects administered by the National Institute of Justice, these partnerships will be developed and fostered.

The PRECAUTION Act, though modest in scope, is an important supplement to the essential financial support the Federal Government provides to our state and local law enforcement partners through programs such as the Byrne Justice Assistance grants and the COPS grants. When State and local law enforcement receive Federal support for policing, they have difficult decisions to make on how to spend these Federal dollars. The PRECAUTION Act makes prevention and intervention integral components of any comprehensive law enforcement plan. The PRECAUTION Act not only highlights the importance of these components, but will also help to single out some of the best, most effective forms of prevention and intervention programs available. At the same time, it will help to develop additional, cutting-edge strategies that are supported by solid scientific evidence of their effectiveness. I am pleased that the bill has been endorsed by the National Sheriffs’ Association, the Council for Excellence in Government, the American Society of Criminology, and the Consortium of Social Science Associations.

It is my sincere hope that Milwaukee is able to enjoy a peaceful Memorial Day weekend this year, but I will not be able to join Senator SPECTER and me in attending the Memorial Day ceremony. I am not able to enjoy a peaceful Memorial Day weekend in Milwaukee by the way it is brought together to partner toward the common goal of reducing violent crime. I urge my colleagues to listen to this advice and join Senator SPECTER and me in working to get this important piece of legislation passed.

I ask unanimous consent that the text of the bill be printed in the Record. There being no objection, the text was ordered to be printed in the Record, as follows:

S. 1521

SECTION 1. SHORT TITLE; TITLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Prevention Resources for Eliminating Criminal Activity Using Tailored Interventions in Our Neighborhoods Act of 2007” or the “PRECAUTION Act”.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
THE CRIME NATION: DRUG-FREE THROUGH CRIME PREVENTION AND INTERVENTION STRATEGIES

Establishment of Commission

The Congress hereby establishes the National Commission on Public Safety Through Crime Prevention and Intervention Strategies (the Commission).

The purposes of the Commission are to:

(1) establish a commitment on the part of the Federal Government to provide leadership in the area of crime prevention and intervention strategies;

(2) further the integration of crime prevention and intervention strategies into traditional law enforcement practices of State and local law enforcement offices around the country;

(3) develop a plain-language, implementation-focused assessment of those current crime and delinquency prevention and intervention strategies that are supported by rigorous evidence;

(4) provide additional resources to the National Institute of Justice to administer research and development grants for promising crime prevention and intervention strategies;

(5) develop recommendations for Federal priorities for crime and delinquency prevention and intervention research, development, and funding that may augment important Federal grant programs, including the Edward Byrne Memorial Justice Assistance Grant Program under part E of title II of Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.), grant programs administered by the Office of Juvenile Justice and Delinquency Prevention, the Director of the National Institute of Justice, the Director of Community Oriented Policing Services of the Department of Justice, and grant programs administered by the Office of Safe and Drug-Free Schools of the Department of Education, and other similar programs; and

(6) reduce the costs that rising violent crime imposes on interstate commerce.

SECTION 2. DEFINITIONS

In this Act, the following definitions shall apply:

(1) "Commission."—The term "Commission" means the National Commission on Public Safety Through Crime Prevention and Intervention Strategies established under section 4(a).

(2) "Rigorous evidence."—The term "rigorous evidence" means evidence generated by scientifically valid forms of outcome evaluation, particularly randomized trials (where practicable).

(3) "Subcategory."—The term "subcategory" means 1 of the following categories:

(A) Family and community settings (including public health-based strategies);

(B) Law enforcement settings (including probation-based strategies);

(C) School settings (including antisalg and general antiviolence strategies);

(D) "Top-tier" means any strategy supported by rigorous evidence of the sizable, sustained benefits to participants in the strategy or to society.

SECTION 4. NATIONAL COMMISSION ON PUBLIC SAFETY THROUGH CRIME PREVENTION

(a) Establishment.—There is established a Commission to be known as the National Commission on Public Safety Through Crime Prevention.

(b) Members.—(1) (vii) The Commission shall be composed of 9 members, of whom—

(A) 3 shall be appointed by the President, 1 of whom shall be the Assistant Attorney General, 1 shall be a State officer or a representative of such Assistant Attorney General;

(B) 2 shall be appointed by the Speaker of the House of Representatives, unless the Speaker is of the same party as the President, in which case 1 shall be appointed by the Speaker of the House of Representatives and 1 shall be appointed by the minority leader of the House of Representatives;

(C) 1 shall be appointed by the minority leader of the Senate, unless the majority leader is of the same party as the President, in which case 1 shall be appointed by the majority leader of the Senate and 1 shall be appointed by the minority leader of the Senate; and

(D) 1 member appointed by the majority leader of the Senate (in addition to any appointment made under subparagraph (B)).

(2) Persons eligible.—(A) In general.—Each member of the Commission shall be an individual who has knowledge or expertise in matters to be studied by the Commission.

(B) Required representatives.—At least—

(i) 2 members of the Commission shall be respected social scientists with experience implementing or interpreting rigorous, outcome-based trials;

(ii) 2 members of the Commission shall be law enforcement practitioners.

(3) Commission.—The President, the Speaker of the House of Representatives, the minority leader of the House of Representatives, and the majority leader and minority leader of the Senate shall consult, prior to the appointment of the members of the Commission to achieve, to the maximum extent possible, fair and equitable representation of various points of view with respect to the matters to be studied by the Commission.

(4) Term.—Each member shall be appointed for the life of the Commission.

(5) Time for initial appointments.—The appointment of the members shall be made not later than 60 days after the date of enactment of this Act.

(6) Vacancies.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made, and shall be made within 60 days after the date on which the vacancy occurred.

(7) Ex officio members.—The Director of the National Institute of Justice, the Director of the Office of Juvenile Justice and Delinquency Prevention, the Director of the Community Capacity Development Office, the Director of the Bureau of Justice Statistics, the Director of the Bureau of Justice Assistance, and the Director of Community Oriented Policing Services (or a representative selected, by a vote of 2/3 of the voting members, each serve in an ex officio capacity on the Commission to provide advice and information to the Commission.

(g) Operation.—(1) Chairperson.—At the initial meeting of the Commission, the members of the Commission shall elect a chairperson from among its voting members, by a vote of 2/3 of the members of the Commission. The chairperson shall retain this position for the life of the Commission. If the chairperson leaves the Commission, a new chairperson shall be selected, by a vote of 2/3 of the members of the Commission.

(2) Meetings.—The Commission shall meet at the call of the chairperson. The initial meeting of the Commission shall take place not later than 30 days after the date on which all the members of the Commission have been appointed.

(3) Quorum.—A majority of the members of the Commission shall constitute a quorum to conduct business, and the Commission may establish a lesser quorum for conducting hearings scheduled by the Commission.

(h) Rules.—The Commission may establish by majority vote any other rules for the conduct of Commission business, if such rules are not inconsistent with this Act or other applicable law.

(i) Hearings.—(1) In general.—The Commission shall hold public hearings. The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out its duties under this section.

(2) Focus of hearings.—The Commission shall hold at least 3 separate public hearings, each of which shall focus on 1 of the subcategories:

(A) Witness expenses.—Witnesses requested to appear before the Commission shall be paid the same fees as are paid to witnesses under section 4621 of title 28, United States Code. The per diem and mileage allowances for witnesses shall be paid from funds appropriated to the Commission.

(B) Comprehensive study of evidence-based crime prevention and intervention strategies.—(i) In general.—The Commission shall carry out a comprehensive study of the effectiveness of crime and delinquency prevention and intervention strategies, organized around the 3 subcategories.

(ii) Matters included.—The study under paragraph (1) shall include:

(A) a review of research on the effectiveness of incorporating crime prevention and intervention strategies into an overall law enforcement strategy;

(B) an evaluation of how to more effectively communicate the wealth of social science research to practitioners;

(C) a review of evidence regarding the effectiveness of specific crime prevention and intervention strategies, focusing on those strategies supported by rigorous evidence;

(D) an identification of promising areas for further research and development; and

(ii) other areas representing gaps in the body of knowledge that would benefit from additional research and development.

(E) Assessment of the best practices for implementing prevention and intervention strategies;

(F) an assessment of the best practices for gathering rigorous evidence regarding the implementation of prevention and intervention strategies; and

(G) an assessment of those top-tier strategies best suited for duplication efforts in a range of settings across the country.

(j) Initial report on top-tier crime prevention and intervention strategies.—(A) Distribution.—Not later than 18 months after the date on which all members of the Commission have been appointed, the Commission shall submit a public report on the study carried out under this subsection to—

(i) the President;

(ii) Congress;

(iii) the Attorney General;

(iv) the chief federal public defender of each district;

(v) the chief executive of each State;

(vi) the Director of the Administrative Office of the Courts of each State;

(vii) the Director of the Administrative Office of the United States Courts; and

(viii) the attorney general of each State.

(B) Contents.—The report under subparagraph (A) shall include—

(i) the findings and conclusions of the Commission;
(ii) a summary of the top-tier strategies, including—
   (I) a review of the rigorous evidence supporting the designation of each strategy as top-tier;
   (II) a brief outline of the keys to successful implementation for each strategy; and
   (III) a list of references and other information on which further information on each strategy can be found;
(iii) recommended protocols for implementing crime and delinquency prevention and intervention strategies generally;
(iv) recommended protocols for evaluating the effectiveness of crime and delinquency prevention and intervention strategies; and
(v) materials relied upon by the Commission in preparation of the report.

(C) CONSULTATION WITH OUTSIDE AUTHORITIES.—In developing the recommended protocols for implementation and rigorous evaluation of top-tier crime and delinquency prevention and intervention strategies under this paragraph, the Commission shall consult with the Committee on Law and Justice at the National Academy of Science and with national associations representing the law enforcement and social science professions, including the National Sheriffs' Association, the Police Executive Research Forum, the National Association of Chiefs of Police, the American Psychological Association, and the American Society of Criminology.

(f) RECOMMENDATIONS REGARDING DISSEMINATION OF THE INNOVATIVE CRIME PREVENTION AND INTERVENTION STRATEGY GRANTS.—

(1) SUBMISSION.—
   (A) IN GENERAL.—Not later than 30 days after the final hearing under subsection (d) relating to a subcategory, the Commission shall provide the Director of the National Institute of Justice with recommendations concerning the criteria relating to that subcategory for selecting grant recipients under section 5.
   (B) DEADLINE.—Not later than 13 months after the date on which all members of the Commission have been appointed, the Commission shall provide all recommendations required under this subsection.

(2) STAFF.—The recommendations provided under paragraph (1) shall include recommendations relating to—
   (A) the types of strategies for the applicable subcategory that would best benefit from additional research and development;
   (B) any geographic or demographic targets;
   (C) the types of partnerships with other public or private entities that might be pertinent and prioritized; and
   (D) any classes of crime and delinquency prevention and intervention strategies that should not be given priority because of a preexisting base of knowledge that would benefit less from additional research and development.

(e) ANNUAL REPORT ON THE RESULTS OF THE INNOVATIVE CRIME PREVENTION AND INTERVENTION STRATEGY GRANTS.—

(1) IN GENERAL.—Following the close of the 3-year implementation period for each grant recipient under section 5, the Commission shall collect the results of the study of the effectiveness of that grant under section 5(b)(3) and shall submit a public report to the President, the Attorney General, Congress, the chief executive of each State, and the attorney general of each State describing each strategy and the results of the study conducted under section 5(b)(3), including recommendations regarding which type of environment might best suit for successful replication; and

(2) COMPENSATION OF MEMBERS.—Members of the Commission shall serve without compensation.

(3) STAFF.—
   (A) IN GENERAL.—The chairperson of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment of an executive director shall be subject to confirmation by the Commission.
   (B) COMPENSATION.—The chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(4) DETAIL OF FEDERAL EMPLOYEES.—With the affirmative vote of 3⁄4 of the members of the Commission, any Federal Government employee, with the approval of the head of the appropriate Federal agency, may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status, benefits, or privileges.

(1) LOGISTICS FOR RESEARCH.—
   (1) NATIONAL INSTITUTE OF JUSTICE.—With a 3⁄4 affirmative vote of the members of the Commission, the Commission may select nongovernmental researchers and experts to assist the Commission in carrying out its duties under this Act. The National Institute of Justice shall consult with and select researchers and experts selected by the Commission to provide funding in exchange for their services.

(2) OTHER ORGANIZATIONS.—Nothing in this subsection shall be construed to limit the ability of the Commission to enter into contracts with other entities or organizations for research necessary to carry out the duties of the Commission under this section.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $5,000,000 to carry out this section.

(k) TERMINATION.—The Commission shall terminate on the date that is 30 days after the date on which the Commission submits the last report required by this section.

(i) EXEMPTION.—The Commission shall be exempt from the Federal Advisory Committee Act.

SEC. 5. INNOVATIVE CRIME PREVENTION AND INTERVENTION STRATEGY GRANTS.

(a) GRANTS AUTHORIZED.—The Director of the National Institute of Justice may make grants to public and private entities to fund the implementation and evaluation of innovative crime or delinquency prevention and intervention strategies. The purpose of the grants under this section shall be to provide funds for all expenses related to the implementation of strategies to conduct a rigorous study on the effectiveness of that strategy.

(b) GRANT DISTRIBUTION.—

(1) PERIOD.—A grant under this section shall be made for a period of not more than 3 years.

(2) AMOUNT.—The amount of each grant under this section—
   (A) shall be sufficient to ensure that rigorous evaluations may be performed; and
   (B) shall not exceed $700,000.

(3) EVALUATION SET-ASIDE.—
   (A) IN GENERAL.—A grantee shall use not less than $300,000 and not more than $700,000 of the funds from a grant under this section for a rigorous study of the effectiveness of the strategy during the 3-year period of the grant for that strategy.
   (B) METROLOGY OR STUDY.—
      (i) IN GENERAL.—Each study conducted under subparagraph (A) shall use an evaluator and a study design approved by the executive director of the National Institute of Justice hired or assigned under subsection (c).
      (ii) CRITERIA.—The employee of the National Institute of Justice hired or assigned under subsection (c) shall approve—
         (I) an evaluator that has successfully carried out multiple studies producing rigorous evidence of effectiveness; and
         (II) a proposed study design that is likely to produce rigorous evidence of the effectiveness of the strategy.
   (iii) APPROVAL.—Before a grant is awarded under this section, the Director of the National Institute of Justice shall award all grants under this section relating to that subcategory.

(c) TYPES OF GRANTS.—One-third of the grant funds made available under this section shall be made in each subcategory. In distributing grants, the recommendations of the Commission under section 4(f) shall be considered.

(d) AUTHORIZATION OF APPROPRIATIONS.—

There are authorized to be appropriated $18,000,000 to carry out this subsection.
(c) DEDICATED STAFF.—

(1) IN GENERAL.—The Director of the National Institute of Justice shall hire or assign a full-time employee to oversee the granting of grants under this section.

(2) STUDY OVERSIGHT.—The employee of the National Institute of Justice hired or assigned under paragraph (1) shall be responsible for ensuring timely cooperation between the Commission and the recipients of a grant under this section. That employee shall also be responsible for ensuring timely cooperation with Commission requests.

(4) AUTHORIZATION OF APPROPRIATIONS.—

There are authorized to be appropriated $150,000 for each of fiscal years 2008 through 2012 to carry out this subsection.

(d) APPLICATIONS.—A public or private entity desiring a grant under this section shall submit an application at such time, in such manner, and accompanied by such information as the Director of the National Institute of Justice may reasonably require.

(e) C OOPERATION WITH THE COMMISSION.—

(1) I N GENERAL .—Grant recipients shall cooperate with the Commission in providing them with full information on the progress of the strategy being carried out with a grant under this section, including—

(1) hosting visits by the members of the Committee in the area where the activities under the strategy are being carried out;

(2) providing pertinent information on the logistics of establishing the strategy for which the grant under this section was received, including details on partnerships, selection of participants, and any efforts to publicize the strategy; and

(3) responding to any specific inquiries that may be made by the Commission.

SEC. 6. ELIMINATION OF THE RED PLANET CAPITAL VENTURE CAPITAL PROGRAM.

(a) REDUCTION OF NASA BUDGET.—Section 203 of the National Aeronautics and Space Administration Authorization Act of 2005 (42 U.S.C. 16632) is amended—

(1) by striking ‘‘§ 15,000,000,000’’ and inserting ‘‘$2,500,000,000’’;

(2) by adding at the end the following:

(b) PROHIBITION.—The Administrator of the National Aeronautics and Space Administration, in carrying out the Red Planet Venture Capital Program established by the Administrator during the period of fiscal years 2008 through 2012—

By Mr. Wyden (for himself, Mr. Smith, Mr. Craig, Ms. Murrah, Ms. Cantwell, Mr. Baucus, Mr. Crapo, and Mr. Tester):

S. 1522. A bill to amend the Bonneville Power Administration portions of the Fisheries Restoration and Irrigation Mitigation Act of 2000 to authorize appropriations for fiscal years 2008 through 2014, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. Wyden. Mr. President, I am pleased to be joined today by all Members of the Senate from the Northwest: Senator Gordon Smith, Senator Larry Craig, Senator Maria Cantwell, Senator Jon Tester, Senator Max Baucus and Senator Mike Crapo in introducing the Fisheries Restoration and Irrigation Mitigation Act of 2007, or FRIMA. Our legislation extends a homegrown, commonsense program that has a proven track record in helping restore Northwestern salmon runs. Dollar-for-dollar, the fish and wildlife passage facilities funded by our legislation are among the most cost-effective uses of public and private restoration dollars. These projects protect fish while producing significant benefits. That is why it is important that this program be reauthorized and funding be appropriated now.

Since 2001, when the original Fisheries Restoration and Irrigation Mitigation Act of 2000, FRIMA, was enacted, more than $9 million in Federal funds has leveraged nearly $20 million in private, local funding. This money has been used to protect, enhance and restore more than 550 rivers miles of important fish habitat and species throughout Oregon, Washington, Idaho and Montana, as well as State, tribal and Federal fishery agencies in the Pacific Northwest have identified the screening of irrigation and other water diversions, and improved fish passage, as critically important for the survival of salmon and other fish populations.

This program is very popular and has the support of a wide range of constituents, including community leaders, environmental organizations, and agricultural producers. Senator Smirfitt and I are proud of the successful collaborative projects that irrigators and members of the Oregon Water Resources Congress have completed while putting this program to work in our home State. Our program also has the support of Oregon Governor Ted Kulongoski, irrigators throughout the Northwestern States, Oregon Trout, American Rivers and the National Audubon Society.

FRIMA authorizes the Secretary of the Interior to establish a program to plan, design, and construct fish screens, fish passage devices, and related features. It also authorizes inventories to provide the information needed for planning and making decisions about the survival and propagation of all Northwestern fish species. The program is currently carried out by the U.S. Fish and Wildlife Service on behalf of the Interior Secretary.

FRIMA provides benefits by: keeping fish out of places where they should not be, such as in an irrigation system; easing upstream and downstream passage; improving the protection, survival, and restoration of native fish species; helping avoid new endangered species listings by protecting and enhancing the fish populations not yet listed; making progress toward the delisting of listed species; utilizing a positive, win-win, public-private partnership; and, assisting in achieving both sustainable and sustainable fishery. Since FRIMA’s enactment in 2001, 103 projects have been installed. This is a true partnership and fine example of how our fishers and farmers can work together to protect fish species throughout the Northwest.

While he was Governor of Idaho, Interior Secretary Dirk Kempthorne said, ‘‘...the FRIMA program serves as an excellent example of government and private partners working together to promote conservation. The screening of irrigation diversions plays a key role in Idaho’s efforts to restore salmon populations while protecting rural economies.’’ This is from ‘‘Fisheries and Environmental Mitigation Programs, fiscal year 2002-2004’’ U.S. Fish & Wildlife Service, Washington, DC, July, 2005, page 13.

The bill that we are introducing today specifically extends the authorization for this program through 2014, gives priority to projects costing less than $2.5 million, a reduction in a targeted project’s cost from $5,000,000 to $2,500,000; clarifies that any Bonneville Power Administration, BPA, funds provided for the establishment of a grant to another entity shall be considered nonFederal matching funds, because BPA’s funding comes from ratepayers; requires an inventory report describing funded projects and their benefits; and changes the administrative expenses formula used by the Fish & Wildlife Service and the States of Oregon, Washington, Montana and Idaho, so that administrative costs may be held to a minimum while projects in the field receive the majority of available funding.

Ultimately, it will take the combined efforts of all interests in our region to recover our salmon. State and local governments, local watershed councils, private landowners and the Federal Government need to continue working together. Initiatives such as the bill I am introducing today help to sustain the partnerships upon which successful salmon recovery will be based.

I look forward to working with my colleagues to see this legislation pass.

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. 1522.

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 ‘‘Fisheries Restoration and Irrigation Mitigation Act of 2007’’.

SEC. 2. PRIORITY PROJECTS. Section 3(c)(3) of the Fisheries Restoration and Irrigation Mitigation Act of 2000 (16 U.S.C. 777 note; Public Law 106-502) is amended by striking ‘‘$5,000,000’’ and inserting ‘‘$2,500,000’’.

SEC. 3. COST SHARING. Section 7(c) of Fishes Restoration and Irrigation Mitigation Act of 2000 (16 U.S.C. 777 note; Public Law 106-502) is amended—

(1) by striking ‘‘The value’’ and inserting the following:

(‘‘1) in General.—The value’’; and

(2) by adding at the end the following:
(2) Bonneville Power Administration.—

(A) In General.—The Secretary may, without further appropriation and without fiscal year limitation, accept any amounts provided to the Secretary by the Administrator of the Bonneville Power Administration.

(B) Non-Federal Share.—Any amounts provided by the Bonneville Power Administration directly or through a grant to another entity for a project carried under the Program shall be credited toward the non-Federal share of the costs of the project.

SEC. 4. REPORT.

Section 9 of the Fisheries Restoration and Irrigation Mitigation Act of 2000 (16 U.S.C. 777 note; Public Law 106-502) is amended—

(1) by inserting “any” before “amounts are made”; and

(2) by inserting after “Secretary shall” the following: “, after partnering with local governmental entities and the States in the Pacific Ocean drainage area.”

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

Section 10 of the Fisheries Restoration and Irrigation Mitigation Act of 2000 (16 U.S.C. 777 note; Public Law 106-502) is amended—

(1) by an amendment (a), by striking “2001 through 2005” and inserting “2008 through 2014”; and

(2) in subsection (b), by striking paragraph (2) and inserting the following:

(2) Administrative expenses.—

(A) Definition of administrative expense.—In this paragraph, the term "administrative expense" means, except as provided in subparagraph (B)(ii), any expenditure relating to—

(i) staffing and overhead, such as the rental of office space and the acquisition of office equipment; and

(ii) the review, processing, and provision of applications for funding under the Program.

(B) Limitation.—

(i) In General.—Not more than 6 percent of amounts made available to carry out this Act for each fiscal year may be used for Federal and State administrative expenses of carrying out this Act.

(ii) Federal and State shares.—To the maximum extent practicable, of the amounts made available for administrative expenses under clause (i)—

(I) 50 percent shall be provided to the States to fund administrative expenses under the Program; and

(II) an amount equal to the cost of 1 full-time equivalent Federal employee, as determined by the Secretary, shall be provided to the Federal agency carrying out the Program.

(iii) State expenses.—Amounts made available to States for administrative expenses under clause (i)—

(I) shall be divided evenly among all States provided assistance under the Program; and

(II) may be used by a State to provide technical assistance relating to the program, including any staffing expenditures (including staff travel expenses) associated with—

(aa) arranging meetings to promote the Program to potential applicants;

(bb) assisting applicants with the preparation of applications for funding under the Program; and

(cc) visiting construction sites to provide technical assistance, if requested by the applicant.

By Mr. STEVENS (for himself, Mr. LIEBERMAN, Ms. SNOWE, Mr. CARPER, Ms. MURkowski, and Ms. LANDRIEU):

S. 1526. A bill to direct the Secretary of Energy to develop standards for general service lamps that will operate more efficiently and assist in reducing costs to consumers, business concerns, government entities, and other users, to require that general service lamps and related products manufactured or sold in interstate commerce after 2013 meet those standards for other purposes; to the Committee on Energy and Natural Resources.

Mr. STEVENS. Mr. President, I join my colleagues Senator CARPER, SNOWE, LIEBERMAN, MURkowski, and LANDRIEU in introducing two important domestic energy bills.

The Senate has an opportunity to save consumers $15 billion annually in energy costs, eliminate the need for hundreds of new power plants, prevent the release of tons of mercury into our environment annually, reduce greenhouse gas emissions by 3 trillion pounds, lead the world in the innovation of new technologies and increase domestic employment opportunities.

How? The innovation light bulb, Thomas Edison was one of our Nation’s greatest inventors. He holds nearly 1100 patents, including the light bulb. Over 125 years ago, he invented the conventional incandescent light bulb. While most of his other inventions have been significantly improved upon since then, Edison’s incandescent light bulb is still the most widely used bulb today. Unfortunately, only 10 percent of the electricity that goes into this light bulb is actually used to produce light. The remaining 90 percent is often wasted as heat.

Just as another Edison invention, the phonograph, evolved into compact discs and mp3 technologies, today, American innovation has improved upon the light bulb. This innovation will continue. Light bulb manufacturers and our hard-working Americans have developed technologies that are capable of reducing the electricity use associated with the traditional incandescent light bulbs from between 10 to over 50 percent. These bulbs are available today.

These technological and domestic manufacturing capabilities can save consumers billions of dollars a year in energy costs.

My colleagues and I are proud to introduce two bills that will ensure that we take advantage of these new technologies to save energy, save consumers on their electricity bills and promote American ingenuity.

The first is the Bright Idea Act of 2007. This bill will establish efficiency targets for light bulbs that will cut light bulb energy consumption by at least half in just 6 years and triple the efficiency of today’s incandescent bulbs by 2018.

These efficiency standards are merely the beginning. The bill establishes a working group of light bulb manufacturers, labor unions, environmentalists and consumer groups to evaluate the state of bulb technologies and domestic manufacturing capabilities every 3 years. If the technology has advanced and our businesses are capable of higher standards, the Secretary of Energy may raise these targets.

The bill also authorizes a technology-neutral research and development program to help our domestic manufacturers, in partnership with our national universities, develop new lighting technologies and directs the Secretary of Energy to educate consumers about the benefits of using newer light bulbs.

We recognize the concerns related to new light bulbs such as mercury release and labeling requirements. The bill requires the Secretary, together with the EPA, to provide recommendations to Congress on how to deal with these challenges.

The second component of this light bulb package that we are introducing today is a bill that will ensure that our Nation is capable of taking full advantage of America’s lighting innovation through the creation of additional domestic employment opportunities. This bill provides a construction tax credit for the costs associated with the renovation and construction of domestic light bulb manufacturing facilities designed to produce the next generation of lighting technology.

I urge Senators to join my colleagues and me in saving consumers billions of dollars in electricity costs, reducing greenhouse gas emissions, tempering energy demand, eliminating the need for at least dozens of new power plants annually, preventing the release of tons of mercury into our environment each year and building upon our innovation by creating additional domestic employment opportunities for Americans by supporting the Bright Idea Act of 2007 and tax incentives for domestic lighting technologies. I ask consent that the text of the bill be printed in the RECORD.

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

S. 1526

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 “Bright Idea Act of 2007.”

SEC. 2. TECHNICAL STANDARDS FOR GENERAL SERVICE LAMPS.

(a) IN GENERAL.—

(1) Establishment of standards.—As soon as practicable after the date of enactment of this Act, the Secretary of Energy shall initiate a project to establish technical standards for general service lamps.

(2) Consultation with interested parties.—In carrying out the project, the Secretary shall consult with representatives of environmental organizations, general service lamp manufacturers, consumer organizations, and other interested parties.

(3) Minimum initial standards; deadline.—The initial technical standards established shall be standards that enable those general service lamps to provide levels of illumination equivalent to the best illumination provided by general service lamps generally available in 2007, but with—
(a) A lumens per watt rating of not less than 30 by calendar year 2013; and
(b) A lumens per watt rating of not less than 45 by calendar year 2018.

(b) INSTRUCTION AND DISTRIBUTION IN INTERSTATE COMMERCE.—If the Secretary of Energy, after consultation with the interested parties described in subsection (a)(2), determines that service lamps meeting the standards established under subsection (a) are generally available for purchase throughout the United States at costs that are substantially equivalent to the costs of the general service lamps they would replace, then the Secretary shall take such action as may be necessary to require that at least 80 percent of general service lamps sold, offered for sale, or otherwise made available in the United States meet the standards established under subsection (a), except for those general service lamps described in subsection (c).

(c) EXCEPTION.—The standards established by the Secretary under subsection (a) shall not apply to service lamps used in applications in which compliance with those standards is not feasible, as determined by the Secretary.

(d) DETERMINED STANDARDS.—After the initial standards are established under subsection (a), the Secretary shall consult periodically with the interested parties described in subsection (a) with respect to whether those standards should be changed. The Secretary may change the standards, and the dates and percentage of lamps to which the changed standards are applicable, under subsection (a) if after such consultation the Secretary determines that such changes are appropriate.

SEC. 3. RESEARCH AND DEVELOPMENT PROGRAM.

(a) IN GENERAL.—The Secretary of Energy may carry out a lighting technology research program—
(1) to support the research, development, demonstration, and commercial application of lamps and related technologies sold, offered for sale, or otherwise made available in the United States; and
(2) to assist manufacturers of general service lamps in the manufacturing of general service lamps, with a minimum, achieve the lumens per watt ratings described in section 2(a).

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $1,000,000 for each of fiscal years 2008 through 2014.

SEC. 4. REPORT ON MERCURY USE AND RELEASE.

Not later than 1 year after the date of enactment of this Act, the Secretary of Energy, in cooperation with the Administrator of the Environmental Protection Agency, shall submit to Congress a report describing recommendations relating to the means by which the Federal Government may reduce or prevent the release of mercury during the manufacture, transportation, storage, or disposal of light bulbs.

SEC. 5. REPORT ON LAMP LABELING.

Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report describing current lamp labeling practices and recommendations for a national labeling standard.

By Mr. HARKIN (for himself and Mr. LUGAR):
S. 1529. A bill to amend the Food Stamp Act of 1977 to end benefit erosion, support working families with child care expenses, encourage retirement and education savings, and for other purposes. 

Mr. HARKIN. Mr. President, throughout my time in the United States Congress, I have worked with my colleagues to promote the economic security of low-income and working American families. We have made significant progress, but in others, much work remains to be done.

The last several years have been difficult ones for low-income Americans. Since 2000, the number of Americans living in poverty has increased by 5 million. At the same time, wages have stagnated for Americans in the bottom tenth of earners. It’s no surprise that more and more Americans have turned to vital Federal food assistance such as the Food Stamp Program, which this year will serve 26 million Americans.

The Food Stamp Program is our Nation’s first line of defense against hunger, providing modest but vital benefits to millions of American families, and also serving our country during times of extraordinary need. In fact, the Food Stamp Program played a crucial role in helping millions of Americans who were devastated by the Gulf Coast hurricanes of 2005.

Unfortunately, Congress has not taken the steps to modernize the program so that it addresses the current challenges that low-income Americans face. It is time for Congress to make such needed program improvements.

With the food stamp reauthorization bill due to pass this year, we have an opportunity and an obligation to invest in the Food Stamp Program and, in so doing, in the food security and health of our country’s families.

Today I am joined by my good friend and colleague, Senator LUGAR from Indiana, in introducing the Food Stamp Fairness and Benefit Restoration Act of 2007. I thank the Senator from Indiana for his long-time efforts to fight hunger in America, and for joining me today to introduce this legislation.

The bill that we are introducing today contains several particular improvements.

First, and foremost, the legislation would halt food stamp benefit erosion that is occurring as a result of draconian cuts enacted in the mid-90s. As a result of these cuts, food stamp benefits are eroding with every passing year as they do, the economic situations of families receiving food stamps grows ever more precarious.

Second, the bill would enable families to deduct fully the costs of child care for purposes of eligibility and benefit determination. Currently, program rules allow families to deduct just $175 per month of the cost of child care. Not only has this deduction not been adjusted to account for increases in the cost of child care, but it comes nowhere near covering the cost of child care, which nationwide averages almost $650 per month.

Third, the legislation would update archaic program rules regarding the resources that a family may have and still receive food stamps. As of today, a family would be allowed to have nearly $6,000 in savings and still receive food stamps. Instead, we allow just $2,000. This makes no sense. Not only does it actively discourage families from saving for their future, it all but requires families that experience an economic shock such as a job loss or a medical emergency to spend down their savings to hit absolute rock bottom just to receive meager food benefits. It is time to adjust this asset limit and stop discouraging families from doing what we tell every other American that they must do—save. To that end, the bill also exempts tax-preferred retirement and educational savings accounts.

Fourth, this bill restores food stamp eligibility for legal immigrant households. This too is nothing but a basic restoration of a principle of fairness that existed prior to the mid-1990s. Unfortunately, Congress chose, unwisely in my opinion, to take away benefits from those legal immigrants who entered the country legally and play by the basic principles of our society. I disagreed with the decision then and I disagree with it today. It is time to rectify this grave injustice and abide by the basic principle that those who enter the country legally and play by the same rules as the rest of us, should also be eligible for the same benefits for which they pay taxes. Our bill would do that.

Fifth, the legislation would set more humane eligibility standards for unemployed, childless adults. These individuals are among the poorest in our country and often have significant

S6896 CONGRESSIONAL RECORD — SENATE May 24, 2007
mental health and substance abuse problems. They are, in short, among the people who need our help the most. But ironically, they are among those who we deny the most basic of food assistance. Currently, such adults can receive food stamps for only 3 months out of every 2 years, while legislation proposes a modestly more sympathetic standard of 6 months out of every 2-year period.

Finally, my bill would increase funding for commodity purchases for food banks and community food providers. U.S. Government donations to food banks have dropped dramatically in recent years, even as the number of Americans seeking help from community food providers has consistently increased.

I know that the budget is tight and that Congress must be prudent in decisions about how we allocate funding. But I also know that there is no function of the federal government as basic and as critical as ensuring that low-income families, children, elderly living on fixed incomes, and persons with disabilities, have enough food for their next meal. It is past time for Congress to act in this regard, and I hope that my colleagues on both sides of the aisle will join me and the Senator from Indiana to enact the Food Stamp Fairness and Benefit Restoration Act of 2007.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 214—CALLING UPON THE GOVERNMENT OF THE ISLAMIC REPUBLIC OF IRAN TO IMMEDIATELY RELEASE DR. HALEH ESFANDIARI

Mr. CARDIN (for himself, Ms. MUKULSKI, Mr. BIDEN, Mr. LIEBERMAN, Mr. MCCAIN, Mr. CASEY, Mr. COCHRAN, Mr. ALLARD, Mr. BENSON, Mr. RICHARDSON, Mr. DODD, Mr. FASSEL, Mr. ENZI, Mr. STEVENS, Mr. GRAHAM, Mr. HARKIN, Mr. JOHNNESON, Mr. CRAIG, and Mr. INHOFE) submitted the following resolution; which was considered and agreed to:

WHEREAS Dr. Esfandiari was interrogated by the Ministry of Intelligence for hours on many days;
WHEREAS the questioning of the Ministry of Intelligence included the Middle East Program at the Wilson Center;
WHEREAS Dr. Esfandiari answered all questions to the best of her ability, and the Wilson Center unreservedly and unanimously supported her and the Wilson Center in activities in which it had no part;
WHEREAS Lee Hamilton, former United States Representative and president of the Wilson Center, has written to the President of Iran to call his attention to Dr. Esfandiari’s dire situation;
WHEREAS Mr. Hamilton repeated that the Wilson Center’s mission is to provide forums to exchange views and opinions and not to take positions on issues, nor try to influence specific outcomes;
WHEREAS the lengthy interrogations of Dr. Esfandiari by the Ministry of Intelligence, whereby she was taken immediately to Evin prison, where she is currently being held; and
WHEREAS the Ministry of Intelligence has implicated Dr. Esfandiari and the Wilson Center in advancing the alleged aim of the United States Government of supporting a ‘soft revolution’ in Iran: Now, therefore, be it

Resolved, That—

(1) the Senate calls upon the Government of the Islamic Republic of Iran to immediately release Dr. Haleh Esfandiari, replace her lost travel documents, and cease its harassment tactics; and
(2) it is the sense of the Senate that—

(a) United States Government, through all appropriate diplomatic means and channels, should encourage the Government of Iran to release Dr. Esfandiari and offer her an apology; and
(b) the United States should coordinate its response with its allies throughout the Middle East, other governments, and all appropriate international organizations.

SENATE RESOLUTION 215—DESIGNATING SEPTEMBER 25, 2007, AS “NATIONAL FIRST RESPONDER APPRECIATION DAY”

Mr. ALLARD (for himself, Mr. MCCAIN, Mr. CASEY, Mr. COCHRAN, Mr. ENZI, Mr. STEVENS, Mr. GRAHAM, Mr. CHAMBLISS, Mr. CRAIG, and Mr. INHOFE) submitted the following resolution; which was referred to the Committee on the Judiciary:

WHEREAS millions of Americans have benefited from the courageous service of first responders, and the critical role of first responders was witnessed in the aftermath of the mass shooting at the Virginia Polytechnic Institute and State University, and the collaborative effort of police officers, firefighters, and emergency medical technicians to secure the campus, rescue students from danger, treat the injured, and transport victims to local hospitals undoubtedly saved the lives of many students and faculty;
WHEREAS 670,000 police officers, 1,100,000 firefighters, and 891,000 emergency medical technicians risk their lives every day to make our communities safe;
WHEREAS these 670,000 sworn police officers from Federal, State, tribal, city, and county enforcement agencies protect and serve property, detect and prevent crimes, uphold the law, and ensure justice;
WHEREAS these 1,100,000 firefighters, both volunteer and career, provide fire suppression, emergency medical services, search and rescue, hazardous materials response, response to terrorism, and critical fire prevention and safety education;
WHEREAS the 891,000 emergency medical professionals in the United States respond to a variety of life-threatening emergencies, from cardiac and respiratory arrest to traumatic injuries;
WHEREAS the 670,000 police officers, 1,100,000 firefighters, and 891,000 emergency medical technicians provide personal sacrifices to protect our communities, as was witnessed on September 11, 2001, and in the aftermath of Hurricane Katrina, and as is witnessed every day in cities and towns across America;
WHEREAS according to the National Law Enforcement Officers Memorial Fund, a total of 1,649 law enforcement officers died in the line of duty during the 10 years following September 11, an average of 1 in 2 (52 percent) have been assaulted by a patient and 1 in 2 (50 percent) have been exposed to an infectious disease, and 1 in 4 in 5 medics are injured on the job, more than 1 in 2 (52 percent) have been assaulted by the patient and an additional 1 in 2 (50 percent) have been exposed to an infectious disease, and 1 in 4 in 5 medics are injured on the job; more than 1 in 2 (52 percent) have been assaulted by the patient and an additional 1 in 2 (50 percent) have been exposed to an infectious disease, and 1 in 4 in 5 medics are injured on the job. These 2,661,000 “first responders” make the personal sacrifices to protect our communities, and should be honored each year as the National First Responders Day, and is witnessed every day in cities and towns across America;
WHEREAS according to the National Law Enforcement Officers Memorial Fund, a total of 1,649 law enforcement officers died in the line of duty during the 10 years following September 11, an average of 1 in 2 (52 percent) have been assaulted by the patient and 1 in 2 (50 percent) have been exposed to an infectious disease, and 1 in 4 in 5 medics are injured on the job, more than 1 in 2 (52 percent) have been assaulted by the patient and an additional 1 in 2 (50 percent) have been exposed to an infectious disease, and 1 in 4 in 5 medics are injured on the job. These 2,661,000 “first responders” make the personal sacrifices to protect our communities, and should be honored each year as the National First Responders Day, and is witnessed every day in cities and towns across America;

NOW, THEREFORE, BE IT RESOLVED—

That September 25, 2007, is hereby designated as the National First Responder Appreciation Day.

WHEREAS the critical role of first responders was witnessed in the aftermath of the mass shooting at the Virginia Polytechnic Institute and State University, and the collaborative effort of police officers, firefighters, and emergency medical technicians to secure the campus, rescue students from danger, treat the injured, and transport victims to local hospitals undoubtedly saved the lives of many students and faculty;
have earned the gratitude of Congress: Now, therefore, be it  

Resolved, That the Senate designates September 25, 2007, as “National First Responder Appreciation Day” to honor and celebrate the contributions and sacrifices made by all first responders in the United States.

Mr. ALLARD. Mr. President, I rise to introduce a resolution today which will designate September 25 as National First Responder Appreciation Day. I am pleased to be joined by my good friends and colleagues, Senators McCAIN, CASEY, COCHRAN, ENZI, STEVENS, LINDSEY GRAHAM, CRAIG and CHAMBLISS.

The contributions that our Nation’s 1.1 million firefighters, 670,000 police officers and over 890,000 emergency medical professionals make in our communities are familiar to us all. We see the results of their efforts every night on our TV screens and read about them everyday in the paper. From recent tornadoes in the Southeast and wildfires in the West, the tragic events at Vilnius and the tragedy of Hurricane Katrina, our “first responders” regularly risk their lives to protect property, uphold the law and save the lives of others.

While performing their jobs many first responders have made the ultimate sacrifice. Over 100 firefighters are killed in the line of duty every year. Tragically in 2006, 145 law enforcement officers were killed in the line of duty as well. And though many might not think of them in the emergency medical services, EMS, is dangerous, EMS workers actually have an occupational fatality rate that is comparable with that of firefighters and police officers.

Yet to recognize our first responders only for their sacrifices would be to ignore the everyday contributions that they make in communities throughout America. In addition to battling fires, firefighters perform important fire prevention and public education duties, like teaching our children how to be “fire safe.” Police officers don’t simply arrest criminals, they actively prevent crime and make our neighborhoods safer and more livable. And if we or our loved ones experience a medical emergency, EMTs are there at a moment’s notice to provide life-saving care.

In many ways, our first responders embody the very best of the American spirit. With charity and compassion, these brave men and women regularly put the well-being of others before their own. They do this at great personal risk. Through their actions they have become heroes to many. Through their example they are role models to all of us.

While various cities and towns have recognized the contributions made by their local first responders by declaring a “first responder day,” there exists no national day to honor and thank these courageous men and women. The time has come to give our first responders the national day of appreciation that they deserve.

Designating September 25th as National First Responder Appreciation Day provides an opportunity for this institution, and the people of the United States, to honor first responders for their contributions, sacrifices and dedication to public service.

I hope my colleagues will join me in supporting passage of this worthwhile resolution.

SENATE RESOLUTION 216—RECOGNIZING THE 100TH ANNIVERSARY OF THE FOUNDING OF THE AMERICAN ASSOCIATION FOR CANCER RESEARCH AND DECLARING THE MONTH OF MAY NATIONAL CANCER RESEARCH MONTH

Mrs. FEINSTEIN (for herself and Mr. STEVENS) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. Res. 216

Whereas the American Association for Cancer Research, the oldest and largest scientific cancer research organization in the United States, was established on May 7, 1907, at the Willard Hotel in Washington, D.C., by a group of physicians and scientists interested in research to further the investigation into and spread new knowledge about cancer;

Whereas the American Association for Cancer Research is focused on every aspect of high-quality, innovative cancer research and is the authoritative source of information and publications about advances in the causes, diagnosis, treatment, and prevention of cancer;

Whereas, since its founding, the American Association for Cancer Research has accelerated the growth and dissemination of new knowledge about cancer and the complexity of this disease to speed translation of new discoveries for the benefit of cancer patients, and has provided the information needed by elected officials to make informed decisions on public policy and sustained funding for cancer research;

Whereas partnerships with research scientists and the survivors and patients advocates, philanthropic organizations, industry, and government have led to advanced breakthroughs, early detection tools with improved survival rates, and a better quality of life for cancer survivors;

Whereas our national investment in cancer research has resulted in terms of research advances and lives saved, with a scholarly estimate that every 1 percent decline in cancer mortality saves our national economy;

Whereas cancer continues to be one of the most pressing public health concerns, killing 1 American every minute, and 12 individuals worldwide every second; and

Whereas the American Association for Cancer Research Annual Meeting on April 14 through 18, 2007, was a large and comprehensive gathering of leading cancer researchers, scientists, and clinicians engaged in all aspects of clinical investigations pertaining to human cancer as well as the scientific disciplines of cellular, molecular, and tumor biology, carcinogenesis, chemistry, development, mental biology and stem cells, endocrinology, epidemiology and biostatistics, experimentation, molecular therapeutics, immunology, radiobiology and radiation oncology, imaging, prevention, and survivorship research;

Whereas, as part of its centennial celebration, the American Association for Cancer Research has published “Landmarks in Cancer Research” citing the events or discoveries after 1907 that have had a profound effect on advancing our knowledge of the causes, mechanisms, diagnosis, treatment, and prevention of cancer;

Whereas these “Landmarks in Cancer Research” are intended as an educational, living document, an ever-changing testament to human ingenuity and creativity in the scientific struggle to understand and eliminate the diseases collectively known as cancer;

Whereas, because more than 60 percent of all cancer occurs in people over the age of 65, issues relating to the interface of aging and cancer, ranging from the most basic science questions to epidemics related to and to clinical and health services research issues, are of concern to society;

Whereas the American Association for Cancer Research is proactively addressing these issues paramount to our aging population through a Task Force on Cancer and Aging, special conferences, and other programs which engage the scientific community in response to this demographic imperative; Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the American Association for Cancer Research on its 100 year anniversary celebration, “A Century of Leadership in Science – A Future of Cancer Prevention and Care”,

(2) recognizes the invaluable contributions made by the American Association for Cancer Research in its quest to prevent and cure cancer and save lives through cancer research;

(3) expresses the gratitude of the people of the United States for the American Association for Cancer Research in its quest to prevent and cure cancer and save lives through cancer research;

(4) declares the month of May as National Cancer Research Month to support the American Association for Cancer Research in its public education efforts to make cancer research a national and international priority, so that one day the disease of cancer will be relegated to history.

SENATE RESOLUTION 217—DESIGNATING THE WEEK BEGINNING MAY 20, 2007, AS “NATIONAL HURRICANE PREPAREDNESS WEEK”

Mr. VITTER (for himself, Mr. SHELBY, Mr. LOTT, Mr. MARTINEZ, Mr. NELSON of Florida, Ms. LANDRIEU, and Mr. DEMINT) submitted the following resolution; which was considered and agreed to:

S. Res. 217

Whereas the President has proclaimed that the week beginning May 20, 2007, shall be known as “National Hurricane Preparedness Week” and has called upon all Federal agencies, private organizations, schools, and media to share information about hurricane preparedness;

Whereas, as hurricane season approaches, National Hurricane Preparedness Week provides an opportunity to raise awareness of steps that can be taken to help protect citizens, their communities, and property;

Whereas the official Atlantic hurricane season occurs in the period beginning June 1, 2007, and ending November 30, 2007;

Whereas hurricanes are among the most powerful forces of nature, causing destructive winds, tornadoes, floods, and storm surges that can result in numerous fatalities and costs billions of dollars;

Whereas, in 2005, a record-setting Atlantic hurricane season caused 28 storms, including...
Whereas the National Oceanic and Atmospheric Administration recommends that each at-risk family of the United States develop a family disaster plan, create a disaster supply kit, secure their home, and stay aware of current weather situations to improve preparedness and help save lives; and

Whereas cooperation between individuals and Federal, State, and local officials can help increase preparedness, save lives, reduce the impact of hurricanes, and provide a more effective response to those storms;

Whereas the National Hurricane Center within the National Oceanic and Atmospheric Administration of the Department of Commerce recommends that each at-risk family of the United States develop a family disaster plan, create a disaster supply kit, secure their home, and stay aware of current weather situations to improve preparedness and help save lives; and

Whereas the designation of the week beginning May 20, 2007, as “National Hurricane Preparedness Week” will help raise the awareness of the individuals of the United States to assist them in preparing for the upcoming hurricane season: Now, therefore, be it

Resolved, That the Senate—

(a) to be prepared for the upcoming hurricane season;

(b) to promote awareness of the dangers of hurricanes to help save lives and protect communities;

(3) recognizes—

(A) the threats posed by hurricanes; and

(B) the need for the individuals of the United States to learn more about preparedness so that they may minimize the impacts of, and provide a more effective response to, hurricanes.

SENATE RESOLUTION 218—TO AUTHORIZE THE PRINTING OF A COLLECTION OF THE RULES OF THE COMMITTEES OF THE SENATE

Mrs. Feinstein submitted the following resolution; which was considered and agreed to:

Resolved, That a collection of the rules of the committees of the Senate, together with related materials, be printed as a Senate document, and that there be printed 250 additional copies of such document for the use of the Committee on Rules and Administration.

SENATE RESOLUTION 219—RECOGNIZING THE YEAR 2007 AS THE OFFICIAL 50TH ANNIVERSARY CELEBRATION OF THE BEGINNINGS OF MARINAS, POWER PRODUCTION, RECREATION, AND BOATING ON LAKE SIDNEY LANIER, GEORGIA

Mr. Chambliss (for himself, Mr. Pryor, and Mr. Isakson) submitted the following resolution; which was considered and agreed to:

Whereas Congress authorized the creation of Lake Sidney Lanier and the Buford Dam in 1946 for flood control, power production, wildlife preservation, and downstream navigation;

Whereas construction on the Buford Dam project by the Army Corps of Engineers began in 1951;

Whereas the Army Corps of Engineers constructed the dam and lake on the Chattahoochee and Chestatee Rivers at a cost of approximately $45,000,000; 

Whereas, in 1956, Jack Beachem and the Army Corps of Engineers signed a lease to create Holiday on Lake Sidney Lanier Marina as the lake’s first concessionaire;

Whereas the first power produced through Buford Dam at Lake Sidney Lanier was produced on June 16, 1957;

Whereas Holiday on Lake Sidney Lanier opened on July 4, 1957;

Whereas Buford Dam was officially dedicated on October 9, 1957;

Whereas nearly 250,000 people visited Lake Sidney Lanier to boat, fish, and recreate in 1957;

Whereas today more than 8,000,000 visitors each year enjoy the attributes and assets of Lake Sidney Lanier to fish, swim, camp, and otherwise recreate in the great outdoors;

Whereas Lake Sidney Lanier generates more than $5,000,000,000 in revenues annually, according to a study commissioned by the Marine Trade Association of Metropolitan Atlanta;

Whereas Lake Sidney Lanier has won the prestigious Chief of Engineers Annual Project of the Year Award, the highest recognition from the Army Corps of Engineers, for outstanding management, an unprecedented 3 times in 12 years (in 1990, 1997, and 2002);

Whereas Lake Sidney Lanier hosted the paddling and rowing events for the Summer Games of the XXVI Olympiad held in Atlanta, Georgia, in 1996;

Whereas marinas serve as the gateway to recreation for the public on America’s waterways;

Whereas Lake Sidney Lanier will join the Nation on Saturday, August 11, in celebration and commemoration of National Marina Day; and

Whereas 2007 marks the 50th anniversary of Lake Sidney Lanier, therefore, be it

Resolved, That the Senate recognizes the 50th anniversary celebration of the beginnings of marinas, power production, recreation, and boating on Lake Sidney Lanier, Georgia.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1190. Mr. McCaskill (for himself, Mr. Graham, Mr. Burr, and Mr. Specter) submitted an amendment intended to be proposed to amendment SA 1150 proposed by Mr. Reid (for Mr. Kennedy (for himself and Mr. Specter)) to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes.

SA 1191. Mr. Lieberman submitted an amendment intended to be proposed to amendment SA 1150 proposed by Mr. Reid (for Mr. Kennedy (for himself and Mr. Specter)) to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes.

SA 1192. Mrs. Hutchison submitted an amendment intended to be proposed by her to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1193. Mr. Roberts (for himself and Mr. Burr) submitted an amendment intended to be proposed by him to the bill S. 1343, to extend tax relief to the residents and businesses of an area with respect to which a major disaster has been declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (P.L. 99-660) by reason of severe storms and tornadoes beginning on May 4, 2007, and determined by the President to warrant individual or public assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act; which was referred to the Committee on Finance.

SA 1194. Mr. Menendez (for himself, Mr. Harkin, Mr. Durbin, Ms. Clinton, Mr. Dodd, Mr. Obama, Mr. Akaka, Mr. Laugenburg, and Mr. Inouye) submitted an amendment intended to be proposed to amendment SA 1150 proposed by Mr. Menendez (for himself and Mr. Specter) to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes.

SA 1195. Mr. Ensign (for himself and Mr. Thomas) submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1196. Mr. DeMint submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1197. Mr. DeMint submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1198. Mrs. Boxer submitted an amendment intended to be proposed by her to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1199. Mr. Dodd (for himself and Mr. Menendez) proposed an amendment to amendment SA 1150 proposed by Mr. Reid (for Mr. Kennedy (for himself and Mr. Specter)) to the bill S. 1348, supra.

SA 1200. Mr. Gregg submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1201. Mr. Allard submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1202. Mr. Obama (for himself and Mr. Menendez) submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1203. Mr. Cornyn submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1204. Mr. Cornyn submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1205. Mr. Cornyn submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1206. Mr. Cornyn submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1207. Mr. Cornyn submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1208. Mr. Cornyn submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1209. Mr. Cornyn submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1210. Mr. Cornyn submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1211. Mr. Cornyn submitted an amendment intended to be proposed by him
to the bill S. 1348, supra; which was ordered to lie on the table.
SA 1212. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1213. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1214. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1215. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1216. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1217. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1218. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1219. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1220. Mr. GREGG submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1221. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1222. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1223. Mr. SANDERS proposed an amendment to amendment SA 1150 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1348, supra.

SA 1224. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1225. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1226. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1227. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1228. Mr. LEVIN (for himself, Mr. OBAMA, Mr. MENENDEZ, Mr. COLEMAN, Mr. REID, Mr. LEAHY, Mrs. FEINSTEIN, and Mr. VOINOVICH) submitted an amendment intended to be proposed to amendment SA 1150 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1229. Mr. SUNUNU submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1230. Mr. SUNUNU submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1231. Mr. SUNUNU submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1232. Mr. SUNUNU submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1233. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1234. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1235. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1236. Mr. KENNEDY (for himself and Mr. SPECTER) submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1237. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 1150 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1238. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1239. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1240. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1241. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1242. Mr. LIEBERMAN (for himself, Mr. HAGEL, Mr. CARDIN, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1243. Mr. SCHUMER (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1244. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1245. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1246. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1247. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1248. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1249. Ms. CANTWELL (for herself, Mr. CORNYN, Mr. LEAHY, and Mr. HATCH) submitted an amendment intended to be proposed by her to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1250. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1251. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1252. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1253. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1190. Mr. MCCAIN (for himself, Mr. GRAHAM, Mr. BURR, and Mr. SPECTER) submitted an amendment intended to be proposed to amendment SA 1150 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1348, supra; to provide for comprehensive immigration reform and for other purposes; as follows:

On page 292 redesignate paragraphs (3) as (4) and (4) as (5).

The amendment provides that:

(3) PAYMENT OF INCOME TAXES.—

(A) IN GENERAL.—Not later than the date on which status is adjusted under this section, the alien establishes the payment of any applicable Federal tax liability by establishing that—

(1) no such tax liability exists;

(2) all outstanding liabilities have been paid or

(3) the alien has entered into an agreement for payment of all outstanding liabilities with the Internal Revenue Service.

(B) APPLICABLE FEDERAL TAX LIABILITY.—

For purposes of clause (1), the term 'applicable Federal tax liability' means liability for Federal taxes, including penalties and interest, owed for any year during the period of employment required by subparagraph (D)(i) for such the statutory period of assessment of any deficiency for such taxes not expired.

(C) IRS COOPERATION.—The Secretary of the Treasury shall establish rules and procedures under which the Commissioner of Internal Revenue shall provide documentation to an alien upon request to establish the payment of all taxes required by this subparagraph.

(4) IN GENERAL.—The alien may satisfy such requirement by establishing that—

(i) no such tax liability exists;

(ii) all outstanding liabilities have been met or

(iii) the alien has entered into an agreement for payment of all outstanding liabilities with the Internal Revenue Service and with the department of revenue of each State to which taxes are owed.

SA 1191. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 1150 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1348, supra; to provide for comprehensive immigration reform and for other purposes; as follows:

At the appropriate place, insert the following:

Subtitle —Asylum and Detention Safeguards

SEC. 01. SHORT TITLE.

This subtitle may be cited as the “Secure and Safe Detention and Asylum Act”.

SEC. 02. DEFINITIONS.

In this subtitle:

(1) ASYLUM SEEKER.—The term "asylum seeker" means an applicant for asylum under section 208 of the Immigration and Nationality Act (8 U.S.C. 1158) (excluding withholding of removal under section 241(b)(3) of that Act (8 U.S.C. 1231(b)(3))) or an alien who...
indicates an intention to apply for relief under either such section and does not include a person with respect to whom a final adjudication denying an application made under such section and decision has been taken.

(2) CREDIBLE FEAR OF PERSECUTION.—The term ‘credible fear of persecution’ has the meaning given that term in section 235(b)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(A)) and as amended by any other relevant provision of law.

(3) DETAINEE.—The term ‘detainee’ means an alien in the Department’s custody held in a detention facility.

(4) DETENTION FACILITY.—The term ‘detention facility’ means any Federal facility in which an alien asylum seeker, an alien detained pending removal proceedings, or an alien detained pending the execution of a final order of removal, is detained for more than 72 hours, or any other facility in which such detention services are provided to the Federal Government by contract, and does not include detention at any point of entry in the United States.

(5) REASONABLE FEAR OF PERSECUTION OR TORTURE.—The term ‘reasonable fear of persecution or torture’ has the meaning described in section 208.31 of title 8, Code of Federal Regulations.

(6) STANDARD.—The term ‘standard’ means any policy, procedure, or other requirement.

(7) SUSCEPTIBLE POPULATIONS.—The term ‘vulnerable populations’ means classes of aliens subject to the Immigration and Nationality Act (8 U.S.C. 1158 et seq.) who have special needs requiring special consideration and treatment by virtue of their vulnerable characteristics, including experiences of, or risk of, abuse, mistreatment, or other serious harm threatening their health or safety.

SEC. 304. PROCEDURES GOVERNING DETENTION DECISIONS.

Section 236 (8 U.S.C. 1226) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) in the first sentence by striking “Attorney General” and inserting “Secretary of Homeland Security”;

(ii) by striking “court” and inserting “court”;

(iii) by striking paragraph (1) and inserting—

(B) in the second sentence by striking “Secretary of Homeland Security” and inserting “Secretary of Homeland Security”;

(2) in the second sentence by striking “Secretary” and inserting “Secretary”;

(3) by striking “Secretary General” and inserting “Secretary General”;

(4) by striking “Secretary” and inserting “Secretary”;

(5) by striking “Secretary” and inserting “Secretary”;

(6) by striking “Secretary” and inserting “Secretary”;

(7) by striking “Secretary” and inserting “Secretary”;

(8) by striking “Secretary” and inserting “Secretary”;

(9) by striking “Secretary” and inserting “Secretary”;

SEC. 05. LEGAL ORIENTATION PROGRAM.

(a) In General.—The Attorney General, in consultation with the Secretary, shall ensure that all detained aliens in immigration and asylum proceedings receive legal orientation through a program administered and implemented by the Executive Office for Immigration Review of the Department of Homeland Security.

(b) CONTENT OF PROGRAM.—The legal orientation program developed pursuant to this
such as physical abuse, sexual abuse or harassment of grievances raised by detainees. Procedures for the prompt and effective investigation of such complaints, including a process to address complaints from detainees by personnel who are not the subject of the complaint, shall be made available upon request. The Secretary shall ensure the expansion of such programs at detention facilities, to the extent practicable, as a continuation of existing programs, such as the pilot program developed in Arlington, Virginia by the United States Citizenship and Immigration Service.

SEC. 06. OF DETENTION.

(a) IN GENERAL.—The Secretary shall ensure that standards governing conditions and procedures at detention facilities are fully implemented and enforced, and that all detention facilities comply with the standards.

(b) PROCEDURES AND STANDARDS.—The Secretary shall promulgate new standards, or modify existing detention standards, to improve conditions in detention facilities. The improvements shall address at a minimum the following policies and procedures:

1. FAIR AND HUMANE TREATMENT.—Procedures to ensure that detainees are not subject to degrading or inhumane treatment such as the use of solitary confinement, shackling, and strip searches of detainees to situations where the use of such techniques is necessitated by security interests or other extraordinary circumstances.

2. INVESTIGATION OF GRIEVANCES.—Procedures for the prompt and effective investigation of grievances raised by detainees.

3. ACCESS TO TELEPHONES.—Procedures permitting detainees sufficient access to telephones, and the ability to contact, free of charge, representatives of the immigration courts, the Board of Immigration Appeals, and the Federal courts through confidential toll-free numbers.

4. LOCATION OF FACILITIES.—Location of detention facilities, to the extent practicable, near sources of free or low-cost legal representation with expertise in asylum or immigration law.

5. PROCEDURES GOVERNING TRANSFERS OF DETAINES.—Procedures governing the transfer of a detainee that take into account—

(A) the detainee’s access to legal representatives; and

(B) the proximity of the facility to the venue of the asylum or removal proceeding.

6. RECREATIONAL PROGRAMS AND ACTIVITIES.—Daily access to indoor and outdoor recreational programs and activities.

7. SPECIAL STANDARDS FOR NONCRIMINAL POPULATIONS.—The Secretary shall promulgate new standards, or modifications to existing standards, that—

1. recognize the unique needs of asylum seekers, victims of torture and trafficking, families with children, detainees who do not speak English, detainees with special religious, cultural or spiritual considerations, and other vulnerable populations; and

2. ensure that procedures and conditions of detention are appropriate for the populations listed in this subsection.

8. TRAINING OF PERSONNEL.—The Secretary shall ensure that personnel in detention facilities are given specialized training to better understand and work with the population of detainees. The training shall be designed to allow personnel to work with detainees from different countries, and detainees who cannot speak English. The training shall emphasize that many detainees have no criminal records and are being held for civil violations.

SEC. 07. OFFICE OF DETENTION OVERSIGHT.

(a) ESTABLISHMENT OF THE OFFICE.—There shall be established within the Department an Office of Detention Oversight (in this section referred to as the “Office”).

(b) HEAD OF THE OFFICE.—There shall be at the head of the Office an Administrator who shall be appointed by, and shall report to, the Secretary.

(c) DUTIES OF THE OFFICE.—The Office shall be established and the Administrator of the Office appointed not later than 6 months after the date of enactment of this Act.

(d) RESPONSIBILITIES OF THE OFFICE.—

1. INSPECTIONS OF DETENTION CENTERS.—The Administrator of the Office shall—

(A) undertake frequent and unannounced inspections of all detention facilities;

(B) develop a procedure for any detainee or the detainee’s representative to file a written complaint directly with the Office; and

(C) refer matters, where appropriate, for further action to—

(i) the Department of Justice;

(ii) the Office of the Inspector General of the Department;

(iii) the Office of Civil Rights and Civil Liberties of the Department; or

(iv) any other relevant office or agency.

2. REVIEW OF COMPLAINTS BY DETAINEES.—Each report required by subparagraph (A) shall include—

(a) a description of the actions to remedy findings of noncompliance or other problems that are taken by the Secretary or the Assistant Secretary of Homeland Security for United States Immigration and Customs Enforcement, and each detention facility found to be in noncompliance; and

(b) information regarding whether such action were successful and resulted in compliance with detention standards.

3. COOPERATION WITH OTHER OFFICES AND AGENCIES.—Whenever appropriate, the Administrator of the Office shall cooperate and coordinate its activities with—

(1) the Office of the Inspector General of the Department;

(2) the Office of Civil Rights and Civil Liberties of the Department;

(3) the Privacy Officer of the Department;

(4) the Civil Rights Division of the Department of Justice; or

(5) any other relevant office or agency.

SEC. 08. SECURE ALTERNATIVES PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a secure alternatives program under which an alien who has been detained may be released under enhanced supervision to prevent the alien from absconding and to ensure that the alien makes appearances related to a removal proceeding.

(b) PROGRAM REQUIREMENTS.—

1. NATIONWIDE IMPLEMENTATION.—The Secretary shall facilitate the development of the secure alternatives program on a nationwide basis, as a continuation of existing pilot programs such as the Intensive Supervision Appearance Program developed by the Department.

2. DESIGNATION OF ALTERNATIVES.—The secure alternatives program shall utilize a continuum of alternatives based on the alien’s need for supervision, including placement of the alien with an individual or organizational sponsor, or in a supervised group home.

3. ALIENS ELIGIBLE FOR SECURE ALTERNATIVES PROGRAMS WITH—

(A) IN GENERAL.—Aliens who would otherwise be subject to detention based on a consideration of the release criteria in section 236(h) of this title, who are referred pursuant to section 236(e)(2), shall be considered for the secure alternatives program.

(B) DESIGN OF PROGRAMS.—Secure alternatives programs shall be designed to ensure sufficient supervision of the population described in subparagraph (A).
SEC. 10. AUTHORIZATION OF APPROPRIATIONS; EFFECTIVE DATE.

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

(b) EFFECTIVE DATE.—This subtitle and the amendments made by this subtitle shall become effective on the date of enactment of this Act.

SA 1192. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of title IV, insert the following:

SEC. 427. ENHANCED ROLE FOR NON-GOVERNMENTAL ENTITIES.

(a) In General.—Except as provided in subsection (b), and subject to the availability of funds, the Secretary, or any of the amendments made by this title, the Secretary of Homeland Security, the Secretary of Labor, and the Secretary of Housing and Urban Development shall, to the extent practicable, enter into contractual agreements with non-governmental entities—

(1) to assist with the implementation, coordination, and operation of the temporary worker programs established under subparts A and B;

(2) to maximize the effectiveness of such operations and programs;

(3) to reduce expenditures and increase efficiencies related to such operations;

(b) Required Considerations.—To the extent that any Secretary acts under the authority granted under subsection (a), that Secretary shall give priority consideration to non-governmental entities—

(1) that have experience or competence in the business of evaluation, recruitment, and placement of employees and employers in the United States; and

(2) that have ready access to services and treatment addressing their needs; and

(3) that have ready access to social, psychological, and medical services; and

(c) Detainees.—Such entities shall provide—

(1) a member of a vulnerable population; or

(2) a member of a vulnerable population; and

(d) Placement in Nonpunitive Facilities.—In developing detention facilities in Broward County, Florida, and Berks County, Pennsylvania; (2) to the extent practicable, construct or use detention facilities where—

(1) children will be housed and shall be housed and between indoor and outdoor areas of the facility is subject to minimal restrictions;

(b) Detainees have ready access to social, psychological, and medical services;

(c) Detainees with special needs, including those who have experienced trauma or torture, have ready access to services and treatment addressing their needs;

(d) Detainees have ready access to programs and recreation;

(e) Detainees are permitted contact visits with legal and non-legal representatives and family members; and

(f) special facilities are provided to families with children under 14 years of age.

(f) Facilities for Families With Children.—For purposes of this subtitle, families shall be considered as a unit.

(g) Placement in Nonpunitive Facilities.—In developing detention facilities in Broward County, Florida, and Berks County, Pennsylvania; (2) to the extent practicable, construct or use detention facilities where—

(1) procedures and conditions of detention are appropriate for families with minor children; and

(2) children and sleeping quarters for children under 14 years of age are not physically separated from at least 1 of the child’s parents.

(h) Placement in Nonpunitive Facilities.—In developing detention facilities in Broward County, Florida, and Berks County, Pennsylvania; (2) to the extent practicable, ensure that special detention facilities are specifically designed to house parents with their minor children, including ensuring that—

(1) procedures and conditions of detention are appropriate for families with minor children; and

(2) children and sleeping quarters for children under 14 years of age are not physically separated from at least 1 of the child’s parents.

(i) Facilities for Families With Children.—For purposes of this subtitle, families shall be considered as a unit.

SEC. 428. ENHANCED ROLE FOR NON-GOVERNMENTAL ENTITIES.

(a) In General.—Except as provided in subsection (b), and subject to the availability of funds, the Secretary, or any of the amendments made by this title, the Secretary of Homeland Security, the Secretary of Labor, and the Secretary of Housing and Urban Development shall, to the extent practicable, enter into contractual agreements with non-governmental entities—

(1) to assist with the implementation, coordination, and operation of the temporary worker programs established under subparts A and B;

(2) to maximize the effectiveness of such operations; and

(3) to reduce expenditures and increase efficiencies related to such operations.

(b) Required Considerations.—To the extent that any Secretary acts under the authority granted under subsection (a), that Secretary shall give priority consideration to non-governmental entities—

(1) that have experience or competence in the business of evaluation, recruitment, and placement of employees and employers in the United States; and

(2) that have ready access to services and treatment addressing their needs; and

(3) that have ready access to social, psychological, and medical services; and

(c) Detainees.—Such entities shall provide—

(1) a member of a vulnerable population; or

(2) a member of a vulnerable population; and

(d) Placement in Nonpunitive Facilities.—In developing detention facilities in Broward County, Florida, and Berks County, Pennsylvania; (2) to the extent practicable, construct or use detention facilities where—

(1) procedures and conditions of detention are appropriate for families with minor children; and

(2) children and sleeping quarters for children under 14 years of age are not physically separated from at least 1 of the child’s parents.

(f) Facilities for Families With Children.—For purposes of this subtitle, families shall be considered as a unit.

(g) Placement in Nonpunitive Facilities.—In developing detention facilities in Broward County, Florida, and Berks County, Pennsylvania; (2) to the extent practicable, ensure that special detention facilities are specifically designed to house parents with their minor children, including ensuring that—

(1) procedures and conditions of detention are appropriate for families with minor children; and

(2) children and sleeping quarters for children under 14 years of age are not physically separated from at least 1 of the child’s parents.

(i) Facilities for Families With Children.—For purposes of this subtitle, families shall be considered as a unit.

(h) Placement in Nonpunitive Facilities.—In developing detention facilities in Broward County, Florida, and Berks County, Pennsylvania; (2) to the extent practicable, ensure that special detention facilities are specifically designed to house parents with their minor children, including ensuring that—

(1) procedures and conditions of detention are appropriate for families with minor children; and

(2) children and sleeping quarters for children under 14 years of age are not physically separated from at least 1 of the child’s parents.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS; EFFECTIVE DATE.

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

(b) EFFECTIVE DATE.—This subtitle and the amendments made by this subtitle shall become effective on the date of enactment of this Act.

SA 1192. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of title IV, insert the following:

SEC. 427. ENHANCED ROLE FOR NON-GOVERNMENTAL ENTITIES.

(a) In General.—Except as provided in subsection (b), and subject to the availability of funds, the Secretary, or any of the amendments made by this title, the Secretary of Homeland Security, the Secretary of Labor, and the Secretary of Housing and Urban Development shall, to the extent practicable, enter into contractual agreements with non-governmental entities—

(1) to assist with the implementation, coordination, and operation of the temporary worker programs established under subparts A and B;

(2) to maximize the effectiveness of such operations; and

(3) to reduce expenditures and increase efficiencies related to such operations.

(b) Required Considerations.—To the extent that any Secretary acts under the authority granted under subsection (a), that Secretary shall give priority consideration to non-governmental entities—

(1) that have experience or competence in the business of evaluation, recruitment, and placement of employees and employers in the United States; and

(2) that have ready access to services and treatment addressing their needs; and

(3) that have ready access to social, psychological, and medical services; and

(c) Detainees.—Such entities shall provide—

(1) a member of a vulnerable population; or

(2) a member of a vulnerable population; and

(d) Placement in Nonpunitive Facilities.—In developing detention facilities in Broward County, Florida, and Berks County, Pennsylvania; (2) to the extent practicable, construct or use detention facilities where—

(1) procedures and conditions of detention are appropriate for families with minor children; and

(2) children and sleeping quarters for children under 14 years of age are not physically separated from at least 1 of the child’s parents.

(f) Facilities for Families With Children.—For purposes of this subtitle, families shall be considered as a unit.

(g) Placement in Nonpunitive Facilities.—In developing detention facilities in Broward County, Florida, and Berks County, Pennsylvania; (2) to the extent practicable, ensure that special detention facilities are specifically designed to house parents with their minor children, including ensuring that—

(1) procedures and conditions of detention are appropriate for families with minor children; and

(2) children and sleeping quarters for children under 14 years of age are not physically separated from at least 1 of the child’s parents.

(i) Facilities for Families With Children.—For purposes of this subtitle, families shall be considered as a unit.

(h) Placement in Nonpunitive Facilities.—In developing detention facilities in Broward County, Florida, and Berks County, Pennsylvania; (2) to the extent practicable, ensure that special detention facilities are specifically designed to house parents with their minor children, including ensuring that—

(1) procedures and conditions of detention are appropriate for families with minor children; and

(2) children and sleeping quarters for children under 14 years of age are not physically separated from at least 1 of the child’s parents.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS; EFFECTIVE DATE.

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

(b) EFFECTIVE DATE.—This subtitle and the amendments made by this subtitle shall become effective on the date of enactment of this Act.

A24MY6 274 19 07...
SA 1194. Mr. MENENDEZ (for himself Mr. HAGEL, Mr. DURBIN, Mrs. CLYBON, Mr. DODD, Mr. OBAMA, Mr. AKAKA, Mr. LAUTENBERG, and Mr. INOUYE) submitted an amendment intended to be proposed to amendment SA 1150 proposed by Mr. REID (for Mr. KENNEDY) to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; as follows:

In paragraph (1) of subsection (c) of the quoted matter under section 503(c)(3), strike "567,000" and insert "137,500".

In the fourth item contained in the second column of the row relating to extended family of the table contained in subparagraph (A) of paragraph (1) of the quoted matter under section 502(b)(1), strike "May 1, 2005" and insert "January 1, 2007".

In paragraph (3) of the quoted matter under section 503(c)(3), strike "440,000" and insert "235,500".

In subparagraph (A) of paragraph (3) of the quoted matter under section 503(c)(3), strike "70,400" and insert "88,000".

In subparagraph (B) of paragraph (3) of the quoted matter under section 503(c)(3), strike "110,000" and insert "137,500".

In subparagraph (C) of paragraph (3) of the quoted matter under section 503(c)(3), strike "70,400" and insert "88,000".

In subparagraph (D) of paragraph (3) of the quoted matter under section 503(c)(3), strike "189,200" and insert "235,500".

In paragraph (2) of section 503(e), strike "May 1, 2005" each place it appears and insert "January 1, 2007".

In paragraph (1) of section 503(f), strike "May 1, 2005" and insert "January 1, 2007".

In paragraph (6) of the quoted matter under section 503(f), strike "May 1, 2005" and insert "January 1, 2007".

In paragraph (5) of section 602(a), strike "May 1, 2005" and insert "January 1, 2007".

In subparagraph (A) of section 214A(j)(7) of the quoted matter under section 214A(II), strike "May 1, 2005" and insert "January 1, 2007".

SA 1195. Mr. ENSIGN (for himself and Mr. THOMAS) submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Strike section 607 and insert the following:

SEC. 607. PRECLUSION OF SOCIAL SECURITY CREDITS PRIOR TO ENUMERATION.

(a) INSURED STATUTES.—Section 214 of the Social Security Act (42 U.S.C. 414) is amended by adding at the end the following new subsection:

"(d)(1) Except as provided in paragraph (2), no quarter of coverage shall be credited for purposes of this section if, with respect to any individual who is assigned a social security account number after the date of enactment of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, such quarter of coverage is earned prior to the year in which such social security account number is assigned.

(2) Paragraph (1) shall not apply with respect to any quarter of coverage earned by an individual who, at such time such quarter of coverage is earned, satisfies the criteria specified in subsection (c)(2).

(b) BENEFIT COMPUTATION.—Section 215(e) of such Act (42 U.S.C. 415(e)) is amended by—

(1) by striking "and" at the end of paragraph (1); and

(2) by striking the period at the end of paragraph (2) and inserting "; and"; and

(3) by adding at the end of the following paragraph:

"(3) In computing the average indexed monthly earnings of an individual who is assigned a social security account number after the date of enactment of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, such quarter of coverage shall be credited to such individual as a result of the application of section 214(d)."

SA 1196. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

SEC. 5. CUSTOMS AND BORDER PATROL MANPOWER FLEXIBILITY.

Notwithstanding any other provision of law, the Commissioner of U.S. Customs and Border Patrol may employ, appoint, discipline, terminate, and fix the compensation, terms, and conditions of employment of Federal service for such a number of individuals as the Commissioner determines to be necessary to carry out the functions of the U.S. Customs and Border Patrol. The Commissioner shall establish levels of compensation and other benefits for individuals so employed.

SA 1197. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of subsection (e) of section 601, add the following:

"(9) HEALTH CARE.—The alien shall establish a health care plan which establishes a minimum level of health coverage through a qualified health care plan (within the meaning of section 222(c) of the Internal Revenue Code of 1986).

SA 1198. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of title IV, insert the following:

SEC. 427. REPORT ON Y NONIMMIGRANT VISAS.

(b) TIMING OF REPORTS.

(1) INITIAL REPORT.—The initial report required under subsection (a) shall be submitted to Congress not later than 1 year after the date on which the Secretary of Homeland Security makes the certification described in section 1(a) of this Act.

(2) SUBSEQUENT REPORTS.—Following the submission of the initial report under paragraph (1), each subsequent report required under subsection (a) shall be submitted to Congress not later than 60 days after the end of each calendar year.

SEC. 428. REQUIRED ACTION.

Based upon the findings in the reports required under subsection (a), the Secretary, for the following calendar year, shall reduce the number of available Y nonimmigrant visas which is equal to the number of Y nonimmigrant visa holders who do not return to their foreign residence. The number required under section 218A(i)(3) of the Immigration and Nationality Act, as added by section 402 of this Act.

SA 1199. Mr. DODD (for himself and Mr. MENENDEZ) proposed an amendment to amendment SA 1150 proposed by Mr. REID (for himself and Mr. SPECTER) to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; as follows:

Beginning on page 270, line 15, strike "not to exceed 40,000" and all that follows through "Y-1 nonimmigrant status terminated," on page 298, lines 1 and 2, and insert the following:

"not to exceed 90,000, plus any visas not required for the classes specified in paragraph (3), or"

(2) By striking paragraph (2) and inserting the following:

"(2) Spouses or children of an alien lawfully admitted for permanent residence or a national. Qualified immigrants who are the spouses or children of an alien lawfully admitted for permanent residence or a noncitizen of the United States who is a qualified immigrant under section 101(a)(22) of the Immigration and Nationality Act, as defined in section 101(a)(22)(B) of this Act who is resident in the United States shall be allocated visas in a number not to exceed 87,000, plus any visas not required for the class specified in paragraph (1)."

(3) By striking paragraph (3) and inserting the following:

"(3) Family-sponsored immigrants who are beneficiaries of family-based visa petitions filed before May 1, 2005. Immigrant visas totaling 40,000 shall be allotted visas as follows:

"(A) Qualified immigrants who are the unmarried sons or daughters of citizens of the United States shall be allocated visas totaling 70,400 immigrant visas, plus any visas not required for the class specified in (D).

(B) Qualified immigrants who are the unmarried sons or daughters of an alien lawfully admitted for permanent residence, shall be allocated visas totaling 110,000 immigrant visas, plus any visas not required for the class specified in (A)."

Qualified immigrants are the married sons or married daughters of citizens of the United States shall be allocated by
visas totaling 70,400 immigrant visas, plus any visas not required for the class specified in (A) and (B).

(D) Qualified immigrants who are the brothers, sisters, and/or children of U.S. citizens or permanent residents, if such citizens or permanent residents are at least 21 years of age, shall be allocated visas totaling 188,200 immigrant visas, plus any visas not required for the class specified in (A), (B), and (C).

(4) By striking paragraph (4).

(5) In paragraph (4), the numbers (3), (4), (7), and (8) in the table in section 203(a)(4)(A) of the Immigration and Nationality Act (8 U.S.C. 1151(a)(4)(A)) is amended by striking "10" and inserting "20".

(6) In section 203(b)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)) is amended by striking "10" and inserting "20".

(7) In section 203(b)(2)(B) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(B)) is amended by striking "10" and inserting "20".

(8) In section 212(d)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(3)(B)) is amended by striking "20" and inserting "40".

(9) In section 201(b)(2)(D) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(D)) is amended by striking "20" and inserting "40".

(10) In section 204(a)(15)(A) of the Immigration and Nationality Act (8 U.S.C. 1151) is amended by striking "10" and inserting "20".

(11) In section 204(a)(15)(B) of the Immigration and Nationality Act (8 U.S.C. 1151) is amended by striking "10" and inserting "20".

SEC. 504. CREATION OF PROCESS FOR IMMIGRATION OF FAMILY MEMBERS IN HARDSHIP CASES.

(a) In general.—Immigrant visas under this section may not exceed 5,000 per fiscal year.

(b) Determination of eligibility.—The Secretary of Homeland Security shall establish procedures by which the alien described in clause (1) of section 203(a) (1), (2), (3), or (4) of the Immigration and Nationality Act (as such provisions existed prior to the enactment of this section) may be the basis of an immigrant visa for an alien who satisfies the following qualifications:

(1) Family relationship—Visas under this section will be given to aliens who are:

(A) the unmarried sons or the unmarried daughters of citizens of the United States;

(B) the married sons or the married daughters of citizens of the United States;

(C) the married sons or married daughters of citizens of the United States; or

(D) the brothers or sisters of citizens of the United States.

(2) Necessary hardship.—The petitioner must demonstrate to the satisfaction of the Secretary of Homeland Security that the lack of an immigrant visa under this clause would result in extreme hardship to the petitioner or the beneficiary that cannot be relieved by temporary visits as a non-immigrant.

(3) Delinquency to immigrate through other means.—The alien described in clause (1) must be ineligible to immigrate or adjust status through other means, including but not limited to obtaining an immigrant visa filed under section 214(b)(2)(A) or section 203(a)(5) or (6) of this Act, and obtaining cancellation of removal under section 240(a)(1) of this Act. A determination under this section that an alien is ineligible to immigrate through other means does not foreclose or restrict any later determination on the question of eligibility by the Secretary of Homeland Security or the Attorney General.

(c) Processing of applications.—

(1) An alien selected for an immigrant visa pursuant to this section shall remain eligible to receive such visa only if the alien files an application for an immigrant visa or an application for adjustment of status within the period of availability, or at such reasonable time as the Secretary may specify after the end of the fiscal year for petitions approved in the last quarter of the fiscal year.

(2) All petitions for an immigrant visa under this section shall automatically terminate if not granted within the fiscal year in which they were filed. The Secretary may in his discretion establish such reasonable application period or other procedures for determining whether an alien applicant is entitled to an immigrant visa as may be necessary in order to ensure their orderly processing within the fiscal year of filing.

(3) The Secretary may reserve up to 2,500 of the immigrant visas for this section for approval in the period between March 31 and September 30 of a fiscal year.

(d) Decisions whether an alien qualifies for an immigrant visa under this section are in the unreviewable discretion of the Secretary.

SEC. 505. ELIMINATION OF DIVERSITY VISA PROGRAM.

(a) Section 203 of the Immigration and Nationality Act (8 U.S.C. 1151) is amended—

(1) by inserting “and” at the end of paragraph (1);

(B) by striking “;” and at the end of paragraph (2) and inserting a period; and

(C) by striking paragraph (3);

(b) Section 203 of the Immigration and Nationality Act (8 U.S.C. 1151) is amended—

(1) by striking subsection (a) and redesignating paragraph (2) as paragraph (1);

(2) in subsection (b), by striking “(a), (b), or (c)” and inserting “(a) or (b)”;

(3) in subsection (e), by striking paragraph (2) and redesignating paragraph (3) as paragraph (2);

(4) in subsection (f), by striking “(a), (b), or (c)” and inserting “(a) or (b)”;

(c) Section 204 of the Immigration and Nationality Act (8 U.S.C. 1151) is amended—

(1) by striking subsection (a) and redesignating paragraph (2) as paragraph (1);

(2) in subsection (b), by striking “(a), (b), or (c)” and inserting “(a) or (b)”;

(3) in subsection (e), by striking paragraph (2) and redesignating paragraph (3) as paragraph (2); and

(4) in subsection (f), by striking “(a), (b), or (c)” and inserting “(a) or (b)”.

(d) Repeal of Temporary Reduction in Visas for Other Workers.—Section 203(e) of the Nicaraguan Adjustment and Central American Relief Act, as amended (Public Law 105-100; 8 U.S.C. 1153 note), is repealed.

(e) Effective date.—The amendments made by this section shall take effect on October 1, 2003.

(f) Conforming Amendments.—Section 203 of the Immigration and Nationality Act (8 U.S.C. 1151) is amended by redesignating paragraphs (d), (e), (f), (g), and (h) as paragraphs (c), (d), (e), (f), and respectively.

SEC. 506. FAMILY VISITOR VISA PROGRAM.

(a) Section 101(a)(15)(B) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(B)) is amended to read as follows:

“(B) an alien (other than one coming for the purpose of studying in full-time educational or academic programs), skilled or unskilled labor or as a representative of foreign press, radio, film, or other foreign information media coming to engage in such vocation having a residence in a foreign country which he or she has no intention of abandoning and who is visiting the United States temporarily for business or temporarily for pleasure, the requirement that the alien have a residence in a foreign country which the alien has no intention of abandoning shall not apply to an alien described in this paragraph who is seeking to enter as a temporary visitor for pleasure;”.

(b) Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended by adding at the end the following new subsection:

“(e) Parent Visitor Visa.—
“(1) IN GENERAL.—The parent of a United States citizen at least 21 years of age, or the spouse or child of an alien in nonimmigrant status under 101(a)(15)(Y)(i), demonstrating satisfaction of the requirements of this subsection may be granted a renewable nonimmigrant visa valid for 3 years for a visit or visits for an aggregate period not in excess of 180 days if the alien overstays the authorized period of admission under 101(a)(15)(B) as a temporary visitor for pleasure.

“(2) REQUIREMENTS.—An alien seeking a nonimmigrant visa under this subsection must demonstrate through presentation of such documentation as the Secretary may by regulation prescribe that:

“(A) the alien’s United States citizen son or daughter who is at least 21 years of age or the alien’s spouse or parent in nonimmigrant status under 101(a)(15)(Y)(i) is sponsoring the alien’s visit to the United States;

“(B) the sponsoring United States citizen, or spouse or parent in nonimmigrant status under 101(a)(15)(Y)(i), has, according to such procedures as the Secretary may by regulations prescribe, posted on behalf of the alien a bond in the amount of $1,000, which shall be forfeited if the alien overstays the authorized period of admission (except as provided in subparagraph (5)(B) or otherwise violates the terms and conditions of his or her nonimmigrant status;

“(C) the alien, the sponsoring United States citizen son or daughter, or the spouse or parent in nonimmigrant status under 101(a)(15)(Y)(i) of the alien has demonstrated financial means to return the alien to his or her country of residence.

“(3) TERMS AND CONDITIONS.—An alien admitted as a visitor for pleasure under the provisions of this subsection—

“(A) may not stay in the United States for an aggregate period in excess of 180 days within any calendar year unless an extension of stay is granted upon the specific approval of the district director for good cause;

“(B) must, according to such procedures as the Secretary may by regulations prescribe, register with the Secretary upon departure from the United States; and

“(C) may not be issued employment authorization by the Secretary or be employed.

“(4) PERMANENT BARS FOR OVERSTAYS.—

“(A) IN GENERAL.—Any alien admitted as a visitor for pleasure under the terms and conditions of this subsection who remains in the United States beyond his or her authorized period of admission for 90 days or more is permanently barred from any future immigration benefits under the immigration laws, except—

“(i) asylum under section 208(a); or

“(ii) withholding of removal under section 241(b)(3); or

“(iii) protection under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984.

“(B) EXCEPTION.—Overstay of the authorized period of admission granted to aliens admitted as a visitor for pleasure under the terms and conditions of this subsection may be excused in the discretion of the Secretary where it is demonstrated that:

“(i) the period of overstay was due to extraordinary circumstances beyond the control of the applicant, and the Secretary finds the period commensurate with the circumstances; and

“(ii) the alien has not otherwise violated his or her nonimmigrant status.

“(5) BAR ON SPONSOR OF OVERSTAY.—The United States citizen son or Y-1 nonimmigrant sponsor of an alien—

“(A) admitted as a visitor for pleasure under the terms and conditions of this subsection;

“(B) who remains in the United States beyond his or her authorized period of admission, shall be permanently barred from sponsoring that alien for admission as a visitor for pleasure under the terms and conditions of this subsection, and, in the case of a Y-1 nonimmigrant sponsor of an alien who has his Y-1 nonimmigrant status terminated.

SA 1200. Mr. GREGG submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

“Strike subsection (c) of section 428 and all that follows through subsection (d) of section 420, and insert the following:

“(c) GRANTING DUAL INTENT TO CERTAIN NONIMMIGRANTS.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1114(b)) is amended—

“(1) by striking ‘‘(B)(i)(b) or (c),’’ and inserting ‘‘(F)(iv), (H)(1)(b), (H)(1(c),’’; and

“(2) by striking ‘‘if the alien had obtained a change of status’’ and inserting ‘‘if the alien had been admitted as, provided status as or, obtained a change of status’’

SEC. 419. H-1B STREAMLINING AND SIMPLIFICATION.

(a) H-1B AMENDMENTS.—

(1) IN GENERAL.—Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1114(g)) is amended—

“(A) in paragraph (1)(A), by striking clauses (i) through (vii) and inserting the following:

‘‘(i) 150,000 in fiscal year 2008;

“(ii) in any subsequent fiscal year, subject to clause (i);

“(iii) protection under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984.

“(B) in paragraph (6), as redesignated by section 409—

“(i) in subparagraph (B), by striking ‘‘; or’’ and inserting ‘‘and’’;

“(ii) in subparagraph (C), by striking ‘‘Until the number of aliens who are exempted from such numerical limitation during such fiscal year exceeds 20,000,’’ inserting ‘‘; or’’;

“(iii) by striking ‘‘The annual numerical limitations described in clause (i) shall not apply to’’ and replacing with ‘‘The annual numerical limitations described in clause (i), the Secretary may issue a visa, or otherwise grant nonimmigrant status pursuant to section 101(a)(15)(H)(i)(b) in the following quantities;’’ and

“(A) by striking clause (iv); and

“(B) by striking subparagraph (D).

(2) APPLICABILITY.—The amendments made by paragraph (1)(B) shall apply with respect to any petition or visa application filed on or after the date of the enactment of this Act and to any petition or visa application filed on or after such date of enactment.

(b) PROVISION OF W-2 FORMS.—Section 214(c) of the Immigration and Nationality Act (8 U.S.C. 1114(c)) is amended—

“(1) by striking paragraph (5), as redesignated by section 409, and inserting—

“(A) paragraph (3); and

“(B) paragraph (4), as redesignated by section 409, and inserting—

“(A) in subparagraph (B), by striking ‘‘; or’’ and inserting ‘‘and’’;

“(B) in subparagraph (C), by striking ‘‘Until the number of aliens who are exempted from such numerical limitation during such fiscal year exceeds 20,000,’’ inserting ‘‘; or’’;

“(C) by striking ‘‘The annual numerical limitations described in clause (i),’’ inserting ‘‘and’’;

“(D) by striking clause (iv); and

“(E) by striking subparagraph (D).

(2) APPLICABILITY.—The amendments made by paragraph (1)(B) shall apply with respect to any petition or visa application filed on or after the date of the enactment of this Act and to any petition or visa application filed on or after such date of enactment.

SEC. 420. H-1B EMPLOYER REQUIREMENTS.

(a) NONDISPLACEMENT REQUIREMENT.—

(1) EXISTING TIME PERIOD FOR NONDISPLACEMENT.—Section 212(n) of the Immigration and Nationality Act (8 U.S.C. 1153(n)) is amended—

“(A) in paragraph (1)—

“(i) in subparagraph (B), by striking ‘‘90 days’’ each place it appears and inserting ‘‘90 days’’; and

“(ii) in subparagraph (F)(ii), by striking ‘‘90 days’’ each place it appears and inserting ‘‘180 days’’;

“(B) in paragraph (2)(C)(iii), by striking ‘‘90 days’’ each place it appears and inserting ‘‘180 days’’;

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) apply to applications filed on or after the date of the enactment of this Act; and

(B) shall not apply to displacements for periods occurring more than 90 days before such date.

(h) H-1B NONIMMIGRANTS NOT ADMITTED FOR JOBS ADVERTISED OR OFFERED ONLY TO
H-1B NONIMMIGRANTS.—Section 212(a)(1) of such Act, as amended by this section, is further amended—
(1) by inserting after subparagraph (G) the following:

"(H) The employer has not advertised the available jobs specified in the application in an advertisement that states or indicates that—

"(i) the job or jobs are only available to persons who are or who may become H-1B nonimmigrants; or

"(ii) persons who are or who may become H-1B nonimmigrants shall receive priority or a preference in the hiring process.

(ii) The employer has not only recruited persons who may become H-1B nonimmigrants to fill the job or jobs;"

and

(2) in the flush text at the end, by striking "the employer" and inserting the following:

"If such presumption is overcome by a preponderance of evidence.

"If the employer employs not less than 50 employees in the United States, not more than 30% of such persons are H-1B nonimmigrants.

SA 1201. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; as follows:

At the end of subtitle A of title VII, insert the following:

SEC. 704. LOSS OF NATIONALITY.
(a) In General.—Section 349(a)(3) (8 U.S.C. 1418(a)(3)) is amended to read as follows:

"(3) If the alien described in paragraph (1) is a former member of the armed forces of a foreign state—

"(A) such armed forces are engaged in, or attempt to engage in, hostilities or acts of terrorism against the United States; or

"(B) such person is serving or has served as a general officer in the armed forces of a foreign state; or

(b) Special Rule and Definitions.—Such section 349 is amended by adding at the end the following new subsections:

"(c) By a Foreign State.—The term ‘armed forces of a foreign state’ includes any armed band, militia, organized force, or other group that is engaged in, or attempts to engage in, hostilities against the United States or terrorism.

"(d) Foreign State.—The term ‘foreign state’ includes any group or organization (including any recognized or unrecognized quasi-government entity) that is engaged in, or attempts to engage in, hostilities against the United States or terrorism.

(c) Special Rule and Definitions.—Such section 349 is amended by adding at the end the following new subsections:

"(c) By a Foreign State.—The term ‘armed forces of a foreign state’ includes any armed band, militia, organized force, or other group that is engaged in, or attempts to engage in, hostilities against the United States or terrorism.

"(d) Foreign State.—The term ‘foreign state’ includes any group or organization (including any recognized or unrecognized quasi-government entity) that is engaged in, or attempts to engage in, hostilities against the United States or terrorism.

SA 1202. Mr. OBAMA (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, insert the following:

SEC. 509. TERMINATION.
(a) In General.—The amendments described in subsection (b) shall be effective during the 5-year period ending on September 30 of the fifth fiscal year following the fiscal year in which this Act is enacted.

(b) PROVISIONS.—The amendments described in this subsection are the following:

(1) The amendments made by subsections (a) and (b) of section 501.

(2) The amendments made by subsections (b), (c), and (e) of section 502.

(3) The amendments made by subsections (a), (b), (c), (d), and (g) of section 503.

(4) The amendments made by subsection (a) of section 504.

(c) WORLDWIDE LEVEL OF EMPLOYMENT-BASED IMMIGRANTS.—

(1) TEMPORARY SUPPLEMENTAL ALLOCATION.—Section 201(d) (8 U.S.C. 151(d)) is amended by adding at the end the following new paragraphs:

"(3) TEMPORARY SUPPLEMENTAL ALLOCATION.—In the fiscal year in which aliens described in section 101(a)(15)(Z) are eligible for an immigrant visa, the number calculated pursuant to section 503(f)(2) of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007 shall be considered to be an alien with respect to whom there are reasonable grounds for regarding the alien as a danger to the security of the United States;

and

(4) the unauthorized alien is described in section 212(a)(3)(B)(i) or section 212(a)(3)(F), unless, in the case of an alien described in subsection (a)(1), is determined to be inadmissible under section 212(a)(3)(B)(i)(IX) and the Secretary of Homeland Security has not, at any time, without reasonable cause failed or refused to attend or remain in attendance at a proceeding to determine the alien’s inadmissibility or deportability.

"(e) EFFECTIVE DATE.—The amendment made by paragraph (1) shall be effective on October 1 of the sixth fiscal year following the fiscal year in which this Act is enacted.

SEC. 1203. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

SEC. 2. REMOVAL AND DENIAL OF BENEFITS TO TERRORIST ALIENS.
(a) ASYLUM.—Section 208(b)(2)(A) (8 U.S.C. 1158(b)(2)(A)) is amended—

(1) by inserting after subparagraph (A) of such section the following:

"(B) the Secretary of Homeland Security after "if the Attorney General;" and

(2) by amending clause (v) to read as follows:

"(v) the alien is described in section 212(a)(3)(B)(i) or section 212(a)(3)(F), unless, in the case of an alien described in section 212(a)(3)(B)(i)(IX), the Secretary of Homeland Security or the Attorney General determines, in the discretion of the Secretary or the Attorney General, that there are reasonable grounds for regarding the alien as a danger to the security of the United States; or


(c) CANCELLATION OF REMOVAL.—Section 209(a)(4) (8 U.S.C. 1229a(c)(4)) is amended by adding—

(1) by striking "inadmissible under" and inserting "described in;" and

(2) by striking "deportable under" and inserting "described in;"

(d) VOLUNTARY DEPARTURE.—Section 236(b)(1)(C) (8 U.S.C. 1225b(c)(1)(C)) is amended by striking "deportable under" and inserting "described in paragraph (2)(A)(iii) or (4) of section 237(a)."

(e) RESTRICTION ON REMOVAL.—Section 241(b)(4)(B) (8 U.S.C. 1231(b)(4)(B)) is amended—

(1) by inserting "the Secretary of Homeland Security" after "Attorney General" each place such term appears; and

(2) in clause (ii), by striking "or the" at the end; and

(3) in clause (iv), by striking the period at the end and inserting "; or;"

(4) by inserting after clause (iv) the following:

"(v) the alien is described in section 212(a)(3)(B)(i) or section 212(a)(3)(F), unless, in the case of an alien described in subsection (a)(1) of section 237(a)(2)(A)(iii) or section 237(a)(4), shall be considered to be an alien with respect to whom there are reasonable grounds for regarding the alien as a danger to the security of the United States; and

(5) in the undesignated matter at the end, by striking "For purposes of clause (iv), an alien who is described in section 237(a)(4)(B) shall be considered to be an alien with respect to whom there are reasonable grounds for regarding as a danger to the security of the United States:" and

SEC. 249. RECORD OF ADMISSION.—Section 249 (8 U.S.C. 1259) is amended to read as follows:

SEC. 249. RECORD OF ADMISSION FOR PERMANENT INHABITANTS OF CERTAIN ALIENS WHO ENTERED THE UNITED STATES BEFORE JULY 1, 1924 OR JANUARY 1, 1903.

"(a) IN GENERAL.—The Secretary of Homeland Security, in the discretion of the Secretary and under such regulations as the Secretary may prescribe, may enter a record of lawful admission for permanent residence in the case of any alien, if no such record is otherwise available and the alien—

(1) entered the United States before January 1, 1972.

(2) has continuously resided in the United States since such entry;

(3) has been a person of good moral character since such entry;

(4) is not ineligible for citizenship; and

(5) is not described in section 212(a)(3)(A)(iv), 212(a)(3), 212(a)(6)(C), 212(a)(6)(E), or 212(a)(8); and

"(b) EFFECTIVE DATE.—A recordation under subsection (a) shall be effective—

(1) as of the date of approval of the application; or

(2) if such entry occurred before July 1, 1924, as of the date of such entry.
manding, inducing, or soliciting the commis-
sion of a felony described in this paragraph, or aiding,
inserting at the end the following:
(1) take effect on the date of the enactment of
this Act; and
(2) apply to any act that occurred before,
on, or after such date of enactment.

SA 1205. Mr. CORNYN submitted an
amendment intended to be proposed
by him to the bill S. 1348, to provide for
comprehensive immigration reform
and to other purposes; which was or-
dered to lie on the table; as follows:

Strike section 203 and insert the following:

SEC. 203. AGGRAVATED FELONY.
(a) DEFINITION OF AGGRAVATED FELONY.—
Section 101(a)(43) (8 U.S.C. 1101(a)(43)) is amended—
(1) by striking “The term ‘aggravated fel-
ony’ means— and inserting “Notwith-
standing section 312(a) of the Immigration
Act of 1990 (8 U.S.C. 1101(a)(43)), the term
‘aggravated felony’ applies to an of-
fense described in this paragraph, whether in
violation of Federal or State law, or in viola-
tion of the criminal law of a country for
which the term of imprisonment was completed
within the previous 15 years, even if the
length of the term of imprisonment for the
offense is based on recidivist or other en-
hancements, and regardless of whether the
conviction was entered before, on, or after
September 30, 1990, and means—”;
(2) by inserting “, by striking “mur-
der, rape, or sexual abuse of a minor;” and
inserting “murder, rape, or sexual abuse of
a minor, whether or not the minority of
the victim was determined because the
offense was a minor) for which comple-
tion of the term of imprisonment or the sen-
ence (whichever is later) occurred 10 or
more years before the date of application”; and
(3) in subparagraph (B), by striking “as de-
defined in subsection (a)(43)”;
(4) in subparagraph (O), by striking “sec-
tion 275(a) or 276 committed by an alien who
was previously deported on the basis of a
conviction described in another subpara-
graph of this paragraph” and inserting “section 275 or 276 for which the
term of imprisonment is at least 1 year”; and
(5) in subparagraph (U), by striking “an
attempt or conspiracy to commit an offense
described in this paragraph” and inserting “at-
tempting or conspiring to commit an of-
fense described in this paragraph, or aiding,
abetting, counseling, procuring, com-
manding, inducing, or soliciting the commis-
sion of such an offense.”;
and
(b) UNLISTED OFFENSES.—Section 101(a)(48) (8 U.S.C. 1101(a)(48)) is amended by adding at the end the following:
“(C) Any reversal, vacatur, expungement,
or modification of a conviction, sentence,
or conviction record that was granted to a-
nerate the consequences of the conviction,
sentence, or conviction record, or was grant-
ded for rehabilitative purposes, or for failure
to advise the alien of the immigra-
tion consequences of a guilty plea or a deter-
mination of guilt.”.
(c) EFFECTIVE DATE.—The amendments
made by subsections (a) and (b) shall take ef-
flect on the date of the enactment of this Act,
shall apply to any act that occurred before,
on, or after the date of enactment.

SA 1204. Mr. CORNYN submitted an
amendment intended to be proposed
by him to the bill S. 1348, to provide for
comprehensive immigration reform
and to other purposes; which was or-
dered to lie on the table; as follows:

In title II, insert after section 203 the fol-
lowing:

SEC. 204. TERRORIST BAR TO GOOD MORAL
CHARACTER.—(a) DEFINITION OF GOOD MORAL
CHARACTER.—Section 101(f) (8 U.S.C. 1101(f)) is amended—
(1) by inserting after paragraph (1) the fol-
lowing:—
“(2) one who the Secretary of Homeland
Security or the Attorney General deter-
mines, in the unequivocal discretion of the
Secretary or the Attorney General, to have
been at any time an alien described in sec-
tion 212(a)(3) or 237(a)(4), which determina-
tion may be based upon any relevant infor-
mation or evidence, including classified, sen-
sitive, or national security information; and
“(B) shall be binding upon any court re-
gardless of the applicable standard of re-
view;”;
(2) in paragraph (8), by inserting “,” regard-
less whether the crime was classified as an
aggravated felony at the time of conviction,
regardless that the Secretary of Homeland
Security or Attorney General may in
the unequivocal discretion of the Secretary or
the Attorney General, determine that this
paragraph shall not apply in the case of a
single aggravated felony conviction (other
than murder, manslaughter, homicide, rape,
or any sex offense when the victim of such
offense was a minor) for which comple-
tion of the term of imprisonment or the sen-
ence (whichever is later) occurred 10 or
more years before the date of application;” after “(as defined in subsection (a)(43))”;
(3) by striking the first sentence of the
flash language after paragraph (9) and insert-
ing the following:—
“The fact that any person is not within any of
the foregoing classes shall not preclude a
petitioner that could directly or indi-
directly result in the petitioner’s denatural-
ization or the loss of the petitioner’s lawful
permanent resident status.”.

(3) PENDING DENATIONALIZATION OR REMOVAL
PROCEEDINGS.—Section 204(b) (8 U.S.C.
1101(b)) is amended at the end of the
paragraph, by striking “or any other
benefit or relief, or any other
application for naturalization, regard- less of
the applicable standard of review.”.

(4) CONCURRENT NATURALIZATION OR REMOVAL
PROCEEDINGS.—Section 318 (8 U.S.C.
1120a) is amended by striking “: and no appli-
cation” and all that follows inserting the
following:—
“No application for natu-
ralization shall be considered by the Sec-
retary of Homeland Security or by any court
if there is pending against the applicant any
removal proceeding or other proceeding to
determine the applicant’s deportability, or
to determine whether the applicant’s lawful
permanent resident status should be rescinded, regardless of when such
proceeding was commenced. The findings
of the Attorney General in terminating re-
moval proceedings or in canceling the re-
moval of an alien under this Act shall not
be binding in any way upon the Secretary of
Homeland Security with respect to the ques-
tion of whether such person has established
eligibility for naturalization under this title.”.

(5) CONDITIONAL PERMANENT RESIDENCE—
Section 335 before the end of the
subsection.

SEC. 5504 of the Intelligence
 Reform and Terrorism
 Preven-
tion Act of 2004. The amendments
made by this Act shall apply to any application for naturalization or
any other benefit or relief, or any other
matter under the immigration laws pending on or filed after the date of enact-
ment of this Act. “Amended by subsection (c) shall take effect as if included
in the Intelligence Reform and Terrorism

(e) NATURALIZATION OF PERSONS ENDAN-
GERING NATIONAL SECURITY.

(1) IN GENERAL.—Section 316 (8 U.S.C.
1127) is amended by adding at the end the fol-
lowing:—
“(g) PERSONS ENDANGERING NATIONAL
SECURITY.—No person may be naturalized if the
Secretary of Homeland Security determines,
in the discretion of the Secretary, to have
been at any time an alien described in sec-
tion 212(a)(3) or 237(a)(4). Such determination may be based upon any relevant information
or evidence, including classified, sensitive,
or national security information, and shall
be binding upon, and unreviewable by, any
application for naturalization, regard-
less of the applicable standard of review.”.

SEC. 316. INTELLIGENCE REFORM AND TERRORISM
PREVENTION ACT OF 2004.—Section 509(b) of
the Intelligence Reform and Terrorism
Prevention Act of 2004 (Public Law 108-458)
is amended by striking “the Secretary of
Homeland Security with respect to the ques-
tion of whether the applicant’s lawful
permanent resident status should be rescinded, regardless of when such
proceeding was commenced. The findings
of the Attorney General in terminating re-
moval proceedings or in canceling the re-
moval of an alien under this Act shall not
be binding in any way upon the Secretary of
Homeland Security with respect to the ques-
tion of whether such person has established
eligibility for naturalization under this title.”.

(b) REQUEST FOR HEARING BEFORE DIS-
TRICT COURT.—If there is a failure to render
a final administrative decision under section
335 before the end of the

180-day period at the end of each subsection.

(b) REQUEST FOR HEARING BEFORE DIS-
TRICT COURT.—If there is a failure to render
a final administrative decision under section
335 before the end of the

180-day period at the end of each subsection.

(b) REQUEST FOR HEARING BEFORE DIS-
TRICT COURT.—If there is a failure to render
a final administrative decision under section
335 before the end of the

180-day period at the end of each subsection.

(b) REQUEST FOR HEARING BEFORE DIS-
TRICT COURT.—If there is a failure to render
a final administrative decision under section
335 before the end of the

180-day period at the end of each subsection.

(b) REQUEST FOR HEARING BEFORE DIS-
TRICT COURT.—If there is a failure to render
a final administrative decision under section
335 before the end of the

180-day period at the end of each subsection.

(b) REQUEST FOR HEARING BEFORE DIS-
TRICT COURT.—If there is a failure to render
a final administrative decision under section
335 before the end of the

180-day period at the end of each subsection.

(b) REQUEST FOR HEARING BEFORE DIS-
TRICT COURT.—If there is a failure to render
a final administrative decision under section
335 before the end of the

180-day period at the end of each subsection.
the matter. Such court shall only have jurisdiction to review the basis for delay and request the matter to the Secretary of Homeland Security for the Secretary’s determination on the Section. The decision of the Secretary is final. (6) CONFORMING AMENDMENT.—Section 310(c) (8 U.S.C. 1212(c)) is amended—(A) by inserting “212(a)”, not later than 120 days after the Homeland Security’s final determination,” before “seek” and (B) by striking the second sentence and inserting the following: “The burden shall be upon the petitioner to show that the Secretary’s denial of the application was not supported by facially legitimate and bona fide reasons. Except in a proceeding under section 321 of such title, no court shall have jurisdiction to determine, or to review a determination of the Secretary made at any time regarding, whether, for purposes of an application for legalization, an alien—’’(1) is a person of good moral character;’’(2) understands and is attached to the principles of the Constitution of the United States;’’ and(3) is well disposed to the good order and happiness of the United States.’’.

(b) EFFECTIVE DATE.—The amendments made by this section—(A) shall take effect on the date of the enactment of this Act; (B) shall apply to any act that occurred before, on, or after such date of enactment; and (C) shall apply to any application for naturalization or any other case or matter under the immigration laws of the United States that is pending on, or filed after, such date of enactment.

SA 1206. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___ USE OF 1986 IRC A LEGALIZATION INFORMATION FOR NATIONAL SECURITY PURPOSES.

(a) SPECIAL AGRICULTURAL WORKERS.—Section 210(b)(6) (8 U.S.C. 1168(b)(6)) is amended—(1) by striking “Attorney General” each place such term appears and inserting “Secretary of Homeland Security”;(2) in subparagraph (A), by striking “Secretary” and inserting “Homeland Security”; and(3) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively;

(b) ADJUSTMENT OF STATUS UNDER THE IMMIGRATION REFORM AND CONTROL ACT OF 1986.—Section 245A(c)(5) (8 U.S.C. 1255a(c)(5)) is amended—(1) by striking “Attorney General” each place such term appears and inserting “Secretary of Homeland Security”;(2) in subparagraph (A), by striking “Justice” and inserting “Homeland Security” and(3) by amending subparagraph (C) to read as follows:’’(C) AUTHORIZED DISCLOSURES.—(1) The Secretary of Homeland Security may provide, in the discretion of the Secretary, information furnished under this section to support any investigation, case, or matter, for any purpose, relating to terrorism, national intelligence, or the national security:’’ and(4) in subparagraph (D), by striking “Service” and inserting “Department of Homeland Security”.

SA 1207. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___ DEFINITION OF RACKETEERING ACTIVITY.

Section 1961(1) of title 18, United States Code, is amended by striking “section 1951” and all that follows through “section 1946 (relating to fraud and misuse of visas, permits, and other documents)” and inserting “sections 1951 through 1946 (relating to passport, visa, and immigration fraud)”.

SA 1208. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___ SANCTIONS FOR COUNTRIES THAT DELAY OR PREVENT REPATRIATION OF THEIR NATIONALS.

Section 234(d) (8 U.S.C. 1225(d)) is amended to read as follows:’’(d) DISCONTINUING GRANTING VISAS TO NATIONALS OF COUNTRIES THAT DENY OR DELAY ACCEPTING ALIENS.—Notwithstanding section 221(c), if the Secretary of Homeland Security determines that the government of a foreign country delays or unreasonably delays accepting aliens who are citizens, subjects, nationals, or residents of that country after the Secretary asks whether the government will accept aliens described in this section, or after a determination that the alien is inadmissible under paragraph (6) or (7) of section 212(a) of the Act—(1) the Secretary of State, upon notification from the Secretary of Homeland Security of such denial or delay to accept aliens under circumstances described in this section, or (2) the Attorney General, in any case involving a foreign country to discontinue granting immigrant visas, nonimmigrant visas, or both, to citizens, subjects, nationals, and residents of that country, may certify under section 212(a) of the Act that the Secretary of Homeland Security notifies the Secretary of State that the country has accepted the aliens;

“(2) the Secretary of Homeland Security may deny admission to any citizens, subjects, nationals, and residents from that country; and(3) the Secretary of Homeland Security may impose limitations, conditions, or additional fees on the issuance of visas or travel from that country and any other sanctions authorized by law.’’

SA 1209. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___ APPROPRIATE REMEDIES FOR IMMIGRATION LEGISLATION.

(a) LIMITATION ON CIVIL ACTIONS.—No court may certify a class under Rule 23 of the Federal Rules of Civil Procedure in any civil action filed after the date of the enactment of this Act pertaining to the administration or enforcement of the immigration laws of the United States.

(b) REQUIREMENTS FOR AN ORDER GRANTING PROSPECTIVE RELIEF AGAINST THE GOVERNMENT.—(1) In general.—If a court determines that prospective relief should be ordered against the Government in any civil action pertaining to the administration or enforcement of the immigration laws of the United States, the court shall—(A) limit the relief to the minimum necessary to correct the violation of law; (B) adopt the least intrusive means to correct the violation of law; and (C) minimize, to the greatest extent practicable, the adverse impact on national security, border security, immigration administration and enforcement, and public safety; and (D) provide for the expiration of the relief on a specific date, which allows for the minimum practical time needed to remedy the violation.

(b) REQUIREMENTS FOR AN ORDER GRANTING PROSPECTIVE RELIEF AGAINST THE GOVERNMENT.—(1) In general.—If a court determines that prospective relief should be ordered against the Government in any civil action pertaining to the administration or enforcement of the immigration laws of the United States, the court shall—(A) limit the relief to the minimum necessary to correct the violation of law; (B) adopt the least intrusive means to correct the violation of law; and (C) minimize, to the greatest extent practicable, the adverse impact on national security, border security, immigration administration and enforcement, and public safety; and (D) provide for the expiration of the relief on a specific date, which allows for the minimum practical time needed to remedy the violation.

(b) REQUIREMENTS FOR AN ORDER GRANTING PROSPECTIVE RELIEF AGAINST THE GOVERNMENT.—(1) In general.—If a court determines that prospective relief should be ordered against the Government in any civil action pertaining to the administration or enforcement of the immigration laws of the United States, the court shall—(A) limit the relief to the minimum necessary to correct the violation of law; (B) adopt the least intrusive means to correct the violation of law; and (C) minimize, to the greatest extent practicable, the adverse impact on national security, border security, immigration administration and enforcement, and public safety; and (D) provide for the expiration of the relief on a specific date, which allows for the minimum practical time needed to remedy the violation.

(b) REQUIREMENTS FOR AN ORDER GRANTING PROSPECTIVE RELIEF AGAINST THE GOVERNMENT.—(1) In general.—If a court determines that prospective relief should be ordered against the Government in any civil action pertaining to the administration or enforcement of the immigration laws of the United States, the court shall—(A) limit the relief to the minimum necessary to correct the violation of law; (B) adopt the least intrusive means to correct the violation of law; and (C) minimize, to the greatest extent practicable, the adverse impact on national security, border security, immigration administration and enforcement, and public safety; and (D) provide for the expiration of the relief on a specific date, which allows for the minimum practical time needed to remedy the violation.

(b) REQUIREMENTS FOR AN ORDER GRANTING PROSPECTIVE RELIEF AGAINST THE GOVERNMENT.—(1) In general.—If a court determines that prospective relief should be ordered against the Government in any civil action pertaining to the administration or enforcement of the immigration laws of the United States, the court shall—(A) limit the relief to the minimum necessary to correct the violation of law; (B) adopt the least intrusive means to correct the violation of law; and (C) minimize, to the greatest extent practicable, the adverse impact on national security, border security, immigration administration and enforcement, and public safety; and (D) provide for the expiration of the relief on a specific date, which allows for the minimum practical time needed to remedy the violation.

(b) REQUIREMENTS FOR AN ORDER GRANTING PROSPECTIVE RELIEF AGAINST THE GOVERNMENT.—(1) In general.—If a court determines that prospective relief should be ordered against the Government in any civil action pertaining to the administration or enforcement of the immigration laws of the United States, the court shall—(A) limit the relief to the minimum necessary to correct the violation of law; (B) adopt the least intrusive means to correct the violation of law; and (C) minimize, to the greatest extent practicable, the adverse impact on national security, border security, immigration administration and enforcement, and public safety; and (D) provide for the expiration of the relief on a specific date, which allows for the minimum practical time needed to remedy the violation.
(B) DURATION OF AUTOMATIC STAY.—An automatic stay under subparagraph (A) shall continue until the court enters an order granting or denying the Government’s motion.

(C) POSTPONEMENT.—The court, for good cause, may postpone an automatic stay under subparagraph (A) for not longer than 15 days.

(D) AUTOMATIC STAYS DURING REMANDS FROM HIGHER COURTS.—If a higher court remands a decision on a motion subject to this section to a lower court, the order granting prospective relief which is the subject of the motion shall be automatically stayed until the lower court enters an order granting or denying the Government’s motion.

(E) ORDERS BLOCKING AUTOMATIC STAYS.—Any order staying, suspending, delaying, or otherwise effective during the automatic stay described in subparagraph (A), other than an order to postpone the effective date of the automatic stay for not longer than 15 days under subparagraph (C), shall be—

(i) treated as an order refusing to vacate, modify, dissolve or otherwise terminate an injunction; and

(ii) immediately appealable under section 1292(a)(1) of title 28, United States Code.

(F) PENDING MOTIONS.—(A) Motion pending for 45 days or less on the date of enactment of this Act shall be treated as if it had been filed on the date of the enactment of this Act for purposes of this subsection.

(B) MORE THAN 45 DAYS.—Every motion to vacate, modify, dissolve or otherwise terminate an order granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States, which has been pending for 45 days or more on the date of enactment of this Act, and remains pending on the 10th day after such date of enactment, shall result in an automatic stay, without further order of the court, of the prospective relief that is the subject of such motion. An automatic stay pursuant to this subsection shall continue until the court enters an order granting or denying the Government’s motion. No further postponement of any automatic stay pursuant to this subsection shall be available under subsection (C).

(G) REQUIREMENTS FOR ORDER DENYING MOTION.—Subsection (b) shall apply to any order denying the Government’s motion to vacate, modify, dissolve or otherwise terminate an order granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States.

(H) DUAL RULES CONCERNING PROSPECTIVE RELIEF AFFECTING EXPEDITED REMOVAL.—

(1) JUDICIAL REVIEW.—Except as expressly provided under section 242(e) of the Immigration and Nationality Act (8 U.S.C. 1252(e)) and nothing in other provisions of law, including section 242(f) of title 28, United States Code, any other habeas provision, and sections 1561 and 1651 of such title, no court has jurisdiction to grant or continue an order or part of an order granting prospective relief if the order or part of the order interferes with, affects, or impacts any determination made to, or implementation of, section 235(b)(1) of such Act (8 U.S.C. 1225(b)(1)).

(2) GOVERNMENT MOTION.—Upon the Government filing of a motion to vacate, modify, dissolve or otherwise terminate an order granting prospective relief in a civil action identified in subsection (b), the court shall promptly—

(A) decide whether the court continues to have jurisdiction over the matter; and

(B) vacate any order or part of an order granting prospective relief that is not within the jurisdiction of the court.

(3) APPLICABILITY.—Paragraphs (1) and (2) shall not apply, except in the event that an order granting prospective relief was entered before the date of the enactment of this Act and such prospective relief is necessary to remedy a threat that is not guaranteed by the United States Constitution.

(e) SETTLEMENTS.—(1) CONSENT DECREE.—In any civil action pertaining to the administration or enforcement of the immigration laws of the United States, the court may not enter, approve, or continue a consent decree that does not comply with subsection (b) if the terms of that agreement are not subject to court enforcement other than reinstatement of the civil proceedings that the agreement settled.

(f) DEFINITIONS.—In this section:

(1) CONSENT DECREE.—The term “consent decree” means any relief entered by the court that is based in whole or in part on the consent or acquiescence of the parties; and

(2) GOVERNMENT.—The term “Government” means the United States, any Federal department or agency, or any Federal agent or official acting within the scope of official duties.

(3) PERMANENT RELIEF.—The term “permanent relief” means relief issued in connection with a final decision of a court.

(4) PRIVATE SETTLEMENT AGREEMENT.—The term “private settlement agreement” means an agreement entered into among the parties that is not subject to judicial enforcement other than the reinstatement of the civil action that the agreement settled.

(g) EXPEDITED PROCEEDINGS.—(1) C ONSENT DECREE .—Any consent decree that is based in whole or in part on the consent or acquiescence of the parties shall not be subject to court enforcement other than the reinstatement of the civil action that the agreement settled.

(2) VIOLATIONS OF PROTECTION ORDERS AND ADMISSION JUDGMENTS.—Nothing in this section shall preclude parties to a private settlement agreement from entering into a private settlement agreement that does not comply with subsection (b) if the terms of that agreement are not subject to court enforcement other than reinstatement of the civil proceedings that the agreement settled.

(i) VIOLATIONS OF PROTECTION ORDERS.—(A) INADMISSIBILITY ON CRIMINAL AND RELATED GROUNDS; WAIVERS.—Section 212 (8 U.S.C. 1182) is amended—

(I) in subsection (a)(9), by deleting paragraphs (3)(C), (3)(D), and (3)(E), redesignating paragraphs (3)(B) through (3)(E) as paragraphs (3)(A) through (3)(D), respectively, and inserting after paragraph (3)(A) the following:

(a) INADMISSIBILITY ON CRIMINAL AND RELATED GROUNDS; WAIVERS.—Section 212 (8 U.S.C. 1182) is amended—

(1) in subsection (a)(9)(C), by deleting paragraphs (3)(C), (3)(D), and (3)(E), redesignating paragraphs (3)(B) through (3)(E) as paragraphs (3)(A) through (3)(D), respectively, and inserting after paragraph (3)(A) the following:

(i) V IOLATORS OF PROTECTION ORDERS AND ADMISSION JUDGMENTS.—Nothing in this section shall preclude parties to a private settlement agreement from entering into a private settlement agreement that does not comply with subsection (b) if the terms of that agreement are not subject to court enforcement other than the reinstatement of the civil action that the agreement settled.

This Act is deemed to be an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 2110. MR. CORYN submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SA 1210. Mr. CORYN submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SA 1211. Mr. CORYN submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

A24MY6.281
a protection order issued by a court and whom the court determines has engaged in conduct that violates the portion of a protection order that involves protection against credible threats of violence, or threats of bodily injury to the person or persons for whom the protection order was issued is inadmissible. In this clause, the term ‘credible threat’ means any injunctive purpose for the issue of preventing violent or threatening acts of domestic violence, including temporary or final orders issued by civil or criminal courts (other than support or child custody orders or provisions) whether obtained by filing an independent action or as a dependent order in another proceeding.”;

(2) in subsection (b)—
(A) by inserting “or the Secretary of Homeland Security after “the Attorney General” each place such term appears;
(B) in the matter preceding paragraph (1), by striking “The Attorney General may, in his discretion, waive the application of subparagraph (A)(i)(I), (B), (D), (E), and (F) of subsection (a)(2)” and inserting “The Attorney General or the Secretary of Homeland Security may waive the application of subparagraphs (A)(i)(I), (B), (D), (E), and (M) of subsection (a)(2)”;
(C) in the matter following paragraph (2)—
(i) by striking “torture,” and inserting “torture, or has been convicted of an aggravated felony,”;
(ii) by striking “if either since the date of such admission the alien has been convicted of an aggravated felony or the alien” and inserting “if since the date of such admission the alien”;
(D) IMPORTARITY, CRIMINAL OFFENSES.—Section 237(a)(3)(B) (8 U.S.C. 1227(a)(3)(B)) is amended—
(1) in clause (i), by striking the comma at the end and inserting a semicolon;
(2) in clause (ii), by striking “or” at the end and inserting a semicolon;
(3) in clause (iii), by striking the comma at the end and inserting a semicolon;
(4) by inserting after clause (iii) the following:
(iv) of a violation of, or an attempt or a conspiracy to violate, subsection (a) or (b) of section 1225 of title 18 (relating to the procurement of citizenship or naturalization unlawfully); and
(E) IMPORTARITY, CRIMINAL OFFENSES.—Section 213(a)(2) (8 U.S.C. 1220a(a)(2)) is amended by adding at the end the following:
“(F) IDENTIFICATION PRAM—Any alien who is convicted of a violation of, or a conspiracy to commit or attempt to violate, an offense described in section 209 of the Social Security Act (42 U.S.C. 608) (relating to social security account numbers or social security cards) or section 1028 of title 18, United States Code (relating to fraud and related activity in connection with identification), is deportable.”;

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to—
(1) any alien who is physically present, on, or after the date of the enactment of this Act;
(2) all aliens who are required to establish admissibility on or after such date of enactment;
(3) all removal, deportation, or exclusion proceedings that are filed, pending, or reopened, on or after such date of enactment.

(e) IN GENERAL.—Except as provided under paragraph (2), the amendments made by this
section shall apply to proceedings initiated on or after the date of the enactment of this Act.

(2) CONFORMING AND TECHNICAL AMENDMENTS.—The amendments made by paragraphs (1)(A), (1)(B), (2) and (3) of subsection (a) are effective as if enacted on March 1, 2003.

SA 1213. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

After section 203, insert the following:

SEC. 203A. PRECLUDING REFUGEES AND ASCRUIARIES WHO HAVE BEEN UNJUDICOFED OF AGGRAVEFED FELONIES FROM ADJUSTMENT TO LEGAL PERMANENT RESIDENT STATUS.

(a) In General.—Section 208(b)(8) (8 U.S.C. 1159(c)) is amended—

(1) by inserting “(1)” before “The provision;

(2) by adding at the end the following:

“(1) Any alien who is convicted of an aggravated felony, as defined in section 101(a)(43), is not admissible under paragraph (1) or for adjustment of status under this section.”;

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply with respect to—

(1) any act that occurred before, on, or after the date of the enactment of this Act;

(2) all aliens who are required to establish admissibility on or after such date of enactment; and

(3) removal, deportation, or exclusion proceedings that are filed, pending, or re-opened, on or after such date of enactment.

SA 1214. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

After section 205, insert the following:

SEC. 205A. ADDITIONAL CRIMINAL PENALTIES FOR MISUSE OF SOCIAL SECURITY ACCOUNT NUMBERS.

(a) In General.—Section 208(a) of the Social Security Act (42 U.S.C. 408(a)) is amended—

(1) by amending paragraph (7) to read as follows:

“(7) for any purpose—

(A) knowingly possesses or uses a social security account number or social security card knowing that such number or card was obtained from the Commissioner of Social Security by means of fraud or false statement;

(B) knowingly and falsely represents a number to be the social security account number assigned by the Commissioner of Social Security to the person to another person, when in fact such number is not the social security account number assigned by the Commissioner of Social Security to such person or to such other person;

(C) knowingly buys, sells, or possesses with intent to buy or sell a social security account number or a social security card that is or purports to be a number or card issued by the Commissioner of Social Security;

(D) knowingly alters, counterfeits, forges, or falsifies a social security account number or a social security card;

(E) knowingly possesses, uses, distributes, or transfers a social security account number or a social security card knowing that the number or card to be altered, counterfeited, forged, falsely made, or stolen; or”;

(2) in paragraph (8)—

(A) by inserting “knowingly” before “disclose”;”;

(B) by inserting “account” after “security”;

(C) by striking the semicolon and inserting “;”;

(3) by inserting after paragraph (8) the following:

“(9) without lawful authority, knowingly produces or acquires for any person a social security account number, a social security card, (A) to be a social security account number or social security card;”;

and

(4) in the flush text, by striking “five” and inserting “ten”.

(b) CONSPIRACY AND DISCLOSURE.—Section 208 of the Social Security Act (42 U.S.C. 408) is further amended by adding at the end the following:

“(f) Whoever attempts or conspires to violate any criminal provision under this section who willfully violates such provision shall be punished by imprisonment for not more than five years, or fined not more than $250,000, or both.”;

(b) VICTIM OF AGGRAVATED FELONIES FROM ADJUSTMENT TO LEGAL PERMANENT RESIDENT STATUS.

(c) JUDICIAL REVIEW OF DISCRETIONARY DETERMINATIONS AND REMOVAL ORDERS RELATING TO CRIMINAL ALIENS.

(1) DENIAL OF RELIEF.—Section 242(a)(2)(B) (8 U.S.C. 1252(a)(2)(B)) is amended to read as follows:

“(B) Denial of Discretionary Relief and Certain Other Relief.—Except as provided under subparagraph (D), and notwithstanding any other provision of law, including section 2241 of title 28, any other habeas corpus provision, and sections 1361 and 1651 of title 28, regardless of the individual determination, decision, or action is made in removal proceedings, no court shall have jurisdiction to review—

(i) any individual determination regarding the granting of status or relief under section 212(h), 212(i), 240a, 240b, or 245; or

(ii) any discretionary decision or action of the Attorney General or the Secretary of Homeland Security under this Act or the regulations promulgated under this Act, other than the granting of relief under section 241a, regardless of the individual determination, decision or action is made in removal proceedings, no court shall have jurisdiction to review—

(C) the existence or nonexistence of a social security account number or social security card; and

(B) the application for and issuance of a social security account number or social security card; and

(C) the existence or nonexistence of a social security account number or social security card.

(2) The Commissioner of Social Security may not make more than two returns or re- turn information pursuant to this subsection except as authorized by section 6103 of the Internal Revenue Code of 1986.”;

SA 1215. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. JUDICIAL REVIEW OF DISCRETIONARY DETERMINATIONS AND REMOVAL ORDERS RELATING TO CRIMINAL ALIENS.

(1) Except as provided under subparagraph (D), and notwithstanding any other provision of law, including section 2241 of title 28, any other habeas corpus provision, and sections 1361 and 1651 of such title, no court shall have jurisdiction to review any final order of removal (regardless of whether relief or protection was denied on the basis of the alien’s having committed a criminal offense against an alien who is removable for committing a criminal offense under section 208(a)(2) or subparagraph (A)(i), (B), (C), or (D) of section 237(a)(2), or any offense under section 237(a)(2)(A)(i) for which both predicate offenses are, without regard to their date of commission, described in section 237(a)(2)(A)(ii).”;

SA 1216. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 208A. WITHHOLDING OF REMOVAL.

(a) IN GENERAL.—Section 241(b)(3) (8 U.S.C. 1231(b)(3)) is amended—

(1) in subparagraph (A), by adding at the end the following:

“for purposes of this paragraph.”;

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if enacted on May 11, 2006.
SEC. 419. H-1B STREAMLINING AND SIMPLIFICATION.

(a) H-1B REQUIREMENTS.—

(1) IN GENERAL.—Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)) is amended—

(A) in paragraph (1)(A), by striking clauses (i) through (vii) and inserting the following:

"(i) 150,000 in fiscal year 2008;

(ii) in any subsequent fiscal year, subject to clause (iii), the number for the previous fiscal year as adjusted in accordance with the method set forth in paragraph (2); and

(iii) 215,000 for any fiscal year; or"

(B) in paragraph (6), as redesignated by section 409—

(i) in subparagraph (B), by striking "or" and inserting a period;

(ii) in subparagraph (F)(ii), by striking "by the National Crime Information Center—" and inserting "by the National Crime Information Center and the Federal Bureau of Investigation—";

(iii) in subparagraph (F)(iii), by striking "an alien to be issued a visa or otherwise granted nonimmigrant status pursuant to section 1101(a)(15)(H)(i)(b) in the following quantities:"

and

"(D) in paragraph (2)—

(i) in clause (iii), by striking "The annual numerical limitations described in clause (i) shall not exceed 65,000 and inserting Without regard to the annual numerical limitations described in clause (i), the Secretary may isssue a visa or otherwise grant nonimmigrant status pursuant to section 1101(a)(15)(H)(i)(b) in the following quantities:"

and

(ii) in clause (iv), by striking "and inserting "; and

(iii) by striking subparagraph (C).

(2) EFFECTIVE DATE.—This amendment made by this section shall apply with respect to any petition or visa application pending on the date of enactment of this Act and to any petition or visa application filed on or after such date of enactment.

(b) APPLICABILITY.—The amendments made by this section shall not apply to a nonimmigrant who has filed a petition or visa application pending on the date of enactment of this Act and to any petition or visa application filed on or after such date of enactment.

(c) PROVISION OF W-2 FORMS.—Section 214(g)(6), as redesigned by section 409, is amended to read as follows:

"(6) In the case of a nonimmigrant described in section 101(a)(15)(H)(i)(b)—

"(A) the period of authorized admission as such a nonimmigrant may not exceed 6 years (except for a nonimmigrant who has filed a petition for an immigrant visa under section 203(b)(1), if 365 days or more have elapsed since filing and it has not been denied, in which case the Secretary of Homeland Security, in the discretion of the Secretary, may specify, with the Internal Revenue Service or the Social Security Administration, as the case may be, the period of authorized admission as such a nonimmigrant); and

"(B) the form W-2 Wage and Tax Statement filed by the employer for payment of wages or other remuneration and certain information maintained by the National Crime Information Center or other criminal history information or records.

SA 1219. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

In paragraphs (e)(2) and (f)(1) of section 501, strike "2005" each place it appears and insert "January 1, 2007".

SA 1220. Mr. GREGG submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Strike subsection (c) of section 418 and all that follows through subsection (d) of section 420, and insert the following:

"(C) GRANTING DUAL INTENT TO CERTAIN NONIMMIGRANTS.—Subsection (b) of section 214 of the Immigration and Nationality Act (8 U.S.C. 1184(h)) is amended—

(1) by striking clause (iv), inserting "(F)(iv), (H)(i)(b), (H)(i)(c)," and

(2) by striking "if the alien had obtained a change of status and inserting "if the alien had been admitted in status as, or obtained a change of status".

SEC. 419. H-1B STREAMLINING AND SIMPLIFICATION.

(a) H-1B REQUIREMENTS.—

(1) IN GENERAL.—Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)) is amended—

(A) in paragraph (1)(A), by striking clauses (i) through (vii) and inserting the following:

"(i) 150,000 in fiscal year 2008;

(ii) in any subsequent fiscal year, subject to clause (iii), the number for the previous fiscal year as adjusted in accordance with the method set forth in paragraph (2); and

(iii) 215,000 for any fiscal year; or"

(B) in paragraph (6), as redesignated by section 409—

(i) in subparagraph (B), by striking "or" and inserting a period;

(ii) in subparagraph (F)(ii), by striking "by the National Crime Information Center—" and inserting "by the National Crime Information Center and the Federal Bureau of Investigation—";

(iii) in subparagraph (F)(iii), by striking "an alien to be issued a visa or otherwise granted nonimmigrant status pursuant to section 1101(a)(15)(H)(i)(b) in the following quantities:"

and

"(D) in paragraph (2)—

(i) in clause (iii), by striking "The annual numerical limitations described in clause (i) shall not exceed 65,000 and inserting Without regard to the annual numerical limitations described in clause (i), the Secretary may isssue a visa or otherwise grant nonimmigrant status pursuant to section 1101(a)(15)(H)(i)(b) in the following quantities:"

and

(ii) in clause (iv), by striking "and inserting "; and

(iii) by striking subparagraph (C).

(2) EFFECTIVE DATE.—This amendment made by this section shall apply with respect to any petition or visa application pending on the date of enactment of this Act and to any petition or visa application filed on or after such date of enactment.

(b) APPLICABILITY.—The amendments made by this section shall not apply to a nonimmigrant who has filed a petition or visa application pending on the date of enactment of this Act and to any petition or visa application filed on or after such date of enactment.

(c) PROVISION OF W-2 FORMS.—Section 214(g)(6), as redesigned by section 409, is amended to read as follows:

"(6) In the case of a nonimmigrant described in section 101(a)(15)(H)(i)(b)—

"(A) the period of authorized admission as such a nonimmigrant may not exceed 6 years (except for a nonimmigrant who has filed a petition for an immigrant visa under section 203(b)(1), if 365 days or more have elapsed since filing and it has not been denied, in which case the Secretary of Homeland Security, in the discretion of the Secretary, may specify, with the Internal Revenue Service or the Social Security Administration, as the case may be, the period of authorized admission as such a nonimmigrant); and

"(B) the form W-2 Wage and Tax Statement filed by the employer for payment of wages or other remuneration and certain information maintained by the National Crime Information Center or other criminal history information or records.

SA 1219. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

In paragraphs (e)(2) and (f)(1) of section 501, strike "2005" each place it appears and insert "January 1, 2007".

SA 1220. Mr. GREGG submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:
SA 1221. Mr. CARTIN submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was or
dered to lie on the table; as follows:

At the appropriate place insert the fol-
lowing:

SEC. 6. SSI EXTENSION FOR HUMANITARIAN IMMIGRANTS.

Section 402(a)(2) of the Personal Responsi-

bility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(a)(2)) is amended by adding the following:

“(M) SSI EXTENSION THROUGH FISCAL YEAR 2010.—

“(1) IN GENERAL.—With respect to eligi-

bility for benefits for the specified Federal program described in paragraph (3)(A), the 7-

year period described in subparagraph (A) shall mean a 9-year period beginning on the date that the individual last met the eligibility requirements for the 7-

year period described in paragraph (A) shall be eligible for such program for an ad-

ditional 2-year period in accordance with this subparagraph, if such alien meets all other eligibility factors under title XVI of the Social Security Act.

“(2) PAYMENT OF BENEFITS.—Benefits paid under this section shall be paid prospectively over the duration of the qualified alien’s renewed eligibility.”.

SA 1222. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was or
dered to lie on the table; as follows:

At the appropriate place insert the fol-
lowing:

SEC. 604. MANDATORY DISCLOSURE OF INFOR-
MATION.

(a) In General.—Except as otherwise pro-
vided in this section, no Federal agency or bureau, or any officer or employee of such agency or bureau, may:

(1) use the information furnished by the applicant pursuant to an application filed under section 601 and 602, for any purpose, other than to make a determination on the application;

(2) make any publication through which the information furnished by any particular application is published; or

(3) permit anyone other than the sworn of-
ficers, employees or contractors of such agency, bureau, or approved entity, as appro-
pved by the Secretary of Homeland Secu-

rity, to examine individual applications that have been filed.

(b) REQUIRED DISCLOSURES.—The Secretary of Homeland Security and the Secretary of State shall provide the information fur-

nished pursuant to an application filed under section 601(k), or any application to adjust status under section 602, to any Federal entity, if the Secretary has determined that the information derived from such furnished information is:

(1) a law enforcement entity, intelligence agency, national security agency, component of the Department of Homeland Security, court, or grand jury in connection with a criminal investigation or prosecution; or a Federal entity in connection with an investigation or prosecu-

tion, in each instance about an individual suspect or group of suspects, when such in-
formation is requested by such entity;

(2) an official coroner for purposes of af-

firmatively identifying a deceased indi-

vidual, whether or not the death of such individual resulted from a crime.

(c) INAPPLICABILITY AFTER DENIAL.—The limitations under subsection (a) that apply to the use of such furnished in-

formation in any removal proceeding or other administrative enforcement and law enforcement pur-

poses.

(d) CRIMINAL CONVICTIONS.—Notwith-

standing the limitations under this section and in
to any administrative enforcement and law enforcement pur-

poses.

(e) AUDITING AND EVALUATION OF INFORMA-
TION.—The Secretary may audit and evaluate the in-
formation furnished as part of any applica-
tion filed under sections 601 and 602, any appli-
cation to extend such status under section 602(c), or any adjustment of an alien’s status to that of an alien lawfully admitted for permanent residence under section 602, for purposes of identifying fraud or fraud schemes, and may use any evidence detected by means of audits and evaluations for purposes of in-
vestigating, prosecuting or referring for prosecu-
tion, denying, or terminating immigration benefits.

(f) USE OF INFORMATION IN PETITIONS AND APPLICA-
TIONS SUBSEQUENT TO ADJUSTMENT OF STATUS.—If the Secretary has adjusted an alien’s status to that of an alien lawfully admitted for perma-

nent residence under section 602, for purposes of identifying fraud or fraud schemes, and may use any evidence detected by means of audits and evaluations for purposes of in-
vestigating, prosecuting or referring for prosecu-
tion, denying, or terminating immigration benefits.

(g) CRIMINAL PENALTY.—Whoever know-

ingly uses or permits information to be exam-

ined in violation of this section shall be fined not more than $10,000.

(h) CONSTRUCTION.—Nothing in this section shall be construed to limit the use, or re-

lease, for immigration enforcement purposes of information contained in files or records of the Secretary or Attorney General per-

taining to an applications filed under sec-

tion 601 or 602, other than information fur-
nished by an applicant pursuant to the appli-
cation or application derived from the application, that is not available from any other source.

(i) REFERENCES.—References in this section to sections 601 or 602 are references to sec-

tions 601 and 602 of this Act and the amend-
ments made by those sections.

SA 1223. Mr. SANDERS proposed an amendment to amendment SA 1150 pro-

posed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1348, to provide for comprehen-

sive immigration reform and for other purposes; as follows:

At the end of title VII, insert the fol-
lowing:

Subtitle C—American Competitiveness Scholarship Program

SEC. 711. AMERICAN COMPETITIVENESS SCHOLARSHIP PROGRAM.

(a) ESTABLISHMENT.—The Director of the National Science Foundation (referred to in this section as the “Director”) shall award scholarships to eligible individuals to enable such individuals to pursue associate, under-

graduate, or graduate level degrees in math-

ematics, engineering, health care, or com-
puter science.

(b) ELIGIBILITY.—

(1) IN GENERAL.—To be eligible to receive a scholarship under this section, an individual shall—

(A) be a citizen of the United States, a na-

tional of the United States (as defined in sec-

tion 101(a) of the Immigration and Nation-

ality Act (8 U.S.C. 1101(a))), an alien admitted as a refugee under section 207 of such Act (8 U.S.C. 1157), or an alien lawfully admitted to the United States for permanent residence;

(B) prepare and submit to the Director an application at such time in such manner, and containing such information as the Di-

rector may require; and

(C) certify to the Director that the indi-

vidual intends to use amounts received under the scholarship to enroll or continue enroll-

ment at an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 101(a)) in order to pursue an associate, undergraduate, or graduate level degree in mathematics, engi-

neering, computer science, nursing, medi-
cine, or other clinical medical program, or technology, or science program designated by the Director.

(2) ABILITY.—Awards of scholarships under this section shall be made by the Director solely on the basis of the ability of the appli-
cant to demonstrate that the applicant is or will be one of the most meritorious applicants and containing such information as the Di-

rector may require.

(c) AMOUNT OF SCHOLARSHIP.—

(1) AMOUNT OF SCHOLARSHIP.—The amount of a scholarship awarded under this section shall be $15,000 per year, except that no more than an amount equal to the total annual cost of tuition and fees at the institution of higher education in which the scholarship recipi-

ent is enrolled or will enroll.

(2) RENEWAL.—The Director may renew a scholarship under this section for an eligible individual for not more than 4 years.

(d) FUNDING.—The Director shall carry out this section only with funds made available under section 296(e) of the Immigration and Nation-

ality Act (as added by section 712) (8 U.S.C. 1356).

(f) FEDERAL REGISTER.—Not later than 60 days after the date of enactment of this Act, the Director shall publish in the Federal
Register a list of eligible programs of study for a scholarship under this section.

SEC. 712. SUPPLEMENTAL H-1B NONIMMIGRANT PETITIONER ACCOUNT.

Section 212(q) of the Immigration and Nationality Act (8 U.S.C. 1184(q)) is amended by adding at the end the following:

(1) The Secretary, in the discretion of the Secretary—
   (I) may waive ineligibility under subparagraph (B) or (C) if the alien—
      (i) has not been physically removed from the United States; and
      (ii) demonstrates that the departure of the alien from the United States would result in extreme hardship for the spouse, parent, or child of the alien; and
   (II) shall, unless the Secretary or the Attorney General determines that a waiver is not in the public interest based on the particular facts of the application for asylum of the alien, waive ineligibility under subparagraph (B) if—
      (i) the alien applies for the adjustment of status; and
      (ii) the alien—
         (I) has not been physically present in the United States for at least 3 years; and
         (II) was physically present in the United States on the date on which the application for the adjustment of status was filed.

SEC. 713. SUPPLEMENTAL FEES.

Section 212(q) of the Immigration and Nationality Act (8 U.S.C. 1184(q)) is amended by adding at the end the following:

(1)(A) In each instance where the Attorney General, the Secretary of Homeland Security, or the Secretary of State is required to impose a fee pursuant to paragraph (9) or (11), the Attorney General, the Secretary of Homeland Security, or the Secretary of State, as appropriate, shall impose a supplemental fee on the employer in addition to any other fee required by such paragraph or any other provision of law, in the amount determined under subparagraph (B).

(2) The amount of the supplemental fee shall be $5,500, except that the fee shall be $3,500 if the alien is employed in a position leading to a degree in mathematics, engineering, health care, or computer science.

SEC. 7126. MR. LEVIN submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Purpose: To prohibit illegal immigrants from receiving welfare.

Section 602(a)(6) is amended by adding at the end the following: "No illegal alien shall receive any benefit from a program under this section 602(a) that is administered in the United States for which the alien was ordered to lie on the table; as follows:

In section 602(d)(1), strike subparagraph (I) and insert the following:

(1) The Secretary, in the discretion of the Secretary—
   (i) may waive ineligibility under subparagraph (B) or (C) if the alien—
      (I) has not been physically removed from the United States; and
      (II) demonstrates that the departure of the alien from the United States would result in extreme hardship for the spouse, parent, or child of the alien; and
   (ii) shall, unless the Secretary or the Attorney General determines that a waiver is not in the public interest based on the particular facts of the application for asylum of the alien, waive ineligibility under subparagraph (B) if—
      (i) the alien applies for the adjustment of status; and
      (ii) the alien—
         (I) has not been physically present in the United States for at least 3 years; and
         (II) was physically present in the United States on the date on which the application for the adjustment of status was filed.

SEC. 7127. MR. LEVIN submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

Section 246 of the Act (8 U.S.C. 1255) is amended by adding at the end the following:

(1) In general.—The Secretary of Homeland Security (in this section referred to as the 'Secretary') shall adjust the status of an alien to that of an alien lawfully admitted for permanent residence if the alien—
   (A) is admissible to the United States as an immigrant, except as provided under paragraph (2);
   (B) filed an application for asylum before December 31, 2004, which was not found to be frivolous by the Attorney General under section 208(d)(6);
   (C) changed country conditions were specified by an immigration judge as the basis, in whole or in part, for denying the application for asylum;
   (D) applies for such adjustment of status;
   (E) has been physically present in the United States for at least 3 years and was physically present in the United States on the date on which the application for such adjustment was filed;
   (F) has not returned to his or her country of nationality or last habitual residence since the date of filing of the application for asylum;
   (G) applies for such adjustment of status;
   (H) has been physically present in the United States on the date on which the application for the adjustment of status was filed;
   (I) has not been physically removed from the United States since the filing of the application for the adjustment of status;
   (J) is an alien described in clause (ii) who was granted the status of an alien lawfully admitted for permanent residence under paragraph (3);
   (K) is admissible to the United States as an immigrant, except as provided under paragraph (2);
   (L) is an alien described in clause (ii) who was granted the status of an alien lawfully admitted for permanent residence under paragraph (3);
   (M) is admissible to the United States as an immigrant, except as provided under paragraph (2).

(2) Application of other federal statutory requirements.—The provisions of paragraphs (4), (5), and (7) of section 212(a) shall not be applicable to any alien seeking adjustment of status under this subsection, and the Secretary or the Attorney General may waive any other provision of such section 212(a) (other than paragraph (2)(C) or subparagraph (A), (B), (C), or (F) of paragraph (3) of that section) with respect to such alien for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest.

(3) Adjustment of status for spouses and children.—The Secretary shall adjust the status of an alien to that of an alien lawfully admitted for permanent residence if the alien is the spouse, child, or unmarried son or daughter of an alien whose status is adjusted to that of an alien lawfully admitted for permanent residence under paragraph (1).

(4) Relationship of application to certain orders.—An alien present in the United States who has been deported, removed, or ordered to depart voluntarily from the United States under any provision of this Act may, notwithstanding such order, apply for adjustment of status under paragraph (1).

(5) Stay of final order of exclusion, deportation, or removal.—If the Secretary or the Attorney General grants the application, the Attorney General shall cancel the order of removal. If the Secretary or the Attorney General renders a final administrative decision to deny the application, the order shall be effective and enforceable, to the same extent as if the application had not been made.

(6) Stay of final order of exclusion, deportation, or removal.—In an alien lawfully admitted for permanent residence, if the alien is not the spouse, child, or unmarried son or daughter of an alien whose status is adjusted to that of an alien lawfully admitted for permanent residence under paragraph (1), the order of removal shall be stayed.

SEC. 7128. MR. LEVIN (for himself, Mr. ORBA, MR. MENENDEZ, MR. COLEMAN, MR. REID, MR. LEAHY, MRS. FEINSTEIN, and MR. VINOVI) submitted an amendment intended to be proposed to
amendment SA 1150 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECKER)) to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Strike subsection (c) of section 215 of the amendment and insert the following:

(c) REPORTS ON BACKGROUND AND SECURITY CHECKS.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States, in conjunction with the Director of the Federal Bureau of Investigation, shall submit to the appropriate congressional committees a report on the background and security checks conducted by the Federal Bureau of Investigation.

(2) CONTENT.—The report submitted under paragraph (1) shall include—

(A) a description of the background and security check program;

(B) an analysis of resources devoted to the name check program, including personnel and support;

(C) a statistical analysis of the background and security check delays associated with different types of name check requests, such as those requested by the U.S. Citizenship and Immigration Services or the Office of Personnel Management, including—

(i) the number of background checks conducted on behalf of requesting agencies, by agency and type of requests (such as naturalization or adjustment of status); and

(ii) the average time spent on each type of background check described under subparagraph (A), including the time from the submission of the request to completion of the background check and the time from the initiation of check processing to the completion of the check.

(D) a statistical analysis of the background and security check delays by the country of origin of the applicant; and

(E) a description of the obstacles that impede the timely completion of such background checks;

(F) a discussion of the steps that the Director of the Federal Bureau of Investigation is taking to expedite background and security checks that have been pending for more than 60 days; and

(G) a report on the automation of all investigative records related to the name check process.

(3) ANNUAL REPORT ON DELAYED BACKGROUND CHECKS.—Not later than the end of each fiscal year, the Attorney General shall submit to the appropriate congressional committees a report containing, with respect to the preceding year—

(A) a statistical analysis of the number of background checks processed and pending, including check requests in process at the time of the report and check requests received but not yet in process;

(B) the average time taken to complete each type of background check;

(C) a description of efforts made and progress by the Attorney General in addressing any delays in completing such background checks;

(D) a report of progress made in carrying out subsection (d); and

(E) a report on the number of name checks extended during the preceding year under subsection (c).

(F) a description of progress made in automating files used in the name check process, including investigative files of the Federal Bureau of Investigation.

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

(d) ENHANCED SECURITY THROUGH AN EFFECTIVE NATIONAL NAME CHECK PROGRAM.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, subject to paragraph (3), the Director of the Federal Bureau of Investigation shall ensure that all name checks are completed by not later than 180 days after the date of submission.

(2) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Director of the Federal Bureau of Investigation shall submit to the appropriate congressional committees a report that includes a comprehensive plan to meet the requirements of paragraph (1).

(3) EXCEPTIONAL CIRCUMSTANCES.—Notwithstanding paragraph (1), the Director of the Federal Bureau of Investigation may—

(A) extend the timeframe for completion of a name check for not more than 2 additional 180-day periods, if the Director determines that such an extension is necessary to resolve the name check because the check could not reasonably have been completed in the allotted time through due diligence; or

(B) extend the timeframe if the Director determines to be necessary in any case in which the individual who is the subject of the name check is the subject of an ongoing investigation, the completion of which is necessary for a response to the agency at which the name check request originated.

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

(e) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means the following:

(1) The Committee on the Judiciary of the Senate.

(2) The Committee on Homeland Security and Governmental Affairs of the Senate.

(3) The Committee on the Judiciary of the House of Representatives.


SA 1229. Mr. SUNUNU submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 218A of the Immigration and Nationality Act, as added by section 403(a), strike "Except where the Secretary of Labor has determined that there is a shortage of United States workers in the occupation and area of intended employment to which the Y nonimmigrant is sought, each" and insert "That—"

SA 1232. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 218B(c)(1)(G) of the Immigration and Nationality Act, as added by section 403(b), strike "Exceptory Labor has determined that there is a shortage of United States workers in the occupation and area of intended employment for which the Y nonimmigrant is sought—" and insert "That—"

SA 1239. Mr. DURBIN (for himself and Mr. GRASSLEY) proposed an amendment to amend section 1150 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECKER)) to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

In section 218B(b) of the Immigration and Nationality Act, as added by section 403(a), strike "Exceptory Secretary of Labor determined that there is a shortage of United States workers in the occupation and area of intended employment to which the Y nonimmigrant is sought, each" and insert "That—"
to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Strike section 104.

SA 1241. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

(e) PROCEDURE FOR GRANTING IMMIGRANT STATUS.—

(1) In general.—Section 204(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1153(a)(1)) is amended by striking subparagraphs (E) and (F).

(2) Highly skilled workers.—Paragraph (6) of section 212(g) of the Immigration and Nationality Act (8 U.S.C. 1153(g)), as redesignated by section 409, is amended—

(A) in subparagraph (C), by striking “until the number of aliens who are exempt from the numerical limitations of any fiscal year exceeds 20,000,” and inserting “or has been awarded a medical specialty certification based on post-doctoral training and experience in the United States;” and

(B) by adding at the end the following:

“(D) has earned a master’s or higher degree in science, technology, engineering, or mathematics from an institution of higher education outside of the United States.”.

(d) Effective date.—

(1) In general.—Subject to paragraph (2), the amendments made by this section shall take effect on the first day of the fiscal year subsequent to the fiscal year of enactment, unless such date is delayed by the date of enactment, in which case the amendments shall take effect on the first day of the following fiscal year.

(2) Pending and approved petitions and applications.—

(A) In general.—Petitions for an employment-based visa filed for classification under paragraph (1), (2), or (3) of section 214(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b)) (as such provisions existed prior to the enactment of this section) that were filed prior to the promulgation of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007 and were pending or approved at the time of the effective date of this section, shall be treated as if such provisions remained effective and an approved petition may serve as the basis for issuance of an immigrant visa.

(B) Adjustment of status.—Subject to paragraph (2), an alien with respect to whom a petition was pending or approved as described in subparagraph (A), and any dependent accompanying or following in the same application for adjustment of status under section 245(a) of the Immigration and Nationality Act (8 U.S.C. 1255(a)) regardless of whether an immigrant visa is available at the time the application is filed. Such application for adjustment of status shall not
SA 1243. Mr. OBAMA (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC. 509. EXPIRATION OF PROVISIONS.

On September 30 of the fiscal year following the fiscal year in which this Act is enacted, the following provisions of this Act (and the amendments made by such provisions) shall be repealed and the Immigration and Nationality Act shall be applied as if such provisions had not been enacted:

(1) Section 501, except that this paragraph shall not apply to paragraphs (2) through (4) of section 201(d) of the Immigration and Nationality Act (as added by section 501(b)).

(2) Subsections (a) through (e) of section 502.

(3) Subsections (a), (b), (c), (d), and (e)(1) of section 503.

(4) Section 504.

SA 1244. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Strike lines 60 through 66 of the bill and insert the following:

"SEC. 509. EXPIRATION OF PROVISIONS.

On September 30 of the fifth fiscal year following the fiscal year in which this Act is enacted, the following provisions of this Act (and the amendments made by such provisions) shall be repealed and the Immigration and Nationality Act shall be applied as if such provisions had not been enacted:

(1) Section 501, except that this paragraph shall not apply to paragraphs (2) through (4) of section 201(d) of the Immigration and Nationality Act (as added by section 501(b)).

(2) Subsections (a) through (e) of section 502.

(3) Subsections (a), (b), (c), (d), and (e)(1) of section 503.

(4) Section 504."

SA 1245. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 148, strike lines 3 through 7, and insert the following:

"(B) STATE IMPACT ASSISTANCE FEE.—An alien making an application for a Y-1 nonimmigrant visa shall pay a State impact assistance fee of $750 and an additional $100 fee for each dependent accompanying or following to join the alien.":

SA 1246. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 288, strike lines 4 through 9, and insert the following:

"State Impact Assistance Fee.—In addition to any other amounts required to be paid under this subsection, an alien making an initial application for a Z-1 nonimmigrant status shall be required to pay a State impact assistance fee of $750 and an additional $100 fee for each dependent accompanying or following to join the alien."

SA 1247. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 148, strike lines 3 through 7, and insert the following:

"(B) STATE IMPACT ASSISTANCE FEE.—An alien making an application for a Y-1 nonimmigrant visa shall pay a State impact assistance fee of $750 and an additional $100 fee for each dependent accompanying or following to join the alien.":

On page 288, strike lines 4 through 9, and insert the following:

"(C) STATE IMPACT ASSISTANCE FEE.—In addition to any other amounts required to be paid under this subsection, an alien making an initial application for Z-1 nonimmigrant status shall be required to pay a State impact assistance fee equal to $750 and an additional $100 fee for each dependent accompanying or following to join the alien.":

SA 1248. Mr. SENSENICH submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 292, between lines 33 and 34, strike:

"(D) In paragraph (3), and insert the following:

"(I) the alien has entered into an agreement for payment of all outstanding liabilities with the Internal Revenue Service and with the department, division, or institute established by section 286(x) of the Immigration and Nationality Act, as added by section 402, and used for the purposes described in such section 286(x)."

SA 1249. Ms. CANTWELL (for herself, Mr. CORNYN, Ms. LEAHY, and Mr. HATCH) submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 288, strike lines 4 through 9, and insert the following:

"(section 204(c)."

"(G) Notwithstanding any conflicting provisions of this paragraph, the requirements of this paragraph shall apply only to merit-based, self-sponsored immigrants and not to merit-based, employer-sponsored immigrants described in subparagraph (F)."

"(H) Notwithstanding any conflicting provisions of this paragraph, any reference in this paragraph to a worldwide level of visas refers to the worldwide level specified in section 201(d)."

(3) by redesignating paragraphs (4) through (6) of paragraphs (2) through (4), respectively;

(4) in paragraph (2) (as redesignated by paragraph (3))—

(A) in subparagraph (A), by striking "7.1 percent of such worldwide level" and inserting "4,200 of the worldwide level specified in section 201(d);" and

(B) in subparagraph (B), by striking "3,000" and inserting "1,500;"

and

(5) by adding at the end the following:

"(5) MERIT-BASED EMPLOYER-SPONSORED IMMIGRANTS.—"

"(A) Priority Workers.—Visas shall first be made available in a number not to exceed 33.3 percent of the worldwide level specified in section 201(d)(6) (as redesignated by subsection (a)(1)(H)), for the following:

(I) aliens who are qualified to be admitted to the United States asylees under section 204(a)(5)(A), who are aliens described in any of clauses (i) through (iii):

(1) Aliens with extraordinary ability.—An alien is described in this clause if—

(i) the alien has extraordinary ability in the sciences, arts, education, business, or athletics which has been demonstrated by sustained national or international acclaim and whose achievements have been recognized in the field through extensive documentation;

(ii) the alien seeks to enter the United States to continue work in the area of extraordinary ability; and

(iii) the alien's entry into the United States will substantially benefit prospectively the United States.

(II) Outstanding Professors and Researchers.—An alien is described in this clause if—

(I) the alien is recognized internationally as outstanding in a specific academic area;

(ii) the alien has at least 3 years of experience in teaching or research in the academic area; and

(iii) the alien seeks to enter the United States—

(aa) for a tenured position (or tenure-track position) within an institution of higher education (as such term is defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))) to teach in the academic area;

(bb) for a comparable position to conduct research in the area with a department, division, or institute of a private employer, if the department, division, or institute employs at least 3 individuals full-time in research activities and has achieved documented accomplishments in an academic field; and

(cc) for a comparable position with an institution of higher education to conduct research in the area, or

(D) in paragraph (3), and insert the following:

"(cc) for a comparable position to conduct research in the area with a department, division, or institute of a private employer, if the department, division, or institute employs at least 3 individuals full-time in research activities and has achieved documented accomplishments in an academic field; and

"(iii) Certain Multinational Executives and Managers.—An alien is described in this clause if the alien, in the 3 years preceding the time of the alien's application for classification and admission into the United States under this paragraph, has been employed for at least 1 year by a firm or corporation or other legal entity or an affiliate or subsidiary thereof and the alien seeks to enter the United States under this paragraph, in order to continue to render services to the same employer or to a subsidiary or affiliate thereof in a capacity that is managerial or executive.

(G) Aliens Who Are Held, Vested, or Entitled in Rights by the Professions Holding Advanced Degrees or Aliens of Exceptional Ability.—"
"(i) In General.—Visas shall be made available, in a number not to exceed 33.3 percent of the worldwide level specified in section 201(d)(5), plus any visas not required for the classes specified in subparagraphs (A) and (B), to qualified immigrants who hold baccalaureate degrees and who are members of the professions holding advanced degrees or their equivalent or who because of their exceptional ability in the sciences, arts, or business, will substantially benefit prospectively the national economy, cultural or educational interests, or welfare of the United States in the arts, professions, or business are sought by an employer in the United States.

(ii) PROFESSIONAL SUMMARY.—In determining under clause (i) whether an immigrant has exceptional ability, the possession of a degree, diploma, certificate, or similar award from a college, university, school, or other institution of learning or a license to practice or certification for a particular profession or occupation shall not by itself be considered sufficient evidence of such exceptional ability.

(C) PROFESSIONALS.—(i) Visas shall be made available, in a number not to exceed 33.3 percent of the worldwide level specified in section 201(d)(5), plus any visas not required for the classes specified in subparagraphs (A) and (B), to qualified immigrants who hold baccalaureate degrees and who are members of the professions and who are not described in subparagraph (B).

(D) LABOR CERTIFICATION REQUIRED.—An immigrant visa may not be issued to an immigrant under subparagraph (B) or (C) until there has been a determination made by the Secretary of Labor that—

(1) there are not sufficient workers who are able, willing, qualified and available at the time such determination is made and at the place of intended employment, or a substantial number, for whom to perform such skills or unskilled labor; and

(2) if the employment of such alien will not adversely affect the wages and working conditions of workers in the United States similarly employed.

An employer may not substitute another qualified alien for the beneficiary of such determination unless an application to do so is made to and approved by the Secretary of Homeland Security.

(c) WIDESPREAD LEVEL OF MERIT-BASED EMPLOYER-SPOSTERN SPONSORED IMMIGRANTS.—Section 201(d) of the Immigration and Nationality Act (as amended by section 501(b)), is further amended by adding at the end the following:

(5) WORLDWIDE LEVEL FOR MERIT-BASED EMPLOYER-SPOSTERN SPONSORED IMMIGRANTS.—

(A) In General.—The worldwide level of merit-based employer-sponsored immigrants under this paragraph for a fiscal year is equal to—

(i) 140,000, plus

(ii) the number computed under subparagraph (B).

(B) ADDITIONAL NUMBER.—

(i) FISCAL YEAR 2007.—The number computed under this subparagraph for fiscal year 2007 is zero.

(ii) FISCAL YEAR 2008.—The number computed under this subparagraph for fiscal year 2008 is the difference (if any) between the worldwide level established under subparagraph (A) plus any visas issued for fiscal year 2008 and the number of visas issued under section 203(b)(2) during that fiscal year.

(In section 501, insert after subsection (b) the following:

(c) PROVIDING EXEMPTIONS FROM MERIT-BASED LEVELS FOR VERY HIGHLY SKILLED IMMIGRANTS.—

(1) DEPARTMENT OF STATE.—If the Secretary of Homeland Security and the Secretary of State have determined that is based upon any violation of law committed by an alien whose application has been granted in any criminal or civil case or action relating to immigration or naturalization, in each instance about an individual suspect or group of suspects, when such information is requested by such entity; or

(2) An official coram for purposes of affirmatively identifying a deceased individual, whether or not the death of such individual resulted from a crime.

(e) AUDITING AND EVALUATION OF INFORMATION.—

SA 1250. Mr. CORNYN submitted an amendment intended to be proposed by him in the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to be placed on the table; as follows:

In section 601(1)(2)(C) (relating to other documents)—

(1) strike clause (VI) (relating to sworn affidavits);

(2) in clause (V), strike the semicolon at the end and insert a period;

(3) in clause (IV), add “and” at the end.

(a) IN GENERAL.—Except as otherwise provided in this section, no Federal agency or bureau, or any officer or employee of such agency or bureau, may—

(1) use the information furnished by the applicant pursuant to an application filed under section 601 and 602, for any purpose, other than to make a determination on the application;

(2) make any publication through which the information furnished by any particular applicant can be identified; or

(b) REQUIRED DISCLOSURES.—The Secretary of Homeland Security and the Secretary of State shall provide the information furnished pursuant to an application filed under section 601 and 602, and any other information requested from such furnished information to—

(1) a law enforcement entity, intelligence agency, national security agency, component of the Department of Homeland Security, court, or grand jury in connection with a criminal investigation or prosecution or a national security investigation or prosecution, in each instance about an individual suspect or group of suspects, when such information is requested by such entity;

(2) a law enforcement entity, intelligence agency, national security agency, component of the Department of Homeland Security in connection with a duly authorized investigation of a civil violation, in each instance about an individual suspect or group of suspects, when such information is requested by such entity;

(3) an official coram for purposes of affirmatively identifying a deceased individual, whether or not the death of such individual resulted from a crime.

(c) INAPPLICABILITY AFTER DENIAL.—The limitations under subsection (a)—

(1) shall apply only until an application filed under section 601 and 602 is denied and all opportunities for immigration relief or appeal of the denial have been exhausted; and

(2) shall not apply to the use of the information furnished pursuant to such application in any removal proceeding or other criminal or civil case or action relating to an alien whose application has been granted that is based upon any violation of law committed by such alien after such grant.

(d) CRIMINAL CONVICTIONS.—Notwithstanding any other provision of this section, information concerning whether the applicant at any time prior to, or convicted of a crime may be used or released for immigration enforcement and law enforcement purposes.
SEC. 601. PEACE GARDEN PASS.
(a) AUTHORIZATION.—Notwithstanding section 7209(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458), the Secretary, in consultation with the Director of the Bureau of Citizenship and Immigration Services, shall develop a travel document (referred to in this section as the ‘‘Peace Garden Pass’’) to allow citizens and nationals of the United States described in subsection (b) to travel to the International Peace Garden on the borders of the State of North Dakota and Manitoba, Canada (and to be readmitted into the United States), without the use of a passport, passport card, or other alternative nonimmigrant passenger.

(b) ADMITTANCE.—The Peace Garden Pass shall be issued to, and shall authorize the admittance into the International Peace Garden and re-admittance into the United States of any citizen or national of the United States who carries the International Peace Garden Pass while traveling to the International Peace Garden from the United States and exits the International Peace Garden into the United States without having been granted entry into Canada.

(c) IDENTIFICATION.—The Secretary of State, in consultation with the Secretary, shall—

(1) determine what form of identification (other than a passport, passport card, or similar nonimmigrant passenger) will be required to be presented by individuals applying for the Peace Garden Pass; and

(2) ensure that cards are only issued to—

(A) individuals providing the identification required under paragraph (1); or

(B) individuals under 18 years of age who are accompanied by an individual described in subparagraph (A).

(d) LIMITATION.—The Peace Garden Pass shall not grant entry into Canada.

(e) DURATION.—Each Peace Garden Pass shall be valid for a period not to exceed 14 days. The actual period of validity shall be determined by the issuer depending on the individual circumstances of the applicant and shall be clearly indicated on the pass.

(f) COST.—The Secretary may not charge a fee for the issuance of a Peace Garden Pass.

SA 1252. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 601, add the following:

SEC. 602. ADJUSTMENT SHALL BE UNAVAILABLE FOR Z STATUS ALIENS.

Notwithstanding any other provision of this Act (or an amendment made by this Act)—

(1) a Z nonimmigrant shall not be adjusted to the status of a lawful permanent resident; and

(2) nothing in this section shall be construed to limit the number of times that a Z nonimmigrant can renew their status.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by e-mail to Gina.Weinstock@energy.senate.gov.

For further information, please contact Scott Miller at 202–224–5488 or Rachel.Pasternack at 202–224–0683.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by e-mail to Gina.Weinstock@energy.senate.gov.

For further information, please contact Michael Connor at (202) 224–5479 or Gina.Weinstock at (202) 224–5684.

SA 1253. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 281, line 20, strike “January 1, 2007” and insert “May 1, 2005”.

On page 281, line 24, strike “January 1, 2007” and insert “May 1, 2005”.

SA 1254. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Strike section 602 and insert the following:

SEC. 602. ADJUSTMENT SHALL BE UNAVAILABLE FOR Z STATUS ALIENS.

Notwithstanding any other provision of this Act (or an amendment made by this Act)—

(1) a Z nonimmigrant shall not be adjusted to the status of a lawful permanent resident; and

(2) nothing in this section shall be construed to limit the number of times that a Z nonimmigrant can renew their status.
Congressional Record - Senate

May 24, 2007

S6921

Authority for Committees to Meet

AD HOC SUBCOMMITTEE ON DISASTER RECOVERY

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Ad Hoc Subcommittee on Disaster Recovery of the Committee on Homeland Security and Governmental Affairs be authorized to meet on Thursday, May 24, 2007, at 3:30 p.m. for a hearing entitled “The Road Home? An Examination of the Goals, Costs, Management, and Impediments Facing Louisiana’s Road Home Program.”

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

COMMITTEE ON ARMED SERVICES

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, May 24, 2007, at 9:30 a.m., in room 253 of the Dirksen Senate Office Building, to conduct a hearing entitled “The Future of the Airports Authority.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. KENNEDY. 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 Thursday, May 24, 2007, at 10 a.m., in room 253 of the Dirksen Senate Office Building. The hearing is on the nomination of Mr. Michael E. Baroody to be Commissioner and Chairman of the Consumer Product Safety Commission, and for Charles Darwin Snelling to be a Member of the Board of Directors at the Metropolitan Washington Airports Authority.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to hold a hearing during the session of the Senate on Thursday, May 24, 2007, at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building. The hearing will address opportunities and challenges associated with coal gasification, including coal-to-liquids and industrial gasification.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Thursday, May 24, 2007 at 10:30 a.m. in room 406 of the Dirksen Senate Office Building to conduct a hearing entitled “The Issue of the Potential Impacts of Global Warming on Recreation and the Recreation Industry.”

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

COMMITTEE ON FINANCE

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, May 24, 2007, at 2 p.m., in 215 Dirksen Senate Office Building, to hear testimony on “Energy Efficiency: Can Tax Incentives Reduce Consumption?”

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

COMMITTEE ON FOREIGN RELATIONS

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, May 24, 2007, at 11:30 a.m. to hold a business meeting.

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

COMMITTEE ON THE JUDICIARY

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, May 24, 2007, at 10:00 a.m. in Dirksen Room 226.

AGENDA

I. Committee Authorization

Authorization of Subpoenas in Connection with Investigation into Replacement of U.S. Attorneys.

II. Bills

S. 1327, A bill to create and extend certain temporary district court judgeships (Leahy, Brownback, Feinstei


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

SELECT COMMITTEE ON INTELLIGENCE

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on May 24, 2007, at 3:30 p.m. to hold a closed hearing.

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

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICE, AND INTERNATIONAL SECURITY

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs’ Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security be authorized to meet on Thursday, May 24, 2007 at 10 a.m. for a hearing entitled, “Federal Real Property: Real Waste in Need of Real Reform.”

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

STAR PRINT—TREATY DOCUMENT 109–20

Mr. DURBIN. Mr. President, I ask unanimous consent that pursuant to the request of the State Department, Executive Communication 110–2046, dated May 24, 2007, Treaty Document 109–20 be star printed to include the exchange of diplomatic notes referred to in that request.

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

DESIGNATING THE WEEK OF MAY 20, 2007, AS “NATIONAL HURRICANE PREPAREDNESS WEEK”

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 217, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 217) designating the week of May 20, 2007, as “National Hurricane Preparedness Week.”

Mr. KENNEDY. 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. 217) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 217

Whereas the President has proclaimed that the week beginning May 20, 2007, shall be known as “National Hurricane Preparedness Week”, and has called on government agencies, private organizations, schools, and media to share information about hurricane preparedness;

Whereas, as hurricane season approaches, National Hurricane Preparedness Week provides an opportunity to raise awareness of steps that can be taken to protect citizens, their communities, and property;

Whereas the official Atlantic hurricane season occurs in the period beginning June 1, 2007, and ending November 30, 2007;

Whereas hurricanes are among the most powerful forces of nature, causing destructive winds, tornadoes, floods, and storm surges that can result in numerous fatalities and cost billions of dollars in damage;

Whereas, in 2005, a record-setting Atlantic hurricane season caused 28 storms, including 18 hurricanes, of which 7 were major hurricanes, including Hurricanes Katrina, Rita, and Wilma;

Whereas the National Oceanic and Atmospheric Administration reports that over 50 percent of the population of the United States lives in coastal counties that are vulnerable to the dangers of hurricanes;

Whereas, because the impact from hurricanes extends well beyond coastal areas, it is vital for individuals in hurricane prone areas to prepare in advance of the hurricane season;

Whereas cooperation between individuals and Federal, State, and local officials can help increase preparedness, save lives, reduce the impact of each hurricane, and provide a more effective response to those storms;

Whereas the National Hurricane Center within the National Oceanic and Atmospheric Administration recommends that each at-risk family of the United States develop a family
disaster plan, create a disaster supply kit, secure their home, and stay aware of current weather situations to improve preparedness and help save lives; and

Whereas the designation of the week beginning May 20, 2007, as “National Hurricane Preparedness Week” will help raise the awareness of the individuals of the United States on preparing for the upcoming hurricane season: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals of the President in proclaiming the week beginning May 20, 2007, as “National Hurricane Preparedness Week”;

(2) encourages the people of the United States—

(A) to be prepared for the upcoming hurricane season; and

(B) to promote awareness of the dangers of hurricanes to help save lives and protect communities; and

(3) recognizes—

(A) the threats posed by hurricanes; and

(B) the need for the individuals of the United States to learn more about preparedness so that they may minimize the impacts of, and provide a more effective response to, hurricanes.

AUTHORIZING THE PRINTING OF A COLLECTION OF RULES OF COMMITTEES OF THE SENATE

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 218, which was submitted earlier today.

The PRESIDING OFFICER. The legislative clerk read as follows:

A resolution (S. Res. 218) authorizing the printing of a collection of the rules of the committees of the Senate.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. Mr. President, I ask unanimous consent that the resolution be agreed to, 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 resolution (S. Res. 218) was agreed to, as follows:

S. Res. 218

Resolved, That a collection of the rules of the committees of the Senate, together with related materials, be printed as a Senate document, and that there be printed 250 additional copies of such document for the use of the Committee on Rules and Administration.

OFFICIAL 50TH ANNIVERSARY CELEBRATION

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 219, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 219) recognizing the year 2007 as the official 50th anniversary celebration of the beginnings of marinas, power production, recreation, and boating on Lake Sidney Lanier, Georgia.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. Mr. President, I ask unanimous consent that the resolution be agreed to, 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 resolution (S. Res. 219) was agreed to, as follows:

S. Res. 219

Resolved, That the resolution be agreed to, 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. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1676) to authorize the appropriation of funds for the Pierce County School District to finance school construction and renovation projects for the school year 2007-2008, to establish a Pierce County Educational Facilities Construction Authority, and for other purposes.

The bill (H.R. 1676) was ordered to a third reading, was read the third time, and passed.

The PRESIDING OFFICER. The clerk will report the title of the bill.

The legislative clerk read as follows:

The bill (H.R. 1676) to authorize the Pierce County School District to finance school construction and renovation projects for the school year 2007-2008, to establish a Pierce County Educational Facilities Construction Authority, and for other purposes.

The bill (H.R. 1676) was ordered to a third reading, was read the third time, and passed.

AUTHORIZING THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 152, H.R. 1676.

The PRESIDING OFFICER. The clerk will report the title of the bill.

The legislative clerk read as follows:

A bill (H.R. 1676) to authorize the Edward Byrne Memorial Justice Assistance Grant Program at fiscal year 2006 levels through 2012.

The bill (H.R. 1676) was ordered to a third reading, was read the third time, and passed.

The PRESIDING OFFICER. The clerk will report the title of the bill.

The legislative clerk read as follows:

The bill (S. 231) to authorize the Edward Byrne Memorial Justice Assistance Grant Program at fiscal year 2006 levels through 2012.

The bill (S. 231) to authorize the Edward Byrne Memorial Justice Assistance Grant Program at fiscal year 2006 levels through 2012.

The bill (S. 231) to authorize the Edward Byrne Memorial Justice Assistance Grant Program at fiscal year 2006 levels through 2012.

The bill (S. 231) to authorize the Edward Byrne Memorial Justice Assistance Grant Program at fiscal year 2006 levels through 2012.
CONGRESSIONAL RECORD—SENATE
S6923
May 24, 2007

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

The bill (S. 231) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 231

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

SECTION 1. AUTHORIZATION OF GRANTS.

Section 508 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3001 note) is amended by striking “for fiscal year 2006” through the period and inserting “for each of the fiscal years 2006 through 2012.”

EXPRESSIONS OF Profound Concern Regarding Transgression Against Freedom of Thought and Expression in Venezuela

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of Calendar No. 178, S. Res. 211.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 211) expressing the profound concern of the Senate regarding the transgression against freedom of thought and expression that is being carried out in Venezuela, and for other purposes.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. 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 to the resolution be printed in the Record.

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

The resolution (S. Res. 211) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 211

Whereas, for several months, the President of Venezuela, Hugo Chavez, has been announcing over various media that he will not renew the current concession of the television station “Radio Caracas Televisión” known as RCTV, which is set to expire on May 27, 2007, because of its adherence to an editorial stance different from his way of thinking;

Whereas President Chavez justifies this measure based on the alleged role RCTV played in the unsuccessful unconstitutional attempts in April 2002 to unseat President Chavez, under circumstances where there exists no filed complaint or judicial sentence that would sustain such a charge, nor any legal sanction against RCTV that would prevent the renewal of its concession, as provided for in the Inter-American Declaration of Principles on Freedom of Expression, approved by the Inter-American Commission on Human Rights, states in Principle 13, “The exercise of power and the use of public authority must be guided by the principle of respect for the inherent dignity of human beings, the arbitrary and discriminatory placement of official advertising and government loans; the concession of radio and television broadcast frequencies, among others, with the intent to put pressure on and punish or reward and provide privileges to social communicators and communications media because of the opinions they express or the editorial stance that they take, and must be explicitly prohibited by law. The means of communication have the right to carry out their role in an independent manner. Direct or indirect pressures exerted upon journalists or other social communicators to stifle the dissemination of information are incompatible with freedom of expression.”;

Whereas, according to the principles of the American Convention on Human Rights and the Inter-American Declaration of Principles on Freedom of Expression, to both of which Venezuela is a party, the decision not to renew the concession of the television station RCTV is an assault against freedom of thought and expression and cannot be accepted by democratic countries, especially those in North America who are signatories to the American Convention on Human Rights;

Whereas most paradoxical aspect of the decision by President Chavez is that it strongly conflicts with two principles from the Declaration of Principles on Freedom of Thought and Expression, which state that: “Public opinion is the most sacred of objects, it needs the protection of an enlightened government which knows that opinion is the fountain of the most important of events,” and that “the right to express one’s thoughts and opinions, by word, by writing or by any other means, is the first and oldest human right that has in society. The law itself will never be able to prohibit it.”; and

Whereas the United States should raise its concerns about these and other serious restrictions on freedoms of thought and expression being imposed by the Government of Venezuela before the Organization of American States: Now, therefore, be it

Resolved, That the Senate—

(1) expresses its profound concern about the transgression against freedom of thought and expression that is being attempted and committed in Venezuela by the refusal of the President of Venezuela, Hugo Chavez, to renew the concession of the television station “Radio Caracas Televisión” (RCTV) merely because of its adherence to an editorial and informational stance distinct from the thinking of the Government of Venezuela;

(2) strongly encourages the Organization of American States to respond appropriately, with full consideration of the necessary institutional instruments, to such transgression.

HONORING 50TH ANNIVERSARY OF STAN HYWET HALL AND GARDENS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration, and the Senate now proceed to consideration of S. Con. Res. 32.

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

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 32) honoring the 50th anniversary of Stan Hywet Hall & Gardens.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. DURBIN. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, and the motion to reconsider be laid upon the table.

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

The concurrent resolution (S. Con. Res. 32) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. Con. Res. 32

Whereas Stan Hywet Hall was built between 1912 and 1915 by Franklin D. and Gustavus Seiberling and his wife, Gertrude; and

Whereas Franklin Seiberling hired architect Charles S. Schneider of Cleveland to design the home, landscape architect Warren H. Manning of Boston to design the grounds, and Hugo F. Huber of New York City to decorate the interior;

Whereas Stan Hywet Hall is one of the finest examples of Tudor Revival architecture in the United States; and

Whereas Stan Hywet Hall & Gardens is identified as a National Historic Landmark by the Department of the Interior, the only location in Akron, Ohio, with such a designation and one of only 2,200 nationwide;

Whereas Stan Hywet Hall was built with funds from the National Endowment for Historic Preservation, the only organization to be designated by Congress to carry out its mission of historic preservation; and

Whereas Stan Hywet Hall & Gardens is one of Ohio’s top 10 tourist attractions, is a Save America’s Treasures project, and is accredited by the American Association of Museums;

Whereas more than 5,000,000 people from around the world have visited Stan Hywet Hall & Gardens, with the number of visitors annually averaging between 150,000 and 200,000 since 1990;

Whereas Stan Hywet Hall & Gardens contributes over $12,000,000 annually to the greater Akron economy; and

Whereas Stan Hywet Hall & Gardens is a recipient of the Trustee Emeritus Award for Excellence in the Stewardship of Historic Sites from the National Trust for Historic Preservation, only the fourth recipient of the Award after George Washington’s Mount Vernon.
TO INCREASE THE NUMBER OF IRAQI AND AFGHANI TRANSLATORS AND INTERPRETERS WHO MAY BE ADMITTED TO THE UNITED STATES AS SPECIAL IMMIGRANTS

Mr. DURBIN. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (S. 1104) to increase the number of Iraqi and Afghan translators and interpreters who may be admitted to the United States as special immigrants.

The PRESIDING OFFICER. The Senate then resume consideration of S. 1104.

SECTION 1. SPECIAL IMMIGRANT STATUS FOR CERTAIN ALIENS SERVING AS TRANSLATORS OR INTERPRETERS WITH FEDERAL AGENCIES

(a) INCREASE IN NUMBERS ADMITTED.—Section 1059 of the National Defense Authorization Act for Fiscal Year 2006 (8 U.S.C. 1101 note) is amended—

(1) by redesignating subsection (d) as subsection (f); and

(2) by inserting after subsection (c) the following:

‘‘(d) ADJUSTMENT OF STATUS.—Notwithstanding paragraphs (2), (7), and (8) of section 245(c) of the Immigration and Nationality Act (8 U.S.C. 1255(c)), the Secretary of Homeland Security may adjust the status of a lawful permanent resident under section 245(a) of such Act if the alien—

‘‘(1) was paroled or admitted as a non-immigrant into the United States; and

‘‘(2) is otherwise eligible for special immigrant status under this section and under the Immigration and Nationality Act.

‘‘(e) NATURALIZATION.—

‘‘(1) IN GENERAL.—An absence from the United States described in paragraph (2) shall not be considered to break any period for which continuous residence in the United States is required for naturalization under title III of the Immigration and Nationality Act (8 U.S.C. 1401 et seq.).

‘‘(2) ABSENCE DESCRIBED.—An absence described in this paragraph is an absence from the United States due to a person’s employment by the Chief of Mission or United States Armed Forces, under contract with the Chief of Mission or United States Armed Forces, or by a firm or corporation under contract with the Chief of Mission or United States Armed Forces, if—

‘‘(A) such employment involved working with the Chief of Mission or United States Armed Forces as a translator or interpreter; and

‘‘(B) the person spent at least a portion of the time outside of the United States working directly with the Chief of Mission or United States Armed Forces as a translator or interpreter in Iraq or Afghanistan.

Amend the title so as to read “An Act to increase the number of Iraqi and Afghan translators and interpreters who may be admitted to the United States as special immigrants, and for other purposes.”

Mr. DURBIN. I ask unanimous consent that the Senate concur in the House amendments, the motions to recommit and to reconsider be laid on the table, and any statements be printed in the RECORD.

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

MEASURE READ THE FIRST TIME—S.J. RES. 14

Mr. DURBIN. Mr. President, I understand that S.J. Res. 14, introduced earlier today, is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the joint resolution by title for the first time.

The legislative clerk read as follows: A joint resolution (S.J. Res. 14) expressing the sense of the Senate that Attorney General Alberto Gonzales no longer holds the confidence of the Senate and of the American people.

Mr. DURBIN. Mr. President, I now ask for its second reading, and I object to my own request.

The PRESIDING OFFICER. Objection having been heard, the joint resolution will receive its second reading on the next legislative day.

CONDITIONAL ADJOURNMENT OF THE SENATE AND THE HOUSE OF REPRESENTATIVES

Mr. DURBIN. I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 158, the adjournment resolution.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows: A concurrent resolution (H. Con. Res. 158) providing for conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. DURBIN. I ask unanimous consent that the current resolution be agreed to and the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection it is so ordered.

The concurrent resolution (H. Con. Res. 158) was considered and agreed to, as follows:

H. CON. RES. 158

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Thursday, May 24, 2007, Friday, May 25, 2007, Saturday, May 26, 2007, or on any other time provided pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 9:30 a.m., Friday, June 1, 2007, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on Friday, May 25, 2007, Saturday, May 26, 2007, or on any day from Monday, May 28, 2007, through Saturday, June 2, 2007, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, June 4, 2007, or such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.
May 24, 2007

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. DURBIN. Mr. President, if there is no further business, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 9:43 p.m., adjourned until Friday, May 25, 2007, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate May 24, 2007:

DEPARTMENT OF DEFENSE

PRESTON M. GEREN, OF TEXAS, TO BE SECRETARY OF THE ARMY, VICE FRANCIS J. HARVEY, RESIGNED.

EXPORT-IMPORT BANK OF THE UNITED STATES

DIANE G. FARRELL, OF CONNECTICUT, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE EXPORT-IMPORT BANK OF THE UNITED STATES FOR A TERM EXPIRING JANUARY 20, 2011, VICE JOSEPH MAX CLELAND, TERM EXPIRED.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

HENRIETTA ROLSMAN FORD, OF NEVADA, TO BE ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT, VICE RANDALL L. TOBIS, RESIGNED.

DEPARTMENT OF STATE

MICHAEL W. MICHALAK, OF MICHIGAN, 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 SOCIALIST REPUBLIC OF VIETNAM.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

JAMES W. HOLSINGER, JR., OF KENTUCKY, TO BE MEDICAL DIRECTOR IN THE REGULAR CORPS OF THE PUBLIC HEALTH SERVICE, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW AND REGULATIONS, AND TO BE SURGEON GENERAL OF THE PUBLIC HEALTH SERVICE FOR A TERM OF FOUR YEARS, VICE RICHARD H. CARMONA, TERM EXPIRED.

THE JUDICIARY

WILLIAM J. POWELL, OF WEST VIRGINIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF WEST VIRGINIA, VICE W. CRAIG BROADWATER, DECEASED.

AMUL R. THAPAR, OF KENTUCKY, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF KENTUCKY, VICE JOSEPH M. HOOD, RETIRED.

GOVERNMENT PRINTING OFFICE

ROBERT CHARLES TAPPELL, OF VIRGINIA, TO BE PUBLIC PRINTER, VICE BRUCE R. JAMES, RETIRED.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

SUBJECT TO QUALIFICATIONS PROVIDED BY LAW, THE FOLLOWING FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.

To be rear admiral

JONATHAN W. BAILEY

SUBJECT TO QUALIFICATIONS PROVIDED BY LAW, THE FOLLOWING FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.

To be rear admiral

PHILIP M. KENUL.
HIGHLIGHTS

Senate completed action on U.S. Troop Readiness, Veterans’ Care, Katrina Recovery, and Iraq Accountability Appropriations Act.

Senate

Chamber Action

Routine Proceedings, pages S6577–S6925

Measures Introduced: Sixty bills and seven resolutions were introduced, as follows: S. 40, 1471–1529, S.J. Res. 14, and S. Res. 214–219. Pages S6844–46

Measures Reported:

Special Report entitled “Allocations to Subcommittee of Budget Totals”. (S. Rept. No. 110–74)

S. 924, to strengthen the United States Coast Guard’s Integrated Deepwater Program, with an amendment in the nature of a substitute. (S. Rept. No. 110–72)

S. 368, to amend the Omnibus Crime Control and Safe Streets Act of 1968 to enhance the COPS ON THE BEAT grant program. (S. Rept. No. 110–73)

H.R. 740, to amend title 18, United States Code, to prevent caller ID spoofing, with an amendment in the nature of a substitute.

H. Con. Res. 76, honoring the 50th anniversary of the International Geophysical Year (IGY) and its past contributions to space research, and looking forward to future accomplishments.

S. Res. 110, expressing the sense of the Senate regarding the 30th anniversary of ASEAN United States dialogue and relationship.

S. Res. 211, expressing the profound concerns of the Senate regarding the transgression against freedom of thought and expression that is being carried out in Venezuela.

S. 1327, to create and extend certain temporary district court judgeships.

S. Con. Res. 25, condemning the recent violent actions of the Government of Zimbabwe against peaceful opposition party activists and members of civil society. Pages S6842–43

Measures Passed:

Calling on the Government of Iran: Senate agreed to S. Res. 214, calling upon the Government of the Islamic Republic of Iran to immediately release Dr. Haleh Esfandiari. Pages S6597–98

National Hurricane Preparedness Week: Senate agreed to S. Res. 217, designating the week beginning May 20, 2007, as “National Hurricane Preparedness Week”. Pages S6921–22

Printing Authorization: Senate agreed to S. Res. 218, to authorize the printing of a collection of the rules of the committees of the Senate. Page S6922

Lake Sidney Lanier, Georgia: Senate agreed to S. Res. 219, recognizing the year 2007 as the official 50th anniversary celebration of the beginnings of marinas, power production, recreation, and boating on Lake Sidney Lanier, Georgia. Page S6922

Preservation Approval Process Improvement Act: Senate passed H.R. 1675, to suspend the requirements of the Department of Housing and Urban Development regarding electronic filing of previous participation certificates and regarding filing of such certificates with respect to certain low-income housing investors, clearing the measure for the President. Page S6922

Native American Home Ownership Opportunity Act: Senate passed H.R. 1676, to reauthorize the program of the Secretary of Housing and Urban Development for loan guarantees for Indian housing, clearing the measure for the President. Page S6922

Edward Byrne Memorial Justice Assistance Grant Program Authorization: Senate passed S. 231, to authorize the Edward Byrne Memorial Justice Assistance Grant Program at fiscal year 2006 levels through 2012. Pages S6922–23

Transgression Against Freedom of Thought and Expression: Senate agreed to S. Res. 211, expressing
the profound concern of the Senate regarding the transgression against freedom of thought and expression that is being carried out in Venezuela.

Stan Hywet Hall & Gardens Anniversary: Committee on the Judiciary was discharged from further consideration of S. Con. Res. 32, honoring the 50th anniversary of Stan Hywet Hall & Gardens, and the resolution was then agreed to. Pages S6923–24

Attorney General Alberto Gonzales: Senate agreed to S.J. Res. 14, expressing the sense of the Senate that Attorney General Alberto Gonzales no longer holds the confidence of the Senate and of the American people.

Adjournment Resolution: Senate agreed to H. Con. Res. 158, providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

Pages S6924

Measures Considered:

Comprehensive Immigration Reform: Senate continued consideration of S. 1348, to provide for comprehensive immigration reform, and taking action on the following amendments proposed thereto:

Adopted:

Specter (for McCain) Modified Amendment No. 1190 (to Amendment No. 1150), to require undocumented immigrants receiving legal status to pay owed back taxes.

By 87 yeas to 9 nays (Vote No. 176), Akaka Modified Amendment No. 1186 (to Amendment No. 1150), to exempt children of certain Filipino World War II veterans from the numerical limitations on immigrant visas.

By 59 yeas to 35 nays (Vote No. 179), Sanders Modified Amendment No. 1223 (to Amendment No. 1150), to establish the American Competitiveness Scholarship Program.

Rejected:

By 48 yeas to 49 nays (Vote No. 177), Coleman/Bond Amendment No. 1158 (to Amendment No. 1150), to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to facilitate information sharing between federal and local law enforcement officials related to an individual’s immigration status.

By 48 yeas to 49 nays (Vote No. 178), Dorgan/Boxer Amendment No. 1181 (to Amendment No. 1150), to sunset the Y–1 nonimmigrant visa program after a 5-year period.

By 29 yeas to 66 nays (Vote No. 180), Vitter/DeMint Amendment No. 1157 (to Amendment No. 1150), to strike title VI (related to Nonimmigrants in the United States Previously in Unlawful Status).

Pending:

Reid (for Kennedy/Specter) Amendment No. 1150, in the nature of a substitute.

Grassley/DeMint Amendment No. 1166 (to Amendment No. 1150), to clarify that the revocation of an alien’s visa or other documentation is not subject to judicial review.

Cornyn Modified Amendment No. 1184 (to Amendment No. 1150), to establish a permanent bar for gang members, terrorists, and other criminals.

Dodd/Menendez Amendment No. 1199 (to Amendment No. 1150), to increase the number of green cards for parents of United States citizens, to extend the duration of the new parent visitor visa, and to make penalties imposed on individuals who overstay such visas applicable only to such individuals.

Menendez Amendment No. 1194 (to Amendment No. 1150), to modify the deadline for the family backlog reduction.

McConnell Amendment No. 1170 (to Amendment No. 1150), to amend the Help America Vote Act of 2002 to require individuals voting in person to present photo identification.

Feingold Amendment No. 1176 (to Amendment No. 1150), to establish commissions to review the facts and circumstances surrounding injustices suffered by European Americans, European Latin Americans, and Jewish refugees during World War II.

Durbin/Grassley Amendment No. 1231 (to Amendment No. 1150), to ensure that employers make efforts to recruit American workers.

Sessions Amendment No. 1234 (to Amendment No. 1150), to save American taxpayers up to $24 billion in the 10 years after passage of this Act, by preventing the earned income tax credit, which is, according to the Congressional Research Service, the largest anti-poverty entitlement program of the Federal Government, from being claimed by Y temporary workers or illegal aliens given status by this Act until they adjust to legal permanent resident status.

Sessions Amendment No. 1235 (to Amendment No. 1150), to save American taxpayers up to $24 billion in the 10 years after passage of this Act, by preventing the earned income tax credit, which is, according to the Congressional Research Service, the
largest anti-poverty entitlement program of the Federal Government, from being claimed by temporary workers or illegal aliens given status by this Act until they adjust to legal permanent resident status.

Lieberman Amendment No. 1191 (to Amendment No. 1150), to provide safeguards against faulty asylum procedures and to improve conditions of detention.

During consideration of this measure today, Senate also took the following action:

Graham (for Hutchison) Amendment No. 1168 (to Amendment No. 1150), to provide local officials and the Secretary of Homeland Security greater involvement in decisions regarding the location of border fencing, previously agreed to on Wednesday, May 23, 2007, was modified by unanimous consent.

Subsequent to its adoption, a unanimous-consent agreement was reached providing that Akaka Amendment No. 1186 (to Amendment No. 1150) (listed above) be modified.

Text of Amendment No. 1150 is printed on pages S6625–87.

A unanimous-consent agreement was reached proving for further consideration of the bill at 9:30 a.m., on Friday, May 25, 2007. Page S6924

U.S. Troop Readiness, Veterans’ Care, Katrina Recovery, and Iraq Accountability Appropriations Act: By 80 yeas to 14 nays (Vote No. 181), Senate concurred in the amendment of the House to the amendment of the Senate to H.R. 2206, making emergency supplemental appropriations and additional supplemental appropriations for agricultural and other emergency assistance for the fiscal year ending September 30, 2007, clearing the measure for the President. Pages S6795–S6823

Iraqi and Afghani Translators and Interpreters Act: Senate concurred in the amendments of the House to S. 1104, to increase the number of Iraqi and Afghani translators and interpreters who may be admitted to the United States as special immigrants, clearing the measure for the President. Page S6924

Nominations Received: Senate received the following nominations:

Preston M. Geren, of Texas, to be Secretary of the Army.

Diane G. Farrell, of Connecticut, to be a Member of the Board of Directors of the Export Import Bank of the United States for a term expiring January 20, 2011.

Henrietta Holsman Fore, of Nevada, to be Administrator of the United States Agency for International Development.

Michael W. Michalak, of Michigan, to be Ambassador to the Socialist Republic of Vietnam.

James W. Holsinger, Jr., of Kentucky, to be Medical Director in the Regular Corps of the Public Health Service, subject to qualifications therefor as provided by law and regulations, and to be Surgeon General of the Public Health Service for a term of four years.

William J. Powell, of West Virginia, to be United States District Judge for the Northern District of West Virginia.

Amul R. Thapar, of Kentucky, to be United States District Judge for the Eastern District of Kentucky.

Robert Charles Tapella, of Virginia, to be Public Printer.

2 National Oceanic and Atmospheric Administration nominations in the rank of admiral. Page S6925

Messages from the House: Pages S6840–41

Measures Referred: Page S6841

Measures Placed on the Calendar: Pages S6841

Measures Read the First Time: Pages S6841–42

Executive Communications: Pages S6841–42

Petitions and Memorials: Pages S6842

Executive Reports of Committees: Pages S6843

Additional Cosponsors: Pages S6846–49

Statements on Introduced Bills/Resolutions: Pages S6849–99

Additional Statements: Pages S6835–40

Amendments Submitted: Pages S6899–S6920

Notices of Hearings/Meetings: Pages S6920

Authorities for Committees to Meet: Pages S6921

Record Votes: Six record votes were taken today. (Total—181) Pages S6595, S6596, S6604, S6623, S6624–25, S6823

Adjournment: Senate convened at 9:30 a.m., and adjourned at 9:43 p.m., until 9:30 a.m. on Friday, May 25, 2007. (For Senate’s program, see the remarks of the Acting Majority Leader in today’s Record on page S6924.)

Committee Meetings

(Committees not listed did not meet)

AUTHORIZATION—NATIONAL DEFENSE

Committee on Armed Services: Committee ordered favorably reported the following bills:


Committee on Appropriations: Committee ordered favorably reported the following bills:

An original bill entitled “U.S. Troop Readiness, Veterans’ Care, Katrina Recovery, and Iraq Accountability Appropriations Act”;

Amendments Submitted: Pages S6835–40

Notices of Hearings/Meetings: Pages S6920

Authorities for Committees to Meet: Pages S6921

Record Votes: Six record votes were taken today. (Total—181) Pages S6595, S6596, S6604, S6623, S6624–25, S6823

Adjournment: Senate convened at 9:30 a.m., and adjourned at 9:43 p.m., until 9:30 a.m. on Friday, May 25, 2007. (For Senate’s program, see the remarks of the Acting Majority Leader in today’s Record on page S6924.)
An original bill entitled “Department of Defense Authorization Act for Fiscal Year 2008”;
An original bill entitled “Military Construction Authorization Act for Fiscal Year 2008”; and
An original bill entitled “Department of Energy National Security Act for Fiscal Year 2008”.

Also, committee received a report from the Select Committee on Intelligence on the proposed Intelligence Authorization Act for Fiscal Year 2008.

NOMINATION

Committee on Commerce, Science, and Transportation: Committee concluded a hearing to examine the nomination of Charles Darwin Snelling, of Pennsylvania, to be a Member of the Board of Directors of the Metropolitan Washington Airports Authority, after the nominee, who was introduced by Senator Specter, testified and answered questions in his own behalf.

COAL GASIFICATION


POTENTIAL IMPACTS OF GLOBAL WARMING

Committee on Environment and Public Works: Committee concluded a hearing to examine potential impacts of global warming on recreation and the recreation industry, after receiving testimony from Daniel Scott, University of Waterloo Department of Geography, Ontario, Canada; Tom Campion, Zumiez, Inc., Seattle, Washington; Michael Berry, National Ski Areas Association, Lakewood, Colorado; Bryant M. Watson, Vermont Association of Snow Travelers, Inc., Barre Vermont; Betty Huskins, Southeast Tourism Policy Council, Fletcher, North Carolina; Derrick A. Crandall, American Recreation Coalition (ARC), and Barry W. McCahill, SUV Owners of America, both of Washington, D.C.

ENERGY EFFICIENCY TAX INCENTIVES

Committee on Finance: Subcommittee on Energy, Natural Resources, and Infrastructure concluded a hearing to examine energy efficiency, focusing on tax incentives for reducing consumption, after receiving testimony from Kateri Callahan, Alliance to Save Energy, Dan Delurey, Demand Response and Advanced Metering Coalition, and Chris Edwards, Cato Institute, all of Washington, D.C.; Stuart Thorn, Southwire Company, Carrolton, Georgia, on behalf of the National Electrical Manufacturers Association; Sean Casten, Recycled Energy Development, Westmont, Illinois; and Douglas Smith, NanoPore Incorporated, Albuquerque, New Mexico.

BUSINESS MEETING

Committee on Foreign Relations: Committee ordered favorably reported the following business items:

S. Con. Res. 25, condemning the recent violent actions of the Government of Zimbabwe against peaceful opposition party activists and members of civil society;

S. Res. 110, expressing the sense of the Senate regarding the 30th anniversary of ASEAN-United States dialogue and relationship;

S. Res. 211, expressing the profound concerns of the Senate regarding the transgression against freedom of thought and expression that is being carried out in Venezuela; and

The nominations of Phillip Carter, III, of Virginia, to be Ambassador to the Republic of Guinea, 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, Dell L. Dailey, of South Dakota, to be Coordinator for Counterterrorism, with the rank and status of Ambassador at Large, Mark P. Lagon, of Virginia, to be Director of the Office to Monitor and Combate Trafficking, with the rank of Ambassador at Large, James K. Glassman, of Connecticut, to be a Member of the Broadcasting Board of Governors, Cameron R. Hume, of New York, to be Ambassador of Indonesia, James R. Keith, of Virginia, to be Ambassador to the Republic of Cameroon, Miream K. Hughes, of Florida, to be Coordinator for Counterterrorism, with the rank and status of Ambassador at Large, Mark P. Lagon, of Virginia, to be Ambassador to the Democratic Republic of the Congo, Janet E. Garvey, of Massachusetts, to be Ambassador to the Democratic Republic of the Congo, and promotion lists in the Foreign Service.

FEDERAL REAL PROPERTY

for Management, Office of Management and Budget; Mark L. Goldstein, Director, Physical Infrastructure, Government Accountability Office; Boyd K. Rutherford, Assistant Secretary of Agriculture for Administration; David L. Winstead, Commissioner, Public Buildings Service, General Services Administration; Phillip W. Grone, Deputy Under Secretary of Defense (Installations and Environment); and Robert J. Henke, Assistant Secretary of Veterans Affairs for Management.

LOUISIANA’S ROAD HOME PROGRAM

Committee on Homeland Security and Governmental Affairs: Ad Hoc Subcommittee on Disaster Recovery concluded a hearing to examine issues relative to residents of Louisiana affected by Hurricane Katrina or Rita, focusing on the goals, costs, management and impediments facing Louisiana’s Road Home Program, after receiving testimony from Donald E. Powell, Federal Coordinator for Gulf Coast Rebuilding, and David I. Maurstad, Assistant Administrator, Mitigation, Federal Emergency Management Agency, both of the Department of Homeland Security; Nelson R. Bregon, Assistant Deputy Secretary of Housing and Urban Development for Disaster Policy and Response; Andrew D. Kopplin, Louisiana Recovery Authority, and Susan Elkins, Louisiana Office of Community Development, both of Baton Rouge; Isabel Reiff, ICF International, Inc., Fairfax, Virginia, on behalf of the Louisiana Road Home Program; Connie Uddo, St. Paul’s Homecoming Center/Beacon of Hope Resource Center, Lakeview, Louisiana; and Debbie DeGruy-Gordon, Chimney Wood Homeowners Association, Frank Silvestri, Citizens’ Road Home Action Team, Frank A. Trapani, New Orleans Metropolitan Association of Realtors, and Walter Thomas, all of New Orleans, Louisiana.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported the following items:

- S. 1327, to create and extend certain temporary district court judgeships;
- H. Con. Res. 76, honoring the 50th anniversary of the International Geophysical Year and its past contributions to space research, and looking forward to future accomplishments; and
- The nominations of Janet T. Neff and Paul Lewis Maloney, each to be a United States District Judge for the Western District of Michigan, and Liam O’Grady, to be United States District Judge for the Eastern District of Virginia.

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to the call.
House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 87 public bills, H.R. 2470–2556; and 19 resolutions, H.J. Res. 44; H. Con. Res. 158–163; and H. Res. 439–450 were introduced. (See next issue.)

Additional Cosponsors: (See next issue.)

Report Filed: A report was filed today as follows:

H.R. 964, to protect users of the Internet from unknowing transmission of their personally identifiable information through spyware programs, with an amendment (H. Rept. 110–169). (See next issue.)

Speaker: Read a letter from the Speaker wherein she appointed Representative Lynch to act as Speaker Pro Tempore for today. Page H5727

Committee Election: The House agreed to H. Res. 441, electing Representative Brady (PA) as Chairman of the Committee on House Administration. Page H5749


Agreed to the Smith (TX) motion to recommit the bill to the Committee on the Judiciary with instructions to report the same back to the House forthwith with an amendment, by a yea-and-nay vote of 228 yeas to 192 nays, Roll No. 419. Subsequently, Representative Conyers reported the bill back to the House with the amendment and the amendment was agreed to. Pages H5753–55

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill shall be considered as the original bill for the purpose of amendment. (See next issue.)

Agreed to:

Conyers manager’s amendment (No. 1 printed in part B of H. Rept. 110–167) that makes technical corrections to the text of the bill and permits Members to omit personally identifiable information not required to be disclosed on the reports posted on the Internet by the Clerk; (See next issue.)

Dreier amendment (No. 2 printed in part B of H. Rept. 110–167) that adds language passed by the House as part of H.R. 4975 in the 109th Congress amending the post-employment restrictions contained in section 207(e) of title 18, United States Code; (See next issue.)

Castle amendment (No. 4 printed in part B of H. Rept. 110–167) that states it is the sense of Congress that the use of a family relationship by a lobbyist who is an immediate family member of a Member of Congress to gain special advantages over other lobbyists is inappropriate; and (See next issue.)

Cardoza amendment (No. 5 printed in part B of H. Rept. 110–167) that gives judges the discretion to increase the sentence for public officials convicted of bribery, fraud, extortion or theft of public funds greater than $10,000. (See next issue.)

Rejected:

Conyers amendment (No. 3 printed in part B of H. Rept. 110–167) that sought to place a one-year ban on flag and general officers of the Armed Services from receiving compensation from any company that does greater than $50 million in business with the Department of Defense (by a recorded vote of 152 yeas to 271 noes, with 1 voting “present”, Roll No. 421). (See next issue.)

Honest Leadership and Open Government Act of 2007: The House passed H.R. 2316, to provide more rigorous requirements with respect to disclosure and enforcement of lobbying laws and regulations, by a recorded vote of 396 ayes to 22 noes with 1 voting “present”, Roll No. 423. (See next issue.)

Agreed to the Chabot motion to recommit the bill to the Committee on the Judiciary with instructions to report the same back to the House forthwith with amendments, by a recorded vote of 346 ayes to 71 noes with 2 voting “present”, Roll No. 422. Subsequently, Representative Conyers reported the bill back to the House with the amendment and the amendment was agreed to. (See next issue.)

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill shall be considered as the original bill for the purpose of amendment. (See next issue.)

Agreed to:

Conyers manager’s amendment (No. 1 printed in part B of H. Rept. 110–167) that makes technical corrections to the text of the bill and permits Members to omit personally identifiable information not required to be disclosed on the reports posted on the Internet by the Clerk; (See next issue.)

Dreier amendment (No. 2 printed in part B of H. Rept. 110–167) that adds language passed by the House as part of H.R. 4975 in the 109th Congress amending the post-employment restrictions contained in section 207(e) of title 18, United States Code; (See next issue.)

Castle amendment (No. 4 printed in part B of H. Rept. 110–167) that states it is the sense of Congress that the use of a family relationship by a lobbyist who is an immediate family member of a Member of Congress to gain special advantages over other lobbyists is inappropriate; and (See next issue.)

Cardoza amendment (No. 5 printed in part B of H. Rept. 110–167) that gives judges the discretion to increase the sentence for public officials convicted of bribery, fraud, extortion or theft of public funds greater than $10,000. (See next issue.)

Rejected:

Conyers amendment (No. 3 printed in part B of H. Rept. 110–167) that sought to place a one-year ban on flag and general officers of the Armed Services from receiving compensation from any company that does greater than $50 million in business with the Department of Defense (by a recorded vote of 152 yeas to 271 noes, with 1 voting “present”, Roll No. 421). (See next issue.)
Agreed that the Clerk be authorized to make technical and conforming changes to reflect the actions of the House. (See next issue.)

H. Res. 437, the rule providing for consideration of H.R. 2317 and H.R. 2316, was agreed to by a yea-and-nay vote of 224 yeas to 197 nays, Roll No. 416, after agreeing to order the previous question by a yea-and-nay vote of 224 yeas to 195 nays, Roll No. 415.

Pages H5738–47

U.S. Troop Readiness, Veterans’ Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007: Concurred in the Senate amendment with an amendment to H.R. 2206, making emergency supplemental appropriations and additional supplemental appropriations for agricultural and other emergency assistance for the fiscal year ending September 30, 2007. The House amendment was divided into two separate questions and voted on accordingly as House amendment No. 1 and House amendment No. 2, to the Senate amendment. (See next issue.)

Agreed to House amendment No. 1 (printed in H. Rept. 110–168) to the Senate amendment, by a yea-and-nay vote of 348 yeas to 73 nays, Roll No. 424. (See next issue.)

Agreed to House amendment No. 2 (printed in H. Rept. 110–168) to the Senate amendment, by a recorded vote of 280 ayes to 142 noes, Roll No. 425. (See next issue.)

H. Res. 438, the rule providing for consideration of the Senate amendment to the bill (H.R. 2206), was agreed to by a yea-and-nay vote of 218 yeas to 201 nays, Roll No. 418, after agreeing to order the previous question by a yea-and-nay vote of 221 yeas to 199 nays, Roll No. 417. Pages H5730–38, H5747–48

Late Report: Agreed that the Committee on Foreign Affairs have until midnight on Thursday, May 31, 2007 to file a report on H.R. 2446, to reauthorize the Afghanistan Freedom Support Act of 2002. (See next issue.)

Calendar Wednesday: Agreed by unanimous consent to dispense with the Calendar Wednesday business of Wednesday, June 6th. (See next issue.)

Speaker Pro Tempore: Read a letter from the Speaker wherein she appointed Representative Hoyer and Representative Van Hollen to act as Speaker pro tempore to sign enrolled bills and joint resolutions through June 5, 2007. (See next issue.)

Senate Message: Message received from the Senate today appears on page H5727.

Senate Referrals: S. 1352 was referred to the Committee on Oversight and Government Reform. (See next issue.)

Quorum Calls—Votes: Seven yea-and-nay votes and four recorded votes developed during the proceedings of today and appear on pages . There were no quorum calls.

Adjournment: The House met at 10 a.m. and at 8:16 p.m., the House stands adjourned until 9:30 a.m. on Monday, May 28, 2007 unless it sooner has received a message from the Senate transmitting its adoption of H. Con. Res. 158, in which case the House shall stand adjourned pursuant to that concurrent resolution until 2 p.m. on Tuesday, June 5, 2007.

Committee Meetings

FARM BILL EXTENSION ACT OF 2007

IRAQI POLICE TRAINING
Committee on Armed Services: Subcommittee on Oversight and Investigations held a hearing on training and development of the Iraqi police service. Testimony was heard from the following officials of the Department of Defense: COL Richard Swengros, USA, Assistant Commandant, U.S. Army Military Police School; COL Robert J. Coates, USMC, Assistant Chief of Staff, Training and Experimentation Group, First Marine Expeditionary; and LTC Robert E. McCarthy, USMC, Executive Officer, Fifth Marine Regiment.

WORKPLACE SAFETY/OSHA COVERAGE
Committee on Education and Labor: Subcommittee on Workforce Protections held a hearing on Workplace Safety: Why Do Millions of Workers Remain Without OSHA Coverage? Testimony was heard from public witnesses.

ENERGY AND ENVIRONMENT ISSUES
Committee on Energy and Commerce: Subcommittee on Energy and Air Quality held a hearing entitled “Legislative Hearing on Discussion Drafts Concerning Energy Efficiency, Smart Electricity Grid, Energy Policy Act of 2005 Title XVII Loan Guarantees, and Standby Loans for Coal-to-Liquids Projects.” Testimony was heard from the following officials of the Department of Energy: David Rodgers, Deputy Assistant Secretary, Energy Efficiency; and Katherine A. Fredriksen, Principal Deputy Assistant Secretary, Policy and International Affairs; and public witnesses.
SECTION 8 VOUCHER REFORM ACT OF 2007

Committee on Financial Services: Ordered reported, as amended, H.R. 1851, Section 8 Voucher Reform Act of 2007.

INTERNATIONAL FOOD AID PROGRAMS

Committee on Foreign Affairs: Subcommittee on Africa and Global Health held a hearing on International Food Aid Programs: Options To Enhance Effectiveness. Testimony was heard from William P. Hammink, Director, Office of Food for Peace, U.S. Agency for International Development, Department of State; Thomas Melito, Director, International Affairs and Trade, GAO; and public witnesses.

The Subcommittee also held a briefing on this subject. The Subcommittee was briefed by Luis Eduardo Sitoe, Counselor Commercial, Embassy of the Republic of Mozambique.

VISA WAIVER PROGRAM

Committee on Foreign Affairs: Subcommittee on Europe held a hearing on expanding the Visa Waiver Program, Enhancing Transatlantic Relations. Testimony was heard from Stephen A. Edson, Deputy Assistant Secretary, Visa Services, Bureau of Consular Affairs, Department of State; and Nathan A. Sales, Deputy Assistant Secretary, Policy Development, Office of Policy, Department of Homeland Security.

OPIC REAUTHORIZATION

Committee on Foreign Affairs: Subcommittee on Terrorism, Nonproliferation, and Trade held a hearing on the Reauthorization of OPIC. Testimony was heard from Robert Mosbacher, Jr., President and CEO, OPIC; and public witnesses.

NATIONAL GUARD’S DOMESTIC READINESS

Committee on Homeland Security: Subcommittee on Management, Investigations, and Oversight held a hearing entitled “Examining the Impact of Equipment Shortages on the National Guard’s Readiness for Homeland Security Missions.” Testimony was heard from LTG H. Steven Blum, Chief, National Guard Bureau; Department of Defense; MG Roger P. Lempke, Adjutant General, Nebraska; MG C. Mark Bowen, Adjutant General, Alabama; and MG Robert P. French, Deputy Adjutant General, Army, Joint Forces Headquarters, National Guard, Pennsylvania.

IMMIGRATION REFORM

Committee on the Judiciary: Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law held a hearing on Comprehensive Immigration Reform: Labor Movement Perspectives. Testimony was heard from public witnesses.

KIDS AND THE OUTDOORS

Committee on Natural Resources: Subcommittee on Fisheries, Wildlife and Oceans and the Subcommittee on National Parks, Forests and Public Lands held a joint oversight hearing on No Child Left Inside: Reconnecting Kids with the Outdoors. Testimony was heard from James Cason, Associate Deputy Secretary, Department of the Interior; Gail Kimbell, Chief, Forest Service, USDA; Gina McCarthy, Commissioner, Department of Environmental Protection State of Connecticut; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Natural Resources: Subcommittee on Water and Power held a hearing on the following bills: H.R. 31, Elsinore Valley Municipal Water District Wastewater and Recycled Water Facilities Act of 2007; and H.R. 1526, Bay Area Regional Water Recycling Program Authorization Act of 2007. Testimony was heard from Robert Quint, Acting Deputy Commissioner, Operations, Bureau of Reclamation, Department of the Interior; Nancy Parent, Councilmember, Pittsburg, California; and public witnesses.

U.S. MILITARY MENTAL HEALTH

Committee on Oversight and Government Reform: Held a hearing on Invisible Casualties: The Incidence and Treatment of Mental Health Problems by the U.S. Military. Testimony was heard from Thomas Insel, Director, National Institute of Mental Health, NIH, Department of Health and Human Services; from the following officials of the Department of Defense: MG Galle Pollock, USA, Army Surgeon General; Michael E. Kilpatrick, Deputy Director, Deployment Health Support; and public witnesses.

NASA’S VIDEO RECORDS DESTRUCTION

Committee on Science and Technology: Subcommittee on Investigations and Oversight held a hearing on the NASA Administrator’s Speech to Office of Inspector General Staff, the Subsequent Destruction of Video Records, and Associated Matters. Testimony was heard from the following officials of NASA: Evelyn R. Klemstine, Assistant Inspector General, Auditing; Kevin Winters, Assistant Inspector general, Investigations; Paul Morrell, Chief of Staff, Office of the Administrator; and Michael Wholley, General Counsel.

SMALL BUSINESS HEALTH COVERAGE

Committee on Small Business: Held a hearing entitled “Expanding Small Business Health Insurance Coverage Using the Private Reinsurance Market.” Testimony was heard from Leonard D. Crouse, Deputy
Commissioner, Captive Insurance Division, Department of Banking, Insurance, Securities and Health Care Administration, State of Vermont; and public witnesses.

PUBLIC-PRIVATE HIGHWAY/TRANSIT PARTNERSHIPS

Committee on Transportation and Infrastructure: Subcommittee on Highways and Transit held a hearing on Public-Private Partnerships: State and User Perspectives. Testimony was heard from Edward G. Rendell, Governor, State of Pennsylvania; Alan Lowenthal, Chair, Senate Committee on Transportation and Housing, State of California; Terri J. Austin, Chair, House Committee on Roads and Transportation, State of Indiana; and public witnesses.

AFFORDABLE HOUSING TAX INCENTIVES

Committee on Ways and Means: Subcommittee on Select Revenue Measures held a hearing on Tax Incentives for Affordable Housing. Testimony was heard from Michael J. Desmond, Tax Legislative Counsel, Department of the Treasury; Orlando J. Cabrera, Assistant Secretary, Office of Public and Indian Housing, Department of Housing and Urban Development; Shaun Donovan, Commissioner, Department of Housing Preservation and Development, City of New York; and public witnesses.

BRIEFING—SITUATION IN LEBANON

Permanent Select Committee on Intelligence: Met in executive session to receive a briefing on the Situation in Lebanon. The Committee was briefed by departmental witnesses.

BRIEFING—DNI

Permanent Select Committee on Intelligence: Subcommittee on Intelligence Community Management met in executive session to receive a briefing on DNI. The Subcommittee was briefed by departmental witnesses.

Joint Meetings

REEMERGENCE OF RUSSIA

Commission on Security and Cooperation in Europe: Commission concluded a hearing to examine Russia, focusing on the reemergence of Russia as a major political and economic power, after receiving testimony from Daniel Fried, Assistant Secretary of State for the Bureau of European and Eurasian Affairs; Sarah E. Mendelson, Center for Strategic and International Studies, and E. Wayne Merry, American Foreign Policy Council, both of Washington, D.C.; Lilia Shevtsova, Carnegie Endowment for International Peace, and Igor Zevelev, Russian News and Information Agency, both of Moscow, Russia; Moscow; Jeffrey W. Hahn, Villanova University, Villanova, Pennsylvania; and Rajan Menon, Lehigh University, Bethlehem, Pennsylvania.

COMMITTEE MEETINGS FOR FRIDAY, MAY 25, 2007

(Committee meetings are open unless otherwise indicated)

Senate

No meetings/hearings scheduled.

House

No committee meetings are scheduled.
Next Meeting of the SENATE
9:30 a.m., Friday, May 25

Senate Chamber

Program for Friday: Senate will continue consideration of S. 1348, Comprehensive Immigration Reform.

Next Meeting of the HOUSE OF REPRESENTATIVES
9:30 a.m., Monday, May 28

House Chamber

Program for Friday: To be announced.