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House of Representatives

The House met at 10 a.m.

The Reverend Dr. Calvin V. French, Pastor Emeritus, Community of Christ Church, Washington, DC, offered the following prayer:

God of our fathers and our God, who has watched over us from generation to generation, in prosperity and adversity, in peace and in war, we give Thee thanks.

As we begin this day filled with fresh challenges and high duties that confront us, we are encouraged knowing that Thy mercies and Thy grace are new every morning. As we prepare for work, we look to Thy Word and heed the counsel in Proverbs: ''Trust in the Lord with all thy heart, and lean not upon thy own understanding. In all thy ways acknowledge Him, and He will direct thy path.''

We thank Thee for our Republic where free thought and expression and diversity are honored. Help us to hear the pleas of the people, but to hear more clearly the voice of the Eternal while remembering the words of our Founding Fathers that we are one Nation under God.

When evening comes and our duty is done, may we know the deep contentment of work completed and words spoken which honor our Nation and glorify Thy name.

In His holy name we pray. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Texas (Mr. CONAWAY) come forward and lead the House in the Pledge of Allegiance.

Mr. CONAWAY 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.

WELCOMING THE REVEREND DR. CALVIN V. FRENCH

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

Mr. BOSWELL. Madam Speaker, I would like to take this moment to share some information about who just offered our prayer, my pastor in Washington, DC.

Dr. French is Pastor Emeritus of the Community of Christ Church located at 3526 Massachusetts Avenue, N.W., Washington, DC. He served the congregation for 25 years before retiring. Previous to his assignment in Washington, he held pastorates in Boston, Philadelphia and Des Moines. He has served as a pastor for 50 years.

Reverend French holds degrees from Grace University, Iowa University, Drake University, and Temple University. He has done graduate work at Harvard University and studied at Princeton Theological Institute.

Dr. French for the past 28 years has been a licensed clinical member of the American Association of Marriage and Family Counselors. He has been active in this discipline and currently is licensed in the State of Maryland.

Dr. French is presently serving on the board of trustees for Graceland University. When his faith group started a theological seminary, he was asked to serve as one of the first board members. Previous to these appointments, he served for 10 years on the board of Park College in Kansas City.

Reverend French is a member of the Rotary Club of Washington, DC, having joined in 1981. He has served on the Rotary Foundation and is presently on the governing board for Washington Rotary. He has the distinction of being the only pastor to be elected president of the Washington Club in its 84-year history. While in Washington, Reverend French has been involved in many community activities, including working with St. Luke's in establishing a neighborhood shelter for men.

Dr. French has been appointed to the following boards and commissions during his ministry in Washington: President Clinton appointed him to represent the White House on the USO governing board. In this capacity, he visited various military installations and helped to provide a support program for the Armed Forces and their families. Dr. French was appointed by the National Institutes of Health to serve as a representative of the National Conference on Health Fact Finding Board. The board was designed to research and explore the needs in minority health and education. He was selected for the Board of National Conference on Ministry to the Armed Forces. This board provides opportunities for all denominations who so wish to have chaplains from their faith in the various military services. They also work closely with the Chief of Chaplains in helping to provide ministry to the troops. Reverend French served on this board for 12 years. And, lastly, Dr. French was asked to be a delegate on the United States Attorney General's Commission on Pornography. This study ended with recommendations presented to Congress.

For the past 25 years, he has represented the parent church of his denomination in governmental affairs, providing liaison service to the various agencies of the government as well as to the Congress. On occasion he has been invited to offer the opening prayer for both the House and Senate.

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Dr. French is married to E. LaVon Crum French, a lawyer who served the U.S. House of Representatives Small Business Committee for 9 years, who is sitting in the galley. The following 17 years she served in a special magisterial appointment as Special Master for the National Childhood Vaccine Injury Program for the U.S. Court of Federal Claims. She retired in April of 2005. A son, Colin V. French, is a tax lawyer in Dallas, Texas. He is married to Amanda, also a lawyer, and they have two daughters, Carolyn and Kelsey. Dr. Kelsey French is a clinical psychologist and is married to Vince Bzdek, the news editor for the Washington Post. They have two children, a daughter, Zola, and a son, Xavier, and live in Washington, DC.

HEALTH-IT INTRODUCTION

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

Mr. MOORE of Kansas. Information technology has significantly changed the way we live and do business, making it easier to communicate with others, manage our personal finances or even track a package we ship across the country. Unfortunately, the health care industry lags far behind other sectors in its utilization of information technology. The inefficiencies and redundancies that result from this lack of automation costs the industry billions of dollars a year, but, more importantly, it costs lives and reduces quality of care.

As Congress considers health care reform proposals, focus should be given to system changes providing patients with more choices, more convenience and control over their health care records. That is why today I will be introducing the Independent Health RECORD Trust Act. I will introduce this with Congressman PAUL RYAN from Wisconsin, and we have over 30 original cosponsors, to establish a market-driven approach to building a national health information network through the establishment of federally certified organizations called Independent Health Record Trusts. Individuals would have the option to sign up for an account to be managed by a health record trust similar to the way banks offer and maintain credit card accounts. Patients will have ownership of their electronic records and can create multiple health entries so their dermatologist will not see their mental health history. We will be introducing this today. We hope for speedy passage through the Congress.

OUR FUTURE ENERGY SUPPLIES

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

Mr. CONAWAY. Mr. Speaker, most credible estimates of future energy supplies for this country indicate that, by 2025, we will still be importing millions of barrels of crude oil and refined products every single day. That scenario is not positive for America. We should begin today looking at policies that decrease our dependence on foreign crude oil, policies that increase domestic production of crude oil, policies that increase the private investment in domestic production of all energy sources, including crude oil and natural gas, policies which will help stabilize prices to consumers both for gasoline and electricity.

Any policy that we look at that does the opposite, that increases our dependence on foreign crude oil, reduces domestic production, reduces private investment in sources of energy, and arbitrarily increases prices to consumers must be challenged and opposed. These are important. They do not wear party jerseys. They are simply the right answer for America. It is our job to get those policies in place.

REPEAL THE TIAHRT AMENDMENT

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

Mrs. MCCARTHY of New York. Mr. Speaker, I rise today to urge the repeal of the Tiahrt amendment which is up for a vote in the Appropriations Committee tomorrow.

The Tiahrt amendment restricts the use of firearm tracing data. Tracing data lets our police departments locate the gun dealers who sell guns used in crimes. One percent of gun dealers sell 57 percent of the guns used in the crimes across the country. That is a staggering statistic. If we can crack down on that 1 percent, we can make our streets and our police officers safer.

The collection of tracing data does not prevent anyone from not buying a firearm; it simply gives law enforcement officials the tools they need to do their job. Let's make our streets safer and help law enforcement by repealing the dangerous Tiahrt amendment.

With that, I hope the American people start calling their Congresspeople. This is important for all communities and all cities around this country.

NINE NEW ENTITLEMENTS, DECREASED COLLEGE AFFORDABILITY

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

Mr. WILSON of South Carolina. Mr. Speaker, I rise today in opposition to H.R. 2669 and in support of the McKeon alternative. As the father of three college graduates and a college sophomore, I understand the financial burden higher education poses on families and students. That is why I am proud of Republican efforts, particularly those of Representatives BUCK MCKEON and RIC KELLER to expand college access and increase affordability.

As lawmakers, our number one education priority should be to ensure that college is affordable for any student. Unfortunately, H.R. 2669 pits the Federal Family Education Loan program against the Direct Loan Program and creates an imbalance in the student loan industry. Instead of helping students, the Democrat entitlement bill would require student borrowers to pay thousands more for a college education. H.R. 2669 creates nine new entitlement programs, placing the interests of colleges and universities above the needs of low-income students, and does nothing to expand college access and affordability for middle-class families.

Congress should not be playing politics with college educations. I urge my colleagues to vote in favor of the McKeon alternative.

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

□ 1015

ADMINISTRATION'S BENCHMARKS ON IRAQ

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

Mr. EMANUEL. Mr. Speaker, this Saturday the President will issue an interim report on the Iraqi government's success or failure meeting the benchmarks. But prior to taking a look at that report, we have another set of benchmarks to look at; that is, the benchmarks for President Bush's administration and what they've done on the Iraqi policy.

When the war began, The White House said that Americans would be greeted as liberators. That's not happening.

Next we were told oil revenues would finance the reconstruction of the Iraqi society. Not happening.

Then we were told that the insurgency was in its last throes. Not happening.

Then we were told that we were planting a democracy in the heart of the Mideast. Not happening.

At every turn, the administration's benchmarks for the Iraqi strategy have failed to meet their own measure of success. And the American people have been asked to pay for this failure.

Two years ago, we were spending $5 billion a month in Iraq. It is now reported that we're up to $10 billion a month in resources, not counting the amount of lives we lose on a monthly basis.

Mr. Speaker, we've waited long enough. The President's strategy of more troops, more time, more money and more of the same has run its course. It's time for a new direction.

DON'T CALL THEM RADICAL ISLAMIC TERRORISTS

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

Mr. POE. Mr. Speaker, the blissfully ignorant British bureaucrats have decided to ignore who they are fighting. In the name of political correctness, Prime Minister Brown is refusing to acknowledge acts of terror are committed by Islamic radical insurgents.

The British Government has banned the use of words such as ''Muslim'' and ''war on terror.'' Acts of terrorism are now referred to as ''criminal acts.'' The Islamic extremists who commit the attacks are being referred to as ''communities.''

Islamic terrorists can go ahead and continue the barrage of terror because proper Britain won't even acknowledge who they are.

When did the great nation of Britain turn into the timid, politically sensitive, fearful country that is more concerned about hurting the feelings of terrorists than protecting their island? It's time for Britain to boldly name the enemy at the gate, to turn around and fight for their country, not hide behind niceties.

Winston Churchill wasn't afraid to name and fight the Nazis when he said, ''We shall go to the end; we will defend our island whatever the cost will be; we will fight on the beaches; we will fight in the fields and on the streets. We will never surrender.''

And that's just the way it is.

H.R. 2669—COLLEGE COST REDUCTION ACT OF 2007

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

Mrs. CAPPS. Mr. Speaker, I rise today in strong support of the College Cost Reduction Act. For far too long we've watched as Pell Grants have stayed flat and tuition has continued to soar, over 40 percent in the last 6 years alone.

Students today are graduating with greater and greater debt. As a result, they are increasingly unwilling to take critical public sector jobs such as first responders, law enforcement officials, nurses and teachers because of the modest salaries. For example, nearly 32 percent of graduates pursuing teacher careers can't afford to repay their loans on a starting teacher's salary.

By passing the College Cost Reduction Act, we are encouraging and rewarding public service by providing $5,000 in loan forgiveness to graduates who take public service jobs.

Mr. Speaker, this is one excellent provision that makes an important investment in our communities, and it's just one of the many reasons I'm going to be supporting this legislation today.

I urge all of my colleagues to support the College Cost Reduction Act.

SAFETY OF CHINESE PRODUCTS

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

Mr. STEARNS. Mr. Speaker, in recent months the number of unsafe products imported to the United States from China, ranging from seafood and pet food to toys and toothpaste, has grown steadily. Chinese-made products have accounted for 60 percent of recalls this year, according to the U.S. Consumer Product Safety Commission.

China's small-scale food producers have been accused of unsanitary production, conditions, using tainted or substandard ingredients, and failing to register with the authorities. About 350,000, or 78 percent, of China's food processing operations employ 10 people or less.

Americans are rightly concerned when they learn many of the products imported from China pose a threat to their health. American consumers have grown to expect that the products they buy at their local markets are safe for their entire family. That is why it is vitally important for Congress to hold hearings on these issues to better examine how we can protect our constituents from substandard Chinese products.

CONSTITUENT VIEWS

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

Mr. COHEN. Mr. Speaker, this past week was our home work week, and we went to visit with our constituents and see what the people thought.

In the Ninth District of Tennessee, I found a people I know who felt that this war that we're engaging in is one that we need to bring our troops home from. They spoke of their family members who served in the previous war and said, there's no purpose in what we're doing, and we don't understand it.

I saw a people who saw the movie ''Sicko'' and came away amazed. And as I toured the Federal Correctional Institute, I felt like I was watching ''Sicko'' in live theater, for I saw that if you're in prison, you get all the health care you want, but if you don't commit a crime, you don't get health care in this country. And Michael Moore has made a valid point.

And I saw a people who feel like crime is a great problem in this country and their neighborhoods and who commend this Democratic Congress for passing the COPS bill and having more money for the hiring of policemen and for better technology.

And I saw a people that wondered what's going on with our President and our Vice President and asked more and more about impeachment. It's something that the American Congress needs to consider strongly, for our executive powers are out of control.

AMERICANS LOVE A FAIR FIGHT

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

Mr. PENCE. Mr. Speaker, the American people love a fair fight, and so do I. In the debate over America's future, we especially want to hear all the facts and all the arguments on every side of the issue.

Unfortunately, some in our Nation's Capitol want to achieve that result by bringing back what is known as the Fairness Doctrine, an archaic government regulation imposed by the Federal Communication Commission that for decades required broadcasters to present controversial issues in a fair and balanced manner.

Now, it sounds acceptable enough. But there is really nothing fair about the Fairness Doctrine, Mr. Speaker. This is a relic of America's broadcasting past, and it should stay in the past where it belongs.

Fortunately, 2 weeks ago, 309 Republicans and Democrats in the Congress voted in favor of the Pence amendment to prevent the FCC for 1 year from reinstituting the Fairness Doctrine.

While I was pleased with the bipartisan passage of this legislation, today we will open a second front to ensure that the Fairness Doctrine can never come back again. In cooperation with colleagues in the House and the Senate today, we will unveil the Broadcaster Freedom Act, which will ensure that the FCC and any future administration cannot re-regulate the airwaves of America without an act of Congress.

I urge my colleagues on both sides of the aisle, join me in cosponsoring the Broadcaster Freedom Act and preserve the free airwaves of America.

REDEPLOYMENT OF OUR TROOPS FROM IRAQ

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

Mr. SESTAK. Mr. Speaker, even for those convinced the surge in Iraq is a mistake, the manner in which we implement a decision to leave that country is critical to our Nation. Therefore, any Congress mandating a new security policy through force of law owes a careful explanation to the country why and how it is to be done, including dealing with what would occur in the aftermath.

However much Americans may agree with us a desire to reduce U.S. forces and withdraw them from Iraq quickly, this Nation must face the alternative of what will happen in the region once that redeployment is done by a force of law.

We must remember it took us approximately 6 months to withdraw a small number of troops just from Somalia. We have 160,000 troops in Iraq and over 100,000 contractors, but the time line of about a year that is needed for a safe redeployment also works well to protect our regional interests in a strategic approach to end this war. It provides the time needed for a strategy of regional accommodation to take effect with Iran, Syria and Saudi Arabia,

a strategy that rightly relies upon the long-term interests in a stable aftermath. Therefore, ending this war is necessary but insufficient.

How we end it and by what means is even of greater importance for our troops' safety and our own security.

IT'S TIME WE END THIS WAR

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

Mr. HALL of New York. Mr. Speaker, a recent CRS report shows that the United States is now spending $10 billion a month fighting the war in Iraq. That's over $2.5 billion a week.

And what does the American taxpayer get for this $10 billion a month? An Army being broken by repeated deployments; a National Guard that is unready or unable to respond to natural disasters or terrorist attacks at home because many of our men and women are in Iraq and most of our equipment is; an escalation in Iraq that has resulted in more death and little reduction in violence; an Iraqi government that is unable to govern, Iraqi security forces that refuse to fully stand up.

The war in Iraq has cost every man, woman and child in my district $3,077. For over $3,000 a person, the people in my district have gotten a war that was a strategic mistake and has made them less safe. It is time we end this war.

H.R. 2669, THE COLLEGE COST REDUCTION ACT

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

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today in support of H.R. 2669, the College Cost Reduction Act of 2007. This intelligent bill increases Federal scholarship amounts and loan limits to provide students with additional assistance in paying for college, and to help them rely less on costlier private loans.

In fact, when I went to school, college, 25 years ago, college tuition at my university was $8,000 a year, and my Pell Grant was $2,700 a year. Today, that very school costs $38,000 a year, and the Pell Grant is $4,100 a year. We need to do something about this situation.

As part of this legislation, I am pleased to see that the Congress is moving to enact $5,000 of Federal student loan forgiveness for students who are using the education they receive to serve their community and country in areas of national need.

Loan forgiveness provides a powerful message to a student: Your Government will help you if you choose to help your Nation.

The College Cost Reduction Act is an important step towards investing in American college students and our future workforce, and I look forward to working with my colleagues to pass this today.

MORE BUREAUCRACY, LESS EDUCATION

(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, today the House will vote on the College Cost Reduction Act, which sounds good on the surface, but once you begin to peel back the layers of this onion, you find that it is just rotten to the core. It contains billions of dollars of new spending, and worse still, it will never even see the light of day. The President has vowed to veto the bill.

And it creates nine new entitlement government programs at a cost of $197 billion over 5 years. That's nine new programs. And this is just the tip of the iceberg with the leadership spending this year. $20 billion more than expected on the President's budget. They had $6 billion more in new spending on January's omnibus, $17 billion they added to troops spending. It goes on and on, and it is enough to make a taxpayer cry.

And if there's one thing that we all know, once you've got a government program, you've got a government program. Ronald Reagan said it best. There is nothing so close to eternal life on Earth as a Federal Government program.

The leadership knows this bill will not fly with the American people. I encourage my colleagues to vote ''no.''

ACTIONS SPEAK LOUDER THAN WORDS

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

Mr. PALLONE. Mr. Speaker, a week does not go by without at least one or two Republican Senators coming forward and saying what many of us have known for months, that the President's Iraq strategy has failed. First it was Senators LUGAR and VOINOVICH. Then last week Senator DOMENICI joined them in saying that a serious change in course is needed. And then on Monday Senator SNOWE told NBC News that the time has come for binding legislation to bring home most of our troops.

The Senate Republican comments are welcome, but actions speak louder than words. Senate Republicans can't just say that a change in direction is needed; they have to actually help us change the course of the war.

And where exactly are the House Republicans? Does their silence indicate that they will once again rubber-stamp the President's failed Iraq policy?

If they won't listen to us, they should at least listen to respected members of their own party who are saying that we simply cannot continue on this same failed course.

Mr. Speaker, this month Democrats will once again demand change in Iraq. And it's time that our Republican colleagues join us.

□ 1030

PROVIDING FOR CONSIDERATION OF H.R. 2669, COLLEGE COST REDUCTION ACT OF 2007

Ms. SUTTON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 531 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 531

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 2669) to provide for reconciliation pursuant to section 601 of the concurrent resolution on the budget for fiscal year 2008. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill, modified by the amendment printed in part A of the report of the Committee on Rules accompanying this resolution, shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor; (2) the amendment in the nature of a substitute printed in part B of the report on the Committee on Rules, if offered by the gentleman from California, Mr. McKEON, or his designee, which shall be in order without intervention of any point of order except those arising under clause 9 or 10 of rule XXI, shall be considered as read, and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

SEC. 2. During consideration of H.R. 2669 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore (Mr. HOLDEN). The gentlewoman from Ohio (Ms. SUTTON) is recognized for 1 hour.

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

GENERAL LEAVE

Ms. SUTTON. 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 Ohio?

There was no objection.

Ms. SUTTON. I yield myself such time as I may consume.

Mr. Speaker, H. Res. 531 provides for consideration of H.R. 2669, the College Cost Reduction Act of 2007, under a structured rule. The rule provides 1 hour of debate equally divided and controlled by the chairman and ranking

member of the Committee on Education and Labor. The rule makes in order and provides appropriate waivers for a single amendment in the nature of a substitute offered by Representative MCKEON of California or his designee.

Mr. Speaker, educational opportunity is the backbone of what we are about and everything that makes this Nation great. For this reason, I am very pleased to support the rule and the underlying legislation that will give our students a real opportunity to go to college and give them the vital tools necessary to prepare them to enter the workforce and build a positive future.

The College Cost Reduction Act addresses one of the most important and difficult issues facing our Nation. While access to higher education is more critical than ever for our younger generations, the cost is rapidly moving out of reach for many low- and middle-income families. This problem is nothing less than a crisis. How many students have had their dreams shattered because they could not afford their tuition? And how much potential has our Nation lost because of the failure to address this issue?

If students cannot afford to get the education and training necessary for them to make a productive and positive impact in our communities, it hurts us all. Investment in our younger generations not only improves their future, but it helps our economy and our retired workers whom they will help to support. It ensures our national security, continued improvements in health outcomes as well as advances in manufacturing and technology. Improving access to higher education is not only about helping America's middle class and our students and families who are in need. It is about strengthening America.

But instead of helping our students prepare themselves for a better future, recent Congresses and the administration chose to cut funding for student loan programs and have allowed this issue to become the crisis it is today. It is time for priorities to change, and this bill is part of making that happen.

Tuition and fees at 4-year public colleges and universities have risen 41 percent after inflation since 2001. The typical American student now graduates from college with $17,500 worth of debt. If we do not take action immediately, financial barriers will prevent at least 4.4 million high school graduates from attending a 4-year public college over the next decade. This Congress has a responsibility to help our students and our working families.

Mr. Speaker, I have witnessed the heartbreak of parents who work hard day in and day out who have to tell their child that they cannot afford to send them to college. I have listened to these struggling parents and heard the ache in their voices. It is a story that is far too common. It is unacceptable and we must take action. And today we do.

H.R. 2669, the College Cost Reduction Act, will provide the single largest increase in college aid since the GI bill, and it will put college education back within reach of so many families. H.R. 2669 follows on the College Student Relief Act that passed overwhelmingly, 356–71, in this new Congress earlier this year. That bill cut interest rates in half on subsidized student loans over the next 5 years. For the average student in the State of Ohio at institutions like the University of Akron and Lorain Community College, this means a savings of roughly $4,320 once the cuts are phased in. It is estimated that our proposal will help roughly 175,000 students just in Ohio alone and 5.5 million nationwide. Our bill increases the maximum Pell grant scholarship by at least $500 over the next 5 years while also expanding eligibility to include and serve more students with financial need. In Ohio, roughly 224,000 students will benefit from these changes to the Pell grant program. And nationwide, over 5.7 million students will benefit and another 600,000 will become eligible for the grants, making the possibility of a college education for them a reality.

Additionally, this legislation recognizes the value of our public servants, and it shows how much we respect what they do. Individuals working jobs that make our world turn, teachers and firefighters, nurses, law enforcement officers, librarians, we provide upfront tuition assistance to qualified undergraduate students who commit to teaching in public schools in high-poverty communities or high-need subject areas. And we provide loan forgiveness for first responders, law enforcement officers, firefighters, nurses, public defenders, prosecutors, early childhood educators, librarians and others. We are investing not only in the potential of individual students, Mr. Speaker. We are investing in the strength of our communities and our country. And the return on our investment as a Nation and our students and people will, without question, provide an enormous return.

But our failure to invest likewise will have incredibly harmful consequences. Our bill makes clear we understand the importance of this investment.

And, Mr. Speaker, to make a good bill even better, the College Cost Reduction Act will benefit all of these students and families at no new cost to taxpayers. We make these important investments in education through government spending cuts. With this bill, we take the billions of access taxpayer subsidies that have gone into the profit margins of private lenders and invest it in direct support for our students. Overall, H.R. 2669 will save almost $20 billion in taxpayer money and reinvest that money in the needs of our students. This is about where the priorities of our Nation and this Congress lie.

Mr. Speaker, as I said earlier, the lack of access to higher education is a crisis for our Nation, and it is a burden that no family in this great country should have to bear. The College Cost Reduction Act puts us in a position to help these families and assist our students who simply want to learn and be prepared to enter the workforce and contribute to society. This bill does more than just pay lip service to the virtue of a college education. Today we act to help families, students and our country.

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

Mr. HASTINGS of Washington. Mr. Speaker, I want to thank the gentlewoman from Ohio (Ms. SUTTON) for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

(Mr. HASTINGS of Washington asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Washington. Mr. Speaker, earlier this year, the Democrat majority approved what I consider an irresponsible budget plan that calls for more spending now followed by massive tax increases in the future. Their budget plan only called for one committee, the Education and Labor Committee, to find cost savings, and that turned out, Mr. Speaker, to be a mere $750 million over 5 years.

In comparison, when Republicans were in control, the fiscal year 2006 budget resolution called on eight House and Senate committees to find a total of $35 billion in savings over 5 years. As a result, Congress passed and President Bush signed into law the Deficit Reduction Act, which saved American taxpayers $38 billion.

House Resolution 531 provides for the consideration of the Democrat majority's attempt to rein in spending, the College Cost Reduction Act. However, Mr. Speaker, this bill is nothing more than an illusion. While the bill does find savings, it immediately spends most of it, $18 billion, to create nine new entitlement programs. These entitlement programs, which grow automatically every year without congressional review, pose the largest threat to our long-term economic health. Essentially, these programs run on auto pilot with no accountability to the taxpayers writing the check.

Entitlement programs currently today make up well over half of the Federal budget and in the next decade will consume nearly two-thirds of our budget. History has proven that once an entitlement program is created, it lives forever, and even improving these programs has proven to be a very difficult task.

Taxpayers will be paying for the new entitlement programs created under this proposal for at least 5 years and likely for many years to come, thus wiping out any savings that may be achieved with this bill in the short term.

Mr. Speaker, I have to say that I share the goal of increasing access to higher education. Education in general

is very important to the future of our country. But there are many approaches the Democrat majority has chosen to take in this bill that shifts the responsibility for personal decisions made by students to the taxpayers. For instance, this bill guarantees that borrowers, no matter how much they borrow, will not have to pay more than 15 percent of their income in loan payments and allows the borrowers to have the balance of their loans disappear, disappear, Mr. Speaker, after 20 years and thus be paid for by the American taxpayer. This bill also requires those same taxpayers to pick up the outstanding student loan tab for public sector employees after just 10 years. Now, Mr. Speaker, while I agree we should encourage people to enter the public sector, I feel this approach places too heavy a fiscal burden on American taxpayers.

I believe that we must do all that we can do to make education more affordable for those who wish to pursue their education so that more Americans can achieve the dream of graduating from college. With tuition costs on the rise, students and their families are facing the inevitable question of how to pay for college education. The cost of attaining a college degree has increased over the years, and students are finding it increasingly difficult to pay for college without financial assistance.

So I believe, Mr. Speaker, that we must take a balanced approach that increases the transparency of higher education costs and targets aid to the neediest students while controlling spending and lowering the deficit.

□ 1045

Therefore, Mr. Speaker, I will support the McKeon substitute amendment, which increases the maximum Pell Grant award by $350 next year and $100 thereafter and provides a plan for improved accountability with regard to tuition costs.

If the McKeon amendment is not adopted, I will oppose the College Cost Reduction Act, which increases a maze of Federal regulations and bureaucracy for students and parents to navigate, directs more resources to institutions of higher education rather than students, and creates new entitlement spending at the long-term expense of the American taxpayer.

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

Ms. SUTTON. Mr. Speaker, at this time I yield 4 minutes to the distinguished gentleman, a member of the Rules Committee from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. I thank my colleague from Ohio for yielding me the time.

Mr. Speaker, my home State of Massachusetts is famous for the quality of its colleges and universities. In the Third Congressional District alone, which I represent, there are 15 colleges and universities. Some of these schools specialize in the fields of medicine, nursing, pharmacy, and health sciences. Others are community and other 2-year colleges that provide education and training for students to earn associate degrees, transfer to 4-year institutions, or upgrade their skills and experience in order to become more productive in their chosen careers.

We are privileged to have such internationally recognized colleges as Clark University, Worcester Polytechnic Institute, and Holy Cross College in my district. I have many public and private institutions, such as Worcester State College and Assumption College, which provide students with a well-rounded advanced education.

These schools attract a great diversity of students to central Massachusetts each year, over 30,000 in the Worcester area alone. H.R. 2669, the College Cost Reduction Act, will help these students realize the dream of a college education without mortgaging their futures in the process.

Mr. Speaker, this bill overhauls the student aid system and provides debt relief in order to make college more affordable for students and their parents. As others have noted, it is the single largest investment in higher education since the GI Bill. And it provides these new benefits at no new cost to the taxpayer, reducing excess subsidies that have been paid by the Federal Government to lenders in the student loan industry.

But this bill also supports and protects the 90 percent of student loan lenders that are nonprofit lenders or smaller community-based lenders. H.R. 2669 recognizes their unique mission, putting all their profits back into students and into our communities.

The College Cost Reduction Act provides a fee reduction for these lenders, making them better able to compete with large national lenders and serve students and their families. The small lenders that make up the Massachusetts Educational Financing Authority, for example, provide students and families with straightforward information and advice on how to apply for and choose a college financing plan. Along with free financial aid seminars and advice, they also provide low-cost loan programs for parents and students. H.R. 2669 will allow these types of lenders to better serve the students and families of central Massachusetts by making their loans even more affordable.

Mr. Speaker, I want to thank Chairman MILLER and the members of the Education and Workforce Committee for bringing us a bill that provides such substantial increases for the Pell Grant program, initiatives to help control colleges costs, increased funding for Perkins loans, greater support for the critical Upward Bound program, and restructuring the way in which students repay their loans. If we look at the Pell Grant alone, over 87,000 Massachusetts students will benefit over the next 5 years from an estimated $357 million in additional Pell Grant funding.

Mr. Speaker, the challenge of affordable education affects not just the poor, but the middle class as well. Parents and students alike have been frustrated by the lack of action by the previous congressional leadership. I love when I hear my colleague from Washington say we all share the goal of helping struggling students be able to afford a college education. Well, students don't need our sympathy. They don't want us to feel their pain. They want us to do something. And for years they haven't done anything. Well, today we are going to do something.

Times have changed. And today we will pass a bill that will make higher education a reality for countless students and contribute greatly to a brighter economic future. We will not be able to compete in a global economy unless we have a well-educated workforce, and we need to invest in our students, and this bill does it.

I urge bipartisan support for the bill.

Mr. HASTINGS of Washington. Mr. Speaker, I just point out to my friend from Massachusetts that, since Republicans have been in control, that Pell Grants, individually, have nearly doubled in that length of time. I think the students are being well served, and they are responsible. And I think that is a very, very good policy.

With that, Mr. Speaker, I yield 4 minutes to my friend from Minnesota, a member of the Education and Workforce Committee (Mr. KLINE).

Mr. KLINE of Minnesota. I thank the gentleman for yielding.

Mr. Speaker, I rise today in strong opposition to this rule. Once again, the majority has seen fit to stifle debate when considering significant legislation.

Yesterday, I and several other members of the Education and Labor Committee presented amendments to the members of the Rules Committee with the expectation that those amendments would be seriously considered. It's now become apparent that that hearing was really just a facade; the decision had already been made to exclude those amendments.

If I had had the opportunity to offer my amendment today under a fair rule, House Members would have seen that the concept of my amendment was simple: to ensure that those most in need, college graduates that serve the public interest and college students in need of government grants, are the direct beneficiaries of Federal interest rate reductions. Instead, the majority has treated us to a show worthy of the best Las Vegas illusionist, a reconciliation process intended to reduce the growth in entitlement spending that instead creates nine new entitlement programs. That's right. The reconciliation process is designed to reduce the growth in entitlement spending to cut the Federal deficit; and, instead, this bill creates nine new entitlement programs.

While openly declaring that the underlying bill expands educational benefits for students, a little sleight of hand instead reveals legislation that fails to target aid to those students most in need.

My amendment, rejected by the Rules Committee along party lines, would have focused our limited Federal funding on those college graduates that chose a path offering less monetary reward, but serving, arguably, a much greater public purpose. My amendment achieved this goal by ensuring that those graduates who can pay their loans under a higher interest rate do so by establishing an income cap of $65,000 for single graduates and $135,000 for married couples, the income levels at which the existing student loan tax reductions are phased out.

After reaching that income level, which is almost twice the average family income of a student eligible to receive a subsidized student loan, the interest rate for a loan would have reverted to the current level of 6.8 percent. Those graduates who may not have as high an income, however, would have seen their interest rates stay at the reduced level. This includes, of course, those most in need because they chose to serve the public interest: members of the Armed Forces, first responders, nurses, teachers, and other graduates who choose careers in public service. By adding a fair, balanced income cap adjustment, we would have generated additional savings that could have been directed toward another truly deserving group, those utilizing need-based aid through the Pell Grant program.

Unfortunately, more than 400,000 students, Mr. Speaker, are fully prepared to attend a 4-year college but will be unable to do so because of enormous financial barriers. As a member of the Education and Labor Committee, it is paramount for me to prioritize the expansion of secondary education access for low- and middle-income students whenever possible. I am disappointed, but sadly, not surprised, the majority has instead chosen to rely on the same tired strategy of expanding entitlement spending for institutions to the detriment of currently college students struggling to pay their high tuition costs.

Ms. SUTTON. Mr. Speaker, I yield 5 minutes to the distinguished gentlewoman, a distinguished member of the Rules Committee from Florida (Ms. CASTOR).

Ms. CASTOR. I thank my colleague, Ms. SUTTON from Ohio, who is a true fighter for education reform for the working families of Ohio and all Americans.

Mr. Speaker, I strongly support the College Cost Reduction Act under this rule, as we are charting an historic new investment in our students and our communities.

All Americans should salute the leadership of Chairman GEORGE MILLER and Speaker NANCY PELOSI for their leadership in education and this single largest investment in higher education since the 1944 GI Bill.

Chairman MILLER, on behalf of the students, colleges and universities in the State of Florida, I thank you for your dedication. And we also thank you in the State of Florida because you worked tirelessly with me and my colleague from the Rules Committee, Mr. HASTINGS, to ensure that students from States like Florida that have low tuition and low State support have access to additional need-based aid.

Passage of this act will increase access to college by making it more affordable. The cost of higher education in this country has skyrocketed over recent years. Thousands of students are left with overwhelming debt after graduation due to higher student loan rates and declining financial aid. Some may not make it to the college classroom at all because it has become so cost prohibitive.

In Florida, the average debt after college is more than $18,000 per student. But in America, no young person with a desire to learn should be barred from moving on to college due to financial hurdles, and this act removes many of those hurdles today. The College Cost Reduction Act cuts student loan interest rates in half and increases Pell Grants by at least $500 per student over the next 5 years. In the State of Florida alone, Federal loan and Pell Grant aid will increase by $762 million that will benefit over 340,000 students. In my home area, the Tampa Bay area, we have the ninth largest university in the country in the University of South Florida, over 40,000 students in that university. In addition, there is the University of Tampa, the Hillsborough Community College, Manatee Community College and St. Petersburg College. So let the message go forth to those students and those families that help is on the way, that they will not have to struggle with those higher student loan interest rates; they can depend on a little more help when it comes to the Pell Grant.

This bill also acknowledges that some high school students need a little extra help to be college ready, particularly students who may be the first in their family to attend college. We're going to keep these students on track to go to college and stand up for them and protect Federal dollars for their success.

We owe a debt of gratitude to the gentleman from Virginia, Mr. BOBBY SCOTT, because he offered an amendment to this bill to maintain the Upward Bound program. I am proud to support his amendment which is contained in this bill that nationwide will protect the Upward Bound program.

In my hometown of Tampa, this means standing up for those students I met on Monday. I met with students at the great Middleton High School in Tampa. Jasmyn Hendricks and Clifton Tyson are students in the Upward Bound program at the University of South Florida.

Imagine a high school student that takes 20 Saturdays out of their life to learn about what it means to go to college, and then they spend their summers there, too. They are typically the first ones in their family to go to college. And we know that if they achieve their high school diploma, they will have a higher salary; but if they achieve their college degree, they are set up for success in life, and our communities benefit.

Jasmyn said to me, as her eyes welled up with tears, that before Upward Bound, I knew I wanted to pursue higher education, but there was no way. Jasmyn considers her Upward Bound program her second family. She said, There was no money. I just couldn't see a way for me to get to college after high school. Then Upward Bound comes along and introduces us to the fact there are college scholarships, grants and help.

Clifton, who is an athlete, said that he used to see sports as his only avenue to college; but since starting at Upward Bound, he now says sports is his second gateway. He wants to go to college for academics.

It was completely unfortunate that the White House targeted the Upward Bound program for budget cuts. In this day and age when we are spending so much money overseas, up to $10 billion in Iraq, they target monies for folks that need to go to college.

Mr. Speaker, the College Cost Reduction Act is a momentous and historic step in a new direction, the right direction for higher education in America. It opens the door to college to thousands of students where those doors were previously slammed shut.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the ranking member of the Education and Workforce Committee, Mr. MCKEON of California.

□ 1100

Mr. MCKEON. I thank the gentleman for yielding.

Mr. Speaker, I rise in opposition to the rule. This rule would provide for consideration of fiscally irresponsible legislation that will create nine new entitlement programs and misdirect billions of dollars in aid towards colleges, universities, college graduates and even philanthropic organizations, rather than low-income students and parents and those who need it the most.

My colleagues who were around in the last Congress may remember that when we passed a real budget reconciliation bill, the Education and Workforce Committee found some $18 billion-plus in savings, two-thirds of which we directed towards deficit reduction and one-third of which we directed towards increased student benefits, for real students, such as higher loan limits, more grant aid for low-income, high-achieving students and loan forgiveness for high-demand teachers. Unfortunately, H.R. 2669 takes us in a drastically different direction.

The rule before us provides for continued abuse of the budget reconciliation process as a backdoor way to implement significant changes to programs best addressed through regular order. Not a single committee hearing has been held on this bill. The potential impact of many of its student loan cuts has never been weighed and no one has provided adequate reasons regarding why or how many of the nine new entitlement programs created under the bill are necessary or fiscally responsible.

So, by creating a bundle of new entitlement programs, complete with new bureaucracy, rules, regulations, this bill places billions of dollars in new Federal spending on autopilot with no accountability to taxpayers whatsoever. Instead, this measure could be improved by infusing more savings into the Pell Grant program. Pell is a proven success that has helped millions of young people attend college, and I am grateful that this rule will give the House an opportunity to move billions out of new, misdirected entitlement spending and into Pell later today.

Even so, the rule allows for the continuation of a budget reconciliation process that has been flawed, abused and used as a springboard for billions in new entitlement spending. As a result, I urge my colleagues to join me in opposing the rule and the underlying bill.

Ms. SUTTON. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. SCOTT), a distinguished member of the Committee on Education and Labor.

Mr. SCOTT of Virginia. I thank the gentlewoman for yielding.

Mr. Speaker, I rise in support of the College Cost Reduction Act and the rule which makes in order the manager's amendment to the bill. I would like to thank Chairman MILLER and Subcommittee Chairman HINOJOSA for their work on this bill.

We know that higher education is crucial, not only to the individual but also to our Nation. We know, for example, that the more you learn, the more you earn. We know that those who are in college are much less likely to be involved with welfare, much less likely to be involved in crime. Education is critical for our national economy. We know that the economic future of the United States depends on the success of our higher education policy.

We live in a high-tech, high-information economy, so the number of college students that we have will be an important economic resource. We can't afford to have any of our children fail to achieve full potential because they were not able to afford to go to college.

There are many improvements in the bill. The cost of education through student loans will be made more affordable. There are significant increases in Pell Grants. One of the major increases, the first in the last 4 years, $500 over the next 4 years, will be the increase in the maximum Pell Grant award. We know this is critical, because in the last 6 years, the cost of college education has gone up about 55 percent, but in the last 4 years, the Pell Grant didn't go up at all.

This bill makes significant investments in Historically Black Colleges and Universities and other minority-serving institutions. A significant portion of the students at these colleges and universities are first-generation students. We know they often come from low-income families, so support of these institutions is critical. We know that these colleges offer an opportunity that otherwise would not be there.

This bill also makes improvements in Upward Bound. It provides additional funds for Upward Bound because many qualified Upward Bound programs were not funded this year because the program just ran out of money. Upward Bound focuses on those who have the potential to go to college but may not, just because they don't think they are expected to go to college. This bill makes critical improvements in the Upward Bound program and makes sure that those qualified programs can get funded.

Mr. Speaker, the College Cost Reduction Act will reduce the cost of going to college. It will enable many to go to college that otherwise could not have afforded to go to college. Chairman MILLER's amendment makes improvements to the bill, and therefore I support the rule and support the bill and urge my colleagues to do the same.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Michigan (Mr. EHLERS), a member of the committee.

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

Mr. Speaker, I rise to oppose this rule for a number of reasons. Yesterday I testified to the Rules Committee regarding my amendment to allow the U.S. Department of Education to continue its evaluation of the Upward Bound program. I am astonished that, because of the Rules Committee action, the full House is not given an opportunity to consider this amendment.

Let me first of all make it abundantly clear, I am a very strong supporter of the Upward Bound program. There have been some preliminary studies in the Department of Education that indicate the program may not be living up to its potential. I am not sure I believe those. But currently the Department of Education has announced a rigorous, random assignment study, that is considered the gold standard of research methodologies, to evaluate the Upward Bound program's impact on students most in need of services. I believe this is a very important study to determine exactly what works best in Upward Bound and how we can improve it.

Unfortunately, during the Education and Labor Committee's consideration of the College Cost Reduction Act, the committee adopted an amendment by voice vote to prohibit this important evaluative study of the Upward Bound program, not so much because they were against the program, but because of an ancillary aspect of it that the amendment was aimed at. My amendment would have left the ancillary program out in the dust, but would have allowed the study to go forward. As a scientist and a strong advocate for research funding, I know it is imperative that we conduct rigorous evaluations using the most sound, scientifically robust methodology to identify best practices in Federal programs, and I wish that my amendment had been made in order.

It is unfortunate that this bill does not promote good evaluation, which is critical to ensuring that taxpayer dollars are spent wisely and effectively. It also ensures that students are benefiting from proven services.

Finally, I want to express my dismay that the manager's amendment strikes the two amendments that I offered during committee consideration, which were adopted by voice vote and are noncontroversial. In particular, I am dismayed that an amendment I offered about sustainability programs at universities is removed by the manager's amendment.

I thought with Speaker PELOSI's high priority on environmental improvement and saving energy, that the new majority would accept that amendment, as they did in committee, and would let it remain in the bill so that we can wake up some of our higher educational institutions and get them to adopt sustainability programs and also establish academic programs so that future students can be educated in sustainability principles, so that we in fact as a nation can ''go green'' much more rapidly.

For these reasons, I will vote ''no'' on this unfair rule.

Ms. SUTTON. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Maryland (Mr. VAN HOLLEN), a leader in education policy.

Mr. VAN HOLLEN. Let me thank the gentlewoman from Ohio for the time, and thank her for her leadership on education issues.

Mr. Speaker, this is a good day for students around the country, and it is a good day for all Americans, and I commend the Education and Labor Committee for their good work on this legislation.

During the first 100 hours of this new Congress when we passed legislation to cut the interest rates on student loans in half, many of us stood in the well here and said, this is just the beginning. That was an important first step to making college more affordable and giving millions of students a chance to further their educations and to brighten their futures.

We stand here today to take the next step, the largest investment in student loans since the GI Bill. We are keeping the promise that we made to the American people and American students,

cutting interest rates on student loans in half and now increasing Pell Grants, raising the cap on low-interest Federal loans and making it easier for students who are being pinched by other costs to pay back the payments on their interest rates and their loans.

In addition, this bill makes it easier for young people to enter public service and serve their communities by extending loan forgiveness to law enforcement officers, first responders, librarians and nurses and giving more assistance than ever to undergraduates who commit to teaching in high-need locations or subject areas. As we make these very vital changes to give more opportunities to students, we do so in a fiscally responsible manner by cutting exorbitant fees to lenders.

Mr. Speaker, by opening the doors to college and maintaining a balanced budget, we are working to ensure the best possible future for our young people. By increasing the opportunity incentive to enter public service, we harness the ability and ambition of our best and brightest. And by helping students achieve advanced degrees, we are ensuring that the United States remains on the forefront of innovation and discovery in an increasingly competitive global economy.

Mr. Speaker, I think we would all agree, there is no better investment that we can all make than in the area of education. Students and middle America are feeling the pinch of rising costs in many areas. This helps provide them greater means to open the door of college and opportunity to more and more Americans.

I encourage my colleagues to join with all of us in taking this very important step for the students of this country and, indeed, for all America.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the gentlewoman from Illinois (Mrs. BIGGERT), another member of the Education and Workforce Committee.

Mrs. BIGGERT. I thank the gentleman for yielding.

Mr. Speaker, I rise in opposition to the rule and the underlying bill, H.R. 2669, the so-called College Cost Reduction Act. Like many of my colleagues, I have serious concerns about the new mandatory spending that is included in this legislation. H.R. 2669 creates nine new entitlement programs, most of which do not attempt to address the hurdles many prospective and current college students face.

Mandatory spending entitlement programs already consume the largest portion of the Federal budget. The uncontrolled growth of entitlement programs, particularly Medicare, Medicaid and Social Security, will eventually consume the entire Federal budget by 2050 if left unchecked. That means the Federal Government would have no available funds for programs other than entitlements; no militaries, highways, courts, law enforcement or border security.

So how are we addressing this looming crisis today? Well, it seems we are addressing it by creating new entitlement programs, nine of them. The new programs created under this legislation will not undergo the annual scrutiny of the appropriations process. Regardless of the success or failure of these programs, the American taxpayer, our constituents, will continue to pay for these new programs available to anyone that meets the basic qualifications.

Another serious concern is that some of the mandatory spending in H.R. 2669 is directed towards colleges, universities and philanthropic organizations. Traditionally entitlement programs have been directed at individuals who are in need of the Federal assistance, such as Medicare, Social Security, food stamps and student loans. Directing the mandatory funding under this legislation to institutions, instead of low- and middle-income students who need the assistance most, sends the wrong message about the priorities of this Congress.

During the Education and Labor Committee markup, I supported a substitute amendment offered by Mr. MCKEON that would have invested $12 billion in the Pell Grant program, more than double the increase provided by this bill. It also reduced the PLUS loan interest rates for the Federal Family Education Loan Program to match the interest rate in the Direct Loan Program, currently 7.9 percent. The funding provided under the McKeon substitute would have been directed to those who need the assistance most, the students, without creating new programs and additional bureaucracy for students and parents to navigate.

Finally, I have concerns about maintaining the viability of the FFELP. In the last Congress, the Education and Workforce Committee made $20 billion in changes to FFELP by eliminating and reducing Federal subsidies to lenders. Just 2 years later, we are back again squeezing student loan lenders. My concern is this legislation is using the reconciliation process as a backdoor attempt to kill FFELP.

Mr. Speaker, I am disappointed that I have to oppose the rule and this legislation. There are a few provisions in this legislation that I believe would help college students and address some concerns in areas of academic need.

□ 1115

However, I cannot support a bill that creates new mandatory spending for institutions at a time when we are addressing the looming crisis with our existing entitlement programs for individuals. I urge my colleagues to vote against the rule and against H.R. 2669.

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

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from Utah (Mr. BISHOP) who spent a long career in education and also a member of the Education and Workforce Committee.

Mr. BISHOP of Utah. Mr. Speaker, a couple of years ago I was in the position of the gentlewoman from Ohio managing some of the rules for the bills, and often I was chagrined and offended by people who would complain about amendments not being made in order when they had been fully vetted and defeated in the committee.

I want you to know as I rise to talk about one amendment that was not made in order, this is not necessarily the case. Even though I had offered it in committee, I withdrew it in the committee in the spirit of comity to try to work towards a solution for this floor, not realizing that the Rules Committee would callously deny all amendments made in order on this bill.

Reconciliation is already a procedural process that limits the right of the minority to have input. To further restrict their rights by not recognizing any amendments, and indeed taking out amendments that were passed in the full committee, is something that certainly is not the definition of open government.

The issue I wish to address I will continue to talk about because philosophically I think it is larger than the bill we are actually discussing. The Department of Education drafted the language I presented, not to say they endorsed it, but to let you know this was not a cavalier but a serious effort at solving a problem. In fact, the amendment was passed last year by this body in the Higher Ed Reauthorization Act, but was one of the bills that the Senate refused to accept or consider during the last year.

I want to publicly thank the subcommittee chairman, Mr. KILDEE, for speaking to me about this amendment, Mr. MCKEON, the ranking member, and his staff for talking to us at length about this amendment, and also the Department of Education.

To the full committee chairman I wish to apologize. Part of my process with these types of amendments is to sit down with the ranking member as well as the chairman to explain my purpose and intent. Six different times since the committee met, I have made an effort to try to meet with the chairman of the full committee and each time those efforts were rebuffed. So I apologize to him for not doing what I think should be the normal process.

The last time we did a reconciliation bill, there was a new entitlement that was inserted on the insistence of the Senate. That was the wrong process. But it did establish an increase in a new Pell Grant program which I like, and it required this Pell Grant to go to those who had a rigorous academic schedule, something else I like. But it also gave the Department of Education the right to establish criteria which would drive curricula. That is the part I cannot accept.

In the charter of the Education Department, it was forbidden for them to have this power. In Federal statutes, it is forbidden for them to have this power. State constitutions forbid it; yet this program has opened the door for future abuse.

In the committee it was asked: Shouldn't all States have common standards? To allow the Federal Government to establish those common standards gives the Federal Government power taken from parents and local school boards to drive curriculum decisions. It is almost like saying can't we be partially pregnant. No.

If the Department of Education has the ability to establish some curriculum decisions, they also have inherently the ability to establish all curriculum decisions, even though the current Department of Education is trying hard not to abuse this power by still saying there are four broad areas that qualify. They themselves have admitted that it needs to be refined. And what the future Department of Education without this same kind of approach would have simply meant that there can be abuse of the system in the future.

Most curriculums are always going to be driven, especially of electives, by a teacher. Other curriculum is driven by graduation requirements. But curriculum can also be driven by outside requirements. When the four colleges in Utah decided that students should have 2 years of foreign languages before they go to college, the enrollment in foreign language programs quadrupled. When the Federal Government can dangle out money for Pell Grants by taking specific classes, that will drive curriculum decisions, and it is philosophically wrong to give them that kind of power.

In this bill there is much good. Much of the good has already been stated in forms of hyperbole. There is also much bad.

In 2005 when this program to which I object was created, it was the wrong thing to do. This particular bill has nine different new entitlements which are also the wrong thing to do, so I am assuming this is probably about nine times as bad.

It is a poor and abusive procedure when we deny amendments on the floor and you deny amendments that were passed in committee and remove them without having the chance to address them again. So I will vote against this rule because it is an abuse of the procedure that unfairly limits the rights of the minority.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield such time as he may consume to the ranking member of the Rules Committee, the gentleman from California (Mr. DREIER).

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

Mr. DREIER. Mr. Speaker, I thank my friend from Pasco for yielding, and I congratulate him on his fine management of this rule; and I thank my friend from Ohio for her thoughtful remarks.

I have to say, as I have been listening to the debate from my friends on the other side of the aisle, they continually say this is a great day for education. But the tragic thing is that this is a horrible day for future generations. Why? Well, as the gentleman from Utah (Mr. BISHOP), the former Rules Committee member, just stated, there are nine new entitlement programs included in this measure that is designed for budget savings. Reconciliation is all about trying to rein in the reach of the government, trying to bring about a modicum of fiscal responsibility.

Yesterday up in the Rules Committee, the distinguished Chair of the committee, my friend from Martinez, California, Mr. MILLER, when asked why it is we are making these mandatory instead of discretionary, meaning we would have the opportunity to look at them again, to possibly make modifications in them, he said we have authorization bills that are done and they end up dying, so we need to make these programs mandatory.

Well, Mr. Speaker, every single Democrat and Republican regularly talks about the need to rein in the so-called mandatory spending. We spend our time around this place talking about discretionary spending, earmarks and what we expend on the discretionary level. And it is a drop in the bucket compared to the mandatory programs that are out there. As we all know, Social Security, Medicare, veterans benefits, a wide range of mandatory programs exist, and this bill that is designed to bring about a reduction in spending establishes nine new mandatory programs.

So, Mr. Speaker, it is very obvious that we need to defeat this rule and bring about a reconciliation bill that in fact will not expand the number of mandatory programs, and we have an opportunity to do that right now. When we go into this vote, Mr. HASTINGS is going to seek to defeat the previous question so we will have an opportunity to make in order the Castle amendment. A very, very respected member from Delaware, the former Governor of the State who is an expert on dealing with our Nation's education needs, offered an amendment in the Rules Committee that was unfortunately denied. That amendment simply said that as we look at these nine mandatory programs that are put into place, he goes ahead and establishes them. But instead of making them mandatory, he makes them discretionary, discretionary so that we will have an opportunity as Members of Congress to look at those issues. And the savings created go to what everyone says they want to increase, and that is the Pell Grant program.

Mr. Speaker, I am proud to regularly support the notion of our global leadership role when it comes to trade, when it comes to technology, and I recognize that it is absolutely imperative for the United States of America to have the best education system possible so that we can remain competitive globally.

I have just come back with a number of my colleagues from Indonesia, from Mongolia and other countries in Asia over the Independence Day break, and one of the things that we found is that education is a key issue in these countries. We all know that in the United States of America we seem to be falling behind, so it is imperative that we do all that we can to ensure that there is access to education for our young people. I believe that we can put into place policies that will allow us to make education more affordable and more accessible without a dramatic increase in the number of mandatory programs.

The gentleman from Utah (Mr. BISHOP) talked about his amendment that was denied totally by the Rules Committee. The only thing made in order in this bill is a manager's amendment that will actually be self-executed, not considered on the floor and debated but self-executed if this rule in fact passes, and the amendment in the nature of a substitute that is going to be offered by the ranking member of the committee, Mr. MCKEON. But other than that, all of the other amendments that were offered, Democrats and Republicans were denied an opportunity to offer any amendments.

My California colleague, Mr. BILBRAY, had a thoughtful amendment dealing with the basic pilot program as it relates to illegal immigration. All it was saying was that institutions that get Federal funding are required to comply with the basic pilot program as it relates to the hiring, potential hiring of people who are in this country illegally. That amendment is not going to be able to be debated or even considered in this measure.

Mr. EHLERS had amendments that he sought to make in order, as did Mr. KLINE. They were very thoughtful proposals. Not one of them was made in order.

Mr. Speaker, I urge my colleagues to join with Mr. HASTINGS as he moves to defeat the previous question so that we can make Mr. CASTLE's amendment in order. That will allow us to take the expansive mandatory spending and shift it to discretionary spending, and the savings that we have go to the Pell Grant program.

If we do in fact fail in our quest to defeat the previous question, I hope my colleagues will vote against this rule so we can start over and do a very good and decent reconciliation package on this.

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

Mr. Speaker, 19 amendments were submitted to the Rules Committee. Sadly, the Democrats only allowed one single amendment to be considered, as the ranking member pointed out. Even more concerning is that this rule provides that the Miller manager's amendment shall be considered as adopted once this resolution is adopted, if in fact it is adopted.

They have carefully chosen to self-execute this amendment which does

not allow for a separate debate or clarification on the amendment, and the maneuver prohibits Members from voting specifically on the Miller manager's amendment. Members should be aware that the Miller manager's amendment reduces the amount of short-term savings to taxpayers.

In addition, if this rule is adopted, the misdirected College Cost Reduction Act can be fast-tracked through the Senate and therefore protected from filibuster.

So I am asking my colleagues to not only vote ''no'' on this restrictive rule, but also to vote ''no'' on the previous question so we can amend the rule to allow the House to consider the amendment offered by Mr. CASTLE of Delaware and provide the appropriate waivers.

As the ranking member pointed out, the Castle amendment would simply end the entitlements in this bill. I think that is a very important policy statement. Further, the savings from these entitlements would go to increase the Pell Grants by $100 in the next 2 years and $50 through 2018. So by defeating the previous question, we will give Members the ability to vote on the merits of the amendment.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment immediately prior to the vote on the previous question.

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

There was no objection.

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

Ms. SUTTON. Mr. Speaker, I yield myself the balance of my time.

We have heard here today why we must pass this rule and pass the College Cost Reduction Act, and I wanted to commend and thank Chairman MILLER for his tremendous leadership in getting this done.

□ 1130

As I said earlier, educational opportunity is the backbone of our Nation, and our students, our families and our country have waited long enough for this to happen.

With all due respect to my colleagues on the other side who seem intent on further delay, 12 years of Republican rule provided ample opportunity to act on this issue and pass a bill, to act on amendments. The American people cannot wait any longer.

This is an issue that many of us here in Congress hear about when we return to our districts because a lot of families are worrying about how they will pay for their children's education, and today, we are going to work with them. Their government is going to work with them and not against them.

I'd like to share today on the floor a letter that I bet mirrors letters that every one of our Members receives. This is a letter that came to me from a constituent, and I will share part of it.

It says: ''Is anything ever going to be done about the exorbitant cost of a college education in this country? How are the middle class supposed to save for retirement and also pay the exorbitant cost of a college education for our children?

''This country seems to be obsessed with debt, because the colleges and the high schools as well, tell you that you should expect to be in a certain amount of debt upon graduation from college. I guess if you're wealthy, it's not an issue. So the middle class are the ones that are left struggling.

''With such an importance put on having a college education to get a decent paying job in this country, how are our children supposed to be able to afford a home and car upon graduation from college when they will be so far in debt with student loans?

''As for the parents, any raises we receive go toward the continually increasing cost of medical insurance, gasoline, utilities, property taxes, et cetera. I know, in my own case, we seem to be going backwards instead of forward, and we by no means live extravagantly or beyond our means.

''I am looking forward to hearing from you.''

Well, today, this constituent hears from me and hears from this Congress, and I ask all of my colleagues to join me in supporting this rule.

For my constituent and her daughter, I urge a ''yes'' vote on the previous question and on the rule.

The material previously referred to by Mr. HASTINGS of Washington is as follows:

AMENDMENT TO H. RES. 531 OFFERED BY MR. HASTINGS OF WASHINGTON

Strike all after the resolved clause and insert the following:

That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 2669) to provide for reconciliation pursuant to section 601 of the concurrent resolution on the budget for fiscal year 2008. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill, modified by the amendment printed in part A of the report of the Committee on Rules accompanying this resolution, shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor; (2) the amendment in the nature of a substitute printed in part B of the report on the Committee on Rules, if offered by the gentleman from California, Mr. MCKEON, or his designee, which shall be in order without intervention of any point of order except those arising under clause 9 or 10 of rule XXI, shall be considered as read, and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent; (3) the further amendment printed in section 3 of this resolution, if offered by the gentleman from Delaware, Mr. CASTLE, or his designee, which shall be in order without intervention of any point of order except those arising under clause 9 or 10 of rule XXI, shall be considered as read, and shall be separately debatable for 30 minutes equally divided and controlled by the proponent and an opponent; and (4) one motion to recommit with or without instructions.

SEC. 2. During consideration of H.R. 2669 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

SEC. 3. The amendment referred to in section 1 is as follows:

At the end of part A of title I of the bill add the following new section:

SEC. 105. ADDITIONAL INCREASE IN MAXIMUM FEDERAL PELL GRANTS.

(a) FUNDS FOR ADDITIONAL INCREASE.—In addition to the amounts made available to increase maximum Federal Pell Grants by section 401(a)(9)(A) of the Higher Education Act of 1965 (as amended by section 101(b) of this Act), or by any other section of this Act, there shall be available to the Secretary of Education, from funds not otherwise appropriated, the following additional amounts:

(1) $420,000,000 for each of the fiscal years 2008 and 2009; and

(2) $207,500,000 for each of the fiscal years 2010 through 2017.

(b) USE FOR ADDITIONAL MAXIMUM FEDERAL PELL GRANTS.—Amounts made available to the Secretary of Education pursuant to subsection (a) of this section shall be used to provide increases in the amounts of the maximum Federal Pell Grant for which a student shall be eligible during an award year, in addition to any increases provided by section 401(a)(9)(B) of the Higher Education Act of 1965 (as amended by section 101(b) of this Act), or by any other section of this Act, in the following amounts:

(1) $100 for each of the award years 2008–2009 and 2009–2010; and

(2) $50 for each of the award years 2010–2011 through 2017–2018.

Page 51, line 10, strike ''shall be available'' and insert ''are authorized to be appropriated''.

Page 62, line 8, strike ''shall be available'' and insert ''are authorized to be appropriated'', and on line 12, strike ''made available'' and insert ''authorized''.

Page 78, line 17, strike ''shall be available'' and insert ''are authorized to be appropriated''.

Page 79, line 20, strike ''shall be available'' and insert ''are authorized to be appropriated''.

Page 109, line 4, strike ''shall be available'' and insert ''are authorized to be appropriated''.

Page 110, line 24, strike ''shall be available'' and insert ''are authorized to be appropriated''.

Page 129, line 18, strike ''shall be available'' and insert ''are authorized to be appropriated''.

Page 131, beginning on line 2, strike '', and there are appropriated to the Secretary, from funds not 4 otherwise appropriated,''.

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

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

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clauses 8 and 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adopting House Resolution 531 (if ordered); suspending the rules and adopting House Resolution 526; and suspending the rules and passing S. 1701.

The vote was taken by electronic device, and there were—yeas 221, nays 198, not voting 12, as follows:

[Roll No. 607]

YEAS—221

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

NAYS—198

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

NOT VOTING—12

Bean
Berkley
Blumenauer
Brady (PA)
Cubin
Davis, Jo Ann
Herseth Sandlin
Higgins
Hinojosa
Porter
Towns
Young (AK)

□ 1157

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

Mr. SPRATT changed his 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 question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

The vote was taken by electronic device, and there were—yeas 222, nays 197, not voting 12, as follows:

[Roll No. 608]

YEAS—222

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

NAYS—197

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett

Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—12

Bean
Berkley
Blumenauer
Brady (PA)
Cubin
Davis, Jo Ann
Herseth Sandlin
Higgins
Hinojosa
Porter
Towns
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1205

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SUPPORTING HOME OWNERSHIP AND RESPONSIBLE LENDING

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 526, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Mrs. MALONEY) that the House suspend the rules and agree to the resolution, H. Res. 526.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 411, nays 7, not voting 13, as follows:

[Roll No. 609]

YEAS—411

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Becerra
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Fortenberry
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hinchey
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NAYS—7

Blackburn
Deal (GA)
Flake
Foxx
Paul
Turner
Westmoreland

NOT VOTING—13

Bean
Berkley
Blumenauer
Brady (PA)
Cubin
Davis, Jo Ann
Hare
Herseth Sandlin
Higgins
Hinojosa
Porter
Towns
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1212

Mrs. BLACKBURN changed her vote from ''yea'' to ''nay.''

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. HARE. Mr. Speaker, during rollcall vote No. 609 on June 11, 2007 I was unavoidably detained. Had I been present, I would have voted "yea."

TRANSITIONAL MEDICAL ASSISTANCE AND ABSTINENCE EDUCATION PROGRAM EXTENSION

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the Senate bill, S. 1701, on which the yeas and nays were ordered.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by

the gentleman from Texas (Mr. GENE GREEN) that the House suspend the rules and pass the Senate bill, S. 1701.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 291, nays 126, not voting 14, as follows:

[Roll No. 610]

YEAS—291

Abercrombie
Ackerman
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Barton (TX)
Becerra
Berman
Berry
Bishop (GA)
Bishop (NY)
Bono
Boozman
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Braley (IA)
Brown (SC)
Brown, Corrine
Buchanan
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Forbes
Fortenberry
Fossella
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gonzalez
Goodlatte
Gordon
Graves
Green, Al
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Heller
Hill
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Petri
Pitts
Platts
Pomeroy
Price (GA)
Price (NC)
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth

NAYS—126

Aderholt
Akin
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boustany
Brady (TX)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
DeGette
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Foxx
Franks (AZ)
Garrett (NJ)
Gillmor
Gohmert
Goode
Granger
Hall (TX)
Hastert
Hastings (WA)
Hayes
Hensarling
Herger
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jordan
Keller
King (IA)
Kingston
Kirk
Kline (MN)
Lamborn
Latham
Lewis (CA)
Lewis (KY)
Linder
Lucas
Manzullo
Marchant
McCarthy (CA)
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Moran (VA)
Myrick
Neugebauer
Nunes
Paul
Pence
Peterson (PA)
Pickering
Poe
Pryce (OH)
Putnam
Radanovich
Rogers (AL)
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sessions
Shadegg
Shays
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Sullivan
Tancredo
Thornberry
Tiberi
Upton
Walberg
Wamp
Weller
Wicker
Wilson (NM)
Wilson (SC)
Young (FL)

NOT VOTING—14

Bean
Berkley
Blumenauer
Brady (PA)
Courtney
Cubin
Davis, Jo Ann
Green, Gene
Herseth Sandlin
Higgins
Hinojosa
Porter
Towns
Young (AK)

□ 1218

Mr. KIRK changed his vote from "yea" to "nay."

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GEORGE MILLER of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2669.

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

There was no objection.

COLLEGE COST REDUCTION ACT OF 2007

Mr. GEORGE MILLER of California. Mr. Speaker, pursuant to House Resolution 531, I call up the bill (H.R. 2669) to provide for reconciliation pursuant to section 601 of the concurrent resolution on the budget for fiscal year 2008, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2669

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be referred to as the "College Cost Reduction Act of 2007".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.
Sec. 2. References; effective date.

TITLE I—INVESTING IN STUDENT AID

PART A—INCREASING THE PURCHASING POWER OF PELL GRANTS

Sec. 101. Mandatory Pell Grant Increases.
Sec. 102. Support for working students.
Sec. 103. Simplified needs test and automatic zero improvements.
Sec. 104. Definitions.

PART B—MAKING STUDENT LOANS MORE AFFORDABLE

Sec. 111. Interest rate reductions.
Sec. 112. Increases in loan limits.
Sec. 113. Reduction of lender special allowance payments.
Sec. 114. Elimination of exceptional performer status for lenders.
Sec. 115. Reduction of lender insurance percentage.
Sec. 116. Guaranty agency collection retention.
Sec. 117. Unit costs for account maintenance fees.
Sec. 118. Increased loan fees from lenders.
Sec. 119. Student loan information.

PART C—REWARDING SERVICE IN REPAYMENT

Sec. 141. Loan forgiveness for service in areas of national need.
"Sec. 428K. Loan forgiveness for service in areas of national need.
Sec. 142. Income contingent repayment for public sector employees.
Sec. 143. Income-based repayment.
"Sec. 493C. Income-based repayment.
Sec. 144. Definition of economic hardship.
Sec. 145. Deferrals.
Sec. 146. Maximum repayment period.

TITLE II—REDUCING THE COST OF COLLEGE

Sec. 201. State commitment to affordable college education.
"Sec. 132. State commitment to affordable college education.
Sec. 202. Consumer information and public accountability in higher education.
"Sec. 131. Consumer information and public accountability in higher education.
Sec. 203. Incentives and rewards for low tuition.
"Sec. 401B. Incentives and rewards for low tuition.
Sec. 204. Cooperative education rewards for institutions that restrain tuition increases.

"TITLE VIII—COOPERATIVE EDUCATION REWARDS FOR INSTITUTIONS THAT RESTRAIN TUITION INCREASES

"Sec. 801. Eligible institutions.

''Sec. 802. Authorization of appropriations; reservations.
''Sec. 803. Grants for cooperative education.
''Sec. 804. Demonstration and innovation projects; training and resource centers; and research.

TITLE III—ENSURING A HIGHLY QUALIFIED TEACHER IN EVERY CLASSROOM

PART A—TEACH GRANTS

Sec. 301. TEACH Grants.

''SUBPART 9—TEACH GRANTS

''Sec. 420L. Program established.
''Sec. 420M. Eligibility; applications; selection.
''Sec. 420N. Definitions.
''Sec. 420O. Program period and funding.

PART B—CENTERS OF EXCELLENCE

Sec. 311. Centers of excellence.

''PART C—CENTERS OF EXCELLENCE

''Sec. 231. Definitions.
''Sec. 232. Centers of excellence.
''Sec. 233. Appropriations.

TITLE IV—COLLEGE ACCESS CHALLENGE GRANT PROGRAM

Sec. 401. College Access Challenge grants.

SEC. 2. REFERENCES; EFFECTIVE DATE.

(a) REFERENCES.—Except as otherwise expressly provided, whenever in this Act 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 Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

(b) EFFECTIVE DATE.—Except as otherwise expressly provided therein, the amendments made by this Act shall be effective on October 1, 2007.

TITLE I—INVESTING IN STUDENT AID

PART A—INCREASING THE PURCHASING POWER OF PELL GRANTS

SEC. 101. MANDATORY PELL GRANT INCREASES.

(a) EXTENSION OF AUTHORITY.—Section 401(a) (20 U.S.C. 1070a(a)) is amended by striking ''fiscal year 2004'' and inserting ''fiscal year 2013''.

(b) FUNDING FOR INCREASES.—Section 401(b) (20 U.S.C. 1070a(b)) is amended by adding at the end the following new paragraph:

''(9) ADDITIONAL FUNDS.—

''(A) IN GENERAL.—There are authorized to be appropriated, and there are appropriated, to carry out subparagraph (B) of this paragraph (in addition to any other amounts appropriated to carry out this section and out of any money in the Treasury not otherwise appropriated) the following amounts:

''(i) $420,000,000 for fiscal year 2008;
''(ii) $870,000,000 for fiscal year 2009;
''(iii) $1,330,000,000 for fiscal year 2010;
''(iv) $1,820,000,000 for fiscal year 2011;
''(v) $2,340,000,000 for fiscal year 2012;
''(vi) $2,390,000,000 for fiscal year 2013;
''(vii) $2,430,000,000 for fiscal year 2014;
''(viii) $2,470,000,000 for fiscal year 2015;
''(ix) $2,500,000,000 for fiscal year 2016; and
''(x) $2,520,000,000 for fiscal year 2017.

''(B) INCREASE IN FEDERAL PELL GRANTS.—The amounts made available pursuant to subparagraph (A) of this paragraph shall be used to increase the amount of the maximum Pell Grant for which a student shall be eligible during an award year, as specified in the last enacted appropriation Act applicable to that award year, by—

''(i) $100 for award year 2008–2009;
''(ii) $200 for award year 2009–2010;
''(iii) $300 for award year 2010–2011;
''(iv) $400 for award year 2011–2012; and
''(v) $500 for award year 2012–2013 and each subsequent award year.

''(C) USE OF FISCAL YEAR FUNDS FOR AWARD YEARS.—The amounts made available by subparagraph (A) for any fiscal year shall be available and remain available for use under subparagraph (B) for the award year that begins in such fiscal year.''.

(c) AUTHORIZED MAXIMUMS.—Section 401(b)(2)(A) (20 U.S.C. 1070a(b)(2)(A)) is amended to read as follows:

''(2)(A) The amount of the Federal Pell Grant for a student eligible under this part shall be—

''(i) $7,600 for academic year 2008–2009;
''(ii) $8,600 for academic year 2009–2010;
''(iii) $9,600 for academic year 2010–2011;
''(iv) $10,600 for academic year 2011–2012;
''(v) $11,600 for academic year 2012–2013,

less an amount equal to the amount determined to be the expected family contribution with respect to that student for that year.''.

(d) TUITION SENSITIVITY.—

(1) AMENDMENT.—Section 401(b) (20 U.S.C. 1070a(b)) is further amended—

(A) by striking paragraph (3); and

(B) by redesignating paragraphs (4) through (9) as paragraphs (3) through (8), respectively.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) of this subsection are effective on the date of enactment of this Act.

(e) MULTIPLE GRANTS.—Paragraph (5) of section 401(b) (as redesignated by subsection (d)(2)) is amended to read as follows:

''(5) YEAR-ROUND PELL GRANTS.—The Secretary is authorized, for students enrolled full time in a baccalaureate or associate's degree program of study at an eligible institution, to award such students not more than two Pell grants during an award year to permit such students to accelerate progress toward their degree objectives by enrolling in academic programs for 12 months rather than 9 months.''.

(f) ACADEMIC COMPETITIVENESS GRANTS.—Section 401A (as amended by section 8003 of Public Law 109–171) is amended—

(1) in subsection (c)(3)(A)(ii), by inserting '', except as part of a secondary school program of study'' before the semicolon;

(2) by redesignating subsection (g) as subsection (h); and

(3) by inserting after subsection (f) the following new subsection:

''(g) DETERMINATION OF ACADEMIC YEAR.—Notwithstanding section 481(a)(2), for the purpose of determining eligibility for a grant under this section, a student shall be considered to be enrolled or accepted for enrollment in the first, second, third, or fourth academic year of a program of undergraduate education based on the student's class standing, as determined by the institution of higher education at which the student is enrolled or accepted for enrollment.''.

SEC. 102. SUPPORT FOR WORKING STUDENTS.

(a) DEPENDENT STUDENTS.—Subparagraph (D) of section 475(g)(2) (20 U.S.C. 1087oo)(g)(2)(D)) is amended to read as follows:

''(D) an income protection allowance of the following amount (or a successor amount prescribed by the Secretary under section 478)—

''(i) for the 2009–2010 academic year, $3,750;
''(ii) for the 2010–2011 academic year, $4,500;
''(iii) for the 2011–2012 academic year, $5,250; and
''(iv) for the 2012–2013 academic year, $6,000;''.

(b) INDEPENDENT STUDENTS WITHOUT DEPENDENTS OTHER THAN A SPOUSE.—Clause (iv) of section 476(b)(1)(A) (20 U.S.C. 1087pp(b)(1)(A)(iv)) is amended to read as follows:

''(iv) an income protection allowance of the following amount (or a successor amount prescribed by the Secretary under section 478)—

''(I) for single or separated students, or married students where both are enrolled pursuant to subsection (a)(2)—

''(aa) for the 2009–2010 academic year, $6,690;
''(bb) for the 2010–2011 academic year, $7,160;
''(cc) for the 2011–2012 academic year, $7,630; and
''(dd) for the 2012–2013 academic year, $8,090; and

''(II) for married students where 1 is enrolled pursuant to subsection (a)(2)—

''(aa) for the 2009–2010 academic year, $10,720;
''(bb) for the 2010–2011 academic year, $11,470;
''(cc) for the 2011–2012 academic year, $12,220; and
''(dd) for the 2012–2013 academic year, $12,960;''.

(c) UPDATED TABLES AND AMOUNTS.—Section 478(b) (20 U.S.C. 1087rr(b)) is amended—

(1) in paragraph (1)—

(A) by striking ''REVISED TABLES.—For each'' and inserting ''REVISED TABLES.—

''(A) IN GENERAL.—For each'';

(B) in subparagraph (A) (as designated by subparagraph (A)), in the third sentence—

(i) by striking ''preceding sentence'' and inserting ''subparagraph (A)''; and

(ii) by striking ''For the 2007–2008'' and inserting the following:

''(B) SPECIAL RULE FOR 2007–2008 ACADEMIC YEAR.—For the 2007–2008''; and

(C) by adding at the end the following:

''(C) SPECIAL RULE FOR 2009–2010 THROUGH 2012–2013 ACADEMIC YEARS.—For the 2009–2010 academic year, and for each of the 3 succeeding academic years, the Secretary shall revise the tables in accordance with this paragraph, except that, for the table in section 477(b)(4), the Secretary shall revise such table by increasing the amounts contained in such table for the preceding academic year by 10 percent.''; and

(2) in paragraph (2), by striking ''shall be developed'' and all that follows through the period at the end and inserting ''shall be developed—

''(A) for academic year 2008–2009, by increasing each of the dollar amounts contained in such section as such section was in effect on the day before the date of enactment of the College Cost Reduction Act of 2007 by a percentage equal to the estimated percentage increase in the Consumer Price Index (as determined by the Secretary) between December 2006 and the December next preceding the beginning of such academic year, and rounding the result to the nearest $10; and

''(B) for each academic year after 2012–2013, by increasing each of the dollar amounts contained in such section for academic year 2012–2013 by a percentage equal to the estimated percentage increase in the Consumer Price Index (as determined by the Secretary) between December 2006 and the December next preceding the beginning of such academic year, and rounding the result to the nearest $10;''.

(d) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on October 1, 2008, and the amendment made by subsection (c) shall take effect on July 1, 2008.

SEC. 103. SIMPLIFIED NEEDS TEST AND AUTOMATIC ZERO IMPROVEMENTS.

(a) SIMPLIFIED NEEDS TEST.—Section 479 (20 U.S.C. 1087ss) is amended—

(1) in subsection (b)—

(A) in paragraph (1)(A)(i)—

(i) in subclause (II), by striking ''or'' after the semicolon;

(ii) by redesignating subclause (III) as subclause (IV);

(iii) by inserting after subclause (II) the following:

''(III) 1 of whom is a dislocated worker; or''; and

(iv) in subclause (IV) (as redesignated by clause (ii)), by striking ''12-month'' and inserting ''24-month''; and

(B) in subparagraph (B)(i)—

(i) in subclause (II), by striking ''or'' after the semicolon;

(ii) by redesignating subclause (III) as subclause (IV);

(iii) by inserting after subclause (II) the following:

''(III) 1 of whom is a dislocated worker; or''; and

(iv) in subclause (IV) (as redesignated by clause (ii)), by striking ''12-month'' and inserting ''24-month'';

(2) in subsection (c)—

(A) in paragraph (1)—

(i) in subparagraph (A)—

(I) in clause (ii), by striking ''or'' after the semicolon;

(II) by redesignating clause (iii) as clause (iv);

(III) by inserting after clause (ii) the following:

''(iii) 1 of whom is a dislocated worker; or''; and

(IV) in clause (iv) (as redesignated by subclause (II)), by striking ''12-month'' and inserting ''24-month''; and

(ii) in subparagraph (B), by striking ''$20,000'' and inserting ''$30,000''; and

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) in clause (ii), by striking ''or'' after the semicolon;

(II) by redesignating clause (iii) as clause (iv);

(III) by inserting after clause (ii) the following:

''(iii) is a dislocated worker; or''; and

(IV) in clause (iv) (as redesignated by subclause (II)), by striking ''12-month'' and inserting ''24-month''; and

(ii) in subparagraph (B), by striking ''$20,000'' and inserting ''$30,000''; and

(C) in the flush matter following paragraph (2)(B), by adding at the end the following: ''The Secretary shall annually adjust the income level necessary to qualify an applicant for the zero expected family contribution. The income level shall be adjusted according to increases in the Consumer Price Index, as defined in section 478(f).''; and

(3) in subsection (d)—

(A) by redesignating paragraphs (1) through (6) as subparagraphs (A) through (F), respectively;

(B) by striking ''(d) DEFINITION'' and all that follows through ''the term'' and inserting the following:

''(d) DEFINITIONS.—In this section:

''(1) DISLOCATED WORKER.—The term 'dislocated worker' has the meaning given the term in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801).

''(2) MEANS-TESTED FEDERAL BENEFIT PROGRAM.—The term''.

(b) DISCRETION OF STUDENT FINANCIAL AID ADMINISTRATORS.—Section 479A(a) (20 U.S.C. 1087tt(a)) is amended in the third sentence by inserting ''a family member who is a dislocated worker (as defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801)),'' after ''recent unemployment of a family member,''.

(c) EFFECTIVE DATE.—The amendments made by this section shall be effective on July 1, 2009.

SEC. 104. DEFINITIONS.

(a) TOTAL INCOME.—Section 480(a) (20 U.S.C. 1087vv(a)) is amended—

(1) in paragraph (1), by inserting before the period at the end the following: '', except that the Secretary may, by regulation, provide for the use of the previous tax year when and to the extent necessary to carry out the sense of Congress in section 133 of the College Cost Reduction Act of 2007''; and

(2) in paragraph (2)—

(A) by striking ''and no portion'' and inserting ''no portion''; and

(B) by inserting ''and no distribution from any qualified education benefit described in subsection (f)(3) that is not subject to Federal income tax,'' after ''1986,''.

(b) UNTAXED INCOME AND BENEFITS.—Section 480(b) (20 U.S.C. 1087vv(b)) is amended to read as follows:

''(b) UNTAXED INCOME AND BENEFITS.—

''(1) The term 'untaxed income and benefits' means—

''(A) child support received;

''(B) workman's compensation;

''(C) veteran's benefits such as death pension, dependency, and indemnity compensation, but excluding veterans' education benefits as defined in subsection (c);

''(D) interest on tax-free bonds;

''(E) housing, food, and other allowances (excluding rent subsidies for low-income housing) for military, clergy, and others (including cash payments and cash value of benefits);

''(F) cash support or any money paid on the student's behalf, except, for dependent students, funds provided by the student's parents;

''(G) untaxed portion of pensions;

''(H) payments to individual retirement accounts and Keogh accounts excluded from income for Federal income tax purposes; and

''(I) any other untaxed income and benefits, such as Black Lung Benefits, Refugee Assistance, railroad retirement benefits, or Job Training Partnership Act noneducational benefits or benefits received through participation in employment and training activities under title I of the Workforce Investment Act of 1998.

''(2) The term 'untaxed income and benefits' shall not include the amount of additional child tax credit claimed for Federal income tax purposes.''.

(c) ASSETS.—Section 480(f) (20 U.S.C. 1087vv(f)) is amended—

(1) in paragraph (3), by striking ''shall not be considered an asset of a student for purposes of section 475'' and inserting ''shall be considered an asset of the parent for purposes of section 475'';

(2) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(3) by inserting after paragraph (3) the following:

''(4) A qualified education benefit shall be considered an asset of the student for purposes of section 476 and 477.''.

(d) OTHER FINANCIAL ASSISTANCE.—Section 480(j)(2) (20 U.S.C. 1087vv(j)(2)) is amended by inserting '', or a distribution that is not includable in gross income under section 529 of such Code, under another prepaid tuition plan offered by a State, or under a Coverdell education savings account under section 530 of such Code,'' after ''1986''.

(e) EFFECTIVE DATE.—The amendments made by this section shall be effective on July 1, 2009.

PART B—MAKING STUDENT LOANS MORE AFFORDABLE

SEC. 111. INTEREST RATE REDUCTIONS.

(a) FFEL INTEREST RATES.—

(1) Section 427A(l) (20 U.S.C. 1077a(l)) is amended by adding at the end the following new paragraph:

''(4) REDUCED RATES FOR UNDERGRADUATE SUBSIDIZED LOANS.—Notwithstanding subsection (h) and paragraph (1) of this subsection, with respect to any loan to an undergraduate student made, insured, or guaranteed under this part (other than a loan made pursuant to section 428B, 428C, or 428H) for which the first disbursement is made on or after July 1, 2006, and before July 1, 2013, the applicable rate of interest shall be as follows:

''(A) For a loan for which the first disbursement is made on or after July 1, 2006, and before July 1, 2008, 6.80 percent on the unpaid principal balance of the loan.

''(B) For a loan for which the first disbursement is made on or after July 1, 2008, and before July 1, 2009, 6.12 percent on the unpaid principal balance of the loan.

''(C) For a loan for which the first disbursement is made on or after July 1, 2009, and before July 1, 2010, 5.44 percent on the unpaid principal balance of the loan.

''(D) For a loan for which the first disbursement is made on or after July 1, 2010, and before July 1, 2011, 4.76 percent on the unpaid principal balance of the loan.

''(E) For a loan for which the first disbursement is made on or after July 1, 2011, and before July 1, 2012, 4.08 percent on the unpaid principal balance of the loan.

''(F) For a loan for which the first disbursement is made on or after July 1, 2012 and before July 1, 2013, 3.40 percent on the unpaid principal balance of the loan.''.

(2) SPECIAL ALLOWANCE CROSS REFERENCE.—Section 438(b)(2)(I)(ii)(II) (20 U.S.C. 1086(b)(2)(I)(ii)(II)) is amended by striking ''section 427A(l)(1)'' and inserting ''section 427A(l)(1) or (l)(4)''.

(b) DIRECT LOAN INTEREST RATES.—Section 455(b)(7) (20 U.S.C. 1087e(b)(7)) is amended by adding at the end the following new subparagraph:

''(D) REDUCED RATES FOR UNDERGRADUATE FDSL.—Notwithstanding the preceding paragraphs of this subsection, for Federal Direct Stafford Loans made to undergraduate students for which the first disbursement is made on or after July 1, 2006, and before July 1, 2013, the applicable rate of interest shall be as follows:

''(i) For a loan for which the first disbursement is made on or after July 1, 2006, and before July 1, 2008, 6.80 percent on the unpaid principal balance of the loan.

''(ii) For a loan for which the first disbursement is made on or after July 1, 2008, and before July 1, 2009, 6.12 percent on the unpaid principal balance of the loan.

''(iii) For a loan for which the first disbursement is made on or after July 1, 2009, and before July 1, 2010, 5.44 percent on the unpaid principal balance of the loan.

''(iv) For a loan for which the first disbursement is made on or after July 1, 2010, and before July 1, 2011, 4.76 percent on the unpaid principal balance of the loan.

''(v) For a loan for which the first disbursement is made on or after July 1, 2011, and before July 1, 2012, 4.08 percent on the unpaid principal balance of the loan.

''(vi) For a loan for which the first disbursement is made on or after July 1, 2012, and before July 1, 2013, 3.40 percent on the unpaid principal balance of the loan.''.

SEC. 112. INCREASES IN LOAN LIMITS.

(a) INCREASE IN THIRD AND SUBSEQUENT YEAR LIMITS.—

(1) FEDERAL INSURANCE LIMITS.—Section 425(a)(1)(A)(iii) (20 U.S.C. 1075(a)(1)(A)(iii)) is amended by striking ''$5,500'' and inserting ''$7,500''.

(2) GUARANTY LIMITS.—Section 428(b)(1)(A)(iii)(I) (20 U.S.C. 1078(b)(1)(A)(iii)(I)) is amended by striking ''$5,500'' and inserting ''$7,500''.

(b) INCREASE IN AGGREGATE LIMITS.—

(1) FEDERAL INSURANCE LIMITS.—Section 425(a)(2)(A) (20 U.S.C. 1075(a)(2)(A)(i)) is amended—

(A) in clause (i), by striking ''$23,000'' and inserting ''$30,500''; and

(B) in clause (ii), by striking ''$65,500'' and inserting ''$73,000''.

(2) GUARANTY LIMITS.—Section 428(b)(1)(B) (20 U.S.C. 1078(b)(1)(A)(iii)(I)) is amended—

(A) in clause (i), by striking ''$23,000'' and inserting ''$30,500''; and

(B) in clause (ii), by striking ''$65,500'' and inserting ''$73,000''.

(c) EFFECTIVE DATE.—The amendments made by this section shall be effective July 1, 2008.

SEC. 113. REDUCTION OF LENDER SPECIAL ALLOWANCE PAYMENTS.

Section 438(b)(2)(I) (20 U.S.C. 1087–1(b)(2)(I)) is amended—

(1) in clause (i), by striking ''clauses (ii), (iii), and (iv)'' and inserting ''the following clauses''; and

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

''(vi) REDUCTION FOR LOANS ON OR AFTER OCTOBER 1, 2007.—With respect to a loan on which the applicable interest rate is determined under section 427A(l), the percentage to be added under clause (i)(III) in computing the special allowance payment pursuant to this subparagraph shall be the following:

''(I) IN GENERAL AND PLUS LOANS.—1.79 percent in the case of a loan described in clause (i) or (iii) for which the first disbursement of principal is made on or after October 1, 2007.

''(II) IN SCHOOL AND GRACE PERIOD.—1.19 percent in the case of a loan described in clause (ii)(II) for which the first disbursement of principal is made on or after October 1, 2007.

''(III) CONSOLIDATION LOANS.—2.09 percent in the case of a loan described in clause (iv) for which the first disbursement of principal is made on or after October 1, 2007''.

SEC. 114. ELIMINATION OF EXCEPTIONAL PERFORMER STATUS FOR LENDERS.

(a) ELIMINATION OF STATUS.—Part B of title IV (20 U.S.C. 1071 et seq.) is amended by striking section 428I (20 U.S.C. 1078–9).

(b) CONFORMING AMENDMENTS.—Part B of title IV is further amended—

(1) in section 428(c)(1) (20 U.S.C. 1078(c)(1))—

(A) by striking subparagraph (D); and

(B) by redesignating subparagraphs (E) through (H) as subparagraphs (D) through (G), respectively; and

(2) in section 438(b)(5) (20 U.S.C. 1087–1(b)(5)), by striking the matter following subparagraph (B).

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on October 1, 2007.

SEC. 115. REDUCTION OF LENDER INSURANCE PERCENTAGE.

(a) AMENDMENT.—Subparagraph (G) of section 428(b)(1) (20 U.S.C. 1078(b)(1)(G)) is amended to read as follows:

''(G) insures 95 percent of the unpaid principal of loans insured under the program, except that—

''(i) such program shall insure 100 percent of the unpaid principal of loans made with funds advanced pursuant to section 428(j) or 439(q); and

''(ii) notwithstanding the preceding provisions of this subparagraph, such program shall insure 100 percent of the unpaid principal amount of exempt claims as defined in subsection (c)(1)(G);''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect with respect to loans made on or after October 1, 2007.

SEC. 116. GUARANTY AGENCY COLLECTION RETENTION.

Clause (ii) of section 428(c)(6)(A) (20 U.S.C. 1078(c)(6)(A)(ii)) is amended to read as follows:

''(ii) an amount equal to 23 percent of such payments for use in accordance with section 422B, except that beginning October 1, 2007, this subparagraph shall be applied by substituting '16 percent' for '23 percent'.''.

SEC. 117. UNIT COSTS FOR ACCOUNT MAINTENANCE FEES.

Section 458(b) (20 U.S.C. 1087h(b)) is amended—

(1) by striking ''Account'' and inserting the following:

''(1) FOR FISCAL YEARS 2006 AND 2007.—For fiscal years 2006 and 2007, account''; and

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

''(2) FOR FISCAL YEAR 2008 AND SUCCEEDING FISCAL YEARS.—

''(A) UNIT COST BASIS.—For fiscal year 2008 and each succeeding fiscal year, the Secretary shall calculate the account maintenance fees payable to guaranty agencies under subsection (a)(3), on a per-loan cost basis in accordance with subparagraph (B) of this paragraph.

''(B) DETERMINATIONS.—To determine the amount that shall be paid under subsection (a)(3) per outstanding loan guaranteed by a guaranty agency for fiscal year 2008 and succeeding fiscal years, the Secretary shall—

''(i) establish the per-loan cost basis amount by—

''(I) dividing the total amount of account maintenance fees paid under subsection (a)(3) in fiscal year 2006, by

''(II) the number of loans under part B that were outstanding in that fiscal year; and

''(ii) determine on October 1 of fiscal year 2008 and each subsequent fiscal year, and pay to each guaranty agency, an amount equal to the product of the number of loans under part B that are outstanding on October 1 of that fiscal year and insured by that guaranty agency multiplied by—

''(I) the amount determined under clause (i); increased by

''(II) a percentage equal to the percentage increase in the GDP price index (as determined by the Bureau of Labor Statistics of the Department of Labor) between the calendar quarter ending on June 30, 2006, and the calendar quarter ending on the June 30 preceding such October 1 of such fiscal year.''.

SEC. 118. INCREASED LOAN FEES FROM LENDERS.

Paragraph (2) of section 438(d) (20 U.S.C. 1087–1(d)(2)) is amended to read as follows:

''(2) AMOUNT OF LOAN FEES.—

''(A) AMOUNT.—The amount of the loan fee which shall be deducted under paragraph (1), but which may not be collected from the borrower, shall be equal to—

''(i) except as provided in clauses (ii) and (iii), 0.50 percent of the principal amount of the loan with respect to any loan under this part for which the first disbursement was made on or after October 1, 1993;

''(ii) 1.0 percent of the principal amount of the loan with respect to any loan under this part for which the first disbursement was made on or after October 1, 2007, that is held by any holder other than a holder designated by the Secretary as a small lender under subparagraph (B); and

''(iii) 0.0 percent of the principal amount of the loan with respect to any loan under this part for which the first disbursement was made on or after October 1, 2007, that is held by any holder that, together with its affiliated holders, is designated by the Secretary as a small lender under subparagraph (B).

''(B) DESIGNATION OF SMALL LENDERS.—In determining which holders of eligible loans qualify as small lenders for purposes of subparagraph (A)(iii), the Secretary shall, using the most recently available data with respect to the total principal amount of eligible loans held by holders—

''(i) rank all holders (combined with their affiliated holders) of eligible loans in descending order by total principal amount of eligible loans held;

''(ii) calculate the total principal amount of eligible loans held by all holders; and

''(iii) identify the subset of consecutively ranked holders under clause (i), starting with the lowest ranked holder, that together hold a total principal amount of such loans equal to 15 percent of the total amount calculated under clause (ii), but excluding the holder, if any, whose holdings when added cause the total holdings of the subset to equal but not exceed such 15 percent of such total amount calculated; and

''(iv) designate as small lenders any holder identified as a member of the subset under clause (iii).''.

SEC. 119. STUDENT LOAN INFORMATION.

Section 428(k) (20 U.S.C. 1078(k)) is amended by adding at the end the following new paragraph:

''(4) STUDENT LOAN INFORMATION.—

''(A) Notwithstanding any other provision of law or regulation, a lender, secondary market, holder, or guaranty agency shall provide, free of charge and in a timely and effective manner, any student loan information maintained by that entity that is requested by an institution of higher education and any third-party servicer (as defined in section 481(c)) working on behalf of that institution to prevent student loan defaults.

''(B) An institution and any third-party servicer obtaining access to information under subparagraph (A) shall safeguard that information in order to prevent potential abuses of that information, including identity theft.

''(C) Any third party servicer that obtains information under this subparagraph shall only use the information in a manner directly related to the default prevention work the servicer is performing on behalf of the institution of higher education.

''(D) Any third party servicer that obtains information under this subparagraph shall be subject to any regulations established by the Secretary pursuant to section 432 concerning the misuse of such information, including any penalties for such misuse.''.

PART C—REWARDING SERVICE IN REPAYMENT

SEC. 141. LOAN FORGIVENESS FOR SERVICE IN AREAS OF NATIONAL NEED.

Section 428K (20 U.S.C. 1078–11) is amended to read as follows:

''SEC. 428K. LOAN FORGIVENESS FOR SERVICE IN AREAS OF NATIONAL NEED.

''(a) PROGRAM AUTHORIZED.—

''(1) LOAN FORGIVENESS AUTHORIZED.—The Secretary shall forgive, in accordance with this section, the student loan obligation of a borrower in the amount specified in subsection (c), for any new borrower after the date of enactment of the College Cost Reduction Act of 2007, who—

''(A) has been employed full-time for at least 5 consecutive complete school, academic, or calendar years, as appropriate, in an area of national need described in subsection (b); and

''(B) is not in default on a loan for which the borrower seeks forgiveness.

''(2) METHOD OF LOAN FORGIVENESS.—To provide loan forgiveness under paragraph (1), the Secretary is authorized to carry out a program—

''(A) through the holder of the loan, to assume the obligation to repay a qualified loan amount for a loan made, insured, or guaranteed under this part; and

''(B) to cancel a qualified loan amount for a loan made under part D of this title.

''(3) REGULATIONS.—The Secretary is authorized to issue such regulations as may be necessary to carry out the provisions of this section.

''(b) AREAS OF NATIONAL NEED.—For purposes of this section, an individual shall be treated as employed in an area of national need if the individual is employed full time as any of the following:

''(1) EARLY CHILDHOOD EDUCATORS.—An individual who is employed as an early childhood educator in an eligible preschool program or eligible early childhood education program in a low-income community, and who is involved directly in the care, development, and education of infants, toddlers, or young children through age 5.

''(2) NURSES.—An individual who is employed—

''(A) as a nurse in a clinical setting; or

''(B) as a member of the nursing faculty at an accredited school of nursing (as those terms are defined in section 801 of the Public Health Service Act (42 U.S.C. 296)).

''(3) FOREIGN LANGUAGE SPECIALISTS.—An individual who has obtained a baccalaureate degree in a critical foreign language and is employed—

''(A) in an elementary or secondary school as a teacher of a critical foreign language; or

''(B) in an agency of the United States Government in a position that regularly requires the use of such critical foreign language.

''(4) LIBRARIANS.—An individual who is employed as a librarian in—

''(A) a public library that serves a geographic area within which the public schools have a combined average of 30 percent or more of their total student enrollments composed of children counted under section 1113(a)(5) of the Elementary and Secondary Education Act of 1965; or

''(B) an elementary or secondary school which is in the school district of a local educational agency which is eligible in such year for assistance pursuant to title I of the Elementary and Secondary Education Act of 1965, and which for the purpose of this paragraph and for that year has been determined by the Secretary (pursuant to regulations and after consultation with the State educational agency of the State in which the school is located) to be a school in which the enrollment of children counted under section 1113(a)(5) of the Elementary and Secondary Education Act of 1965 exceeds 30 percent of the total enrollment of that school.

''(5) HIGHLY QUALIFIED TEACHERS: BILINGUAL EDUCATION AND LOW-INCOME COMMUNITIES.—An individual who—

''(A) is highly qualified as such term is defined in section 9101 of the Elementary and Secondary Education Act of 1965; and

''(B)(i) is employed as a full-time teacher of bilingual education; or

''(ii) is employed as a teacher for service in a public or nonprofit private elementary or secondary school which is in the school district of a local educational agency which is eligible in such year for assistance pursuant to title I of the Elementary and Secondary Education Act of 1965, and which for the purpose of this paragraph and for that year has been determined by the Secretary (pursuant to regulations and after consultation with the State educational agency of the State in which the school is located) to be a school in which the enrollment of children counted under section 1113(a)(5) of the Elementary and Secondary Education Act of 1965 exceeds 40 percent of the total enrollment of that school.

''(6) CHILD WELFARE WORKERS.—An individual who—

''(A) has obtained a degree in social work or a related field with a focus on serving children and families; and

''(B) is employed in public or private child welfare services.

''(7) SPEECH-LANGUAGE PATHOLOGISTS.—An individual who is a speech-language pathologist, who is employed in an eligible preschool program or an elementary or secondary school, and who has, at a minimum, a graduate degree in speech-language pathology, or communication sciences and disorders.

''(8) NATIONAL SERVICE.—An individual who is engaged as a participant in project under the National and Community Service Act of 1990 (as such terms are defined in section 101 of such Act (42 U.S.C. 12511)).

''(9) PUBLIC SECTOR EMPLOYEES.—An individual who is employed in government, public safety (including as a first responder, firefighter, police officer, or other law enforcement or public safety officer), emergency management (including as an emergency medical technician), public health, or public interest legal services (including prosecution or public defense).

''(c) QUALIFIED LOAN AMOUNT.—The Secretary shall forgive not more than $5,000 in the aggregate of the student loan obligation of a borrower that is outstanding after the completion of the fifth consecutive school, academic, or calendar year of employment, as appropriate, described in subsection (a)(1).

''(d) CONSTRUCTION.—Nothing in this section shall be construed to authorize the refunding of any repayment of a loan.

''(e) SEGAL AMERICORPS EDUCATION AWARD RECIPIENTS.—A student borrower who qualifies for the maximum education award under subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12601 et seq.) shall not receive under this section more than the difference between the maximum benefit available under this section and the maximum award available under such subtitle.

''(f) NATIONAL SERVICE AWARD RECIPIENTS.—A student borrower who receives the maximum education award under subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12601 et seq.) shall not receive under this section more than the difference between the maximum benefit available under this section and the award received under such subtitle.

''(g) INELIGIBILITY FOR DOUBLE BENEFITS.—No borrower may receive a reduction of loan obligations under both this section and section 428J or 460.

''(h) DEFINITIONS.—In this section:

''(1) CRITICAL FOREIGN LANGUAGE.—The term 'critical foreign language' includes the languages of Arabic, Korean, Japanese, Chinese, Pashto, Persian-Farsi, Serbian-Croatian, Russian, Portuguese, and any other language identified by the Secretary of Education, in consultation with the Defense Language Institute, the Foreign Service Institute, and the National Security Education Program, as a critical foreign language need.

''(2) EARLY CHILDHOOD EDUCATOR.—The term 'early childhood educator' means an early childhood educator who works directly with children in an eligible preschool program or eligible early childhood education program who has completed a baccalaureate or advanced degree in early childhood development, early childhood education, or in a field related to early childhood education.

''(3) ELIGIBLE PRESCHOOL PROGRAM.—The term 'eligible preschool program' means a program that provides for the care, development, and education of infants, toddlers, or young children through age 5, meets any applicable State or local government licensing, certification, approval, and registration requirements, and is operated by—

''(A) a public or private school that may be supported, sponsored, supervised, or administered by a local educational agency;

''(B) a Head Start agency serving as a grantee designated under the Head Start Act (42 U.S.C. 9831 et seq.);

''(C) a nonprofit or community based organization; or

''(D) a child care program, including a home.

''(4) ELIGIBLE EARLY CHILDHOOD EDUCATION PROGRAM.—The term 'eligible early childhood education program' means—

''(A) a family child care program, center-based child care program, State prekindergarten program, school program, or other out-of-home early childhood development care program, that—

''(i) is licensed or regulated by the State; and

''(ii) serves 2 or more unrelated children who are not old enough to attend kindergarten;

''(B) a Head Start Program carried out under the Head Start Act (42 U.S.C. 9831 et seq.); or

''(C) an Early Head Start Program carried out under section 645A of the Head Start Act (42 U.S.C. 9840a).

''(5) LOW-INCOME COMMUNITY.—In this subsection, the term 'low-income community' means a community in which 70 percent of households earn less than 85 percent of the State median household income.

''(6) NURSE.—The term 'nurse' means a nurse who meets all of the following:

''(A) The nurse graduated from—

''(i) an accredited school of nursing (as those terms are defined in section 801 of the Public Health Service Act (42 U.S.C. 296));

''(ii) a nursing center; or

''(iii) an academic health center that provides nurse training.

''(B) The nurse holds a valid and unrestricted license to practice nursing in the State in which the nurse practices in a clinical setting.

''(C) The nurse holds one or more of the following:

''(i) A graduate degree in nursing, or an equivalent degree.

''(ii) A nursing degree from a collegiate school of nursing (as defined in section 801 of the Public Health Service Act (42 U.S.C. 296)).

''(iii) A nursing degree from an associate degree school of nursing (as defined in section 801 of the Public Health Service Act (42 U.S.C. 296)).

''(iv) A nursing degree from a diploma school of nursing (as defined in section 801 of the Public Health Service Act (42 U.S.C. 296)).

''(7) SPEECH-LANGUAGE PATHOLOGIST.—The term 'speech-language pathologist' means a speech-language pathologist who meets all of the following:

''(A) the speech-language pathologist has received, at a minimum, a graduate degree in speech-language pathology or communication sciences and disorders from an institution of higher education accredited by an agency or association recognized by the Secretary pursuant to section 496(a) of this Act; and

''(B) the speech-language pathologist meets or exceeds the qualifications as defined in section 1861(ll) of the Social Security Act (42 U.S.C. 1395x).

''(i) PROGRAM FUNDING.—There shall be available to the Secretary to carry out this section, from funds not otherwise appropriated, such sums as may be necessary to provide loan forgiveness in accordance with this section to each eligible individual.''.

SEC. 142. INCOME CONTINGENT REPAYMENT FOR PUBLIC SECTOR EMPLOYEES.

Section 455(e) (20 U.S.C. 1087e(e)) is amended by adding at the end the following:

''(7) REPAYMENT PLAN FOR PUBLIC SECTOR EMPLOYEES.—

''(A) IN GENERAL.—The Secretary shall forgive the balance due on any loan made under this part or section 428C(b)(5) for a borrower—

''(i) who has made 120 payments on such loan pursuant to income contingent repayment; and

''(ii) who is employed, and was employed for the 10-year period in which the borrower made the 120 payments described in clause (i), in a public sector job.

''(B) PUBLIC SECTOR JOB.—In this paragraph, the term 'public sector job' means a full-time job in emergency management, government, public safety, law enforcement, public health, education (including early childhood education), social work in a public child or family service agency, or public interest legal services (including prosecution or public defense).

''(8) RETURN TO STANDARD REPAYMENT.—A borrower who is repaying a loan made under this part pursuant to income contingent repayment may choose, at any time, to terminate repayment pursuant to income contingent repayment and repay such loan under the standard repayment plan.''.

SEC. 143. INCOME-BASED REPAYMENT.

(a) AMENDMENT.—Part G of title IV (20 U.S.C. 1088 et seq.) is further amended by adding at the end the following:

''SEC. 493C. INCOME-BASED REPAYMENT.

''(a) DEFINITIONS.—In this section:

''(1) EXCEPTED PLUS LOAN.—The term 'excepted PLUS loan' means a loan under section 428B, or a Federal Direct PLUS Loan, that is made, insured, or guaranteed on behalf of a dependent student.

''(2) PARTIAL FINANCIAL HARDSHIP.—The term 'partial financial hardship' means the amount by which—

''(A) the annual amount due on the total amount of loans made, insured, or guaranteed under part B or D (other than an excepted PLUS loan) to a borrower as calculated under the standard repayment plan under section 428(b)(9)(A)(i) or 455(d)(1)(A); exceeds

''(B) 15 percent of the result obtained by calculating the amount by which—

''(i) the borrower's, and the borrower's spouse's (if applicable), adjusted gross income; exceeds

''(ii) 150 percent of the poverty line applicable to the borrower's family size as determined under section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)).

''(b) INCOME-BASED REPAYMENT PROGRAM AUTHORIZED.—Notwithstanding any other provision of this Act, the Secretary shall carry out a program under which—

''(1) a borrower of any loan made, insured, or guaranteed under part B or D (other than an excepted PLUS loan) who has a partial financial hardship may elect, during any period the borrower has the partial financial hardship, to have the borrower's aggregate monthly payment for all such loans not exceed the result described in subsection (a)(2)(B) divided by 12;

''(2) the holder of such a loan shall apply the borrower's monthly payment under this subsection first toward interest due on the loan and then toward the principal of the loan;

''(3) any interest due and not paid under paragraph (2) shall be capitalized;

''(4) any principal due and not paid under paragraph (2) shall be deferred;

''(5) the amount of time the borrower makes monthly payments under paragraph (1) may exceed 10 years;

''(6) if the borrower no longer has a partial financial hardship or no longer wishes to continue the election under this subsection, then—

''(A) the maximum monthly payment required to be paid for all loans made to the borrower under part B or D (other than an excepted PLUS loan) shall not exceed the monthly amount calculated under section 428(b)(9)(A)(i) or 455(d)(1)(A) when the borrower first made the election described in this subsection; and

''(B) the amount of time the borrower is permitted to repay such loans may exceed 10 years;

''(7) the Secretary shall repay or cancel any outstanding balance of principal and interest due on all loans made under part B or D (other than a loan under section 428B or a Federal Direct PLUS Loan) to a borrower who—

''(A) is in deferment due to an economic hardship described in section 435(o) for a period of time prescribed by the Secretary, not to exceed 20 years; or

''(B)(i) makes the election under this subsection; and

''(ii) for a period of time prescribed by the Secretary, not to exceed 20 years (including any period during which the borrower is in deferment due to an economic hardship described in section 435(o)), meets 1 or more of the following requirements:

''(I) Has made reduced monthly payments under paragraph (1).

''(II) Has made monthly payments of not less than the monthly amount calculated under section 428(b)(9)(A)(i) or 455(d)(1)(A) when the borrower first made the election described in this subsection.

''(III) Has made payments under a standard repayment plan under section 428(b)(9)(A)(i) or 455(d)(1)(A).

''(IV) Has made payments under an income contingent repayment plan under section 455(d)(1)(D); and

''(8) a borrower who is repaying a loan made under this part pursuant to income-based repayment may elect, at any time, to terminate repayment pursuant to income-based repayment and repay such loan under the standard repayment plan.''.

(b) CONFORMING ICR AMENDMENT.—Section 455(d)(1)(D) (20 U.S.C. 1087e(d)(1)(D)) is amended by inserting ''made on behalf of a dependent student'' after ''PLUS loan''.

SEC. 144. DEFINITION OF ECONOMIC HARDSHIP.

Section 435(o) (20 U.S.C. 1085(o)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A)(ii), by striking ''100 percent of the poverty line for a family of 2'' and inserting ''150 percent of the poverty line applicable to the borrower's family size'';

(B) by striking subparagraph (B); and

(C) by redesignating subparagraph (C) as subparagraph (B); and

(2) in paragraph (2), by striking ''(1)(C)'' and inserting ''(1)(B)''.

SEC. 145. DEFERRALS.

(a) FISL.—Section 427(a)(2)(C)(iii) (20 U.S.C. 1077(a)(2)(C)(iii)) is amended by striking ''not in excess of 3 years''.

(b) INTEREST SUBSIDIES.—Section 428(b)(1)(M)(iv) (20 U.S.C. 1078(b)(1)(M)(iv)) is amended by striking ''not in excess of 3 years''.

(c) DIRECT LOANS.—Section 455(f)(2)(D) (20 U.S.C. 1087e(f)(2)(D)) is amended by striking ''not in excess of 3 years''.

(d) PERKINS.—Section 464(c)(2)(A)(iv) (20 U.S.C. 1087dd(c)(2)(A)(iv)) is amended by striking ''not in excess of 3 years''.

SEC. 146. MAXIMUM REPAYMENT PERIOD.

(a) IN GENERAL.—Section 455(e) (20 U.S.C. 1087e(e)) is amended by adding at the end the following:

''(9) MAXIMUM REPAYMENT PERIOD.—In calculating the extended period of time for which an income contingent repayment plan under this subsection may be in effect for a borrower, the Secretary shall include all time periods during which a borrower of loans under part B, part D, or part E—

''(A) is not in default on any loan that is included in the income contingent repayment plan; and

''(B)(i) is in deferment due to an economic hardship described in section 435(o);

''(ii) makes monthly payments under paragraph (1) or (6) of section 493C(b); or

''(iii) makes payments under a standard repayment plan described in section 428(b)(9)(A)(i) or subsection (d)(1)(A).''.

(b) TECHNICAL CORRECTION.—Section 455(d)(1)(C) (20 U.S.C. 1087e(d)(1)(C)) is amended by striking ''428(b)(9)(A)(v)'' and inserting ''428(b)(9)(A)(iv)''.

TITLE II—REDUCING THE COST OF COLLEGE

SEC. 201. STATE COMMITMENT TO AFFORDABLE COLLEGE EDUCATION.

Title I is amended by inserting after section 131 (20 U.S.C. 1015) the following new section:

''SEC. 132. STATE COMMITMENT TO AFFORDABLE COLLEGE EDUCATION.

''(a) MAINTENANCE OF EFFORT REQUIRED.—No State shall reduce the total amount provided by the State for public institutions of higher education in such State for any academic year beginning on or after July 1, 2008, to an amount which is less than the average amount provided by such State to such institutions of higher education during the 5 most recent preceeding academic years for which satisfactory data is available.

''(b) WITHHOLDING OF ALL LEAP FUNDS FOR VIOLATIONS.—Notwithstanding any other provision of law, the Secretary of Education shall withhold from any State that violates subsection (a) any amount that would otherwise be available to the State under the Leveraging Educational Assistance Partnership Program under subpart 4 of part A of title IV until such State has corrected such violation.''.

SEC. 202. CONSUMER INFORMATION AND PUBLIC ACCOUNTABILITY IN HIGHER EDUCATION.

Section 131 of the Higher Education Act of 1965 (20 U.S.C. 1015) is amended to read as follows:

''SEC. 131. CONSUMER INFORMATION AND PUBLIC ACCOUNTABILITY IN HIGHER EDUCATION.

''(a) COLLEGE OPPORTUNITY ON-LINE (COOL) WEBSITE RE-DESIGN PROCESS.—In carrying out this section, the Commissioner of Education Statistics—

''(1) shall identify the data elements that are of greatest importance to prospective students, enrolled students, and their families, paying particular attention to low-income, non-traditional student populations, and first-generation college students;

''(2) shall convene a group of individuals with expertise in the collection and reporting of data related to institutions of higher education, the use of consumer data, and consumer marketing in general to—

''(A) determine the relevance of particular data elements to prospective students, enrolled students, and families;

''(B) assess the cost-effectiveness of various ways in which institutions of higher education might produce relevant data;

''(C) determine the general comparability of the data across institutions of higher education;

''(D) make recommendations regarding the inclusion of specific data items and the most effective and least burdensome methods of collecting and reporting useful data from institutions of higher education; and

''(3) shall ensure that the redesigned COOL website—

''(A) uses, to the extent practicable, data elements currently provided by institutions of higher education to the Secretary;

''(B) includes clear and uniform information determined to be relevant to prospective students, enrolled students, and families;

''(C) provides comparable information, by ensuring that data are based on accepted criteria and common definitions;

''(D) includes a sorting function that permits users to customize their search for and comparison of institutions of higher education based on the information identified through the process as prescribed in paragraph (1) as being of greatest relevance to choosing an institution of higher education.

''(b) DATA COLLECTION.—

''(1) DATA SYSTEM.—The Commissioner of Education Statistics shall continue to redesign the relevant parts of the Integrated Postsecondary Education Data System to include additional data as required by this section and to continue to improve the usefulness and timeliness of data collected by such systems in order to inform consumers about institutions of higher education.

''(2) COLLEGE CONSUMER PROFILE.—The Secretary shall continue to publish on the COOL website, for each academic year and in accordance with standard definitions developed by the Commissioner of Education Statistics (including definitions developed under section 131(a)(3)(A) as in effect on the day before the date of enactment of the College Cost Reduction Act of 2007), from at least all institutions of higher education participating in programs under title IV the following information:

''(A) The tuition and fees charged for a first-time, full-time, full-year undergraduate student.

''(B) The room and board charges for a first-time, full-time, full-year undergraduate student.

''(C) The price of attendance for a first-time, full-time, full-year undergraduate student, consistent with the provisions of section 472.

''(D) The average amount of financial assistance received by a first-year, full-time, full-year undergraduate student, including—

''(i) each type of assistance or benefits described in 428(a)(2)(C)(ii);

''(ii) institutional and other assistance; and

''(iii) Federal loans under parts B, D, and E of title IV.

''(E) The number of first-time, full-time, full-year undergraduate students receiving financial assistance described in each clause of subparagraph (D).

''(F) The institutional instructional expenditure per full-time equivalent student.

''(G) Student enrollment information, including information on the number and percentage of full-time and part-time students, the number and percentage of resident and non-resident students.

''(H) Faculty-to-student ratios.

''(I) Faculty information, including the total number of faculty and the percentage of faculty who are full-time employees of the institution and the percentage who are part-time.

''(J) Completion and graduation rates of undergraduate students, identifying whether the completion or graduation rates are from a 2-year or 4-year program of instruction and, in the case of a 2-year program of instruction, the percentage of students who transfer to 4-year institutions prior or subsequent to completion or graduation.

''(K) A link to the institution of higher education with information of interest to students including mission, accreditation, student services (including services for students with disabilities), transfer of credit policies, any articulation agreements entered into by the institution, and, if appropriate, placement rates and other measures of success in preparing students for entry into or advancement in the workforce.

''(L) The college affordability information elements specified in subsection (c).

''(M) Any additional information that the Secretary may require.

''(c) COLLEGE AFFORDABILITY INFORMATION ELEMENTS.—The college affordability information elements required by subsection (b)(2)(L) shall include, for each institution submitting data—

''(1) the sticker price of the institution for the 3 most recent academic years;

''(2) the net tuition price of the institution for the 3 most recent academic years;

''(3) the percentage change in both the sticker price and the net tuition price over the 3-year time period that is being reported;

''(4) the percentage change in the CPI over the same 3-year time period; and

''(5) whether the institution has been placed on affordability alert status as required by subsection (d)(3).

''(d) OUTCOMES AND ACTIONS.—

''(1) RESPONSE FROM INSTITUTION.—Effective on June 30, 2008, an institution that increases its sticker price at a percentage rate for any 3-year interval ending on or after that date that exceeds two times the rate of change in the CPI over the same time period shall provide a report to the Secretary, in such a form, at such time, and containing such information as the Secretary may require. Such report shall be published by the Secretary on the COOL website, and shall include—

''(A) a description of the factors contributing to the increase in the institution's costs and in the tuition and fees charged to students; and

''(B) if determinations of tuition and fee increases are not within the exclusive control of the institution, a description of the agency or instrumentality of State government or other entity that participates in such determinations and the authority exercised by such agency, instrumentality, or entity.

''(2) QUALITY-EFFICIENCY TASK FORCES.—

''(A) REQUIRED.—Each institution subject to paragraph (1) that has a percentage change in its sticker price that is in the highest 5 percent of all institutions subject to paragraph (1) shall establish a quality-efficiency task force to review the operations of such institution.

''(B) MEMBERSHIP.—Such task force shall include administrators, business and civic leaders, and faculty, and may include students, trustees, parents of students, and alumni of such institution.

''(C) FUNCTIONS.—Such task force shall analyze institutional operating costs in comparison with such costs at other institutions within the class of institutions. Such analysis should identify areas where, in comparison with other institutions in such class, the institution operates more expensively to produce a similar result. Any identified areas should then be targeted for in-depth analysis for cost reduction opportunities.

''(D) REPORT.—Not later than one year after a quality-efficiency task force is established pursuant to subparagraph (A), the results of the analysis by a such task force shall be submitted to the Secretary and shall be made available to the public on the COOL website.

''(3) CONSEQUENCES FOR 2-YEAR CONTINUATION OF FAILURE.—If the Secretary determines that an institution that is subject to paragraph (1)) has failed to reduce the subsequent increase in sticker price to equal to or below two times the rate of change in the CPI for 2 consecutive academic years subsequent to the 3-year interval used under paragraph (1), the Secretary shall place the institution on affordability alert status.

''(4) EXEMPTIONS.—Notwithstanding paragraph (3), an institution shall not be placed on affordability alert status if, for any 3-year interval for which sticker prices are computed under paragraph (1)—

''(A) with respect to the class of institutions described in paragraph (6) to which the institution belongs, the sticker price of the institution is in the lowest quartile of institutions within such class, as determined by the Secretary, during the last year of such 3-year interval; or

''(B) the institution has a percentage change in its sticker price computed under paragraph (1) that exceeds two times the rate of change in the CPI over the same time period, but the dollar amount of the sticker price increase is less than $500.

''(5) INFORMATION TO STATE AGENCIES.—Any institution that reports under paragraph (1)(B) that an agency or instrumentality of State government or other entity participates in the determinations of tuition and fee increases shall, prior to submitting any information to the Secretary under this subsection, submit such information to, and request the comments and input of, such agency, instrumentality, or entity. With respect to any such institution, the Secretary shall provide a copy of any communication by the Secretary with that institution to such agency, instrumentality, or entity.

''(6) CLASSES OF INSTITUTIONS.—For purposes of this subsection, the classes of institutions shall be those sectors used by the Integrated Postsecondary Education Data System, based on whether the institution is public, nonprofit private, or for-profit private, and whether the institution has a 4-year, 2-year, or less than 2-year program of instruction.

''(7) DATA REJECTION.—Nothing in this subsection shall be construed as allowing the Secretary to reject the data submitted by an individual institution of higher education.

''(e) INFORMATION TO THE PUBLIC.—The Secretary shall work with public and private entities to promote broad public awareness, particularly among middle and high school students and their families, of the information made available under this section, including by distribution to students who participate in or receive benefits from means-tested federally funded education programs and other Federal programs determined by the Secretary.

''(f) FINES.—In addition to actions authorized in section 487(c), the Secretary may impose a fine in an amount not to exceed $25,000 on an institution of higher education for failing to provide the information required by this section in a timely and accurate manner, or for failing to otherwise cooperate with the National Center for Education Statistics regarding efforts to obtain data under subsections (c) and (i) and pursuant to the program participation agreement entered into under section 487.

''(g) REGULATIONS.—The Secretary is authorized to issue such regulations as may be necessary to carry out the provisions of this section.

''(h) DEFINITIONS.—For the purposes of this section:

''(1) NET TUITION PRICE.—The term 'net tuition price' means the average tuition and fees charged to a first-time, full-time, full-year undergraduate student, minus the average grants provided to such students, for any academic year.

''(2) STICKER PRICE.—The term 'sticker price' means the average tuition and fees charged to a first-time, full-time, full-year undergraduate student by an institution of higher education for any academic year.

''(3) CPI.—The term 'CPI' means the Consumer Price Index-All Urban Consumers (Current Series).''.

SEC. 203. INCENTIVES AND REWARDS FOR LOW TUITION.

Subpart 1 of part A of title IV is amended by inserting after section 401A (20 U.S.C. 1070a–1) the following new section:

"SEC. 401B. INCENTIVES AND REWARDS FOR LOW TUITION.

''(a) REWARDS FOR LOW TUITION.—For any institution of higher education that, for academic year 2008–2009 or any succeeding academic year, such institution's annual net tuition price increase (expressed as a percentage) for the most recent academic year for which satisfactory data is available is equal to or less than the percentage change in the higher education price index for such academic year, the Secretary shall, notwithstanding any other provision of the law, provide such institution an amount sufficient to provide a 25 percent increase under subpart 1 of part A of title IV to each Pell Grant recipient attending such institution for the next award year beginning after the date of such determination. Each such institution shall distribute any amounts received under this subsection among such Pell Grant recipients by increasing the amount of their Pell Grant awards by 25 percent.

''(b) REWARDS FOR GUARANTEED TUITION.—

''(1) BONUS.—For each institution of higher education that the Secretary of Education determines complies with the requirements of paragraph (2) or paragraph (3) of this subsection, the Secretary shall, notwithstanding any other provision of the law, provide such institution an amount sufficient to provide a 10 percent increase under subpart 1 of part A of title IV to each Pell Grant recipient attending such institution for the next award year beginning after the date of such determination. Each such institution shall distribute any amounts received under this subsection among such Pell Grant recipients by increasing the amount of their Pell Grant awards by 10 percent.

''(2) 4-YEAR INSTITUTIONS.—An institution of higher education that provides a program of instruction for which it awards a bachelor's degree complies with the requirements of this paragraph if such institution guarantees that for any academic year beginning on or after July 1, 2008, and for each of the 4 succeeding continuous academic years, the net tuition price charged to an undergraduate student will not exceed—

''(A) the amount that the student was charged for an academic year at the time he or she first enrolled in the institution of higher education, plus

''(B) the product of the percentage increase in the higher education price index for the prior academic year, or the most recent prior academic year for which data is available, multiplied by the amount determined under subparagraph (A).

''(3) LESS-THAN 4-YEAR INSTITUTIONS.—An institution of higher education that does not provide a program of instruction for which it awards a bachelor's degree complies with the requirements of this paragraph if such institution guarantees that for any academic year (or the equivalent) beginning on or after July 1, 2008, and for each of the 1.5 succeeding continuous academic years, the net tuition price charged to an undergraduate student will not exceed—

''(A) the amount that the student was charged for an academic year at the time he or she first enrolled in the institution of higher education, plus

''(B) the product of the percentage increase in the higher education price index for the prior academic year, or the most recent prior academic year for which data is available, multiplied by the amount determined under subparagraph (A).

''(c) MAINTAINING AFFORDABLE TUITION.—For any institution of higher education whose increase in the annual net tuition price (expressed as a percentage), for the most recent academic year for which satisfactory data is available, is greater than the percentage increase in the higher education price index for such academic year, the Secretary shall require such institution to submit to the Secretary the following information, within 6 months of such determination:

''(1) a detailed report on the exact causes for the net tuition price increase that outlines revenues and expenditures; and

''(2) cost containment strategies to lower net tuition prices.

''(d) DEFINITIONS.—

''(1) NET TUITION PRICE.—The term 'net tuition price' has the same meaning as provided in section 131(k).

''(2) HIGHER EDUCATION PRICE INDEX.—The term 'higher education price index' means a statistical measure of change over time in the prices of a fixed market basket of goods and services purchased by colleges and universities through current fund educational and general expenditures (excluding expenditures for research), as developed by the Bureau of Labor Statistics.

''(e) FUNDING.—There shall be available to the Secretary to carry out this section, from funds not otherwise appropriated, $15,000,000 for each of the fiscal years 2008 through 2012.

''(f) SUNSET.—The authority to carry out this section shall expire at the end of fiscal year 2012.''.

SEC. 204. COOPERATIVE EDUCATION REWARDS FOR INSTITUTIONS THAT RESTRAIN TUITION INCREASES.

The Higher Education Act of 1965 (20 U.S.C. 1101 et seq.) is amended by adding at the end the following title:

"TITLE VIII—COOPERATIVE EDUCATION REWARDS FOR INSTITUTIONS THAT RESTRAIN TUITION INCREASES

"SEC. 801. ELIGIBLE INSTITUTIONS.

''(a) ELIGIBLE INSTITUTIONS.—An institution of higher education shall be eligible to apply for a grant under this title if such institution, and a combination of such institutions shall be eligible to apply for such a grant if each institution in such combination—

''(1) for the academic year for which the institution is applying, keeps such institution's annual net tuition price increase (expressed as a percentage) for the most recent academic year for which satisfactory data is available equal to or less than the percentage change in the higher education price index for such year; and

''(2) for such academic year, provides the guarantee required by paragraph (2) or (3) of section 401A(b).

''(b) DEFINITIONS.—

''(1) COOPERATIVE EDUCATION.—For the purpose of this title the term 'cooperative education' means the provision of alternating or parallel periods of academic study and public or private employment in order to give students work experiences related to their academic or occupational objectives and an opportunity to earn the funds necessary for continuing and completing their education.

''(2) CALCULATION OF INDEX.—The net tuition price index shall be equal to the percentage increase in the net tuition price charged for a first-time, full-time, full-year undergraduate student between a preceding academic year and the most recent academic year for which satisfactory data are available.

''(3) NET TUITION PRICE.—The term 'net tuition price' means the average tuition and fees charged to first-time, full-year, full-time undergraduate students, minus the average grants provided to such students, for any academic year.

''(4) TUITION.—The term 'tuition' means the average price of or payment for actual instruction of first-time, full-year, full-time undergraduate students at an institution of higher education, for any academic year.

"SEC. 802. AUTHORIZATION OF APPROPRIATIONS; RESERVATIONS.

''(a) APPROPRIATIONS.—There shall be available to the Secretary to carry out this title from funds not otherwise appropriated $15,000,000 for each of the fiscal years 2008 through 2012.

''(b) RESERVATIONS.—Of the amount appropriated for each such fiscal year—

''(1) not less than 50 percent shall be available for carrying out grants to institutions of higher education and combinations of such institutions described in section 803(a)(1)(A) for cooperative education under section 803;

''(2) not less than 25 percent shall be available for carrying out grants to institutions of higher education described in section 803(a)(1)(B) for cooperative education under section 803;

''(3) not to exceed 11 percent shall be available for demonstration projects under paragraph (1) of section 804(a);

''(4) not to exceed 11 percent shall be available for training and resource centers under paragraph (2) of section 804(a); and

''(5) not to exceed 3 percent shall be available for research under paragraph (3) of section 804(a).

''(c) AVAILABILITY OF APPROPRIATIONS.—Appropriations under this title shall not be available for the payment of compensation of students for employment by employers under arrangements pursuant to this title.

''(d) SUNSET.—The authority to carry out this title shall expire at the end of fiscal year 2012.

"SEC. 803. GRANTS FOR COOPERATIVE EDUCATION.

''(a) GRANTS AUTHORIZED.—

''(1) IN GENERAL.—The Secretary is authorized—

''(A) from the amount available under section 802(b)(1) in each fiscal year and in accordance with the provisions of this title, to make grants to institutions of higher education or combinations of such institutions that have not received a grant under this paragraph in the 10-year period preceding the date for which a grant under this section is requested to pay the Federal share of the cost of planning, establishing, expanding, or carrying out programs of cooperative education by such institutions or combinations of institutions; and

''(B) from the amount available under section 802(b)(2) in each fiscal year and in accordance with the provisions of this title, to make grants to institutions of higher education that are operating an existing cooperative education program as determined by the Secretary to pay the cost of planning, establishing, expanding, or carrying out programs of cooperative education by such institutions.

''(2) PROGRAM REQUIREMENT.—Cooperative education programs assisted under this section shall provide alternating or parallel periods of academic study and of public or private employment, giving students work experience related to their academic or occupational objectives and the opportunity to earn the funds necessary for continuing and completing their education.

''(3) AMOUNT OF GRANTS.—

''(A) The amount of each grant awarded pursuant to paragraph (1)(A) to any institution of higher education or combination of such institutions in any fiscal year shall not exceed $500,000.

''(B)(i) Except as provided in clauses (ii) and (iii), the Secretary shall award grants in each fiscal year to each institution of higher education described in paragraph (1)(B) that

has an application approved under subsection (b) in an amount which bears the same ratio to the amount reserved pursuant to section 802(b)(2) for such fiscal year as the number of unduplicated students placed in cooperative education jobs during the preceding fiscal year (other than cooperative education jobs under section 804 and as determined by the Secretary) by such institution of higher education bears to the total number of all such students placed in such jobs during the preceding fiscal year by all such institutions.

''(ii) No institution of higher education shall receive a grant pursuant to paragraph (1)(B) in any fiscal year in an amount which exceeds 25 percent of such institution's cooperative education program's personnel and operating budget for the preceding fiscal year.

''(iii) The minimum annual grant amount which an institution of higher education is eligible to receive under paragraph (1)(B) is $1,000 and the maximum annual grant amount is $75,000.

''(4) LIMITATION.—The Secretary shall not award grants pursuant to paragraphs (1)(A) and (1)(B) to the same institution of higher education or combination of such institution in any one fiscal year.

''(5) USES.—Grants under paragraph (1)(B) shall be used exclusively—

''(A) to expand the quality and participation of a cooperative education program;

''(B) for outreach in new curricular areas; and

''(C) for outreach to potential participants including underrepresented and nontraditional populations.

''(b) APPLICATIONS.—Each institution of higher education or combination of such institutions desiring to receive a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary shall prescribe. Each such application shall—

''(1) set forth the program or activities for which a grant is authorized under this section;

''(2) specify each portion of such program or activities which will be performed by a nonprofit organization or institution other than the applicant and the compensation to be paid for such performance;

''(3) provide that the applicant will expend during such fiscal year for the purpose of such program or activities not less than the amount expended for such purpose during the previous fiscal year;

''(4) describe the plans which the applicant will carry out to assure, and contain a formal statement of the institution's commitment which assures, that the applicant will continue the cooperative education program beyond the 5-year period of Federal assistance described in subsection (c)(1) at a level which is not less than the total amount expended for such program during the first year such program was assisted under this section;

''(5) provide that, in the case of an institution of higher education that provides a 2-year program which is acceptable for full credit toward a bachelor's degree, the cooperative education program will be available to students who are certificate or associate degree candidates and who carry at least one-half the normal full-time academic workload;

''(6) provide that the applicant will—

''(A) for each fiscal year for which the applicant receives a grant, make such reports with respect to the impact of the cooperative education program in the previous fiscal year as may be essential to ensure that the applicant is complying with the provisions of this section, including—

''(i) the number of unduplicated student applicants in the cooperative education program;

''(ii) the number of unduplicated students placed in cooperative education jobs;

''(iii) the number of employers who have hired cooperative education students;

''(iv) the average income for students derived from working in cooperative education jobs; and

''(v) the increase or decrease in the number of unduplicated students placed in cooperative education jobs in each fiscal year compared to the previous fiscal year; and

''(B) keep such records as are essential to ensure that the applicant is complying with the provisions of this title, including the notation of cooperative education employment on the student's transcript;

''(7) describe the extent to which programs in the academic discipline for which the application is made have had a favorable reception by public and private sector employers;

''(8) describe the extent to which the institution is committed to extending cooperative education on an institution-wide basis for all students who can benefit;

''(9) describe the plans that the applicant will carry out to evaluate the applicant's cooperative education program at the end of the grant period;

''(10) provide for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid to the applicant under this title;

''(11) demonstrate a commitment to serving all underserved populations; and

''(12) include such other information as is essential to carry out the provisions of this title.

''(c) DURATION OF GRANTS; FEDERAL SHARE.—

''(1) DURATION OF GRANTS.—No individual institution of higher education may receive, individually or as a participant in a combination of such institutions—

''(A) a grant pursuant to subsection (a)(1)(A) for more than 5 fiscal years; or

''(B) a grant pursuant to subsection (a)(1)(B) for more than 5 fiscal years.

''(2) FEDERAL SHARE.—The Federal share of a grant under section 803(a)(1)(A) may not exceed—

''(A) 85 percent of the cost of carrying out the program or activities described in the application in the first year the applicant receives a grant under this section;

''(B) 70 percent of such cost in the second such year;

''(C) 55 percent of such cost in the third such year;

''(D) 40 percent of such cost in the fourth such year; and

''(E) 25 percent of such cost in the fifth such year.

''(3) SPECIAL RULE.—Any provision of law to the contrary notwithstanding, the Secretary shall not waive the provisions of this subsection.

''(d) MAINTENANCE OF EFFORT.—If the Secretary determines that a recipient of funds under this section has failed to maintain the fiscal effort described in subsection (b)(3), then the Secretary may elect not to make grant payments under this section to such recipient.

''SEC. 804. DEMONSTRATION AND INNOVATION PROJECTS; TRAINING AND RESOURCE CENTERS; AND RESEARCH.

''(a) AUTHORIZATION.—The Secretary is authorized, in accordance with the provisions of this section, to make grants and enter into contracts for—

''(1) the conduct of demonstration projects designed to demonstrate or determine the feasibility or value of innovative methods of cooperative education from the amounts available in each fiscal year under section 802(b)(3);

''(2) the conduct of training and resource centers designed to—

''(A) train personnel in the field of cooperative education;

''(B) improve materials used in cooperative education programs if such improvement is conducted in conjunction with other activities described in this paragraph;

''(C) furnish technical assistance to institutions of higher education to increase the potential of the institution to continue to conduct a cooperative education program without Federal assistance;

''(D) encourage model cooperative education programs which furnish education and training in occupations in which there is a national need;

''(E) support partnerships under which an institution carrying out a comprehensive cooperative education program joins with one or more institutions of higher education in order to (i) assist the institutions other than the comprehensive cooperative education institution to develop and expand an existing program of cooperative education, or (ii) establish and improve or expand comprehensive cooperative education programs; and

''(F) encourage model cooperative education programs in the fields of science and mathematics for women and minorities who are underrepresented in such fields

from the amounts available in each fiscal year under section 802(b)(4); and

''(3) the conduct of research relating to cooperative education, from the amounts available in each fiscal year under section 802(b)(5).

''(b) ADMINISTRATIVE PROVISION.—

''(1) IN GENERAL.—To carry out this section, the Secretary may—

''(A) make grants to or contracts with institutions of higher education, or combinations of such institutions; and

''(B) make grants to or contracts with other public or private nonprofit agencies or organizations, whenever such grants or contracts will make an especially significant contribution to attaining the objectives of this section.

''(2) LIMITATION.—

''(A) The Secretary may not use more than 3 percent of the amount appropriated to carry out this section in each fiscal year to enter into contracts described in paragraph (1)(A).

''(B) The Secretary may use not more than 3 percent of the amount appropriated to carry out this section in each fiscal year to enter into contracts described in paragraph (1)(B).

''(c) SUPPLEMENT NOT SUPPLANT.—A recipient of a grant or contract under this section may use the funds provided only so as to supplement and, to the extent possible, increase the level of funds that would, in the absence of such funds, be made available from non-Federal sources to carry out the activities supported by such grant or contract, and in no case to supplant such funds from non-Federal sources.''.

TITLE III—ENSURING A HIGHLY QUALIFIED TEACHER IN EVERY CLASSROOM

PART A—TEACH GRANTS

SEC. 301. TEACH GRANTS.

Part A of title IV (20 U.S.C. 1070a et seq.) is amended by adding at the end the following new subpart:

''Subpart 9—TEACH Grants

''SEC. 420L. PROGRAM ESTABLISHED.

''(a) PROGRAM AUTHORITY.—

''(1) PAYMENTS REQUIRED.—The Secretary shall pay to each eligible institution such sums as may be necessary to pay to each eligible student (defined in accordance with

section 484) who files an application and agreement in accordance with section 420M, and who qualifies—

''(A) under paragraph (2) of section 420M(a), a TEACH Grant in the amount of $4,000 for each academic year during which that student is in attendance at the institution; and

''(B) under paragraphs (2) and (3) of section 420M(a), a Bonus TEACH Grant in the amount of $500 (in addition to the amount of the TEACH Grant under subparagraph (A)) for each academic year during which that student so qualifies.

''(2) REFERENCE.—Grants made under—

''(A) paragraph (1)(A) shall be known as 'Teacher Education Assistance for College and Higher Education Grants' or 'TEACH Grants'; and

''(B) paragraph (1)(B) shall be known as Bonus TEACH Grants.

''(b) PAYMENT METHODOLOGY.—

''(1) PREPAYMENT.—Not less than 85 percent of any funds provided to an institution under subsection (a) shall be advanced to eligible institutions prior to the start of each payment period and shall be based upon an amount requested by the institution as needed to pay eligible students until such time as the Secretary determines and publishes in the Federal Register with an opportunity for comment, an alternative payment system that provides payments to institutions in an accurate and timely manner, except that this sentence shall not be construed to limit the authority of the Secretary to place an institution on a reimbursement system of payment.

''(2) DIRECT PAYMENT.—Nothing in this section shall be interpreted to prohibit the Secretary from paying directly to students, in advance of the beginning of the academic term, an amount for which they are eligible, in cases where the eligible institution elects not to participate in the disbursement system required by paragraph (1).

''(3) DISTRIBUTION OF GRANTS TO STUDENTS.—Payments under this subpart shall be made, in accordance with regulations promulgated by the Secretary for such purpose, in such manner as will best accomplish the purposes of this subpart. Any disbursement allowed to be made by crediting the student's account shall be limited to tuition and fees and, in the case of institutionally-owned housing, room and board. The student may elect to have the institution provide other such goods and services by crediting the student's account.

''(c) REDUCTIONS IN AMOUNT.—

''(1) PART-TIME STUDENTS.—In any case where a student attends an institution of higher education on less than a full-time basis (including a student who attends an institution of higher education on less than a half-time basis) during any academic year, the amount of a grant under this subpart for which that student is eligible shall be reduced in proportion to the degree to which that student is not attending on a full-time basis, in accordance with a schedule of reductions established by the Secretary for the purposes of this subpart, computed in accordance with this subpart. Such schedule of reductions shall be established by regulation and published in the Federal Register in accordance with section 482 of this Act.

''(2) NO EXCEEDING COST.—The amount of a grant awarded under this subpart, in combination with Federal assistance and other student assistance, shall not exceed the cost of attendance (as defined in section 472) at the institution at which that student is in attendance. If, with respect to any student, it is determined that the amount of a TEACH Grant or a Bonus TEACH Grant exceeds the cost of attendance for that year, the amount of the TEACH Grant or Bonus TEACH Grant, respectively, shall be reduced until such grant does not exceed the cost of attendance at such institution.

''(d) PERIOD OF ELIGIBILITY FOR GRANTS.—

''(1) UNDERGRADUATE STUDENTS.—The period during which an undergraduate student may receive grants under this subpart shall be the period required for the completion of the first undergraduate baccalaureate course of study being pursued by that student at the institution at which the student is in attendance except that—

''(A) any period during which the student is enrolled in a noncredit or remedial course of study as defined in paragraph (3) shall not be counted for the purpose of this paragraph; and

''(B) the total amount that a student may receive under this subpart for undergraduate study shall not exceed $16,000 with respect to a student who receives only TEACH Grants, and $18,000 with respect to a student who receives TEACH Grants and Bonus TEACH Grants.

''(2) GRADUATE STUDENTS.—The period during which a graduate student may receive grants under this subpart shall be the period required for the completion of a master's degree course of study being pursued by that student at the institution at which the student is in attendance, except that the total amount that a student may receive under this subpart for graduate study shall not exceed $8,000 with respect to a student who receives only TEACH Grants, and $10,000 with respect to a student who receives TEACH Grants and Bonus TEACH Grants.

''(3) REMEDIAL COURSE; STUDY ABROAD.—Nothing in this section shall exclude from eligibility courses of study which are noncredit or remedial in nature (including courses in English language acquisition) which are determined by the institution to be necessary to help the student be prepared for the pursuit of a first undergraduate baccalaureate degree or certificate or, in the case of courses in English language instruction, to be necessary to enable the student to utilize already existing knowledge, training, or skills. Nothing in this section shall exclude from eligibility programs of study abroad that are approved for credit by the home institution at which the student is enrolled.

"SEC. 420M. ELIGIBILITY; APPLICATIONS; SELECTION.

''(a) APPLICATIONS; DEMONSTRATION OF ELIGIBILITY.—

''(1) FILING REQUIRED.—The Secretary shall from time to time set dates by which students shall file applications for grants under this subpart. Each student desiring a grant under this subpart for any year shall file an application containing such information and assurances as the Secretary may deem necessary to enable the Secretary to carry out the functions and responsibilities of this subpart.

''(2) DEMONSTRATION OF TEACH GRANT ELIGIBILITY.—Each application submitted under paragraph (1) for a TEACH Grant shall contain such information as is necessary to demonstrate that—

''(A) if the applicant is an enrolled student—

''(i) the student is an eligible student for purposes of section 484;

''(ii) the student—

''(I) has a grade point average that is determined, under standards prescribed by the Secretary, to be comparable to a 3.25 average on a zero to 4.0 scale, except that, if the student is in the first year of a program of undergraduate education, such grade point average shall be determined on the basis of the student's cumulative high school grade point average; or

''(II) displayed high academic aptitude by receiving a score above the 75th percentile on at least one of the batteries in an undergraduate or graduate school admissions test; and

''(iii) the student is completing coursework and other requirements necessary to begin a career in teaching, or plans to complete such coursework and requirements prior to graduating; or

''(B) if the applicant is a current or prospective teacher applying for a grant to obtain a graduate degree—

''(i) the applicant is a teacher or a retiree from another occupation with expertise in a field in which there is a shortage of teachers, such as math, science, special education, English language acquisition, or another high-need subject; or

''(ii) the applicant is or was a teacher who is using high-quality alternative certification routes, such as Teach for America, to get certified.

''(3) DEMONSTRATION OF BONUS TEACH GRANT ELIGIBILITY.—Each application submitted under paragraph (1) for a Bonus TEACH Grant shall contain such information as is necessary to demonstrate that—

''(A) the applicant is eligible for, and has applied for, a TEACH Grant; and

''(B) the applicant is—

''(i) a student pursuing an undergraduate degree in mathematics, science, or a science-related field; and

''(ii) a student enrolled in a qualified teacher preparation program, as defined in section 420N.

''(b) AGREEMENTS TO SERVE.—Each application under subsection (a) shall contain or be accompanied by an agreement by the applicant that—

''(1) the applicant will—

''(A) serve as a full-time teacher for a total of not less than 4 academic years within 8 years after completing the course of study for which the applicant received a TEACH Grant under this subpart;

''(B) teach in a school described in section 465(a)(2)(A);

''(C) with respect to an applicant for—

''(i) TEACH Grants, teach in any of the following fields: mathematics, science, a foreign language, bilingual education, or special education, or as a reading specialist, or another field documented as high-need by the Federal Government, State government, or local education agency and approved by the Secretary; or

''(ii) TEACH Grants and Bonus TEACH Grants, teach mathematics, science, or a science-related field;

''(D) submit evidence of such employment in the form of a certification by the chief administrative officer of the school upon completion of each year of such service; and

''(E) comply with the requirements for being a highly qualified teacher as defined in section 9101 of the Elementary and Secondary Education Act of 1965; and

''(2) in the event that the applicant is determined to have failed or refused to carry out such service obligation, the sum of the amounts of any TEACH Grants and Bonus TEACH Grants received by such applicant will be treated as a loan and collected from the applicant in accordance with subsection (c) and the regulations thereunder.

''(c) REPAYMENT FOR FAILURE TO COMPLETE SERVICE.—In the event that any recipient of a grant under this subpart fails or refuses to comply with the service obligation in the agreement under subsection (b), the sum of the amounts of any TEACH Grants and Bonus TEACH Grants received by such recipient shall be treated as a Direct Loan under part D of title IV, and shall be subject to repayment, together with interest thereon accruing after the period of service, in accordance with terms and conditions specified

by the Secretary in regulations under this subpart.

"SEC. 420N. DEFINITIONS.

''For the purposes of this subpart:

''(1) ELIGIBLE INSTITUTION.—The term 'eligible institution' means an institution of higher education as defined in section 102, except that such term does not include an institution described in subsection (a)(1)(A) of that section.

''(2) QUALIFIED TEACHER PREPARATION PROGRAM.—The term 'qualified teacher preparation program' means a program for students described in subsection (a)(2)(A) of section 420M or teachers described in subsection (a)(2)(B) of such section (referred to jointly in this paragraph as 'teacher candidates') that—

''(A) recruits and prepares teacher candidates who major in science, technology fields, engineering, or mathematics disciplines to become certified as elementary and secondary teachers in those disciplines, with the goals of improving teacher knowledge and effectiveness and increasing elementary and secondary student academic achievement;

''(B) is implemented by an institution of higher education in partnership with high-need local educational agencies;

''(C) offers a baccalaureate degree with a concurrent teacher certification to teacher candidates;

''(D) is implemented in coordination with the faculty of the education, sciences, and mathematics departments of the institution of higher education;

''(E) utilizes experienced teachers who have a demonstrated record of success in teaching underserved students to instruct teacher candidates in science, technology fields, engineering, or mathematics disciplines;

''(F) provides teacher candidates with—

''(i) support services, including mentoring by experienced teachers who have a demonstrated record of success in teaching underserved students;

''(ii) exposure to, and field experience in, the classroom within the first year of entering the qualified teacher preparation program; and

''(iii) other related support practices while the teacher candidates are participating in the program, and after such candidates graduate from the isntitution of higher education and are employed as teachers;

''(G) participates in partnerships which include the institution of higher education and local educational agencies and charter districts to provide opportunities for teacher candidate field work;

''(H) focuses on increasing the number of teachers in the science, technology fields, engineering, or mathematics disciplines; and

''(I) encourages individuals from underrepresented populations to enter into the teaching profession.

"SEC. 420O. PROGRAM PERIOD AND FUNDING.

''There shall be available to the Secretary to carry out this subpart, from funds not otherwise appropriated, such sums as may be necessary to provide TEACH Grants and Bonus TEACH Grants in accordance with this subpart to each eligible student.''.

PART B—CENTERS OF EXCELLENCE

SEC. 311. CENTERS OF EXCELLENCE.

Title II (20 U.S.C. 1021 et seq.) is amended by adding at the end the following:

"PART C—CENTERS OF EXCELLENCE

"SEC. 231. DEFINITIONS.

''As used in this part:

''(1) ELIGIBLE INSTITUTION.—The term 'eligible institution' means—

''(A) an institution of higher education that has a teacher preparation program that meets the requirements of section 203(b)(2) and that is—

''(i) a part B institution (as defined in section 322);

''(ii) a Hispanic-serving institution (as defined in section 502);

''(iii) a Tribal College or University (as defined in section 316);

''(iv) an Alaska Native-serving institution (as defined in section 317(b)); or

''(v) a Native Hawaiian-serving institution (as defined in section 317(b));

''(B) a consortium of institutions described in subparagraph (A); or

''(C) an institution described in subparagraph (A), or a consortium described in subparagraph (B), in partnership with any other institution of higher education, but only if the center of excellence established under section 232 is located at an institution described in subparagraph (A).

''(2) HIGHLY QUALIFIED.—The term 'highly qualified' when used with respect to an individual means that the individual is highly qualified as determined under section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801) or section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401).

''(3) SCIENTIFICALLY BASED READING RESEARCH.—The term 'scientifically based reading research' has the meaning given such term in section 1208 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6368).

''(4) SCIENTIFICALLY BASED RESEARCH.—The term 'scientifically based research' has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

"SEC. 232. CENTERS OF EXCELLENCE.

''(a) PROGRAM AUTHORIZED.—From the amounts appropriated to carry out this part, the Secretary is authorized to award competitive grants to eligible institutions to establish centers of excellence.

''(b) USE OF FUNDS.—Grants provided by the Secretary under this part shall be used to ensure that current and future teachers are highly qualified, by carrying out one or more of the following activities:

''(1) Implementing reforms within teacher preparation programs to ensure that such programs are preparing teachers who are highly qualified, are able to understand scientifically based research, and are able to use advanced technology effectively in the classroom, including use for instructional techniques to improve student academic achievement, by—

''(A) retraining faculty; and

''(B) designing (or redesigning) teacher preparation programs that—

''(i) prepare teachers to close student achievement gaps, are based on rigorous academic content, scientifically based research (including scientifically based reading research), and challenging State student academic content standards; and

''(ii) promote strong teaching skills.

''(2) Providing sustained and high-quality preservice clinical experience, including the mentoring of prospective teachers by exemplary teachers, substantially increasing interaction between faculty at institutions of higher education and new and experienced teachers, principals, and other administrators at elementary schools or secondary schools, and providing support, including preparation time, for such interaction.

''(3) Developing and implementing initiatives to promote retention of highly qualified teachers and principals, including minority teachers and principals, including programs that provide—

''(A) teacher or principal mentoring from exemplary teachers or principals; or

''(B) induction and support for teachers and principals during their first 3 years of employment as teachers or principals, respectively.

''(4) Awarding scholarships based on financial need to help students pay the costs of tuition, room, board, and other expenses of completing a teacher preparation program.

''(5) Disseminating information on effective practices for teacher preparation and successful teacher certification and licensure assessment preparation strategies.

''(6) Activities authorized under sections 202, 203, and 204.

''(c) APPLICATION.—Any eligible institution desiring a grant under this section shall submit an application to the Secretary at such a time, in such a manner, and accompanied by such information the Secretary may require.

''(d) MINIMUM GRANT AMOUNT.—The minimum amount of each grant under this part shall be $500,000.

''(e) LIMITATION ON ADMINISTRATIVE EXPENSES.—An eligible institution that receives a grant under this part may not use more than 2 percent of the grant funds for purposes of administering the grant.

''(f) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out this part.

"SEC. 233. APPROPRIATIONS.

''There shall be available to the Secretary, from funds not otherwise appropriated, $50,000,000 for the period beginning with fiscal year 2008 and ending with fiscal year 2012, to carry out this part beginning with academic year 2008–2009, which shall remain available until expended. The authority to carry out this part shall expire at the end of fiscal year 2012.''.

TITLE IV—COLLEGE ACCESS CHALLENGE GRANT PROGRAM

SEC. 401. COLLEGE ACCESS CHALLENGE GRANTS.

(a) CHALLENGE GRANT PROGRAM ESTABLISHED.—

(1) PROGRAM ESTABLISHED.—The Secretary shall establish a program to award matching grants to philanthropic organizations to increase the number of eligible students from underserved populations who enter and complete college by providing grants to philanthropic organizations who are members of eligible consortia to carry out the activities of the consortia to achieve this purpose, including—

(A) providing need-based grants to eligible students;

(B) providing support to eligible students through school- or institution-based mentoring programs; and

(C) conducting outreach programs to encourage eligible students to pursue higher education.

(2) GRANT PERIOD; RENEWABILITY.—Grants under this section shall be awarded for one 5-year period, and may not be renewed.

(3) GRANT AMOUNTS.—

(A) IN GENERAL.—A grant awarded under this part for a given fiscal year to a philanthropic organization shall be in an amount equal to lesser of—

(i) 200 percent of the amount of charitable gifts received in the preceding fiscal year by the eligible consortia, including charitable gifts received by the individual members of the consortia; or

(ii) the maximum grant amount established by the Secretary by regulation, pursuant to subsection (f).

(B) GIFTS PROVIDED IN CASH OR IN-KIND.—For the purposes of subparagraph (A), the charitable gifts received by an eligible consortia and its members may be provided in cash or in-kind, including physical non-cash contributions of monetary value such as property, facilities, and equipment, but excluding services.

(b) USES OF GRANT.—

(1) IN GENERAL.—A philanthropic organization receiving a grant under this section shall—

(A) provide grants to eligible students; and

(B) distribute grants to members of the consortia with which the philanthropic organization is affiliated, in accordance with the plan described in subsection (c)(2)(A), to fund the activities of such consortia in accordance with the application under subsection (c).

(2) LIMITATION.—Not more than 15 percent of the funds made available annually through a grant under this section may be used for administrative purposes.

(c) APPLICATIONS.—A philanthropic organization desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. Such application shall include the following:

(1) A description of an eligible consortia that meets the requirements of subsection (d), with which the philanthropic organization is affiliated, in accordance with subsection (g).

(2) A detailed description of—

(A) the philanthropic organization's plans for distributing the matching grant funds among the members of the eligible consortia; and

(B) the eligible consortia's plans for using the matching grant funds, including how the funds will be used to provide financial aid, mentoring, and outreach programs to eligible students.

(3) A plan to ensure the viability of the eligible consortia and the work of the consortia beyond the grant period.

(4) A detailed description of the activities that carry out this section that are conducted by the eligible consortia at the time of the application, and how the matching grant funds will assist the eligible consortia with expanding and enhancing such activities.

(5) A description of the organizational structure that will be used to administer the activities carried out under the plan, including a description of the system used to track the participation of students who receive grants to degree completion.

(6) A description of the strategies that will be used to identify eligible students who are enrolled in secondary school and who may benefit from the activities of the eligible consortia.

(d) ELIGIBLE CONSORTIA.—An eligible consortia with which a philanthropic organization is affiliated for the program under this section shall—

(1) be a partnership of mulitple entities that have agreed to work together carry out this section, including—

(A) such philanthropic organization, which shall serve as the manager of the consortia;

(B) a State that demonstrates a commitment to ensuring the creation of a Statewide system to address the issues of early intervention and financial support for eligible students to enter and remain in college; and

(C) at the discretion of the philanthropic organization described in subparagraph (A), additional partners, including other nonprofit organizations, government entities (including local municipalities, school districts, cities, and counties), institutions of higher education, and other public or private programs that provide mentoring or outreach programs; and

(2) conducts activites to assist eligible students with entering and remaining in college, which include—

(A) providing need-based grants to eligible students;

(B) providing early notification to low-income students of their potential eligibility for Federal financial aid, as well as financial aid and other support available from the eligible consortia;

(C) encouraging increased eligible student participation in higher education through mentoring or outreach programs; and

(D) conducting marketing and outreach efforts that are designed to—

(i) encourage full participation of eligible students in the activities of the consortia that carry out the purposes of this section; and

(ii) provide the communities impacted by the activities of the consortia with a general knowledge about the efforts of the consortia.

(e) ANNUAL REPORT.—A philanthropic organization receiving a grant under this section shall prepare and submit an annual report to the Secretary on the activities carried out with such grant. The report shall include—

(1) each activity that was provided to eligible students over the course of the year;

(2) the cost of providing each such activity;

(3) the number and percentage of eligible students who received grants, mentoring, and outreach services; and

(4) the total amount of charitable gifts received by the eligible consortia (including its members) with which the philanthropic organization is affiliated for the fiscal year.

(f) REGULATIONS.—The Secretary shall promulgate regulations to carry out this section. Such regulations shall include—

(1) the maximum grant amount that may be awarded to a philanthropic organization under this section;

(2) the minimum amount of chartable gifts an eligible consortia (including its members) shall receive in a fiscal year for the philanthropic organization affiliated with such consortia to be eligible for a grant under this section.

(g) DEFINITIONS.—For the purposes of this section:

(1) ELIGIBLE STUDENT.—The term ''eligible student'' means an individual who—

(A) is a member of an underserved population;

(B) is enrolled—

(i) in a secondary school pursuing a high school diploma; or

(ii) in an institution of higher education or is planning to attend an institution of higher education; and

(C) either—

(i) is receiving, or has received, financial assistance or support services from the consortium; or

(ii) meets 2 or more of the following criteria:

(I) Has an expected family contribution equal to zero (as described in section 479) or a comparable alternative based upon the State's approved criteria in section 415C(b)(4).

(II) Has qualified for a free lunch, or at the State's discretion a reduced price lunch, under the school lunch program established under the Richard B. Russell National School Lunch Act.

(III) Qualifies for the State's maximum need-based undergraduate award.

(IV) Is participating in, or has participated in, a Federal, State, institutional, or community mentoring or outreach program, as recognized by the eligible consortia carrying out activities under this section.

(2) PHILANTHROPIC ORGANIZATION.—The term ''philanthropic organization'' means a non-profit organization—

(A) that does not receive funds under title IV of the Higher Education Act of 1965 or under the Elementary and Secondary Education Act of 1965;

(B) that is not a local educational agency or an insitution of higher education;

(C) that has a demonstrated record of dispersing grant aid to underserved populations to ensure access to, and participation in, higher education;

(D) that is affiliated with an eligible consortia (as defined in subsection (e)) to carry out this section; and

(E) the primary purpose of which is to provide financial aid and support services to students from underrepresented populations to increase the number of such students who enter and remain in college.

(3) STATE.—The term ''State'' means each of the several States of the United States, the District of Columbia, and Puerto Rico.

(4) UNDERSERVED POPULATION.—The term ''underserved population'' means a group of individuals who traditionally have not been well represented in the general population of students who pursue and successfully complete a higher education degree.

(h) PROGRAM FUNDING.—

(1) IN GENERAL.—There shall be available to the Secretary to carry out this section, from funds not otherwise appropriated, $300,000,000 for the period beginning with fiscal year 2008 and ending with fiscal year 2012.

(2) USE OF EXCESS FUNDS.—If, at the end of a fiscal year, the funds available for awarding grants under this section exceed the amount necessary to make such grants, then all of the excess funds shall remain available for the subsequent fiscal year, and shall be used to award grants under section 401 of the Higher Education Act of 1965 (20 U.S.C. 1070a) for such subsequent fiscal year.

(i) SUNSET.—The authority to carry out this section shall expire at the end of fiscal year 2012.

The SPEAKER pro tempore (Mr. CARDOZA). Pursuant to House Resolution 531, the amendment in the nature of a substitute printed in the bill, modified by the amendment printed in part A of the House Report 110–224, is adopted and the bill, as amended, is considered as read.

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

H.R. 2669

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

SECTION 1. SHORT TITLE.

(a) SHORT TITLE.—This Act may be cited to as the ''College Cost Reduction Act of 2007''.

(b) TABLE OF CONTENTS.—

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Sec. 501. Independent evaluation of distance education programs.
Sec. 502. Encouraging colleges and universities to ''go green''.

SEC. 2. REFERENCES; EFFECTIVE DATE.

(a) REFERENCES.—Except as otherwise expressly provided, whenever in this Act 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 Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

(b) EFFECTIVE DATE.—Except as otherwise expressly provided therein, the amendments made by this Act shall be effective on October 1, 2007.

TITLE I—INVESTING IN STUDENT AID

PART A—INCREASING THE PURCHASING POWER OF PELL GRANTS

SEC. 101. MANDATORY PELL GRANT INCREASES.

(a) EXTENSION OF AUTHORITY.—Section 401(a) (20 U.S.C. 1070a(a)) is amended by striking ''fiscal year 2004'' and inserting ''fiscal year 2013''.

(b) FUNDING FOR INCREASES.—Section 401(b) (20 U.S.C. 1070a(b)) is amended by adding at the end the following new paragraph:

''(9) ADDITIONAL FUNDS.—

''(A) IN GENERAL.—There are authorized to be appropriated, and there are appropriated, to carry out subparagraph (B) of this paragraph (in addition to any other amounts appropriated to carry out this section and out of any money in the Treasury not otherwise appropriated) the following amounts:

''(i) $840,000,000 for fiscal year 2008;
''(ii) $870,000,000 for fiscal year 2009;
''(iii) $1,340,000,000 for fiscal year 2010;
''(iv) $2,280,000,000 for fiscal year 2011;
''(v) $2,350,000,000 for fiscal year 2012;
''(vi) $2,400,000,000 for fiscal year 2013;
''(vii) $2,450,000,000 for fiscal year 2014;
''(viii) $2,510,000,000 for fiscal year 2015;
''(ix) $2,550,000,000 for fiscal year 2016; and
''(x) $2,570,000,000 for fiscal year 2017.

''(B) INCREASE IN FEDERAL PELL GRANTS.—The amounts made available pursuant to subparagraph (A) of this paragraph shall be used to increase the amount of the maximum Pell Grant for which a student shall be eligible during an award year, as specified in the last enacted appropriation Act applicable to that award year, by—

''(i) $200 for each of the award years 2008–2009 and 2009–2010;
''(ii) $300 for award year 2010–2011; and
''(iii) $500 for award year 2011–2012 and each subsequent award year.

''(C) USE OF FISCAL YEAR FUNDS FOR AWARD YEARS.—The amounts made available by subparagraph (A) for any fiscal year shall be available and remain available for use under subparagraph (B) for the award year that begins in such fiscal year.''.

(c) AUTHORIZED MAXIMUMS.—Section 401(b)(2)(A) (20 U.S.C. 1070a(b)(2)(A)) is amended to read as follows:

''(2)(A) The amount of the Federal Pell Grant for a student eligible under this part shall be—

''(i) $7,600 for academic year 2008–2009;
''(ii) $8,600 for academic year 2009–2010;
''(iii) $9,600 for academic year 2010–2011;
''(iv) $10,600 for academic year 2011–2012; and
''(v) $11,600 for academic year 2012–2013,

less an amount equal to the amount determined to be the expected family contribution with respect to that student for that year.''.

(d) TUITION SENSITIVITY.—

(1) AMENDMENT.—Section 401(b) (20 U.S.C. 1070a(b)) is further amended—

(A) by striking paragraph (3); and

(B) by redesignating paragraphs (4) through (9) as paragraphs (3) through (8), respectively.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) of this subsection are effective on the date of enactment of this Act.

(3) APPROPRIATION.—There shall be available to the Secretary, from funds not otherwise appropriated, $5,000,000 for the period beginning on the date of enactment of this Act and ending on October 1, 2008, to carry out the amendments made by paragraph (1) of this subsection.

(e) MULTIPLE GRANTS.—

(1) AMENDMENT.—Paragraph (5) of section 401(b) (as redesignated by subsection (d)(1)(B)) is amended to read as follows:

''(5) YEAR-ROUND PELL GRANTS.—The Secretary is authorized, for students enrolled in a baccalaureate degree, associate's degree, or certificate program of study at an eligible institution, to award such students not more than two Pell grants during an award year to permit such students to accelerate progress toward their degree or certificate objectives by enrolling in courses for more than 2 semesters, or 3 quarters, or the equivalent, in a given academic year.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall be effective July 1, 2009.

(f) ACADEMIC COMPETITIVENESS GRANTS.—Section 401A (as amended by section 8003 of Public Law 109–171) is amended—

(1) in subsection (c)(3)(A)(ii), by inserting '', except as part of a secondary school program of study'' before the semicolon;

(2) by redesignating subsection (g) as subsection (h); and

(3) by inserting after subsection (f) the following new subsection:

''(g) DETERMINATION OF ACADEMIC YEAR.—Notwithstanding section 481(a)(2), for the purpose of determining eligibility for a grant under this section, a student shall be considered to be enrolled or accepted for enrollment in the first, second, third, or fourth academic year of a program of undergraduate education based on the student's class standing, as determined by the institution of higher education at which the student is enrolled or accepted for enrollment.''.

(g) ELIGIBILITY FOR ACADEMIC COMPETITIVENESS GRANTS.—Section 401A is further amended—

(1) in subsection (c)—

(A) by striking ''full–time''; and

(B) by amending paragraph (1) to read as follows:

''(1) is an eligible student under section 484, including being enrolled or accepted for enrollment in a degree, certificate, or other eligible program leading to a recognized educational credential at an institution of higher education;''; and

(2) in subsection (d), by adding at the end the following new paragraph:

''(3) ADJUSTMENT FOR LESS THAN FULL-TIME ENROLLMENT.—A grant awarded under this section to an eligible student who attends an eligible institution on a less than full-time (but at least half-time or more) basis shall be reduced in the same proportion as would a Federal Pell Grant pursuant to section 401(b)(2)(B).''.

SEC. 102. SUPPORT FOR WORKING STUDENTS.

(a) DEPENDENT STUDENTS.—Subparagraph (D) of section 475(g)(2) (20 U.S.C. 1087oo)(g)(2)(D)) is amended to read as follows:

''(D) an income protection allowance of $3,750 (or a successor amount prescribed by the Secretary under section 478);''.

(b) INDEPENDENT STUDENTS WITHOUT DEPENDENTS OTHER THAN A SPOUSE.—Clause (iv) of section 476(b)(1)(A) (20 U.S.C. 1087pp(b)(1)(A)(iv)) is amended to read as follows:

''(iv) an income protection allowance of the following amount (or a successor amount prescribed by the Secretary under section 478)—

''(I) for single or separated students, or married students where both are enrolled pursuant to subsection (a)(2), $6,690; and

''(II) for married students where 1 is enrolled pursuant to subsection (a)(2), $10,720;''.

(c) UPDATED TABLES AND AMOUNTS.—Section 478(b) (20 U.S.C. 1087rr(b)) is amended—

(1) in paragraph (1)—

(A) by striking ''REVISED TABLES.—For each'' and inserting ''REVISED TABLES.—

''(A) IN GENERAL.—For each'';

(B) in subparagraph (A) (as designated by subparagraph (A)), in the third sentence—

(i) by striking ''preceding sentence'' and inserting ''subparagraph (A)''; and

(ii) by striking ''For the 2007–2008'' and inserting the following:

''(B) SPECIAL RULE FOR 2007–2008 ACADEMIC YEAR.—For the 2007–2008''; and

(C) by adding at the end the following:

''(C) SPECIAL RULE FOR 2009–2010 THROUGH 2012–2013 ACADEMIC YEARS.—For the 2009–2010 academic year, and for each of the 3 succeeding academic years, the Secretary shall revise the tables in accordance with this paragraph, except that, for the table in section 477(b)(4), the Secretary shall revise such table by increasing the amounts contained in such table for the preceding academic year by 10 percent.''; and

(2) in paragraph (2), by striking ''shall be developed'' and all that follows through the period at the end and inserting ''shall be developed—

''(A) for academic year 2008–2009, by increasing each of the dollar amounts contained in such section as such section was in effect on the day before the date of enactment of the College Cost Reduction Act of 2007 by a percentage equal to the estimated percentage increase in the Consumer Price Index (as defined in section 478(f)) between December 2006 and the December next preceding the beginning of such academic year, and rounding the result to the nearest $10;

''(B) for each of the academic years 2010–2011 and 2011–2012, by increasing each of the amounts determined under this paragraph for the preceding academic year by 10 percent; and

''(C) for each academic year after 2012–2013, by increasing each of the dollar amounts determined under this paragraph for academic year 2012–2013 by a percentage equal to the estimated percentage increase in the Consumer Price Index (as defined in section 478(f)) between December 2011 and the December next preceding the beginning of such academic year, and rounding the result to the nearest $10.''.

(d) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on July 1, 2009, and the amendment made by subsection (c) shall take effect on July 1, 2008.

SEC. 103. SIMPLIFIED NEEDS TEST AND AUTOMATIC ZERO IMPROVEMENTS.

(a) SIMPLIFIED NEEDS TEST.—Section 479 (20 U.S.C. 1087ss) is amended—

(1) in subsection (b)—

(A) in paragraph (1)(A)(i)—

(i) in subclause (II), by striking ''or'' after the semicolon;

(ii) by redesignating subclause (III) as subclause (IV);

(iii) by inserting after subclause (II) the following:

''(III) 1 of whom is a dislocated worker; or''; and

(iv) in subclause (IV) (as redesignated by clause (ii)), by striking ''12-month'' and inserting ''24-month''; and

(B) in paragraph (1)(B)(i)—

(i) in subclause (II), by striking ''or'' after the semicolon;

(ii) by redesignating subclause (III) as subclause (IV);

(iii) by inserting after subclause (II) the following:

''(III) 1 of whom is a dislocated worker; or''; and

(iv) in subclause (IV) (as redesignated by clause (ii)), by striking ''12-month'' and inserting ''24-month'';

(2) in subsection (c)—

(A) in paragraph (1)—

(i) in subparagraph (A)—

(I) in clause (ii), by striking ''or'' after the semicolon;

(II) by redesignating clause (iii) as clause (iv);

(III) by inserting after clause (ii) the following:

''(iii) 1 of whom is a dislocated worker; or''; and

(IV) in clause (iv) (as redesignated by subclause (II)), by striking ''12-month'' and inserting ''24-month''; and

(ii) in subparagraph (B), by striking ''$20,000'' and inserting ''$30,000''; and

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) in clause (ii), by striking ''or'' after the semicolon;

(II) by redesignating clause (iii) as clause (iv);

(III) by inserting after clause (ii) the following:

''(iii) is a dislocated worker; or''; and

(IV) in clause (iv) (as redesignated by subclause (II)), by striking ''12-month'' and inserting ''24-month''; and

(ii) in subparagraph (B), by striking ''$20,000'' and inserting ''$30,000''; and

(C) in the flush matter following paragraph (2)(B), by adding at the end the following: ''The Secretary shall annually adjust the income level necessary to qualify an applicant for the zero expected family contribution. The income level shall be adjusted according to increases in the Consumer Price Index, as defined in section 478(f).''; and

(3) in subsection (d)—

(A) by redesignating paragraphs (1) through (6) as subparagraphs (A) through (F), respectively and moving the margins of such subparagraphs 2 ems to the right;

(B) by striking ''(d) DEFINITION'' and all that follows through ''the term'' and inserting the following:

''(d) DEFINITIONS.—In this section:

''(1) DISLOCATED WORKER.—The term 'dislocated worker' has the meaning given the term in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801).

''(2) MEANS-TESTED FEDERAL BENEFIT PROGRAM.—The term''.

(b) DISCRETION OF STUDENT FINANCIAL AID ADMINISTRATORS.—Section 479A(a) (20 U.S.C. 1087tt(a)) is amended in the third sentence by inserting ''a family member who is a dislocated worker (as defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801)),'' after ''recent unemployment of a family member,''.

(c) EFFECTIVE DATE.—The amendments made by this section shall be effective on July 1, 2009.

SEC. 104. DEFINITIONS.

(a) TOTAL INCOME.—Section 480(a)(2) (20 U.S.C. 1087vv(a)(2)) is amended—

(1) by striking ''and no portion'' and inserting ''no portion''; and

(2) by inserting ''and no distribution from any qualified education benefit described in subsection (f)(3) that is not subject to Federal income tax,'' after ''1986,''.

(b) UNTAXED INCOME AND BENEFITS.—Section 480(b) (20 U.S.C. 1087vv(b)) is amended to read as follows:

''(b) UNTAXED INCOME AND BENEFITS.—

''(1) The term 'untaxed income and benefits' means—

''(A) child support received;

''(B) workman's compensation;

''(C) veteran's benefits such as death pension, dependency, and indemnity compensation, but excluding veterans' education benefits as defined in subsection (c);

''(D) interest on tax-free bonds;

''(E) housing, food, and other allowances (excluding rent subsidies for low-income housing) for military, clergy, and others (including cash payments and cash value of benefits);

''(F) cash support or any money paid on the student's behalf, except, for dependent students, funds provided by the student's parents;

''(G) untaxed portion of pensions;

''(H) payments to individual retirement accounts and Keogh accounts excluded from income for Federal income tax purposes; and

''(I) any other untaxed income and benefits, such as Black Lung Benefits, Refugee Assistance, railroad retirement benefits, or Job Training Partnership Act noneducational benefits or benefits received through participation in employment and training activities under title I of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.).

''(2) The term 'untaxed income and benefits' shall not include the amount of additional child tax credit claimed for Federal income tax purposes.''.

(c) ASSETS.—Section 480(f) (20 U.S.C. 1087vv(f)) is amended—

(1) in paragraph (3), by striking ''shall not be considered an asset of a student for purposes of section 475'' and inserting ''shall be considered an asset of the parent for purposes of section 475'';

(2) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(3) by inserting after paragraph (3) the following:

''(4) A qualified education benefit shall be considered an asset of the student for purposes of section 476 and 477.''.

(d) OTHER FINANCIAL ASSISTANCE.—Section 480(j)(2) (20 U.S.C. 1087vv(j)(2)) is amended by inserting '', or a distribution that is not includable in gross income under section 529 of such Code, under another prepaid tuition plan offered by a State, or under a Coverdell education savings account under section 530 of such Code,'' after ''1986''.

(e) EFFECTIVE DATE.—The amendments made by this section shall be effective on July 1, 2009.

PART B—MAKING STUDENT LOANS MORE AFFORDABLE

SEC. 111. INTEREST RATE REDUCTIONS.

(a) FFEL INTEREST RATES.—

(1) Section 427A(l) (20 U.S.C. 1077a(l)) is amended by adding at the end the following new paragraph:

''(4) REDUCED RATES FOR UNDERGRADUATE SUBSIDIZED LOANS.—Notwithstanding subsection (h) and paragraph (1) of this subsection, with respect to any loan to an undergraduate student made, insured, or guaranteed under this part (other than a loan made pursuant to section 428B, 428C, or 428H) for which the first disbursement is made on or after July 1, 2006, and before July 1, 2013, the applicable rate of interest shall be as follows:

''(A) For a loan for which the first disbursement is made on or after July 1, 2006, and before July 1, 2008, 6.80 percent on the unpaid principal balance of the loan.

''(B) For a loan for which the first disbursement is made on or after July 1, 2008, and before July 1, 2009, 6.12 percent on the unpaid principal balance of the loan.

''(C) For a loan for which the first disbursement is made on or after July 1, 2009, and before July 1, 2010, 5.44 percent on the unpaid principal balance of the loan.

''(D) For a loan for which the first disbursement is made on or after July 1, 2010, and before July 1, 2011, 4.76 percent on the unpaid principal balance of the loan.

''(E) For a loan for which the first disbursement is made on or after July 1, 2011, and before July 1, 2012, 4.08 percent on the unpaid principal balance of the loan.

''(F) For a loan for which the first disbursement is made on or after July 1, 2012 and before July 1, 2013, 3.40 percent on the unpaid principal balance of the loan.''.

(2) SPECIAL ALLOWANCE CROSS REFERENCE.—Section 438(b)(2)(I)(ii)(II) (20 U.S.C. 1086(b)(2)(I)(ii)(II)) is amended by striking ''section 427A(l)(1)'' and inserting ''section 427A(l)(1) or (l)(4)''.

(b) DIRECT LOAN INTEREST RATES.—Section 455(b)(7) (20 U.S.C. 1087e(b)(7)) is amended by adding at the end the following new subparagraph:

''(D) REDUCED RATES FOR UNDERGRADUATE FDSL.—Notwithstanding the preceding paragraphs of this subsection, for Federal Direct Stafford Loans made to undergraduate students for which the first disbursement is made on or after July 1, 2006, and before July 1, 2013, the applicable rate of interest shall be as follows:

''(i) For a loan for which the first disbursement is made on or after July 1, 2006, and before

July 1, 2008, 6.80 percent on the unpaid principal balance of the loan.

''(ii) For a loan for which the first disbursement is made on or after July 1, 2008, and before July 1, 2009, 6.12 percent on the unpaid principal balance of the loan.

''(iii) For a loan for which the first disbursement is made on or after July 1, 2009, and before July 1, 2010, 5.44 percent on the unpaid principal balance of the loan.

''(iv) For a loan for which the first disbursement is made on or after July 1, 2010, and before July 1, 2011, 4.76 percent on the unpaid principal balance of the loan.

''(v) For a loan for which the first disbursement is made on or after July 1, 2011, and before July 1, 2012, 4.08 percent on the unpaid principal balance of the loan.

''(vi) For a loan for which the first disbursement is made on or after July 1, 2012, and before July 1, 2013, 3.40 percent on the unpaid principal balance of the loan.''.

SEC. 112. INCREASES IN LOAN LIMITS.

(a) INCREASE IN THIRD AND SUBSEQUENT YEAR LIMITS.—

(1) FEDERAL INSURANCE LIMITS.—Section 425(a)(1)(A)(iii) (20 U.S.C. 1075(a)(1)(A)(iii)) is amended by striking ''$5,500'' and inserting ''$7,500''.

(2) GUARANTY LIMITS.—Section 428(b)(1)(A)(iii)(I) (20 U.S.C. 1078(b)(1)(A)(iii)(I)) is amended by striking ''$5,500'' and inserting ''$7,500''.

(b) INCREASE IN AGGREGATE LIMITS.—

(1) FEDERAL INSURANCE LIMITS.—Section 425(a)(2)(A) (20 U.S.C. 1075(a)(2)(A)(i)) is amended—

(A) in clause (i), by striking ''$23,000'' and inserting ''$30,500''; and

(B) in clause (ii), by striking ''$65,500'' and inserting ''$73,000''.

(2) GUARANTY LIMITS.—Section 428(b)(1)(B) (20 U.S.C. 1078(b)(1)(A)(iii)(I)) is amended—

(A) in clause (i), by striking ''$23,000'' and inserting ''$30,500''; and

(B) in clause (ii), by striking ''$65,500'' and inserting ''$73,000''.

(c) EFFECTIVE DATE.—The amendments made by this section shall be effective July 1, 2008.

SEC. 113. REDUCTION OF LENDER SPECIAL ALLOWANCE PAYMENTS.

Section 438(b)(2)(I) (20 U.S.C. 1087–1(b)(2)(I)) is amended—

(1) in clause (i), by striking ''clauses (ii), (iii), and (iv)'' and inserting ''the following clauses'';

(2) in clause (v)(III), by striking ''clauses (ii), (iii), and (iv)'' and inserting ''clauses (ii), (iii), (iv), and (vi)''; and

(3) by adding at the end the following new clause:

''(vi) REDUCTION FOR LOANS ON OR AFTER OCTOBER 1, 2007.—With respect to a loan on which the applicable interest rate is determined under section 427A(l), the percentage to be added under clause (i)(III) in computing the special allowance payment pursuant to this subparagraph shall be the following:

''(I) IN GENERAL AND PLUS LOANS.—1.79 percent in the case of a loan described in clause (i) or (iii) for which the first disbursement of principal is made on or after October 1, 2007.

''(II) IN SCHOOL AND GRACE PERIOD.—1.19 percent in the case of a loan described in clause (ii)(II) for which the first disbursement of principal is made on or after October 1, 2007.

''(III) CONSOLIDATION LOANS.—2.09 percent in the case of a loan described in clause (iv) made on or after October 1, 2007.''.

SEC. 114. ELIMINATION OF EXCEPTIONAL PERFORMER STATUS FOR LENDERS.

(a) ELIMINATION OF STATUS.—Part B of title IV (20 U.S.C. 1071 et seq.) is amended by striking section 428I (20 U.S.C. 1078–9).

(b) CONFORMING AMENDMENTS.—Part B of title IV is further amended—

(1) in section 428(c)(1) (20 U.S.C. 1078(c)(1))—

(A) by striking subparagraph (D); and

(B) by redesignating subparagraphs (E) through (H) as subparagraphs (D) through (G), respectively; and

(2) in section 438(b)(5) (20 U.S.C. 1087–1(b)(5)), by striking the matter following subparagraph (B).

SEC. 115. REDUCTION OF LENDER INSURANCE PERCENTAGE.

(a) AMENDMENT.—Subparagraph (G) of section 428(b)(1) (20 U.S.C. 1078(b)(1)(G)) is amended to read as follows:

''(G) insures 95 percent of the unpaid principal of loans insured under the program, except that—

''(i) such program shall insure 100 percent of the unpaid principal of loans made with funds advanced pursuant to section 428(j) or 439(q); and

''(ii) notwithstanding the preceding provisions of this subparagraph, such program shall insure 100 percent of the unpaid principal amount of exempt claims as defined in subsection (c)(1)(G);''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect with respect to loans made on or after October 1, 2007.

SEC. 116. GUARANTY AGENCY COLLECTION RETENTION.

Clause (ii) of section 428(c)(6)(A) (20 U.S.C. 1078(c)(6)(A)(ii)) is amended to read as follows:

''(ii) an amount equal to 23 percent of such payments for use in accordance with section 422B, except that beginning October 1, 2007, this subparagraph shall be applied by substituting '16 percent' for '23 percent'.''.

SEC. 117. UNIT COSTS FOR ACCOUNT MAINTENANCE FEES.

Section 458(b) (20 U.S.C. 1087h(b)) is amended by striking ''0.10 percent'' and inserting ''0.06 percent''.

SEC. 118. INCREASED LOAN FEES FROM LENDERS.

Paragraph (2) of section 438(d) (20 U.S.C. 1087–1(d)(2)) is amended to read as follows:

''(2) AMOUNT OF LOAN FEES.—

''(A) AMOUNT.—The amount of the loan fee which shall be deducted under paragraph (1), but which may not be collected from the borrower, shall be equal to—

''(i) except as provided in clauses (ii) and (iii), 0.50 percent of the principal amount of the loan with respect to any loan under this part for which the first disbursement was made on or after October 1, 1993;

''(ii) 1.0 percent of the principal amount of the loan with respect to any loan under this part for which the first disbursement was made on or after October 1, 2007, that is held by any holder other than a holder described in subclause (I) or (II) of clause (iii); and

''(iii) 0.0 percent of the principal amount of the loan with respect to any loan under this part for which the first disbursement was made on or after October 1, 2007, that is held by—

''(I) any holder that, together with its affiliated holders, is designated by the Secretary annually as a small lender under subparagraph (B); or

''(II) any holder that—

''(aa) is a unit of a State or local government or a nonprofit private entity; and

''(bb) is not owned in whole or in part by, or controlled or operated by a for-profit entity.

''(B) DESIGNATION OF SMALL LENDERS.—In determining which holders of eligible loans qualify as small lenders for purposes of subparagraph (A)(iii)(I), the Secretary shall, using the most recently available data with respect to the total principal amount of eligible loans held by holders—

''(i) rank all holders of eligible loans (combined with their affiliated holders) in descending order by total principal amount of eligible loans held;

''(ii) calculate the total principal amount of eligible loans held by all holders; and

''(iii) identify the subset of consecutively ranked holders under clause (i), starting with the lowest ranked holder, that together hold a total principal amount of such loans equal to 15 percent of the total amount calculated under clause (ii), but excluding the holder, if any, whose holdings when added cause the total holdings of the subset to equal but not exceed such 15 percent of such total amount calculated; and

''(iv) designate as small lenders any holder identified as a member of the subset under clause (iii).''.

SEC. 119. MARKET-BASED DETERMINATION OF LENDER RETURNS.

(a) JOINT PLANNING STUDY TO SELECT AUCTION MECHANISMS FOR TESTING.—

(1) PLANNING STUDY.—The Secretaries of Education and Treasury jointly shall conduct a planning study, in consultation with the Office of Management and Budget, the Congressional Budget Office, the General Accounting Office, and other individuals and entities the Secretaries determines appropriate, to—

(A) examine the matters described in paragraph (2) in order to determine which market-based mechanisms for determining lender returns on loans made, insured, or guaranteed under part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.) shall be tested under the pilot programs described in subsection (c); and

(B) determine what related administrative and other changes will be required in order to ensure that high-quality services are provided under a successful implementation of market-based determinations of lender returns for all loans made, insured, or guaranteed under such part.

(2) MATTERS EXAMINED.—The planning study under this subsection shall examine—

(A) whether it is most appropriate to auction existing loans under part B of title IV of such Act, to auction the rights to originate loans under such part, or whether the sale of securities backed by federally-owned student loan assets originated by banks acting as agents of the Federal Government would provide the most efficient market-based alternative;

(B) matters related to efficient financial organization of any auctions or sales of loans under such part, including how loans and origination rights are bundled, the capital structure of any securitization plan, and issues related to servicing; and

(C) how to ensure that statutory, regulatory, and administrative requirements do not impede separate management and ownership of loans or assets backed by loans under part B of title IV of such Act.

(3) MECHANISMS.—In determining which market-based mechanisms are the most promising models to test the pilot programs under subsection (b), the planning study shall take into account whether a particular market-based mechanism will—

(A) ensure loan availability under part B of title IV of such Act to all eligible students at all participating institutions;

(B) minimize administrative complexity for borrowers, institutions, lenders, and the Federal Government; and

(C) reduce Federal costs if used on a program-wide basis.

(4) REPORT.—A report on the results of the planning study, together with a plan for implementation of one or more pilot programs using promising market-based approaches for determining lender returns, shall be transmitted to Congress not later than 6 months after the date of enactment of this Act.

(b) PILOT PROGRAMS TO BE TESTED.—

(1) AUTHORIZATION.—

(A) IN GENERAL.—Notwithstanding any other provision of law, after the report described in subsection (a)(4) is transmitted to Congress, the Secretary of Education shall, in consultation with the Secretary of the Treasury, begin preparations necessary to carry out pilot programs meeting the requirements of this subsection in accordance with the implementation plan included in such report.

(B) IMPLEMENTATION DATE.—The Secretary of Education shall commence implementation of the pilot programs under this subsection not earlier than July 1, 2008.

(C) DURATION AND LOAN VOLUME.—The pilot programs under this subsection shall be not more than two academic years in duration, and the Secretary of Education may use the pilot programs to determining the lender returns for not more than—

(i) 10 percent of the annual loan volume under part B of title IV of the Higher Education Act of 1965 during the first year of the pilot programs under this subsection; and

(ii) 20 percent of the annual loan volume under part B of title IV of such Act during the second year of the pilot programs under this subsection.

(2) VOLUNTARY PARTICIPATION.—

(A) Participation in any auction-based pilot program under this subsection shall be voluntary for eligible institutions and eligible lenders participating under part B of title IV of such Act prior to July 1, 2006.

(B) All savings to the United States Treasury generated by such auctions shall be distributed to institutions participating under this subsection on a basis proportionate to loan volume under such part for supplemental, need-based financial aid, except that an institution that is operating as an eligible lender under section 435(d)(2) of such Act shall not be eligible for any such distribution.

(3) INDEPENDENT EVALUATION.—The Government Accountability Office shall conduct an independent evaluation of the pilot programs under this subsection, which evaluation shall be completed, and the results of such submitted to the Secretary of Education, the Secretary of the Treasury, and Congress, not later than 120 days after the termination of such pilot programs.

(c) PROGRAM-WIDE IMPLEMENTATION.—Notwithstanding any other provision of part B of title IV of the Higher Education Act of 1965, for the first academic year beginning not less than 120 days after the independent evaluation described in subsection (b)(3) has been transmitted to Congress, and succeeding academic years, the Secretary of Education is authorized to implement for all loans made under such part, a program-wide, market-based system to determine returns to all lenders as the Secretary of Education determines appropriate, provided that—

(1) the Secretary of Education, in consultation with the Secretary of the Treasury, has certified that the auction-based system that the Secretary of Education intends to implement on a program-wide basis would—

(A) ensure loan availability under such part to all eligible students at all participating institutions;

(B) minimize administrative complexity for borrowers, institutions, lenders, and the Federal Government, including the enhancement of the modernization of the student financial aid system; and

(C) reduce Federal costs when used on a program-wide basis; and

(2) the Secretary of Education has notified Congress of the Secretary's intent to implement a program-wide auction based system, and has provided a description of the structure of such auction-based system, at least 120 days before implementing such system.

(d) CONSULTATION.—

(1) IN GENERAL.—As part of the planning study, pilot programs, and program-wide implementation phases described in this section, the Secretary of Education shall consult with representatives of investment banks, ratings agencies, lenders, institutions of higher education, and students, as well as individuals or other entities with pertinent technical expertise. The Secretary of Education shall engage in such consultations using such methods as, and to the extent that, the Secretary determines appropriate to the time constraints associated with the study, programs, and implementation.

(2) SERVICES OF OTHER FEDERAL AGENCIES.—In carrying out the planning study and pilot programs described in this section, the Secretary of Education may use, on a reimbursable basis, the services (including procurement authorities and services), equipment, personnel, and facilities of other agencies and instrumentalities of the Federal Government.

SEC. 120. OTHER GUARANTY AGENCY REFORMS.

(a) AGENCY OPERATING FUNDS.—Section 422B(c) (20 U.S.C. 1072b(c)) is amended—

(1) by striking ''and'' at the end of paragraph (5);

(2) by redesignating paragraph (6) as paragraph (7); and

(3) by inserting after paragraph (5) the following new paragraph:

''(6) the delinquency prevention fee paid by the Secretary in accordance with section 428(o); and''.

(b) DELINQUENCY PREVENTION FEE.—Section 428 (20 U.S.C. 1078) is amended by adding at the end the following new subsection:

''(o) DELINQUENCY PREVENTION FEE.—

''(1) AMOUNT OF FEE.—The Secretary shall pay to each guaranty agency, on a monthly basis, a delinquency prevention fee equal to 0.0055 percent of the original principal amount of loans insured by the agency, other than loans in in-school or grace period status, that are not in delinquency status as of the end of the previous month.

''(2) DEFINITION.—For the purpose of earning the delinquency prevention fee, the term 'not in delinquency status' means the borrower is less than 60 days delinquent in making a required payment.''.

(c) MINIMUM LOAN PROCESSING AND ISSUANCE FEES.—Section 428(f)(1)(A)(ii) (20 U.S.C. 1078(f)(1)(A)(ii)) is amended by inserting before the period at the end the following: '', except that the total amount of such payments to each guaranty agency in any fiscal year shall equal at least $1,500,000''.

Page 46, line 1, redesignate paragraph (9) as paragraph (10) and insert before such line the following new paragraph:

''(9) SCHOOL COUNSELORS.—An individual who is employed as a school counselor (as such term is defined in section 5421(e)(3) of Elementary and Secondary Education Act of 1965 (20 U.S.C. 7245(e)(3)) in an elementary or secondary school which is in the school district of a local educational agency which is eligible in such year for assistance pursuant to title I of the Elementary and Secondary Education Act of 1965, and which for the purpose of this paragraph and for that year has been determined by the Secretary (pursuant to regulations and after consultation with the State educational agency of the State in which the school is located) to be a school in which the enrollment of children counted under section 1113(a)(5) of the Elementary and Secondary Education Act of 1965 exceeds 30 percent of the total enrollment of that school.

PART C—REWARDING SERVICE IN REPAYMENT

SEC. 131. LOAN FORGIVENESS FOR SERVICE IN AREAS OF NATIONAL NEED.

Section 428K (20 U.S.C. 1078–11) is amended to read as follows:

''SEC. 428K. LOAN FORGIVENESS FOR SERVICE IN AREAS OF NATIONAL NEED.

''(a) PROGRAM AUTHORIZED.—

''(1) LOAN FORGIVENESS AUTHORIZED.—The Secretary shall forgive, in accordance with this section, the student loan obligation of a borrower in the amount specified in subsection (c), for any new borrower after the date of enactment of the College Cost Reduction Act of 2007, who—

''(A) is employed full-time in an area of national need described in subsection (b); and

''(B) is not in default on a loan for which the borrower seeks forgiveness.

''(2) METHOD OF LOAN FORGIVENESS.—To provide loan forgiveness under paragraph (1), the Secretary is authorized to carry out a program—

''(A) through the holder of the loan, to assume the obligation to repay a qualified loan amount for a loan made, insured, or guaranteed under this part; and

''(B) to cancel a qualified loan amount for a loan made under part D of this title.

''(3) REGULATIONS.—The Secretary is authorized to issue such regulations as may be necessary to carry out the provisions of this section.

''(b) AREAS OF NATIONAL NEED.—For purposes of this section, an individual shall be treated as employed in an area of national need if the individual is employed full-time as any of the following:

''(1) EARLY CHILDHOOD EDUCATORS.—An individual who is employed as an early childhood educator in an eligible preschool program or eligible early childhood education program in a low-income community, and who is involved directly in the care, development, and education of infants, toddlers, or young children age 5 and under.

''(2) NURSES.—An individual who is employed—

''(A) as a nurse in a clinical setting; or

''(B) as a member of the nursing faculty at an accredited school of nursing (as those terms are defined in section 801 of the Public Health Service Act (42 U.S.C. 296)).

''(3) FOREIGN LANGUAGE SPECIALISTS.—An individual who has obtained a baccalaureate degree in a critical foreign language and is employed—

''(A) in an elementary or secondary school as a teacher of a critical foreign language; or

''(B) in an agency of the United States Government in a position that regularly requires the use of such critical foreign language.

''(4) LIBRARIANS.—An individual who is employed as a librarian in—

''(A) a public library that serves a geographic area within which the public schools have a combined average of 30 percent or more of their total student enrollments composed of children counted under section 1113(a)(5) of the Elementary and Secondary Education Act of 1965; or

''(B) an elementary or secondary school which is in the school district of a local educational agency which is eligible in such year for assistance pursuant to title I of the Elementary and Secondary Education Act of 1965, and which for the purpose of this paragraph and for that year has been determined by the Secretary (pursuant to regulations and after consultation with the State educational agency of the State in which the school is located) to be a school in which the enrollment of children counted under section 1113(a)(5) of the Elementary and Secondary Education Act of 1965 exceeds 30 percent of the total enrollment of that school.

''(5) HIGHLY QUALIFIED TEACHERS: BILINGUAL EDUCATION AND LOW-INCOME COMMUNITIES.—An individual who—

''(A) is highly qualified as such term is defined in section 9101 of the Elementary and Secondary Education Act of 1965; and

''(B)(i) is employed as a full-time teacher of bilingual education; or

''(ii) is employed as a teacher in a public or nonprofit private elementary or secondary school which is in the school district of a local educational agency which is eligible in such year for assistance pursuant to title I of the Elementary and Secondary Education Act of 1965, and which for the purpose of this paragraph and for that year has been determined by the Secretary (pursuant to regulations and after consultation with the State educational agency of the State in which the school is located) to be a school in which the enrollment of children counted under section 1113(a)(5) of the Elementary and Secondary Education Act of 1965 exceeds 40 percent of the total enrollment of that school.

''(6) CHILD WELFARE WORKERS.—An individual who—

''(A) has obtained a degree in social work or a related field with a focus on serving children and families; and

''(B) is employed in public or private child welfare services.

''(7) SPEECH-LANGUAGE PATHOLOGISTS.—An individual who is a speech-language pathologist, who is employed in an eligible preschool program or an elementary or secondary school, and who has, at a minimum, a graduate degree in speech-language pathology, or communication sciences and disorders.

''(8) NATIONAL SERVICE.—An individual who is engaged as a participant in a project under the National and Community Service Act of 1990 (as such terms are defined in section 101 of such Act (42 U.S.C. 12511)).

''(9) PUBLIC SECTOR EMPLOYEES.—An individual who is employed in public safety (including as a first responder, firefighter, police officer, or other law enforcement or public safety officer), emergency management (including as an emergency medical technician), public health, or public interest legal services (including prosecution or public ''defense or legal advocacy in low-income communities at a nonprofit organization)''.

''(c) QUALIFIED LOAN AMOUNT.—At the end of each school, academic, or calendar year of full-time employment in an area of national need described in subsection (b), not to exceed 5 years, the Secretary shall forgive not more than $1,000 of the student loan obligation of a borrower that is outstanding after the completion of each such school, academic, or calendar year of employment, as appropriate, not to exceed $5,000 in the aggregate for any borrower.

''(d) CONSTRUCTION.—Nothing in this section shall be construed to authorize the refunding of any repayment of a loan.

''(e) SEGAL AMERICORPS EDUCATION AWARD AND NATIONAL SERVICE AWARD RECIPIENTS.—A student borrower who qualifies for the maximum education award under subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12601 et seq.) shall receive under this section the amount, if any, by which the maximum benefit available under this section exceeds the maximum education award available under such subtitle.

''(f) INELIGIBILITY FOR DOUBLE BENEFITS.—No borrower may receive a reduction of loan obligations under both this section and section 428J or 460.

''(g) DEFINITIONS.—In this section:

''(1) CRITICAL FOREIGN LANGUAGE.—The term 'critical foreign language' includes the languages of Arabic, Korean, Japanese, Chinese, Pashto, Persian-Farsi, Serbian-Croatian, Russian, Portuguese, and any other language identified by the Secretary of Education, in consultation with the Defense Language Institute, the Foreign Service Institute, and the National Security Education Program, as a critical foreign language need.

''(2) EARLY CHILDHOOD EDUCATOR.—The term 'early childhood educator' means an early childhood educator who works directly with children in an eligible preschool program or eligible early childhood education program who has completed a baccalaureate or advanced degree in early childhood development, early childhood education, or in a field related to early childhood education.

''(3) ELIGIBLE PRESCHOOL PROGRAM.—The term 'eligible preschool program' means a program that provides for the care, development, and education of infants, toddlers, or young children age 5 and under, meets any applicable State or local government licensing, certification, approval, and registration requirements, and is operated by—

''(A) a public or private school that is supported, sponsored, supervised, or administered by a local educational agency;

''(B) a Head Start agency serving as a grantee designated under the Head Start Act (42 U.S.C. 9831 et seq.);

''(C) a nonprofit or community based organization; or

''(D) a child care program, including a home.

''(4) ELIGIBLE EARLY CHILDHOOD EDUCATION PROGRAM.—The term 'eligible early childhood education program' means—

''(A) a family child care program, center-based child care program, State prekindergarten program, school program, or other out-of-home early childhood development care program, that—

''(i) is licensed or regulated by the State; and

''(ii) serves 2 or more unrelated children who are not old enough to attend kindergarten;

''(B) a Head Start Program carried out under the Head Start Act (42 U.S.C. 9831 et seq.); or

''(C) an Early Head Start Program carried out under section 645A of the Head Start Act (42 U.S.C. 9840a).

''(5) LOW-INCOME COMMUNITY.—In this subsection, the term 'low-income community' means a community in which 70 percent of households earn less than 85 percent of the State median household income.

''(6) NURSE.—The term 'nurse' means a nurse who meets all of the following:

''(A) The nurse graduated from—

''(i) an accredited school of nursing (as those terms are defined in section 801 of the Public Health Service Act (42 U.S.C. 296));

''(ii) a nursing center; or

''(iii) an academic health center that provides nurse training.

''(B) The nurse holds a valid and unrestricted license to practice nursing in the State in which the nurse practices in a clinical setting.

''(C) The nurse holds one or more of the following:

''(i) A graduate degree in nursing, or an equivalent degree.

''(ii) A nursing degree from a collegiate school of nursing (as defined in section 801 of the Public Health Service Act (42 U.S.C. 296)).

''(iii) A nursing degree from an associate degree school of nursing (as defined in section 801 of the Public Health Service Act (42 U.S.C. 296)).

''(iv) A nursing degree from a diploma school of nursing (as defined in section 801 of the Public Health Service Act (42 U.S.C. 296)).

''(7) SPEECH-LANGUAGE PATHOLOGIST.—The term 'speech-language pathologist' means a speech-language pathologist who—

''(A) has received, at a minimum, a graduate degree in speech-language pathology or communication sciences and disorders from an institution of higher education accredited by an agency or association recognized by the Secretary pursuant to section 496(a) of this Act; and

''(B) provides speech-language pathology services under section 1861(ll)(1) of the Social Security Act (42 U.S.C. 1395x(ll)(1), or meets or exceeds the qualifications for a qualified speech-language pathologist under subsection (ll)(3) of such section (42 U.S.C. 1395x(ll)(3)).

''(h) PROGRAM FUNDING.—There shall be available to the Secretary to carry out this section, from funds not otherwise appropriated, such sums as may be necessary to provide loan forgiveness in accordance with this section to each eligible individual.''.

SEC. 132. INCOME-CONTINGENT REPAYMENT FOR PUBLIC SECTOR EMPLOYEES.

Section 455(e) (20 U.S.C. 1087e(e)) is amended by adding at the end the following:

''(7) REPAYMENT PLAN FOR PUBLIC SECTOR EMPLOYEES.—

''(A) IN GENERAL.—The Secretary shall forgive the balance due on any loan made under this part or section 428C(b)(5) for a borrower—

''(i) who has made 120 payments on such loan pursuant to income-contingent repayment; and

''(ii) who is employed, and was employed for the 10-year period in which the borrower made the 120 payments described in clause (i), in a public sector job.

''(B) PUBLIC SECTOR JOB.—In this paragraph, the term 'public sector job' means a full-time job in emergency management, government, public safety, law enforcement, public health, education (including early childhood education), social work in a public child or family service agency, public interest legal services (including prosecution or public ''defense or legal advocacy in low-income communities at a nonprofit organization), or at an organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code''.

''(8) RETURN TO STANDARD REPAYMENT.—A borrower who is repaying a loan made under this part pursuant to income-contingent repayment may choose, at any time, to terminate repayment pursuant to income-contingent repayment and repay such loan under the standard repayment plan.''.

SEC. 133. INCOME-BASED REPAYMENT.

(a) AMENDMENT.—Part G of title IV (20 U.S.C. 1088 et seq.) is further amended by adding at the end the following:

''SEC. 493C. INCOME-BASED REPAYMENT.

''(a) DEFINITIONS.—In this section:

''(1) EXCEPTED PLUS LOAN.—The term 'excepted PLUS loan' means a loan under section 428B, or a Federal Direct PLUS Loan, that is made, insured, or guaranteed on behalf of a dependent student.

''(2) PARTIAL FINANCIAL HARDSHIP.—The term 'partial financial hardship', when used with respect to a borrower, means that for such borrower—

''(A) the annual amount due on the total amount of loans made, insured, or guaranteed under part B or D (other than an excepted PLUS loan) to a borrower as calculated under the standard repayment plan under section 428(b)(9)(A)(i) or 455(d)(1)(A); exceeds

''(B) 15 percent of the result obtained by calculating the amount by which—

''(i) the borrower's, and the borrower's spouse's (if applicable), adjusted gross income; exceeds

''(ii) 150 percent of the poverty line applicable to the borrower's family size as determined under section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)).

''(b) INCOME-BASED REPAYMENT PROGRAM AUTHORIZED.—Notwithstanding any other provision of this Act, the Secretary shall carry out a program under which—

''(1) a borrower of any loan made, insured, or guaranteed under part B or D (other than an excepted PLUS loan) who has a partial financial hardship may elect, during any period the borrower has the partial financial hardship, to have the borrower's aggregate monthly payment for all such loans not exceed the result described in subsection (a)(2)(B) divided by 12;

''(2) the holder of such a loan shall apply the borrower's monthly payment under this subsection first toward interest due on the loan and then toward the principal of the loan;

''(3) any interest due and not paid under paragraph (2) shall be capitalized;

''(4) any principal due and not paid under paragraph (2) shall be deferred;

''(5) the amount of time the borrower makes monthly payments under paragraph (1) may exceed 10 years;

''(6) if the borrower no longer has a partial financial hardship or no longer wishes to continue the election under this subsection, then—

''(A) the maximum monthly payment required to be paid for all loans made to the borrower under part B or D (other than an excepted PLUS loan) shall not exceed the monthly amount calculated under section 428(b)(9)(A)(i) or 455(d)(1)(A) when the borrower first made the election described in this subsection; and

''(B) the amount of time the borrower is permitted to repay such loans may exceed 10 years;

''(7) the Secretary shall repay or cancel any outstanding balance of principal and interest due on all loans made under part B or D (other than a loan under section 428B or a Federal Direct PLUS Loan) to a borrower who—

''(A) is in deferment due to an economic hardship described in section 435(o) for a period of time prescribed by the Secretary, not to exceed 20 years; or

''(B)(i) makes the election to participate in income-based repayment under paragraph (1); and

''(ii) for a period of time prescribed by the Secretary, not to exceed 20 years (including any period during which the borrower is in deferment due to an economic hardship described in section 435(o)), meets 1 or more of the following requirements:

''(I) has made reduced monthly payments under paragraph (1);

''(II) has made monthly payments of not less than the monthly amount calculated under section 428(b)(9)(A)(i) or 455(d)(1)(A) when the borrower first made the election described in this subsection;

''(III) has made payments under a standard repayment plan under section 428(b)(9)(A)(i) or 455(d)(1)(A);

''(IV) has made payments under an income-contingent repayment plan under section 455(d)(1)(D); and

''(8) a borrower who is repaying a loan made under this part pursuant to income-based repayment may elect, at any time, to terminate repayment pursuant to income-based repayment and repay such loan under the standard repayment plan.''.

(b) CONFORMING ICR AMENDMENT.—Section 455(d)(1)(D) (20 U.S.C. 1087e(d)(1)(D)) is amended by inserting ''made on behalf of a dependent student'' after ''PLUS loan''.

SEC. 134. DEFINITION OF ECONOMIC HARDSHIP.

Section 435(o) (20 U.S.C. 1085(o)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A)(ii)—

(i) by striking ''100 percent of the poverty line for a family of 2'' and inserting ''150 percent of the poverty line applicable to the borrower's family size''; and

(ii) by inserting ''or'' after the semicolon;

(B) by striking subparagraph (B); and

(C) by redesignating subparagraph (C) as subparagraph (B); and

(2) in paragraph (2), by striking ''(1)(C)'' and inserting ''(1)(B)''.

SEC. 135. DEFERRALS.

(a) FISL.—Section 427(a)(2)(C)(iii) (20 U.S.C. 1077(a)(2)(C)(iii)) is amended by striking ''not in excess of 3 years''.

(b) INTEREST SUBSIDIES.—Section 428(b)(1)(M)(iv) (20 U.S.C. 1078(b)(1)(M)(iv)) is amended by striking ''not in excess of 3 years''.

(c) DIRECT LOANS.—Section 455(f)(2)(D) (20 U.S.C. 1087e(f)(2)(D)) is amended by striking ''not in excess of 3 years''.

(d) PERKINS.—Section 464(c)(2)(A)(iv) (20 U.S.C. 1087dd(c)(2)(A)(iv)) is amended by striking ''not in excess of 3 years''.

SEC. 136. MAXIMUM REPAYMENT PERIOD.

(a) IN GENERAL.—Section 455(e) (20 U.S.C. 1087e(e)) is amended by adding at the end the following:

''(9) MAXIMUM REPAYMENT PERIOD.—In calculating the extended period of time for which an income-contingent repayment plan under this subsection may be in effect for a borrower, the Secretary shall include all time periods during which a borrower of loans under part B, part D, or part E—

''(A) is not in default on any loan that is included in the income-contingent repayment plan; and

''(B)(i) is in deferment due to an economic hardship described in section 435(o);

''(ii) makes monthly payments under paragraph (1) or (6) of section 493C(b); or

''(iii) makes payments under a standard repayment plan described in section 428(b)(9)(A)(i) or subsection (d)(1)(A).''.

(b) TECHNICAL CORRECTION.—Section 455(d)(1)(C) (20 U.S.C. 1087e(d)(1)(C)) is amended by striking ''428(b)(9)(A)(v)'' and inserting ''428(b)(9)(A)(iv)''.

SEC. 137. DEFERRAL OF LOAN REPAYMENT FOLLOWING ACTIVE DUTY.

Part G of title IV is amended by inserting after section 484B (20 U.S.C. 1091b) the following new section:

''SEC. 484C. DEFERRAL OF LOAN REPAYMENT FOLLOWING ACTIVE DUTY.

''(a) DEFERRAL OF LOAN REPAYMENT FOLLOWING ACTIVE DUTY.—In addition to any deferral of repayment of a loan made under this title pursuant to section 428(b)(1)(M)(iii), 455(f)(2)(C), or 464(c)(2)(A)(ii), a borrower of a loan under this title who is a member of the National Guard or other reserve component of the Armed Forces of the United States, or a member of such Armed Forces in a retired status, is called or ordered to active duty, and is currently enrolled, or was enrolled within six months prior to the activation, in a program of instruction at an eligible institution, shall be eligible for a deferment during the 13 months following the conclusion of such service, except that a deferment under this subsection shall expire upon the borrower's return to enrolled student status.

''(b) ACTIVE DUTY.—Notwithstanding section 481(d), in this section, the term 'active duty' has the meaning given such term in section 101(d)(1) of title 10, United States Code, except that such term—

''(1) does not include active duty for training or attendance at a service school; but

''(2) includes, in the case of members of the National Guard, active State duty.''.

PART D—SUSTAINING THE PERKINS LOAN PROGRAM

SEC. 141. FEDERAL PERKINS LOANS.

Section 461(b) (20 U.S.C. 1087aa(b)) is amended by adding at the end the following new paragraphs:

''(3) In addition to any amounts appropriated pursuant to paragraph (1) or (2) of this subsection, there shall be available to the Secretary for contributions to student loan funds established under part E, from funds not otherwise appropriated, $100,000,000 for each of the fiscal years 2008 through 2012. The sum of the amount made available under this subsection for any such fiscal year, plus the amount so appropriated for such fiscal year, shall, for purposes of allocations under section 462, be treated as the amount appropriated pursuant to section 461(b) for such fiscal year.

''(4) The authority to make contributions to student loan funds under this part shall expire at the end of fiscal year 2012.''.

TITLE II—REDUCING THE COST OF COLLEGE

SEC. 201. CONSUMER INFORMATION AND PUBLIC ACCOUNTABILITY IN HIGHER EDUCATION.

Section 131 of the Higher Education Act of 1965 (20 U.S.C. 1015) is amended to read as follows:

''SEC. 131. CONSUMER INFORMATION AND PUBLIC ACCOUNTABILITY IN HIGHER EDUCATION.

''(a) COLLEGE OPPORTUNITY ON-LINE (COOL) WEBSITE RE-DESIGN PROCESS.—In carrying out this section, the Commissioner of Education Statistics—

''(1) shall identify the data elements related to college costs that are of greatest importance to prospective students, enrolled students, and their families, paying particular attention to low-income, non-traditional student populations, and first-generation college students;

''(2) shall convene a group of individuals with expertise in the informational needs of prospective college students and parents to—

''(A) determine the relevance of particular data elements to prospective students, enrolled students, and families based upon the results of opinion research; and

''(B) make recommendations regarding the inclusion of specific data items and the most effective and least burdensome methods of collecting and reporting useful data from institutions of higher education; and

''(3) shall ensure that the redesigned COOL website—

''(A) uses, to the extent practicable, data elements currently provided by institutions of higher education to the Secretary;

''(B) includes clear and uniform information determined to be relevant to prospective students, enrolled students, and families;

''(C) provides comparable information, by ensuring that information is based on accepted criteria and common definitions;

''(D) includes a sorting function that permits users to customize their search for and comparison of institutions of higher education based on the information identified through the process as prescribed in paragraph (1) as being of greatest relevance to choosing an institution of higher education.

''(b) DATA COLLECTION.—

''(1) DATA SYSTEM.—The Commissioner of Education Statistics shall continue to redesign the relevant parts of the Integrated Postsecondary Education Data System to include additional data as required by this section and to continue to improve the usefulness and timeliness of data collected by such System in order to inform consumers about institutions of higher education.

''(2) COLLEGE CONSUMER PROFILE.—The Secretary shall continue to publish on the COOL website, for each academic year and in accordance with standard definitions developed by the Commissioner of Education Statistics (including definitions developed under section 131(a)(3)(A) as in effect on the day before the date of enactment of the College Cost Reduction Act of 2007), from at least all institutions of higher education participating in programs under title IV the following information:

''(A) The tuition and fees charged for a first-time, full-time undergraduate student.

''(B) The room and board charges for a first-time, full-time undergraduate student.

''(C) The cost of attendance for a first-time, full-time undergraduate student, consistent with the provisions of section 472.

''(D) The average amount of financial assistance (including grant assistance) received by a first-year, full-time undergraduate student.

''(E) The number and percentage of first-time, full-time undergraduate students receiving financial assistance (including grant assistance) described in each clause of subparagraph (D).

''(F) Student enrollment information, including information on the number and percentage of full-time and part-time students, and the number and percentage of resident and non-resident students.

''(G) Faculty-to-student ratios.

''(H) The total number of faculty and the percentage of faculty who are full-time employees of the institution and the percentage who are part-time.

''(I) Graduation rates calculated pursuant to section 485(a)(1)(L), including rates disaggregated by gender, by each major racial and ethnic subgroup, and by income status, as measured by receipt of Federal Pell Grants or Federal subsidized student loans.

''(J) A link to the institution of higher education with information of interest to students including mission, accreditation, student services (including services for students with disabilities), transfer of credit policies, any articulation agreements entered into by the institution.

''(K) The college affordability information elements specified in subsection (d).

''(c) INFORMATION TO THE PUBLIC.—The Secretary shall work with public and private entities to promote broad public awareness, particularly among middle and high school students and their families, of the information made available under this section, including by distribution to students who participate in or receive benefits from means-tested federally funded education programs and other Federal programs determined by the Secretary.

''(d) COLLEGE AFFORDABILITY INFORMATION ELEMENTS.—The college affordability information elements required by subsection (b)(2)(K) shall include, for each institution submitting data—

''(1) the sticker price of the institution for the 5 most recent academic years; and

''(2) the net tuition of the institution for the most recent academic year for which data are available.

''(e) OUTCOMES AND ACTIONS.—

''(1) RESPONSE FROM INSTITUTION.—Effective on June 30, 2011, an institution that increases its sticker price at a percentage rate for any 3-year interval ending on or after that date that exceeds two times the rate of change in the higher education price index over the same time period shall provide a report to the Secretary. Such report shall be published by the Secretary on the COOL website, and shall include—

''(A) a description of the factors contributing to the increase in the institution's costs and in the tuition and fees charged to students; and

''(B) if determinations of tuition and fee increases are not within the exclusive control of the institution, a description of the agency or instrumentality of State government or other entity that participates in such determinations and the authority exercised by such agency, instrumentality, or entity.

''(2) CONSEQUENCES FOR 2-YEAR CONTINUATION OF FAILURE.—If the Secretary determines that an institution that is subject to paragraph (1) has failed to reduce the subsequent increase in sticker price to equal to or below two times the rate of change in the higher education price index for 2 consecutive academic years subsequent to the 3-year interval used under paragraph (1), the Secretary shall place the institution on affordability alert status.

''(3) EXEMPTIONS.—Notwithstanding paragraph (2), an institution shall not be placed on affordability alert status if, for any 3-year interval for which sticker prices are computed under paragraph (1)—

''(A) with respect the class of institutions described in paragraph (5) to which the institution belongs, the sticker price of the institution is in the lowest quartile of institutions within such class, as determined by the Secretary, during the last year of such 3-year interval; or

''(B) the institution has a percentage change in its sticker price computed under paragraph (1) that exceeds two times the rate of change in the higher education price index over the same time period, but the dollar amount of the sticker price increase is less than $500.

''(4) INFORMATION TO STATE AGENCIES.—Any institution that reports under paragraph (1)(B) that an agency or instrumentality of State government or other entity participates in the determinations of tuition and fee increases shall, prior to submitting any information to the Secretary under this subsection, submit such information to, and request the comments and input of, such agency, instrumentality, or entity. With respect to any such institution, the Secretary shall provide a copy of any communication by the Secretary with that institution to such agency, instrumentality, or entity.

''(5) CLASSES OF INSTITUTIONS.—For purposes of this subsection, the classes of institutions shall be those sectors used by the Integrated Postsecondary Education Data System, based on whether the institution is public, nonprofit private, or for-profit private, and whether the institution has a 4-year, 2-year, or less than 2-year program of instruction.

''(6) DATA REJECTION.—Nothing in this subsection shall be construed as allowing the Secretary to reject the data submitted by an individual institution of higher education.

''(f) FINES.—In addition to actions authorized in section 487(c), the Secretary may impose a fine in an amount not to exceed $25,000 on an institution of higher education for failing to provide the information required by this section in a timely and accurate manner, or for failing to otherwise cooperate with the National Center for Education Statistics regarding efforts to obtain data under subsection (c) and pursuant to the program participation agreement entered into under section 487.

''(g) REGULATIONS.—The Secretary is authorized to issue such regulations as may be necessary to carry out the provisions of this section.

''(h) DEFINITIONS.—For the purposes of this section:

''(1) NET TUITION.—The term 'net tuition' means the average tuition and fees charged to a full-time undergraduate student by an institution of higher education for any academic year, minus the average grant amount received by such a student for such academic year.

''(2) STICKER PRICE.—The term 'sticker price' means the average published tuition and fees charged to a first-time, full-time, undergraduate student by an institution of higher education for any academic year.

''(3) HIGHER EDUCATION PRICE INDEX.—The term 'higher education price index' means a statistical measure of change over time in the prices of a fixed market basket of goods and services purchased by colleges and universities through current fund educational and general expenditures (excluding expenditures for research), as developed by the Bureau of Labor Statistics.''.

SEC. 202. COOPERATIVE EDUCATION REWARDS FOR INSTITUTIONS THAT RESTRAIN TUITION INCREASES.

The Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) is amended by adding at the end the following title:

''TITLE VIII—RESTRAINING TUITION INCREASES

''PART A—COOPERATIVE EDUCATION

''SEC. 801. DEFINITION OF COOPERATIVE EDUCATION.

''For the purpose of this title the term 'cooperative education' means the provision of alternating or parallel periods of academic study and public or private employment in order to give students work experiences related to their academic or occupational objectives and an opportunity to earn the funds necessary for continuing and completing their education.

''SEC. 802. AUTHORIZATION OF APPROPRIATIONS; RESERVATIONS.

''(a) APPROPRIATIONS.—There shall be available to the Secretary to carry out this title from funds not otherwise appropriated $15,000,000 for each of the fiscal years 2008 through 2012.

''(b) RESERVATIONS.—Of the amount appropriated for each such fiscal year—

''(1) not less than 50 percent shall be available for carrying out grants to institutions of higher education and combinations of such institutions described in section 803(a)(1)(A) for cooperative education under section 803;

''(2) not less than 25 percent shall be available for carrying out grants to institutions of higher education described in section 803(a)(1)(B) for cooperative education under section 803;

''(3) not more than 11 percent shall be available for demonstration projects under paragraph (1) of section 804(a);

''(4) not more than 11 percent shall be available for training and resource centers under paragraph (2) of section 804(a); and

''(5) not more than 3 percent shall be available for research under paragraph (3) of section 804(a).

''(c) AVAILABILITY OF APPROPRIATIONS.—Appropriations under this title shall not be available for the payment of compensation of students for employment by employers under arrangements pursuant to this title.

''(d) SUNSET.—The authority to carry out this title shall expire at the end of fiscal year 2012.

''SEC. 803. GRANTS FOR COOPERATIVE EDUCATION.

''(a) GRANTS AUTHORIZED.—

''(1) IN GENERAL.—The Secretary is authorized—

''(A) from the amount available under section 802(b)(1) in each fiscal year and in accordance with the provisions of this title, to make grants to institutions of higher education or combinations of such institutions that have not previously received a grant under this paragraph to pay the Federal share of the cost of planning, establishing, expanding, or carrying out programs of cooperative education by such institutions or combinations of institutions; and

''(B) from the amount available under section 802(b)(2) in each fiscal year and in accordance with the provisions of this title, to make grants to institutions of higher education that are operating an existing cooperative education program (as determined by the Secretary) to pay the cost of planning, establishing, expanding, or carrying out programs of cooperative education by such institutions.

''(2) PROGRAM REQUIREMENT.—Cooperative education programs assisted under this section shall provide alternating or parallel periods of academic study and of public or private employment, giving students work experience related to their academic or occupational objectives and the opportunity to earn the funds necessary for continuing and completing their education.

''(3) AMOUNT OF GRANTS.—

''(A) The amount of each grant awarded pursuant to paragraph (1)(A) to any institution of higher education or combination of such institutions in any fiscal year shall not exceed $500,000.

''(B)(i) Except as provided in clauses (ii) and (iii), the Secretary shall award grants in each fiscal year to each institution of higher education described in paragraph (1)(B) that has an application approved under subsection (b) in an amount which bears the same ratio to the amount reserved pursuant to section 802(b)(2) for such fiscal year as the number of unduplicated students placed in cooperative education jobs during the preceding fiscal year (other than cooperative education jobs under section 804 and as determined by the Secretary) by such institution of higher education bears to the total number of all such students placed in such jobs during the preceding fiscal year by all such institutions.

''(ii) No institution of higher education shall receive a grant pursuant to paragraph (1)(B) in any fiscal year in an amount which exceeds 25 percent of such institution's cooperative education program's personnel and operating budget for the preceding fiscal year.

''(iii) The minimum annual grant amount which an institution of higher education is eligible to receive under paragraph (1)(B) is $1,000 and the maximum annual grant amount is $75,000.

''(4) LIMITATION.—The Secretary shall not award grants pursuant to paragraphs (1)(A) and (1)(B) to the same institution of higher education or combination of such institution in any one fiscal year.

''(5) USES.—Grants under paragraph (1)(B) shall be used exclusively—

''(A) to expand the quality and participation of a cooperative education program;

''(B) for outreach in new curricular areas; and

''(C) for outreach to potential participants including underrepresented and nontraditional populations.

''(b) APPLICATIONS.—Each institution of higher education or combination of such institutions desiring to receive a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary shall prescribe. Each such application shall—

''(1) set forth the program or activities for which a grant is authorized under this section;

''(2) specify each portion of such program or activities which will be performed by a nonprofit organization or institution other than the applicant, and the compensation to be paid for such performance;

''(3) provide that the applicant will expend during such fiscal year for the purpose of such program or activities not less than the amount expended for such purpose during the previous fiscal year;

''(4) describe the plans which the applicant will carry out to assure, and contain a formal statement of the institution's commitment which

assures, that the applicant will continue the cooperative education program beyond the 5-year period of Federal assistance described in subsection (c)(1) at a level which is not less than the total amount expended for such program during the first year such program was assisted under this section;

''(5) provide that, in the case of an institution of higher education that provides a 2-year program which is acceptable for full credit toward a bachelor's degree, the cooperative education program will be available to students who are certificate or associate degree candidates and who carry at least one-half the normal full-time academic workload;

''(6) provide that the applicant will—

''(A) for each fiscal year for which the applicant receives a grant, make such reports with respect to the impact of the cooperative education program in the previous fiscal year as may be essential to ensure that the applicant is complying with the provisions of this section, including—

''(i) the number of unduplicated student applicants in the cooperative education program;

''(ii) the number of unduplicated students placed in cooperative education jobs;

''(iii) the number of employers who have hired cooperative education students;

''(iv) the average income for students derived from working in cooperative education jobs; and

''(v) the increase or decrease in the number of unduplicated students placed in cooperative education jobs in each fiscal year compared to the previous fiscal year; and

''(B) keep such records as are essential to ensure that the applicant is complying with the provisions of this title, including the notation of cooperative education employment on the student's transcript;

''(7) describe the extent to which programs in the academic discipline for which the application is made have had a favorable reception by public and private sector employers;

''(8) describe the extent to which the institution is committed to extending cooperative education on an institution-wide basis for all students who can benefit;

''(9) describe the plans that the applicant will carry out to evaluate the applicant's cooperative education program at the end of the grant period;

''(10) provide for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid to the applicant under this title;

''(11) demonstrate a commitment to serving all underserved populations; and

''(12) include such other information as is essential to carry out the provisions of this title.

''(c) DURATION OF GRANTS; FEDERAL SHARE.—

''(1) DURATION OF GRANTS.—No individual institution of higher education may receive, individually or as a participant in a combination of such institutions—

''(A) a grant pursuant to subsection (a)(1)(A) for more than 5 fiscal years; or

''(B) a grant pursuant to subsection (a)(1)(B) for more than 5 fiscal years.

''(2) FEDERAL SHARE.—The Federal share of a grant under section 803(a)(1)(A) may not exceed—

''(A) 85 percent of the cost of carrying out the program or activities described in the application in the first year the applicant receives a grant under this section;

''(B) 70 percent of such cost in the second such year;

''(C) 55 percent of such cost in the third such year;

''(D) 40 percent of such cost in the fourth such year; and

''(E) 25 percent of such cost in the fifth such year.

''(3) SPECIAL RULE.—Any provision of law to the contrary notwithstanding, the Secretary shall not waive the provisions of this subsection.

''(d) MAINTENANCE OF EFFORT.—If the Secretary determines that a recipient of funds under this section has failed to maintain the fiscal effort described in subsection (b)(3), then the Secretary may elect not to make grant payments under this section to such recipient.

''SEC. 804. DEMONSTRATION AND INNOVATION PROJECTS; TRAINING AND RESOURCE CENTERS; AND RESEARCH.

''(a) AUTHORIZATION.—The Secretary is authorized, in accordance with the provisions of this section, to make grants and enter into contracts—

''(1) from the amounts available in each fiscal year under section 802(b)(3), for the conduct of demonstration projects designed to demonstrate or determine the feasibility or value of innovative methods of cooperative education;

''(2) from the amounts available in each fiscal year under section 802(b)(4), for the conduct of training and resource centers designed to—

''(A) train personnel in the field of cooperative education;

''(B) improve materials used in cooperative education programs if such improvement is conducted in conjunction with other activities described in this paragraph;

''(C) furnish technical assistance to institutions of higher education to increase the potential of the institution to continue to conduct a cooperative education program without Federal assistance;

''(D) encourage model cooperative education programs which furnish education and training in occupations in which there is a national need;

''(E) support partnerships under which an institution carrying out a comprehensive cooperative education program joins with one or more institutions of higher education in order to—

''(i) assist the institutions other than the comprehensive cooperative education institution to develop and expand an existing program of cooperative education; or

''(ii) establish and improve or expand comprehensive cooperative education programs; and

''(F) encourage model cooperative education programs in the fields of science and mathematics for women and minorities who are underrepresented in such fields; and

''(3) from the amounts available in each fiscal year under section 802(b)(5), for the conduct of research relating to cooperative education.

''(b) ADMINISTRATIVE PROVISION.—

''(1) IN GENERAL.—To carry out this section, the Secretary may—

''(A) make grants to or contracts with institutions of higher education, or combinations of such institutions; and

''(B) make grants to or contracts with other public or private nonprofit agencies or organizations, whenever such grants or contracts will make an especially significant contribution to attaining the objectives of this section.

''(2) LIMITATION.—

''(A) The Secretary may not use more than 3 percent of the amount appropriated to carry out this section in each fiscal year to make grants or enter into contracts described in paragraph (1)(A).

''(B) The Secretary may use not more than 3 percent of the amount appropriated to carry out this section in each fiscal year to make grants or enter into contracts described in paragraph (1)(B).

''(c) SUPPLEMENT NOT SUPPLANT.—A recipient of a grant or contract under this section may use the funds provided only to supplement and, to the extent possible, increase the level of funds that would, in the absence of such funds, be made available from non-Federal sources to carry out the activities supported by such grant or contract, and in no case to supplant such funds from non-Federal sources.

''PART B—LOW TUITION

''SEC. 811. INCENTIVES AND REWARDS FOR LOW TUITION.

''(a) REWARDS FOR LOW TUITION.—

''(1) COMPETITIVE GRANTS.—The Secretary shall award grants on a competitive basis to institutions of higher education that, for academic year 2008–2009 or any succeeding academic year, have an annual net tuition increase (expressed as a percentage) for the most recent academic year for which satisfactory data is available that is equal to or less than the percentage change in the higher education price index for such academic year.

''(2) USE OF FUNDS.—Funds awarded to an institution of higher education under paragraph (1) shall be distributed by the institution in the form of need-based grant aid to students who are eligible for Federal Pell Grants, except that no student shall receive an amount under this section that would cause the amount of total financial aid received by such student to exceed the cost of attendance of the institution.

''(b) REWARDS FOR GUARANTEED TUITION.—

''(1) BONUS.—For each institution of higher education that the Secretary of Education determines complies with the requirements of paragraph (2) or (3) of this subsection, the Secretary shall provide to such institution a bonus amount. Such institution shall award the bonus amount first to students who are eligible for Federal Pell Grants who were in attendance at the institution during the award year that such institution satisfied the eligibility criteria for maintaining low tuition and fees, then to students who are eligible for Federal Pell Grants who were not in attendance at the institution during such award year, in the form of need-based aid.

''(2) 4-YEAR INSTITUTIONS.—An institution of higher education that provides a program of instruction for which it awards a bachelor's degree complies with the requirements of this paragraph if such institution guarantees that for any academic year beginning on or after July 1, 2008, and for each of the 4 succeeding continuous academic years, the net tuition charged to an undergraduate student will not exceed—

''(A) the amount that the student was charged for an academic year at the time he or she first enrolled in the institution of higher education, plus

''(B) the product of the percentage increase in the higher education price index for the prior academic year, or the most recent prior academic year for which data is available, multiplied by the amount determined under subparagraph (A).

''(3) LESS-THAN 4-YEAR INSTITUTIONS.—An institution of higher education that does not provide a program of instruction for which it awards a bachelor's degree complies with the requirements of this paragraph if such institution guarantees that for any academic year (or the equivalent) beginning on or after July 1, 2008, and for each of the 1.5 succeeding continuous academic years, the net tuition charged to an undergraduate student will not exceed—

''(A) the amount that the student was charged for an academic year at the time he or she first enrolled in the institution of higher education, plus

''(B) the product of the percentage increase in the higher education price index for the prior academic year, or the most recent prior academic year for which data is available, multiplied by the amount determined under subparagraph (A).

''(c) MAINTAINING AFFORDABLE TUITION.—

''(1) INSTITUTION REPORTS.—If an institution of higher education has an increase in annual net tuition (expressed as a percentage), for the most recent academic year for which satisfactory data is available, that is greater than the percentage increase in the higher education price index for such academic year, the institution is required to submit to the Secretary the following information, within 6 months of such determination—

''(A) a report on the factors contributing to the increase in the institution's costs and the increase in net tuition and fees charged to students, including identification of the major areas in the institution's budget with the greatest cost increases;

''(B) the institution's 3 most recent Form 990s submitted to the Internal Revenue Service, as required under section 6033 of the Internal Revenue Code of 1986;

''(C) a description of the major areas of expenditures in the institution's budget with the greatest increase for such academic year; and

''(D) voluntary actions being taken by the institution to reduce net tuition.

''(2) REPORT TO CONGRESS.—The Secretary shall compile the information submitted under this subsection and shall provide to the relevant authorizing committees an annual report relating to such information.

''(d) PRIORITY.—In awarding incentives and rewards under this section, the Secretary shall give priority to institutions of higher education with the lowest annual net tuition increase for the most recent academic year for which satisfactory data is available, when compared with other institutions of higher education with annual net tuition increases that are equal to or less than the higher education price index for such academic year.

''(e) EXEMPTIONS.—An institution shall still be eligible to receive rewards under subsections (a) and (b), and will not be penalized under subsection (c) if, for any 2-year interval for which net tuition is computed under such subsections—

''(1) with respect to the class of institutions described in section 131(d)(5) to which the institution belongs, the net tuition of the institution is in the lowest quartile of institutions within such class, as determined by the Secretary, during the last year of such 2-year interval; or

''(2) the institution has a percentage change in its net tuition computed under subsection (a) or (c) that exceeds the rate of change in the higher education price index (as defined in section 401B(d)) over the same time period, but the dollar amount of the net tuition increase is less than $500.

''(f) DEFINITIONS.—

''(1) NET TUITION.—The term 'net tuition' has the same meaning as provided in section 131(h).

''(2) HIGHER EDUCATION PRICE INDEX.—The term 'higher education price index' has the same meaning as provided in section 131(h).

''(g) FUNDING.—There shall be available to the Secretary to carry out this section, from funds not otherwise appropriated, $15,000,000 for each of the fiscal years 2008 through 2012.

''(h) SUNSET.—The authority to carry out this section shall expire at the end of fiscal year 2012.''.

TITLE III—ENSURING A HIGHLY QUALIFIED TEACHER IN EVERY CLASSROOM

PART A—TEACH GRANTS

SEC. 301. TEACH GRANTS.

Part A of title IV (20 U.S.C. 1070a et seq.) is amended by adding at the end the following new subpart:

"Subpart 9—TEACH Grants

"SEC. 420L. PROGRAM ESTABLISHED.

''(a) PROGRAM AUTHORITY.—

''(1) PAYMENTS REQUIRED.—The Secretary shall pay to each eligible institution such sums as may be necessary to pay to each eligible student (defined in accordance with section 484) who files an application and agreement in accordance with section 420M, and who qualifies—

''(A) under paragraph (2) of section 420M(a), a TEACH Grant in the amount of $4,000 for each academic year during which that student is in attendance at the institution; and

''(B) under paragraphs (2) and (3) of section 420M(a), a Bonus TEACH Grant in the amount of $500 (in addition to the amount of the TEACH Grant under subparagraph (A)) for each academic year during which that student so qualifies.

''(2) REFERENCE.—Grants made under—

''(A) paragraph (1)(A) shall be known as 'Teacher Education Assistance for College and Higher Education Grants' or 'TEACH Grants'; and

''(B) paragraph (1)(B) shall be known as Bonus TEACH Grants.

''(b) PAYMENT METHODOLOGY.—

''(1) PREPAYMENT.—Not less than 85 percent of any funds provided to an institution under subsection (a) shall be advanced to eligible institutions prior to the start of each payment period and shall be based upon an amount requested by the institution as needed to pay eligible students until such time as the Secretary determines and publishes in the Federal Register with an opportunity for comment, an alternative payment system that provides payments to institutions in an accurate and timely manner, except that this sentence shall not be construed to limit the authority of the Secretary to place an institution on a reimbursement system of payment.

''(2) DIRECT PAYMENT.—Nothing in this section shall be interpreted to prohibit the Secretary from paying directly to students, in advance of the beginning of the academic term, an amount for which they are eligible, in cases where the eligible institution elects not to participate in the disbursement system required by paragraph (1).

''(3) DISTRIBUTION OF GRANTS TO STUDENTS.—Payments under this subpart shall be made, in accordance with regulations promulgated by the Secretary for such purpose, in such manner as will best accomplish the purposes of this subpart. Any disbursement allowed to be made by crediting the student's account shall be limited to tuition and fees and, in the case of institutionally-owned housing, room and board. The student may elect to have the institution provide other such goods and services by crediting the student's account.

''(c) REDUCTIONS IN AMOUNT.—

''(1) PART-TIME STUDENTS.—In any case where a student attends an institution of higher education on less than a full-time basis (including a student who attends an institution of higher education on less than a half-time basis) during any academic year, the amount of a grant under this subpart for which that student is eligible shall be reduced in proportion to the degree to which that student is not attending on a full-time basis, in accordance with a schedule of reductions established by the Secretary for the purposes of this subpart, computed in accordance with this subpart. Such schedule of reductions shall be established by regulation and published in the Federal Register in accordance with section 482 of this Act.

''(2) NO EXCEEDING COST.—The amount of a grant awarded under this subpart, in combination with Federal assistance and other student assistance, shall not exceed the cost of attendance (as defined in section 472) at the institution at which that student is in attendance. If, with respect to any student, it is determined that the amount of a TEACH Grant or a Bonus TEACH Grant exceeds the cost of attendance for that year, the amount of the TEACH Grant or Bonus TEACH Grant, respectively, shall be reduced until such grant does not exceed the cost of attendance at such institution.

''(d) PERIOD OF ELIGIBILITY FOR GRANTS.—

''(1) UNDERGRADUATE AND POST-BACCALAUREATE STUDENTS.—The period during which an undergraduate or post-baccalaureate student may receive grants under this subpart shall be the period required for the completion of the first undergraduate baccalaureate or post-baccalaureate course of study being pursued by that student at the institution at which the student is in attendance except that—

''(A) any period during which the student is enrolled in a noncredit or remedial course of study as defined in paragraph (3) shall not be counted for the purpose of this paragraph; and

''(B) the total amount that a student may receive under this subpart for undergraduate or post-baccalaureate study shall not exceed $16,000 with respect to a student who receives only TEACH Grants, and $18,000 with respect to a student who receives TEACH Grants and Bonus TEACH Grants.

''(2) GRADUATE STUDENTS.—The period during which a graduate student may receive grants under this subpart shall be the period required for the completion of a master's degree course of study being pursued by that student at the institution at which the student is in attendance, except that the total amount that a student may receive under this subpart for graduate study shall not exceed $8,000 with respect to a student who receives only TEACH Grants, and $10,000 with respect to a student who receives TEACH Grants and Bonus TEACH Grants.

''(3) REMEDIAL COURSE; STUDY ABROAD.—Nothing in this section shall exclude from eligibility courses of study which are noncredit or remedial in nature (including courses in English language acquisition) which are determined by the institution to be necessary to help the student be prepared for the pursuit of a first undergraduate baccalaureate or post-baccalaureate degree or certificate or, in the case of courses in English language instruction, to be necessary to enable the student to utilize already existing knowledge, training, or skills. Nothing in this section shall exclude from eligibility programs of study abroad that are approved for credit by the home institution at which the student is enrolled.

"SEC. 420M. ELIGIBILITY; APPLICATIONS.

''(a) APPLICATIONS; DEMONSTRATION OF ELIGIBILITY.—

''(1) FILING REQUIRED.—The Secretary shall from time to time set dates by which students shall file applications for grants under this subpart. Each student desiring a grant under this subpart for any year shall file an application containing such information and assurances as the Secretary may deem necessary to enable the Secretary to carry out the functions and responsibilities of this subpart.

''(2) DEMONSTRATION OF TEACH GRANT ELIGIBILITY.—Each application submitted under paragraph (1) for a TEACH Grant shall contain such information as is necessary to demonstrate that—

''(A) if the applicant is an enrolled student—

''(i) the student is an eligible student for purposes of section 484;

''(ii) the student—

''(I) has a grade point average that is determined, under standards prescribed by the Secretary, to be comparable to a 3.25 average on a zero to 4.0 scale, except that, if the student is in the first year of a program of undergraduate education, such grade point average shall be determined on the basis of the student's cumulative high school grade point average; or

''(II) displayed high academic aptitude by receiving a score above the 75th percentile on at least one of the batteries in an undergraduate, post-baccalaureate, or graduate school admissions test; and

''(iii) the student is completing coursework and other requirements necessary to begin a career in teaching, or plans to complete such coursework and requirements prior to graduating; or

''(B) if the applicant is a current or prospective teacher applying for a grant to obtain a graduate degree—

''(i) the applicant is a teacher or a retiree from another occupation with expertise in a field in which there is a shortage of teachers, such as math, science, special education, English language acquisition, or another high-need subject; or

''(ii) the applicant is or was a teacher who is using high-quality alternative certification routes, such as Teach for America, to get certified.

''(3) DEMONSTRATION OF BONUS TEACH GRANT ELIGIBILITY.—Each application submitted under paragraph (1) for a Bonus TEACH Grant shall contain such information as is necessary to demonstrate that the applicant is—

''(A) eligible for, and has applied for, a TEACH Grant; and

''(B) a student enrolled in a qualified teacher preparation program, as defined in section 420N.

''(b) AGREEMENTS TO SERVE.—Each application under subsection (a) shall contain or be accompanied by an agreement by the applicant that—

''(1) the applicant will—

''(A) serve as a full-time teacher for a total of not less than 4 academic years within 8 years after completing the course of study for which the applicant received a TEACH Grant under this subpart;

''(B) teach in a school described in section 465(a)(2)(A);

''(C) with respect to an applicant for—

''(i) TEACH Grants, teach in any of the following fields: mathematics, science, a foreign language, bilingual education, or special education, or as a reading specialist, or another field documented as high-need by the Federal Government, State government, or local education agency and approved by the Secretary; or

''(ii) TEACH Grants and Bonus TEACH Grants, teach mathematics, science, or a science-related field;

''(D) submit evidence of such employment in the form of a certification by the chief administrative officer of the school upon completion of each year of such service; and

''(E) comply with the requirements for being a highly qualified teacher as defined in section 9101 of the Elementary and Secondary Education Act of 1965; and

''(2) in the event that the applicant is determined to have failed or refused to carry out such service obligation, the sum of the amounts of any TEACH Grants and Bonus TEACH Grants received by such applicant will be treated as a loan and collected from the applicant in accordance with subsection (c) and the regulations thereunder.

''(c) REPAYMENT FOR FAILURE TO COMPLETE SERVICE.—In the event that any recipient of a grant under this subpart fails or refuses to comply with the service obligation in the agreement under subsection (b), the sum of the amounts of any TEACH Grants and Bonus TEACH Grants received by such recipient shall be treated as a Direct Loan under part D of title IV, and shall be subject to repayment, together with interest thereon accruing after the period of service, in accordance with terms and conditions specified by the Secretary in regulations under this subpart.

"SEC. 420N. DEFINITIONS.

''For the purposes of this subpart:

''(1) ELIGIBLE INSTITUTION.—The term 'eligible institution' means an institution of higher education, as defined in section 102, that the Secretary determines—

''(A) provides high quality teacher preparation and professional development services, including extensive clinical experience as a part of pre-service preparation;

''(B) is financially sound;

''(C) provides pedagogical course work, or assistance in the provision of such coursework, including the monitoring of student performance, and formal instruction related to the theory and practices of teaching; and

''(D) provides supervision and support services to teachers, or assistance in the provision of such services, including mentoring focused on developing effective teaching skills and strategies.

''(2) QUALIFIED TEACHER PREPARATION PROGRAM.—The term 'qualified teacher preparation program' means a program for students and teachers described in subparagraph (A) or (B) of section 420M(a)(2) (referred to jointly in this paragraph as 'teacher candidates') that—

''(A) recruits and prepares teacher candidates who major in science, technology fields, special education, foreign language, engineering, or mathematics disciplines to become certified as elementary and secondary teachers in those disciplines, special education teachers, or teachers of English Language Learners, with the goals of improving teacher knowledge and effectiveness and increasing elementary and secondary student academic achievement;

''(B) is implemented by an institution of higher education in partnership with high-need local educational agencies and schools;

''(C) offers a baccalaureate degree, post-baccalaureate teacher credential, or graduate degree with a concurrent teacher certification to teacher candidates;

''(D) is implemented in coordination with the faculty of the relevant departments of the institution of higher education;

''(E) utilizes experienced teachers who have a demonstrated record of success in teaching underserved students to instruct teacher candidates in the disciplines described in subparagraph (A);

''(F) provides teacher candidates with—

''(i) support services, including mentoring by experienced teachers who have a demonstrated record of success in teaching underserved students;

''(ii) exposure to, and field experience in, the classroom within the first year of entering the qualified teacher preparation program; and

''(iii) other related support practices while the teacher candidates are participating in the program, and after such candidates graduate from the institution of higher education and are employed as teachers;

''(G) participates in partnerships which include the institution of higher education and local educational agencies and charter districts to provide opportunities for teacher candidate field work;

''(H) focuses on increasing the number of teachers in the disciplines described in subparagraph (A); and

''(I) encourages individuals from underrepresented populations to enter into the teaching profession.

''(3) POST-BACCALAUREATE.—The term 'post-baccalaureate' means a program of instruction that does not lead to a graduate degree, and that consists of courses required by a State in order for the student to receive a professional certification or licensing credential that is required for employment as a teacher in an elementary school or secondary school in that State, except that such term shall not include any program of instruction offered by an institution of higher education that offers a baccalaureate degree in education.

"SEC. 420O. PROGRAM PERIOD AND FUNDING.

''There shall be available to the Secretary to carry out this subpart, from funds not otherwise appropriated, such sums as may be necessary to provide TEACH Grants and Bonus TEACH Grants in accordance with this subpart to each eligible applicant.''.

PART B—CENTERS OF EXCELLENCE

SEC. 311. CENTERS OF EXCELLENCE.

Title II (20 U.S.C. 1021 et seq.) is amended by adding at the end the following:

"PART C—CENTERS OF EXCELLENCE

"SEC. 231. DEFINITIONS.

''As used in this part:

''(1) ELIGIBLE INSTITUTION.—The term 'eligible institution' means—

''(A) an institution of higher education that has a teacher preparation program that meets the requirements of section 203(b)(2)and that is—

''(i) a part B institution (as defined in section 322);

''(ii) a Hispanic-serving institution (as defined in section 502);

''(iii) a Tribal College or University (as defined in section 316);

''(iv) an Alaska Native-serving institution (as defined in section 317(b)); or

''(v) a Native Hawaiian-serving institution (as defined in section 317(b));

''(B) a consortium of institutions described in subparagraph (A); or

''(C) an institution described in subparagraph (A), or a consortium described in subparagraph (B), in partnership with any other institution of higher education, but only if the center of excellence established under section 232 is located at an institution described in subparagraph (A).

''(2) HIGHLY QUALIFIED.—The term 'highly qualified' when used with respect to an individual means that the individual is highly qualified as determined under section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801) or section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401).

''(3) SCIENTIFICALLY BASED READING RESEARCH.—The term 'scientifically based reading research' has the meaning given such term in section 1208 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6368).

''(4) SCIENTIFICALLY BASED RESEARCH.—The term 'scientifically based research' has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

"SEC. 232. CENTERS OF EXCELLENCE.

''(a) PROGRAM AUTHORIZED.—From the amounts appropriated to carry out this part, the Secretary is authorized to award competitive grants to eligible institutions to establish centers of excellence.

''(b) USE OF FUNDS.—Grants provided by the Secretary under this part shall be used to ensure that current and future teachers are highly qualified, by carrying out one or more of the following activities:

''(1) Implementing reforms within teacher preparation programs to ensure that such programs are preparing teachers who are highly qualified, are able to understand scientifically based research, and are able to use advanced technology effectively in the classroom, including use for instructional techniques to improve student academic achievement, by—

''(A) retraining faculty; and

''(B) designing (or redesigning) teacher preparation programs that—

''(i) prepare teachers to close student achievement gaps, are based on rigorous academic content, scientifically based research (including scientifically based reading research), and challenging State student academic content standards; and

''(ii) promote strong teaching skills.

''(2) Providing sustained and high-quality preservice clinical experience, including the mentoring of prospective teachers by exemplary teachers, substantially increasing interaction between faculty at institutions of higher education and new and experienced teachers, principals, and other administrators at elementary schools or secondary schools, and providing support, including preparation time, for such interaction.

''(3) Developing and implementing initiatives to promote retention of highly qualified teachers and principals, including minority teachers and principals, including programs that provide—

''(A) teacher or principal mentoring from exemplary teachers or principals; or

''(B) induction and support for teachers and principals during their first 3 years of employment as teachers or principals, respectively.

''(4) Awarding scholarships based on financial need to help students pay the costs of tuition, room, board, and other expenses of completing a teacher preparation program.

''(5) Disseminating information on effective practices for teacher preparation and successful teacher certification and licensure assessment preparation strategies.

''(6) Activities authorized under sections 202, 203, and 204.

''(c) APPLICATION.—Any eligible institution desiring a grant under this section shall submit an application to the Secretary at such a time, in such a manner, and accompanied by such information as the Secretary may require.

''(d) MINIMUM GRANT AMOUNT.—The minimum amount of each grant under this part shall be $500,000.

''(e) LIMITATION ON ADMINISTRATIVE EXPENSES.—An eligible institution that receives a grant under this part may not use more than 2 percent of the grant funds for purposes of administering the grant.

''(f) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out this part.

''SEC. 233. APPROPRIATIONS.

''There shall be available to the Secretary, from funds not otherwise appropriated, $50,000,000 for the period beginning with fiscal year 2008 and ending with fiscal year 2012, to carry out this part beginning with academic year 2008–2009, which shall remain available until expended. The authority to carry out this part shall expire at the end of fiscal year 2012.''.

TITLE IV—LEVERAGING FUNDS TO INCREASE COLLEGE ACCESS

PART A—STRENGTHENING HISTORICALLY BLACK COLLEGES AND UNIVERSITIES AND MINORITY-SERVING INSTITUTIONS

SEC. 401. INVESTMENT IN HISTORICALLY BLACK COLLEGES AND UNIVERSITIES AND MINORITY-SERVING INSTITUTION.

Title IV is amended by adding at the end the following new part:

''PART I—STRENGTHENING HISTORICALLY BLACK COLLEGES AND UNIVERSITIES AND OTHER MINORITY-SERVING INSTITUTIONS

''SEC. 499A. INVESTMENT IN HISTORICALLY BLACK COLLEGES AND UNIVERSITIES AND OTHER MINORITY-SERVING INSTITUTION.

''(a) ELIGIBLE INSTITUTION.—An institution of higher education is eligible to receive funds from the amounts made available under this section if such institution is—

''(1) a part B institution (as defined in section 322 (20 U.S.C. 1061));

''(2) a Hispanic-serving institution (as defined in section 502 (20 U.S.C. 1101a));

''(3) a Tribal College or University (as defined in section 316 (20 U.S.C. 1059c));

''(4) an Alaska Native-serving institution or a Native Hawaiian-serving institution (as defined in section 317(b) (20 U.S.C. 1059d(b)));

''(5) a Predominantly Black Institution (as defined in subsection (c)); or

''(6) an Asian and Pacific Islander-serving institution (as defined in subsection (c)).

''(b) NEW INVESTMENT OF FUNDS.—

''(1) IN GENERAL.—There shall be available to the Secretary to carry out this section, from funds not otherwise appropriated, $100,000,000 for each of the fiscal years 2008 through 2012. The authority to carry out this section shall expire at the end of fiscal year 2012.

''(2) ALLOCATION AND ALLOTMENT.—

''(A) IN GENERAL.—Of the amounts made available under paragraph (1) for any fiscal year—

''(i) 40 percent shall be available for allocation under subparagraph (B);

''(ii) 40 percent shall be available for allocation under subparagraph (C); and

''(iii) 20 percent shall be available for allocation under subparagraph (D).

''(B) HSI STEM AND ARTICULATION PROGRAMS.—The amount made available for allocation under this subparagraph by subparagraph (A)(i) for any fiscal year shall be available for Hispanic-serving Institutions for activities described in section 503, with a priority given to applications that propose—

''(i) to increase the number of Hispanic and other low income students attaining degrees in the fields of science, technology, engineering and mathematics; and

''(ii) to develop model transfer and articulation agreements between 2-year Hispanic-serving institutions and 4-year institutions in such fields.

''(C) ALLOCATION AND ALLOTMENT HBCUS AND PBIS.—From the amount made available for allocation under this subparagraph by subparagraph (A)(ii) for any fiscal year—

''(i) $34,000,000 shall be available to eligible institutions described in subsection (a)(1) and shall be made available as grants under section 323 and allotted among such institutions under section 324, treating such amount, plus the amount appropriated for such fiscal year in a regular or supplemental appropriation Act to carry out part B of title III, as the amount appropriated to carry out part B of title III for purposes of allotments under section 324, for use by such institutions with a priority for—

''(I) activities described in paragraphs (1), (2), (4), (5), and (10) of section 323(a); and

''(II) other activities, consistent with the institution's comprehensive plan and designed to increase the institution's capacity to prepare students for careers in the physical and natural sciences, mathematics, computer science and information technology and sciences, engineering, language instruction in the less-commonly taught languages and international affairs, and nursing and allied health professions; and

''(ii) $6,000,000 shall be available to eligible institutions described in subsection (a)(5) and shall be available for a competitive grant program to award 10 grants of $600,000 annually for programs in the following areas: science, technology, engineering, or mathematics (STEM); health education; internationalization or globalization; teacher preparation; or improving educational outcomes of African American males.

''(D) ALLOCATION AND ALLOTMENT TO OTHER MINORITY-SERVING INSTITUTIONS.—From the amount made available for allocation under this subparagraph by subparagraph (A)(iii) for any fiscal year (in this subparagraph referred to as the 'allocable amount')—

''(i) 60 percent of the allocable amount for such fiscal year shall be available to eligible institutions described in subsection (a)(3) and shall be made available as grants under section 316, treating such 60 percent of the allocable amount as part of the amount appropriated for such fiscal year in a regular or supplemental appropriation Act to carry out such section, and using such 60 percent for purposes described in subsection (c) of such section;

''(ii) 30 percent of the allocable amount for such fiscal year shall be available to eligible institutions described in subsection (a)(4) and shall be made available as grants under section 317, treating such 30 percent of the allocable amount as part of the amount appropriated for such fiscal year in a regular or supplemental appropriation Act to carry out such section and using such 60 percent for purposes described in subsection (a) of such section; and

''(iii) 10 percent of the allocable amount for such fiscal year shall be available to eligible institutions described in subsection (a)(6) for activities described in section 311(c).

''(c) DEFINITIONS.—

''(1) PREDOMINANTLY BLACK INSTITUTION.—The term 'Predominantly Black institution' means an institution of higher education that—

''(A) has an enrollment of needy undergraduate students as required and defined by paragraph (2);

''(B) has an average educational and general expenditure which is low, per full-time equivalent undergraduate student in comparison with the average educational and general expenditure per full-time equivalent undergraduate student of institutions that offer similar instruction, except that the Secretary may apply the waiver requirements described in section 392(b) to this subparagraph in the same manner as the Secretary applies the waiver requirements to section 312(b)(1)(B);

''(C) has an enrollment of undergraduate students—

''(i) that is at least 40 percent Black American students;

''(ii) that is at least 1,000 undergraduate students;

''(iii) of which not less than 50 percent of the undergraduate students enrolled at the institution are low-income individuals or first-generation college students (as that term is defined in section 402A(g)); and

''(iv) of which not less than 50 percent of the undergraduate students are enrolled in an educational program leading to a bachelor's or associate's degree that the institution is licensed to award by the State in which it is located;

''(D) is legally authorized to provide, and provides within the State, an educational program for which the institution of higher education awards a bachelors degree, or in the case of a junior or community college, an associate's degree;

''(E) is accredited by a nationally recognized accrediting agency or association determined by the Secretary to be a reliable authority as to the quality of training offered, or is, according to such an agency or association, making reasonable progress toward accreditation; and

''(F) is not receiving assistance under part B of title III.

''(2) ENROLLMENT OF NEEDY STUDENTS.—The term 'enrollment of needy students' means the enrollment at an eligible institution with respect to which not less than 50 percent of the undergraduate students enrolled in an academic program leading to a degree—

''(A) in the second fiscal year preceding the fiscal year for which the determination is made, were Federal Pell Grant recipients for such year;

''(B) come from families that receive benefits under a means-tested Federal benefits program (as defined in paragraph (4));

''(C) attended a public or nonprofit private secondary school—

''(i) that is in the school district of a local educational agency that was eligible for assistance under part A of title I of the Elementary and Secondary Education Act of 1965 for any year during which the student attended such secondary school; and

''(ii) which for the purpose of this paragraph and for that year was determined by the Secretary (pursuant to regulations and after consultation with the State educational agency of the State in which the school is located) to be a school in which the enrollment of children counted under section 1113(a)(5) of such Act exceeds 30 percent of the total enrollment of such school; or

''(D) are first-generation college students (as that term is defined in section 402A(g)), and a majority of such first-generation college students are low-income individuals.

''(3) LOW-INCOME INDIVIDUAL.—The term 'low-income individual' has the meaning given such term in section 402A(g).

''(4) MEANS-TESTED FEDERAL BENEFIT PROGRAM.—The term 'means-tested Federal benefit program' means a program of the Federal Government, other than a program under title IV, in which eligibility for the programs' benefits, or the amount of such benefits, or both, are determined on the basis of income or resources of the individual or family seeking the benefit.

''(5) ASIAN AMERICAN AND PACIFIC ISLANDER-SERVING INSTITUTION.—The term 'Asian American and Pacific Islander-serving institution' means an institution of higher education that—

''(A) is an eligible institution under section 312(b); and

''(B) at the time of application, has an enrollment of undergraduate students that is at least 10 percent Asian American and Pacific Islander students.

''(6) ASIAN AMERICAN.—The term 'Asian American' has the meaning given the term 'Asian' in the Office of Management and Budget's Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity as

published on October 30, 1997 (62 Fed. Reg. 58789).

''(7) PACIFIC ISLANDER.—The term 'Pacific Islander' has the meaning given the term 'Native Hawaiian' or 'Other Pacific Islander' in such Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity.

''(d) TERMINATION OF AUTHORITY.—The authority to carry out this section expires at the end of fiscal year 2012.''.

PART B—COLLEGE ACCESS CHALLENGE GRANTS

SEC. 411. COLLEGE ACCESS CHALLENGE GRANTS.

(a) CHALLENGE GRANT PROGRAM ESTABLISHED.—

(1) PROGRAM ESTABLISHED.—The Secretary shall establish a program to award matching grants to increase the number of eligible students from underserved populations who enter and complete college by providing grants to philanthropic organizations who are members of eligible consortia to carry out the activities of the consortia to achieve this purpose, including—

(A) providing need-based grants to eligible students;

(B) providing support to eligible students through school- or institution-based mentoring programs; and

(C) conducting outreach programs to encourage eligible students to pursue higher education.

(2) GRANT PERIOD; RENEWABILITY.—Grants under this section shall be awarded for one 5-year period, and may not be renewed.

(3) GRANT AMOUNTS.—

(A) IN GENERAL.—A grant awarded under this part for a given fiscal year to a philanthropic organization shall be in an amount equal to the lesser of—

(i) 200 percent of the amount of charitable gifts received in the preceding fiscal year by the eligible consortia, including charitable gifts received by the individual members of the consortia with which the philanthropic organization is associated; or

(ii) the maximum grant amount established by the Secretary by regulation, pursuant to subsection (f).

(B) GIFTS PROVIDED IN CASH OR IN-KIND.—For the purposes of subparagraph (A), the charitable gifts received by an eligible consortia and its members may be provided in cash or in-kind, including physical non-cash contributions of monetary value such as property, facilities, and equipment, but excluding services.

(b) USES OF GRANT.—

(1) IN GENERAL.—A philanthropic organization receiving a grant under this section shall—

(A) provide grants to eligible students; and

(B) distribute grants to members of the consortia with which the philanthropic organization is affiliated, in accordance with the plan described in subsection (c)(2)(A), to fund the activities of such consortia in accordance with the application under subsection (c).

(2) LIMITATION.—Not more than 15 percent of the funds made available annually through a grant under this section may be used for administrative purposes.

(c) APPLICATIONS.—A philanthropic organization desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. Such application shall include the following:

(1) A description of an eligible consortia that meets the requirements of subsection (d), with which the philanthropic organization is affiliated, in accordance with subsection (g).

(2) A detailed description of—

(A) the philanthropic organization's plans for distributing the matching grant funds among the members of the eligible consortia; and

(B) the eligible consortia's plans for using the matching grant funds, including how the funds will be used to provide financial aid, mentoring, and outreach programs to eligible students.

(3) A plan to ensure the viability of the eligible consortia and the work of the consortia beyond the grant period.

(4) A detailed description of the activities that carry out this section that are conducted by the eligible consortia at the time of the application, and how the matching grant funds will assist the eligible consortia with expanding and enhancing such activities.

(5) A description of the organizational structure that will be used to administer the activities carried out under the plan, including a description of the system used to track the participation of students who receive grants to degree completion.

(6) A description of the strategies that will be used to identify eligible students who are enrolled in secondary school and who may benefit from the activities of the eligible consortia.

(d) ELIGIBLE CONSORTIA.—An eligible consortia with which a philanthropic organization is affiliated for the program under this section shall—

(1) be a partnership of mulitple entities that have agreed to work together to carry out this section, including—

(A) such philanthropic organization, which shall serve as the manager of the consortia;

(B) a State that demonstrates a commitment to ensuring the creation of a Statewide system to address the issues of early intervention and financial support for eligible students to enter and remain in college; and

(C) at the discretion of the philanthropic organization described in subparagraph (A), additional partners, including other non-profit organizations, government entities (including local municipalities, school districts, cities, and counties), institutions of higher education, and other public or private programs that provide mentoring or outreach programs; and

(2) conduct activites to assist eligible students with entering and remaining in college, which include—

(A) providing need-based grants to eligible students;

(B) providing early notification to low-income students of their potential eligibility for Federal financial aid (which may include assisting students and families with filling out FAFSA forms), as well as financial aid and other support available from the eligible consortia;

(C) encouraging increased eligible student participation in higher education through mentoring or outreach programs; and

(D) conducting marketing and outreach efforts that are designed to—

(i) encourage full participation of eligible students in the activities of the consortia that carry out this section; and

(ii) provide the communities impacted by the activities of the consortia with a general knowledge about the efforts of the consortia.

(e) REGULATIONS.—The Secretary shall promulgate regulations to carry out this section. Such regulations shall include—

(1) the maximum grant amount that may be awarded to a philanthropic organization under this section;

(2) the minimum amount of chartable gifts an eligible consortia (including its members) shall receive in a fiscal year for the philanthropic organization affiliated with such consortia to be eligible for a grant under this section.

(f) DEFINITIONS.—For the purposes of this section:

(1) ELIGIBLE STUDENT.—The term ''eligible student'' means an individual who—

(A) is a member of an underserved population;

(B) is enrolled—

(i) in a secondary school pursuing a high school diploma; or

(ii) in an institution of higher education or is planning to attend an institution of higher education; and

(C) either—

(i) is receiving, or has received, financial assistance or support services from the consortium; or

(ii) meets 2 or more of the following criteria:

(I) Has an expected family contribution equal to zero (as described in section 479 of the Higher Education Act of 1965) or a comparable alternative based upon the State's approved criteria in section 415C(b)(4) of such Act.

(II) Has qualified for a free lunch, or at the State's discretion a reduced price lunch, under the school lunch program established under the Richard B. Russell National School Lunch Act.

(III) Qualifies for the State's maximum need-based undergraduate award.

(IV) Is participating in, or has participated in, a Federal, State, institutional, or community mentoring or outreach program, as recognized by the eligible consortia carrying out activities under this section.

(2) PHILANTHROPIC ORGANIZATION.—The term ''philanthropic organization'' means a non-profit organization—

(A) that does not receive funds under title IV of the Higher Education Act of 1965 or under the Elementary and Secondary Education Act of 1965;

(B) that is not a local educational agency or an insitution of higher education;

(C) that has a demonstrated record of dispersing grant aid to underserved populations to ensure access to, and participation in, higher education;

(D) that is affiliated with an eligible consortia (as defined in subsection (d)) to carry out this section; and

(E) the primary purpose of which is to provide financial aid and support services to students from underrepresented populations to increase the number of such students who enter and remain in college.

(3) STATE.—The term ''State'' means each of the several States of the United States, the District of Columbia, and Puerto Rico.

(4) UNDERSERVED POPULATION.—The term ''underserved population'' means a group of individuals who traditionally have not been well represented in the general population of students who pursue and successfully complete a higher education degree.

(g) PROGRAM FUNDING.—

(1) IN GENERAL.—There shall be available to the Secretary to carry out this section, from funds not otherwise appropriated, $300,000,000 for the period beginning with fiscal year 2008 and ending with fiscal year 2012.

(2) USE OF EXCESS FUNDS.—If, at the end of a fiscal year, the funds available for awarding grants under this section exceed the amount necessary to make such grants, then all of the excess funds shall remain available for the subsequent fiscal year, and shall be used to award grants under section 401 of the Higher Education Act of 1965 (20 U.S.C. 1070a) for such subsequent fiscal year.

(h) SUNSET.—The authority to carry out this section shall expire at the end of fiscal year 2012.

PART C—UPWARD BOUND

SEC. 412. UPWARD BOUND.

(a) ABSOLUTE PRIORITY PROHIBITED IN UPWARD BOUND PROGRAM.—Section 402C (20 U.S.C. 1070a–13) is amended by adding at the end the following new subsection:

''(f) ABSOLUTE PRIORITY PROHIBITED IN UPWARD BOUND PROGRAM.—Except as otherwise expressly provided by amendment to this section, the Secretary shall not implement or enforce, and shall rescind, the absolute priority for Upward Bound Program participant selection and evaluation published by the Department of Education in the Federal Register on September 22, 2006 (71 Fed. Reg. 55447 et seq.).''.

(b) ADDITIONAL FUNDS.—Section 402C is further amended by adding after subsection (f) (as added by subsection (a)) the following new subsection:

''(g) ADDITIONAL FUNDS.—

''(1) AUTHORIZATION AND APPROPRIATION.—There are authorized to be appropriated, and

there are appropriated to the Secretary, from funds not otherwise appropriated, $30,000,000 for each of the fiscal years 2008 through 2011 to carry out paragraph (2), except that any amounts that remain unexpended for such purpose for each of such fiscal years may be available for technical assistance and administration costs for the Upward Bound program.

''(2) USE OF FUNDS.—The amounts made available by paragraph (1) shall be available to provide assistance to all Upward Bound projects that did not receive assistance in fiscal year 2007 and that have a grant score above 70. Such assistance shall be made available in the form of 4-year grants.''.

The SPEAKER pro tempore. After 1 hour of debate on the bill, as amended, it shall be in order to consider the amendment in the nature of a substitute printed in part B of the report if offered by the gentleman from California (Mr. MCKEON) or his designee, which shall be considered read, and shall be separately debatable for 1 hour, equally divided and controlled by the proponent and an opponent.

The gentleman from California (Mr. GEORGE MILLER) and the gentleman from California (Mr. MCKEON) each will control 30 minutes of debate on the bill.

The Chair recognizes the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I rise in strong support of H.R. 2669, the College Cost Reduction Act of 2007, which was reported by the Committee on Education and Labor pursuant to the reconciliation instructions of the budget resolution. The committee was tasked to decrease the deficit by $750 million without reducing the assistance that makes college more affordable to students.

In keeping with that policy, this bill will significantly reduce the costs that place college out of reach for far too many students today. This bill represents the largest effort to help students and families pay for college since 1944, when the Congress passed the GI Bill, which helped millions of veterans go to college, the first generation to do so under that legislation.

For years, college costs are rising rapidly and are far outstripping families' ability to pay for them. Students are graduating with more debt than ever before and are working harder to pay back the loans which they borrowed to pay for their college education.

Several hundred thousand students a year now decide to forego a college education, even though they are completely qualified, fully prepared to go to college, because they don't know how they'll pay for it or how they'll manage the debt that they will inherit when they graduate.

Recognizing this need, H.R. 2669 demonstrates our commitment to growing and strengthening America's middle class by making college more affordable and accessible for all qualified students. It also recognizes our commitment to those who are less fortunate, for low-income families, to make sure that we increase the Pell Grants that are available to the students, and also low-cost loans to those same students who need to borrow beyond the Pell Grant.

The College Cost Reduction Act, which passed the Committee on Education and Labor with bipartisan support, boosts the college financial aid by roughly $18 billion over the next 5 years. And this bill does so in a fiscally responsible way. We are committed to the pay-as-you-go budget rules, and we honor that commitment with this legislation.

H.R. 2669 recognizes that we have an obligation to make sure that students have the maximum opportunity to take advantage of a college education and that they need access to that education, they need preparation for that education, they need success while they're there, and they need completion of their education. To do that we've made sure that, regardless of their background, that they will be prepared for college, they will have access to higher education, they will graduate to achieve their goals, and they will not be so burdened with unmanageable debt that that becomes a failure.

The bill does that by, for low-income students, increasing the Pell Grant $500 over the next 4 years. This is a very significant increase in the Pell Grant. As many know, the President promised many years ago that he would have it up to $5,100, and the fact of the matter is it was at $4,050. They failed to increase the Pell Grants.

It cuts in half the interest rates for subsidized loans for hardworking families that are going to borrow money, students that are borrowing money. We will cut their interest rates in half from 6.8 percent to 3.4 percent. This will save the average student graduating with about $13,000 in debt, $4,400 over the life of that loan. We guarantee that those students who borrow this money, when they begin their time in the work world, they will not have to commit more, if they decide not to, to commit more than 15 percent of their income to pay back the loans so that they can enter those professions that may not have great starting wages, but over time in that career, they will build up income.

We also provide, in keeping with the mandate, to try to provide highly qualified teachers in every classroom for students who are excelling in college and want to teach, if they make a commitment to teach in difficult public schools, we will provide $4,000 a year in tuition assistance while they're in school, not after they graduate, while they're in school, to a maximum of $16,000.

For those students who go to college and they get their degrees and they want to enter professions and serve the public, they want to be first responders, they want to be nurses, they want to be firefighters and public defenders and prosecutors and special education teachers and early childhood teachers, we offer them a $5,000 forgiveness of their loans if they stay in that field for 5 years. We know that in each one of these areas there is a crisis in attracting people to those fields. Many in Congress, hundreds of Members of Congress, have co-authored legislation to provide loan forgiveness for some of these professions. This bill, in fact, funds that loan forgiveness for those individuals.

We also increase the loan limits so that students will have greater access to more money to pay for the increasing cost of college and not have to go to the private market, where they will be able to continue to take advantage of the subsidies provided in the Federal loan program.

Mr. Speaker, I ask unanimous consent to proceed for 2 additional minutes.

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

There was no objection.

Mr. GEORGE MILLER of California. We also make a landmark investment in minority-serving institutions to make sure that those institutions that serve a disproportionate number of minority students are able to provide the services, to make sure that those students who are fully qualified to go to college, who are prepared to go to college, in fact, stay in college, so we don't have a continuation of the situation we had today where, all too often, because services aren't provided in college to help those students stay in college, those students end up out of college, no diploma and a lot of debt. And we want to make sure that that, in fact, doesn't happen.

So today this legislation provides a great deal of promise and a great deal of assistance and a great deal of resources to those students and their families who are sitting down figuring out how they're going to pay for this college education that is so incredibly valuable today if you're going to fully participate in the American economic system, if you're going to participate in our democratic society.

This is a very, very important piece of legislation. This is legislation that is designed to help these students be able to pay for that education.

We do something else in this legislation. We set up a partnership where we go to the private sector, to wealthy individuals, to corporations, to foundations, and we tell them for every dollar that they'll put up to pay for essentially a Pell-eligible student to complete their education without going into debt, we will match them 50 cent on the dollar.

We are told by those individuals who have actively been participating in raising money for these students that this should allow them to raise hundreds of millions of dollars additionally because of that match; to have that public/private partnership pursuing one of the great goals of this great democratic society, which is to make sure that a student from any part of American society who's prepared to go to college can, in fact, go to college.

So we not only have the government helping them out, we also have private citizens, corporations, philanthropic organizations, and in some cases even local governments if they decide this is good for their economy, and we will provide a match to help them do that.

This is a comprehensive bill. It recognizes the complex needs of families and students to gain access to college, to pay for college, and to succeed in their employment afterwards; and I would urge my colleagues to support this legislation.

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

Mr. MCKEON. Mr. Speaker, I also ask unanimous consent for 2 additional minutes.

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

There was no objection.

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

Mr. Speaker, I rise in opposition to H.R. 2669, the cleverly titled College Cost Reduction Act. And what I would like to encourage my colleagues to do, in listening to this debate, is try to find what in this bill actually will cut or lower the cost of a college education.

□ 1230

There will be a lot of talk about cutting subsidies to lenders. There will be a lot of talk about lowering student interest rates, which actually then is paid to graduates of college, but what are we doing to hold down the cost of a college education? The cost of higher education has been going up more than four times the rate of inflation for the last 20 years, and we have not done anything to lower those costs.

This bill allegedly has been crafted to balance fiscal responsibility with significant new aid for college students and their families. In fact, the majority touts the bill as the most substantial package of new benefits since the GI bill. But under the microscope, it is clear that these claims fall completely flat.

In reality, this legislation is nothing more than a Trojan Horse for new entitlement spending at the long-term expense for American taxpayers. Even though we are considering this bill under the expedited procedure of budget reconciliation, which, as my colleagues know, is intended for real deficit reduction, this bill simply and shamelessly exploits the process. It cuts roughly $18.58 billion over 5 years in payments to student loan providers but simultaneously spends more than $17 billion during that same period on multiple programs, including nine new entitlement programs. So while they are talking about cutting mandatory spending, they are actually creating nine new entitlement programs, an apparent net savings of less than 9 percent.

These new entitlements include grants to Native Alaskan, Native Hawaiian and other minority-serving institutions, grants to institutions with low tuition, grants to institutions to create new teacher preparation programs, grants to philanthropic organizations, a new mandatory Perkins loan program, cooperative education grants, and on and on and on. These sound like wonderful things, and I think what we are really seeing is that Democrats are Democrats. Give them an opportunity to spend money, they can't help themselves.

History has proven that once Washington, DC creates a new entitlement program, it never ever dies. In other words, taxpayers will foot the bill for this onslaught of new entitlement spending for years to come. These same students that will be given some savings through some of these special entitlement programs eventually are going to have to pay for them in higher taxes that they will provide later. During that time, it will certainly dwarf the token ''savings'' found in H.R. 2669.

It should be noted, too that much of this new entitlement spending is aimed at colleges, universities and philanthropic organizations, which we have never done before. The Federal Government has been sending Federal money to the students directly. Now they are sending it to organizations rather than to the students. This represents a historic departure from the intent of Federal student aid programs. As long as the Higher Education Act has existed, student aid entitlement dollars have been targeted towards students themselves. It is lost on me how sending these funds to institutions rather than to the students attending them helps more Americans pay for college. I doubt that we will see any reduction in tuition rates when they get this new money. But that is just what H.R. 2669 aims to do.

What is more, Mr. Speaker, other proposals included in this bill, such as the interest rate cut for certain college graduates included in the ill-fated Six for '06 legislation passed earlier this year, will have even more explosive long-term costs that could amount to tens of billions more in Federal Government spending. Who will be paying for it? You guessed it. The American taxpayers. And don't forget the cut to interest rates would not aid a single college student. Only graduates. Rather, the benefit would be aimed squarely at those who by definition no longer attend college. While the intent of this new spending is admirable, it is equally misdirected.

Mr. Speaker, President Bush has threatened a veto of this disingenuous legislation and for good reason. With billions in new programs, most of which are directed toward institutions and graduates rather than students, those who really need the help to get into college and stay in college to get on the ladder to achieve the American Dream, this bill marks the first step towards an explosion in new, unchecked entitlement spending and another unfortunate step toward further hyperinflation in college costs.

Indeed, the measure before us overreaches by creating new entitlement spending for every conceivable constituency in higher education. It overreaches by failing to focus on the historical Federal roll in higher education supported by Democrats and Republicans alike: helping low-income students. And it overreaches by extracting too much out of the Federal Financial Aid Program, which has been a success by all measures.

I cannot support it, and I ask my colleagues to join me in opposition.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1 minute to the gentleman from Iowa (Mr. LOEBSACK).

Mr. LOEBSACK. Mr. Speaker, I thank the gentleman from California for yielding.

I rise today in strong support of the College Cost Reduction Act of 2007, and I thank Chairman MILLER for his impressive work on this legislation.

As a result of this legislation, Iowa students and families will receive $232 million over 5 years in additional benefits in the form of student loans and Pell grants. Almost 77,000 students will benefit from the eligibility expansion and Pell Grant increase in this bill.

I am also very pleased that an amendment that I offered in committee to allow part-time students and students in certificate programs to participate in the year-round Pell Grant program and accelerate their studies was accepted.

As a long-time teacher at Cornell College in Iowa, I regularly encountered students struggling to afford their education, and I am certain that this bill makes the right investments at a critical time for our students.

I urge my colleagues to support this bill, and I strongly support its passage.

Mr. MCKEON. Mr. Speaker, I yield 5 minutes at this time to the gentleman from Wisconsin, the ranking member of the Budget Committee (Mr. RYAN).

Mr. RYAN of Wisconsin. I thank the ranking member for yielding.

Mr. Speaker, the student aid bill that passed out of the Committee on Education and Labor is nothing but a Trojan Horse for new spending. In fact, the bill creates nine, count it, nine new entitlement programs and abuses the protection of reconciliation procedures through token budgetary ''savings.'' It also favors the government-controlled and costly direct lending program over the nonprofit and commercial lenders, promoting a back-door expansion of taxpayer-financed student support and a substantial increase in taxpayer liability.

I want to make four basic points, Mr. Speaker: Number one, budget experts have unequivocally warned Congress, experts from the left and from the right and center and everywhere else, that the unrestrained growth in entitlement spending programs is the most

fundamental challenge and the largest threat to our Nation's long-term economic health. Comptroller General David Walker refers to the rising costs of entitlements as a ''fiscal cancer'' that threatens ''catastrophic consequences for our country'' and could ''bankrupt America.'' Despite all of these warnings, the majority not only failed to address the problem in their budget; they are choosing to make the problem even worse by creating nine new entitlement programs in this bill alone. That is nine new entitlement programs and nothing, not a zilch, of reforms. They're not expanding. They're not replacing. They are creating nine new entitlement programs. While the bill claims that some of these programs will sunset, we all know entitlement programs, once created, never die.

Second, this creates a new mandatory Pell Grant program. Among the new entitlement programs created is an unprecedented mandatory Pell Grant. The Pell grant is a great program, and under Republican leadership, we saw a tripling of Pell Grants from the year 1996 to 2006. Suddenly, this authorizing committee doesn't think that it is enough, and it is planning on taking the committee away from the appropriators into their jurisdiction, making an entitlement which, in my opinion, reduces congressional oversight.

Third, this contains no meaningful reform whatsoever. The bill contains none at all. It represents business as usual for existing programs, except that interest rates and limits in existing programs are changed to make room for more spending. Rather than maybe putting the savings in special education or deficit reduction to fund an unfunded mandate in local schools or reducing our deficit, it creates all of these new programs and this new spending. They will add from $15 billion to $32 billion in spending over the next 5 years alone on top of the already unsustainable entitlement costs we are facing today. Instead of reducing long-term spending, they are using a vehicle originally intended to limit spending to do just the opposite, to fund these new programs.

This bill gets Fast-Track legislation under the guise of deficit reduction, under the guise of controlling spending. Yet what we see here today is a bill that takes $18.58 billion from student loan providers only to spend more than $17.13 billion on new entitlement programs. The savings of this bill is 9 percent, a net savings of 9 percent.

Look at these two bars on the chart next to me. Does it look like the savings are anywhere near the new spending level, or does it look like a sliver of savings is being used to abuse the process of expedited reconciliation protection so they can create all of these new programs?

I offered an amendment in the Rules Committee that would have required that the bulk of these savings be going toward deficit reduction. It is the same amendment that Senator KENT CONRAD, the chairman of the Senate Budget Committee, offered and was passed by unanimous consent on the Senate floor. I couldn't even get this amendment past the Rules Committee, much less on the floor of the House.

There is one last point, Mr. Speaker, that bears repeating, and that is, this favors government over markets. It increases taxpayer liabilities. It favors a government-controlled and costly direct lending program over nonprofit and commercial lenders, promoting a back-door expansion of taxpayer-financed student support. As students are pushed toward the government monopoly, the student benefits and services provided by nongovernment lenders to attract business would be lost. Further, the government-run program only handles 20 percent of the loans today. It would be overwhelmed with the new business and shut done, as it has been in the past, when large volumes shifted to the program.

I just want to finish with one quote from the Democrat chairman of the Budget Committee: ''The reconciliation instruction that led to this bill'' we are seeing here today is a ''stalking horse for a significant expansion of spending.''

Please join me in opposing this back-door expansion of new entitlement spending. Let's use budget reconciliation for what it was made for, reducing the deficit and controlling spending, rather than creating nine new entitlements.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentleman from Texas (Mr. GENE GREEN).

(Mr. GENE GREEN of Texas asked and was given permission to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Speaker, I rise in support of the College Reduction Act of 2007, and I thank the chairman and the committee for bringing this bill to the floor. I think it is a great step forward for our college students.

This important piece of legislation will strengthen the middle class by making college more affordable in several ways at no additional cost to taxpayers.

First, it will increase the maximum Pell grant scholarship by at least $500 over the next 5 years, and expand student eligibility for other grants like the National SMART grant. Both of these things will increase the purchasing power for students who otherwise would not be able to afford going to college.

In Texas alone, over 475,000 students will benefit from a $500 increase in the Pell grant.

In addition, this bill will cut interest rates on need-based Federal student loans from 6.8 percent to 3.4 percent over the next 5 years.

All of this will be done at no additional cost to the taxpayers by cutting excess subsidies paid by the Federal Government to lenders in the student loan industry.

Four of the six offsets were already approved by the House this year, when it overwhelmingly voted to pass the College Student Relief Act of 2007 this past January.

During the past few years, student lenders have been able to increase their efficiencies through market-driven mechanisms, but the Government's subsidization has continued unchecked.

The Congress has a chance to help the American people at no additional cost for the taxpayer. How can we resist doing this?

In our district, financial barriers often inhibit the ability of high school graduates to go to college.

By reducing student loan interest rates and increasing Federal grants, we are encouraging families and students to get a college education.

When we pass this legislation, we are investing in the future of our economy, because we will have more college graduates with a lower debt burden. This will enable graduates to do things like buy homes, invest, and fuel our economy.

This is such a critical bill, and it's important that this body approach this bill in a manner that shows bipartisan support for educating our children.

I urge my colleagues to support this bill.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. SARBANES).

Mr. SARBANES. I thank the chairman for yielding time.

Mr. Speaker, I rise today to speak in support of H.R. 2669, the College Cost Reduction Act of 2007, which would provide the most significant investment in higher education since the GI bill. I strongly urge my colleagues to support this legislation, and I thank Chairman MILLER for his leadership.

What we do here in Congress does matter. It does matter to ordinary people and to the average American. I was struck by an article in USA Today earlier this year about a family whose daughter was pursuing an undergraduate degree in art. Despite the fact that their daughter received scholarships to cover about a fifth of her cost, this family had to clean out their emergency savings account and their college savings fund and then borrow from the family's 401(K) plan. Still their daughter will graduate with $45,000 in loans. That's just not right. It doesn't have to be that hard. And it won't be that hard if we pass the College Cost Reduction Act, which cuts interest rates for student loans, provides fiscally responsible and targeted loan forgiveness, and increases and expands the Pell Grant program.

I was thrilled to be able to work with Chairman MILLER and others on the committee to ensure provisions that would advance loan forgiveness.

This is a terrific bill, and I urge my colleagues to support H.R. 2669.

□ 1245

Mr. MCKEON. I am happy to yield 4 minutes to the gentleman from Texas, chairman of the RSC (Mr. HENSARLING).

Mr. HENSARLING. I thank the gentleman for yielding.

Mr. Speaker, this might possibly be the single most fiscally irresponsible bill to come to the floor this year, and it has had a lot of healthy competition. Why? Because this bill would create nine, count them, nine, Mr. Speaker, new entitlement programs.

Now, Mr. Speaker, we all know what entitlement programs are; sometimes the American people don't. These are the programs that we put on automatic pilot that get very little oversight. And these nine new entitlement programs are going to be on top of almost 10,000 other Federal programs that are already on the books. And we know that it is entitlement spending that is threatening future generations and threatening their educational opportunities.

As the ranking member on the Budget Committee, the gentleman from Wisconsin talked about, we've heard from our chairman of the Federal Reserve, ''Without early and meaningful action to address the rapid growth of entitlements, the U.S. economy could be seriously weakened, with future generations bearing much of the costs, costs that could have been used for their educational opportunities.''

We've heard from Comptroller General Walker, ''The rising costs of government entitlements are a fiscal cancer that threatens catastrophic consequences for our country and could bankrupt America.'' And what does this bill do, Mr. Speaker? It ignores this greatest fiscal threat to our Nation, a threat to educational opportunities, and dumps nine new entitlement spending programs on top of it.

Now, I have no doubt that the bill's sponsor will claim that this saves money, but it uses gimmicks. It claims that these entitlements will expire. Well, Mr. Speaker, we see Haley's Comet more frequently than we ever see an entitlement program expiring in the Nation's Capitol. It's got interest rate snapbacks. And we all know that once these entitlement seeds grow, the cost will be borne by future generations.

One thing I want to make very clear, Mr. Speaker, is that the worst part of this program is that it will ultimately lessen educational opportunities for hardworking American families. And it will because it is all part of a Democratic spend-and-tax program. Programs like these necessitate the largest single tax increase in American history, which they put into their budget, which takes away from families' opportunities to spend on their educational opportunities.

I heard from Melanie in Chandler, Texas, who's in my district. She wrote, ''Congressman, if I have to pay more taxes, then I can't afford to go to school. If taxes are raised, I won't have a choice but to quit school and go back to work.''

I heard from Rose in Garland, Texas, also in my congressional district. ''I'm a divorced mother with a child in college and a child in daycare. An increase in taxes would wipe out hope of the first college graduate in the family.''

I heard from Bruce in Garland. ''In my particular case, an additional $2,200 in taxes would cut into the finances I use to pay for my son's college education. I really believe that given more money, Congress will spend more money, so that is not the answer. A control in reduction of spending is what is needed.''

Now, Mr. Speaker, there are very few opportunities that are as wondrous and as fundamental to the American Dream as education. And so I want to make it very clear again today, we're not having a debate over how much we're going to spend as a Nation on education, but we are having a very fundamental debate on who does that spending.

This bill, brought by the Democrat majority, would put all of the control in government. It would reduce opportunities. It would reduce choice. It would reduce innovation for families trying to finance education. And ironically, as part of the largest single tax increase in American history, it takes money away from families. But if people beg for it, maybe they'll get a little bit of it back.

We should reject this bill.

Mr. GEORGE MILLER of California. I yield myself 15 seconds to say, it's most interesting to sit here and be lectured by people who, when they controlled every department of government, every branch of government, they took a $5 trillion surplus that they inherited from the Clinton administration and immediately turned it into a $3 trillion debt that this Nation now is carrying around as it tries to compete in the world. To be lectured by mindless spenders like that is really a treat on this floor.

Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. BISHOP).

Mr. BISHOP of New York. I thank the gentleman for yielding.

Mr. Speaker, I have many good things to say about this bill. I urge my colleagues to support it, but let me focus on a couple of quick things.

First, it is a long overdue and much-needed infusion of support for Federal need-based financial aid programs. It raises the Pell Grant maximum from $4,310 to $5,200 over a period of years. It increases the Federal capital contribution for the Perkins loan program, a program, by the way, that this administration seems intent on killing, and it increases loan limits so that students will have access to greater support.

In doing all of those things, we help students avoid what has become termed the ''wild west'' of student lending, that is, the private loan market. We have driven students to the private loan market because we have not properly supported the programs that currently exist. And with these increases, we will be properly supporting those programs.

And lastly, the reduction in the interest rates has been characterized by the other side as not affecting access or affordability and, in fact, it does. Students make decisions about the schools that they are going to attend by virtue of their anticipated indebtedness, and we address that.

I urge my colleagues to support this bill.

Mr. MCKEON. Mr. Speaker, might I inquire as to how much time is remaining.

The SPEAKER pro tempore. The gentleman from California has 17 minutes. Mr. MILLER from California has 21¾ minutes.

Mr. GEORGE MILLER of California. I yield 1 minute to the Democratic leader.

Mr. HOYER. I thank the chairman for yielding, and I want to congratulate the chairman. There is nobody in this body who has served longer with more focus on the quality of education, the access to higher education, and whether we're dealing with primary, secondary or higher education, more concern than GEORGE MILLER of California, and I congratulate him on the service that he has given.

I also want to congratulate the ranking member, who himself has been an outspoken advocate of education quality in America.

Let me say, before I start my remarks, that I'm always interested to hear the comments of the ranking member of the Budget Committee and of the leader of the Republican Study Committee. I'm interested to hear their remarks because of course they have both said nine new entitlements. I was here with both of them for 3 hours one night, from 3 a.m. to 6 a.m. in the morning, and we enacted the largest entitlement that has been enacted since the 1960s, and we were told that was going to cost $395 billion by the administration. The administration did not tell us the truth, and they knew they were not telling us the truth. And the person who knew the truth was prohibited by the administration from giving us the truth on pain of being removed, a civil servant, not an administration appointee. He knew the cost of that program, as he projected it, was $524 billion, or $125 billion more than we were told on this floor. But it was told $395 billion additional entitlement.

Now the interesting thing is that Mr. RYAN and Mr. HENSARLING both voted for that program. That program has a larger unfunded liability as of this day than Social Security. So I think the lecture on fiscal responsibility is, frankly, not well taken.

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

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

Mr. HENSARLING. Did the gentleman support the Democrat alternative that cost even more, as scored by CBO?

Mr. HOYER. The gentleman, of course, is not on this floor lamenting

the creation of entitlements as is my friend from Texas, so I suggest your question is inappropriate because your concern is about entitlements. But you voted for an entitlement that was the largest entitlement passed on the floor of this House in four decades, about as long as I think the gentleman has been alive. I wish that I could say the same; unfortunately, I've been alive a lot longer than that. So I think the question begs the question, my friend.

But let me say about this landmark legislation, the College Cost Reduction of 2007 is yet another example of how this Democratic Congress is committed to moving our Nation in a new and better direction and working on behalf of the American people.

In short, this legislation will provide the single largest investment in college financial aid, and about $18 billion over the next 5 years. Now, that is about one-fifteenth of the mistake that was made in the entitlement that you supported, my friend. And it's the largest since the GI Bill was funded in 1944. The GI Bill was an entitlement. And very frankly, the Greatest Generation was worth investing in. And that investment has paid off 100 fold in the economy that this Greatest Generation built in America, and it will do so in this case as well. And it does so at no new cost to the American taxpayer by cutting excess subsidies paid by the Federal Government to lenders in the student loans industry. The administration suggested $16 billion. We're a little above that. So there is not a disagreement as to whether or not there is an overpayment here; it's a question of where you're going to put your money. In fact, it includes a $750 million, not a lot of money in the scheme of billions of dollars and trillions of dollars, reduction in the deficit.

A few months ago Bill Gates, the chairman and cofounder of the Microsoft Corporation and one of our Nation's great innovators, wrote in the Washington Post, ''If we, the United States, are to remain competitive, we need a workforce that consists of the world's brightest minds.'' That's what this bill seeks to enhance. Mr. Gates added, ''Education has always been the gateway to a better life in this country.''

Mr. Speaker, this legislation not only recognizes that education is a key to personal development, fulfillment and success, but also, and critically, a crucial factor in our national competitiveness, our continued prosperity, and yes, I suggest to all of my colleagues, our national security.

Simply stated, this legislation will make a college education more affordable for millions of students and their families. The fact is, college tuition today is exploding. Tuition at 4-year public colleges has grown by 35 percent in the last 5 years. Let me say in my State of Maryland, tuition cost has gone up 43 percent in the last 4 years. America cannot afford to shut people out of the access to college education if we're going to be successful in world markets in a flat world, as Tom Friedman refers to it. Too many students graduate with tremendous debt, and too many others simply don't go to college because they cannot afford it. To address this situation, this bill will increase the maximum Pell Grant scholarships by at least $500 over the next 5 years. That will not come close to what the Pell Grants initially, when they were adopted, replaced in tuition costs, about 70 percent. We're now down to 30 percent. When combined with other Pell scholarship increases proposed by Congress this year, the maximum Pell Grant will reach $4,900 in 2008, $5,200 in 2011, up from $4,050 in 2006. Notwithstanding, the President in 2000, in his campaign, said he was going to increase the Pell Grant very substantially. It doesn't happen.

The bill also will cut interest in half on subsidized student loans over the next 5 years, and it will guarantee that borrowers will not have to pay more than 15 percent of their discretionary income to loan repayments. In addition, this bill seeks to ensure highly qualified teachers in every classroom, a critical need in our Nation, by providing up-front tuition assistance to qualified students who commit to teaching in public schools in high-poverty communities or high-need areas. That is important for our country's ability to compete and to develop every mind in America. There is not a child to waste in America. We know that.

It encourages and rewards public service by providing loan forgiveness for first responders, law enforcement officers, firefighters, nurses and others. And it encourages landmark new investment, $500 million guaranteed over 5 years, for Historically Black Colleges and Universities, Hispanic-serving institutions, and tribally controlled, native or predominantly black institutions.

Mr. Speaker, this legislation is a very significant and important step toward realizing the goal of making college affordable for every qualified student.

□ 1300

I want to congratulate Chairman MILLER once more and the staff and all of the members of the committee and Mr. MCKEON for the positive role, whatever position one might take for or against, the positive role that the committee has played. It is a historic investment in our people and our Nation. I urge every Member to strongly support this legislation.

Mr. MCKEON. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. WESTMORELAND).

Mr. WESTMORELAND. I thank my friend for yielding.

Mr. Speaker, I don't know how I am always so lucky, or unlucky, I guess, to speak after the majority leader's minute, which is probably the longest minute I have ever seen. But to listen to him talk, you know, this weekend I bought a TV from somebody that was as good a salesman as Mr. HOYER. I didn't need the TV. It was too expensive, and I really didn't want it. But after talking to the salesman, I ended up thinking I needed it and I could afford it and it was what I needed. So I bought it.

Mr. HOYER and I have had this conversation on the floor before, and that is that you can fool some of the people some of the time, but you can't fool all of the people all of the time. So the American people were sold a bill of goods last November, and they are continually being sold things in this Congress.

I come from Georgia. We have the HOPE scholarship, Mr. Speaker, one of the greatest tools for education that I think has been done. It comes from a lottery, which a lot of people oppose, but a lot of young people in Georgia are now able to go to college. What we found in Georgia was that when the State started paying for the college tuition, that the tuition went out of sight. It was another funding means for these institutions of higher education to charge more.

Now, the majority leader said that tuition in Maryland had gone up 43 percent in 4 years. Well, if he thinks that is something, wait until this bill passes. Because what is going to end up happening is that when the government starts loaning the money and paying for this, those tuitions are going to skyrocket, because the people that are getting it don't really care how much the tuition is.

Let me say this: When I bought this TV that I didn't need, that I couldn't afford, I got down to the bottom dollar of what I thought that I could afford. Of course, this great salesman walked away because he said, do you know what? If I can't make some money, I am not going to do this. We ended up negotiating. What ended up happening is that I paid up more than what I wanted to. He took less.

But a bank is not going to loan money if they can't make money. We hear a lot of back and forth on this floor. We don't know who to believe and who not to believe. Let me tell you the truth. If a bank, a lending institution, cannot make money, they are not going to do business with people. So the reality is that the private sector is going to get out of making these loans, which is probably the last stop we have of having any type of accountability to it. The government is going to start doing it all. If the banks will not loan it at this interest rate because they are losing money, and the government will, then that means, again, here is the thing, if we continue to govern our political correctness, the taxpayers end up holding the bag. They are going to end up holding the bag on this.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. PELOSI), the Speaker of the House.

Ms. PELOSI. I thank the gentleman for yielding. I thank you, Mr. Chairman, for your great leadership in bringing us to this historic day. I thank all of the other members of the committee for their leadership in making this day possible, for expanding America's middle class, for giving opportunity to America's children, and for making our future brighter.

Mr. Speaker, I rise in strong support of the College Cost Reduction Act of 2007.

In 1944, when the GI Bill of Rights became law, our Nation made a decision. They made a decision to invest in the future. It was an investment that transformed the lives of millions of Americans. It transformed America to the benefit of all Americans. Indeed, it built America.

Over the years, the GI Bill offered opportunity and economic security through education to more than 20 million of the brave men and women who wore our Nation's uniform. It has given America hundreds of thousands of engineers, teachers and doctors, and it has given us a model for the value of investing in the education of our people for our country.

Today, with this legislation, we will make the single largest increase in college aid since the GI Bill of Rights revolutionized America. It is an investment for a bright future for our children, and, just as the GI Bill has been, an investment in a bright future for our Nation.

Any economist will tell you that any dollar spent on education is a dollar that makes a big return to our Treasury. In fact, no dollar invested or spent, no tax credit, no financial initiative you can name brings more money to the Treasury than investing in education.

I want to again thank Chairman MILLER and the distinguished members of the Education and Labor Committee for their leadership in making sure higher education is affordable and accessible.

In today's competitive job market, a college education often makes all the difference. Americans with college degrees can earn 60 percent more than those with only a high school diploma. So in the interests of individuals, this is very, very important. Indeed, higher education is the single best investment our young people can make in themselves, that families can make in the success of their children, and our country can make in its future strength.

It is important to note why this legislation is very important. Financial barriers will prevent 4½ million high school graduates from attending a 4-year public college over the next decade and prevent another 2 million high school graduates from attending any college at all. Over 6½ million students will not have access to some college or any college at all.

Higher education, as we all know, is the key to achieving the American dream. This legislation has made sure that all who are qualified and determined to have that education will have access to it.

It has been said that cutting interest rates in half will make it possible for more Americans to achieve their potential. This is especially important for strengthening the middle class. Middle-income families in America struggle to educate their children. This interest rate cut is very important for them. By increasing the maximum Pell Grant scholarship by over $500, nearly 6 million students will be given help to afford expanding college costs.

In hearing the debate on the cost, I think that it is important to note that the cost of this bill is the equivalent of 6 weeks in Iraq; 6 weeks in Iraq. Imagine that, for 6 weeks in Iraq, we can expand higher education to all who wish to achieve it in America. That investment has a return to our Treasury. It will grow our economy and prepare us for the future.

This legislation is a very important part of our Innovation Agenda, where we do need to invest in many more scientists, engineers and mathematicians. By giving opportunities to highly qualified teachers in our classrooms for this Innovation Agenda, it provides an essential component for a bright future for our Nation. It will provide up-front tuition for highly qualified teachers who agree to teach in high-needs areas, increase loan forgiveness for those who practice civic responsibility and encourage students to give back to their communities as teachers, librarians, childcare and welfare workers and public sector employees.

Members have talked about this over and over again. The fact is that, again, for the cost of 6 weeks in Iraq, we can ensure the education of our young people across the broad spectrum of America. We can reward those who want to be civically involved as teachers. It is all paid for.

Today, we are not only relieving the debt of America's students, but doing so in a way that not only helps relieve their debt but does not heap mountains of national debt on top of our young people. This legislation keeps our promise to pay as you go with no new deficit spending. Democrats believe that is just as essential as ensuring that American students have the opportunity to attend college.

Mr. Speaker, the College Cost Reduction Act strengthens the future for our students and it strengthens our Nation. I think, again, that this is a historic day, because it is a day that is about the American dream. It is a day about expanding opportunity in our country. It is a day that recognizes that the best dollar that we can spend is a dollar spent on education. It recognizes that education is the key to a brilliant future, not only for the self-fulfillment of our people, but for the success of our country. It is about our self-fulfillment personally. It is about growing our economy. It is about our National security. It is about carrying the banner of our Founders who have made a commitment to future generations.

Thank you, Chairman MILLER, and members of the Committee on Education and Labor, for helping us honor that commitment to future generations. I urge our colleagues to support this very important and historic legislation.

Mr. MCKEON. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. WALBERG), a member of the committee.

Mr. WALBERG. Mr. Speaker, today I rise in strong opposition to this cleverly entitled College Cost Reduction Act of 2007. Under the guise of saving money and paying down the deficit, Democratic leaders are using the budget reconciliation process as a vehicle to create a host of expensive new Federal bureaucracies rather than making tough decisions to restrain entitlement spending and balance the Federal budget.

Mandatory spending programs consume the largest portion of the Federal budget, and their share will only increase as Social Security and Medicare costs explode in coming years. Unfortunately, this action comes as no surprise. After reclaiming the majority under the claims of fiscal accountability, House Democrats have already voted to approve a massive $400 billion tax increase on working families and small businesses, and may I add, that amounts to over $3,000 on average tax increase for these students who we are attempting to help.

Now we are considering a piece of legislation that will create nine new entitlement programs resulting in $18 billion in new spending. The explosion in new, unchecked entitlement spending is another unfortunate step backwards for the American taxpayer. I agree that Congress must remain committed to ensuring affordable access to post-secondary education. But instead of focusing the bulk of need on increasing access to higher education for low-income students, the bill increases aid to colleges and universities at the expense of students who receive Pell Grants. H.R. 2669 only targets $4.9 billion towards Pell Grants, increasing the maximum award by only $100 per year for 5 years. Pell Grants have proven to be effective in helping low-income students attain higher education. This bill will not prioritize Pell Grants.

I do wish to take a moment to thank Chairman MILLER for working with me to remove section 201 of his bill in his manager's amendment. I was happy to work with our State's Governor to make this change. This action withheld funds from the Leveraging Education Assistance Partnership, known as the LEAP, if a State reduced the average amount of funding it has provided over the last 5 years. This so-called maintenance of effort provision is a bold and unprecedented overreach of Federal authority designed to dictate State budgets.

□ 1315

This is particularly true because the Federal Government provides little direct assistance to States or higher education institutions. Low-income and financially needy students should not have to struggle because of a State's budgetary shortfalls. My home State of Michigan continues to suffer from a struggling economy and difficult choices must be made on how to most appropriately fund the State. However, needy students should not have critical financial aid yanked away because the State cannot afford the same financial commitment it has made to the LEAP program in more prosperous years.

I was also prepared to offer an amendment to the House Rules Committee concerning the Upward Bound program. I appreciate that the chairman's manager's amendment removes a section that earmarked $30 million for prior Upward Bound grantees who submitted low-scoring applications, bypassing 107 new applicants who submitted competitive proposals.

But despite these small improvements, the College Cost Reduction Act contains dozens of poison pills that mark another step towards unchecked spending. I urge my colleagues to vote ''no'' on the so-called College Cost Reduction Act.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. Mr. Speaker, a few minutes ago my friend from Georgia described buying something he didn't need at a price he couldn't afford. I want to thank him for giving us a perfect description of the last 7 years of the governance of this country under the Bush administration.

We got a lot of things we didn't need: a war in Iraq, a misadventure in Iraq at a price we couldn't afford, $4 trillion in new debt under their watch. We got $12 billion a month in Iraq under their watch.

This is something we do need and we can afford. Higher college scholarships for American students, lower school loan interest rates for American students. And it is paid for, unlike their massive spending increase, unlike their tax break giveaways to the wealthy, this does not increase the deficit by a dollar. We are changing their failed policy of buying things we don't need at prices we can't afford. They should vote for that change today.

Mr. MCKEON. Mr. Speaker, how much time remains?

The SPEAKER pro tempore. The gentleman from California (Mr. MCKEON) has 10¾ minutes, and the gentleman from California (Mr. GEORGE MILLER) has 18¾ minutes.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1½ minutes to the gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. Mr. Speaker, today parents have a choice of a second job, a second mortgage, or dipping into their savings to help pay for their kids' college education, and that is the wrong choice to ask parents to make.

In Illinois, tuition last year went up, increases of 14.5 percent, the fourth largest increase of any State in America. Today when a kid graduates from college, they graduate with an average of $15,000 of debt. So on the front page they get a diploma, and on the back side, they get their first credit card bill. That is the wrong choice for America.

You could not write the American decade if you didn't look at the GI bill and making a high school education universal in America. Those are the two most significant economic acts of the last 100 years.

My colleagues on the other side of the aisle noted two examples. One, they are worried about the deficit. After $4 trillion of new debt, I appreciate your conversion to concern about increasing the deficit, but there is no deficit spending here.

Second, and most importantly, they talk about the importance of the Pell Grants. This is after, in fact, the President's budget cut Pell Grants one year $1 billion, and froze it for the last 3 years. We are doing the right investment. Not one of us would be in this institution if it wasn't for two things: the love of our parents and the access to a higher education. We are providing Americans something different from the last 6 years. Rather than slamming the door shut on their access to a college education, we are opening the doors and making the American Dream possible. I compliment our leadership for bringing this bill and opening the doors of America's future with a good college education bill.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. ALTMIRE).

Mr. ALTMIRE. Mr. Speaker, when I was elected to the House of Representatives last November, I asked to serve on the Higher Education Subcommittee specifically so I could help make college more affordable for American families, and this bill does just that. It raises Pell Grant awards to their highest level in history. It cuts in half the interest rates students will pay on their student loans, and this bill rewards community service by providing loan forgiveness for those who choose careers in important fields like first responders, law enforcement, firefighters, and nurses.

And we do all of this at no additional cost to the taxpayer. This bill is fully funded, and I am proud to have played a part in crafting this important legislation.

Mr. MCKEON. Mr. Speaker, I yield 3 minutes to the gentlewoman from North Carolina (Ms. FOXX), a member of the committee.

Ms. FOXX. Mr. Speaker, I want to thank the ranking member for giving me this time.

I have sat here and listened to this debate on this bill, and I want to say we are back at dealing with hypocrisy again, as we have been on a daily basis.

The College Cost Reduction Act, the title is not just a misnomer; it is an outright lie. Much of the $18 billion in new spending doesn't reduce the cost of college, but instead consists of new welfare targeted at people who aren't even students.

And comparing this bill to the GI bill is truly, truly hypocrisy. We instituted the GI bill to help men and women who had fought for this country and returned to this country to help them get college education and get back into our culture.

All this is going to do is increase the nanny state. What we are doing is taking away personal responsibility from people and giving them out and out payments for loans that they take out that they don't need to take out.

Economists are not going to tell us that money spent on education is a good investment, and the government doesn't invest money. The government spends money. It is interesting to me that they brought out the big guns for this bill and they say it is no new cost to taxpayers. Well, every dollar we take away from taxpayers is a cost to them.

Why is tuition up 43 percent? We are looking at the wrong issue. As long as the government keeps throwing money, then the institutions are going to keep expanding what they charge. I have used myself as an example before, but I know many people who have done this. They went to college and never borrowed a dime. They were as poor as could be.

We should call this the new Democrat welfare bill. It is a Trojan horse. It is designed to fool the American people. We have used this analogy before. You can put lipstick on a pig, but it is still a pig, and that is what this bill is. There is no need for this. There is no need for people to go into debt to go to college in this country. There are all kinds of choices for people. All we are doing is taking money away from hardworking American people and creating new government programs.

I am really concerned about the direction in which we are heading in this country. The Democrats have never seen a welfare program they didn't like. Republicans were able to decrease welfare costs when they took over in this body in 1995. This is another attempt by the Democrats to continue the welfare program.

I want Americans to have access to education. I have worked in education all my life: school board member, university administrator, college president. I have dealt with low-income students. This is not the way to do it. We don't need a return to the nanny state.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself 15 seconds

to say that I find it unbelievable that Republicans would decide that families that are making every sacrifice to borrow money, and students that are making every sacrifice to borrow and pay back money, that somehow they are called welfare recipients. These are hardworking American families who are struggling to educate their children, and I want to disassociate myself from that kind of characterization of these families or these students.

Mr. Speaker, I yield 1 minute to the gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY. Mr. Speaker, I rise for a colloquy with the gentleman from California.

As I understand, an important provision in this bill is a loan forgiveness program for individuals serving in high-need professions. One of those is child and adolescent mental health professionals.

Do I understand the chairman in helping me secure this program in the overall bill so that we can bring more professionals into this area?

Mr. GEORGE MILLER of California. Mr. Speaker, will the gentleman yield?

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

Mr. GEORGE MILLER of California. I want to thank the gentleman for bringing this to our attention, and we look forward to continuing to work with him on this issue.

As he has pointed out to this committee and many Members of Congress, we in fact have a workforce crisis, and that is what we have tried to address in the loan forgiveness program in those professions that are not necessarily the highest paying in our society but are essential to the well-being of our society. We will work with the gentleman as this bill proceeds through the legislative process on this matter.

Mr. KENNEDY. Suicide is the third leading cause of death for young people. Too many people are waiting in our juvenile detention facilities all across America. It is causing a disruption in education all across this country. We need more child and adolescent mental health professionals if we are going to have an education system, and I thank the gentleman for helping us get more of those professionals in the field so we can move forward with their education.

Mr. GEORGE MILLER of California. I thank the gentleman from Rhode Island and look forward to continuing to work with him on this issue in this conference and also on the Higher Education Act.

Mr. KENNEDY. I thank the chairman of the committee.

I'd like to thank Chairman MILLER for his leadership in bringing to the floor the largest single investment in college financial aid since the GI Bill.

The bill we are considering here increases the maximum Pell Grant by $500. It will cut the interest rate on student loans in half.

It provides loan forgiveness for college graduates that agree to teach in high-need areas and who agree to go into public service professions. It accomplishes all of that, and yet here is the best part: this bill saves the American taxpayers $750 million.

By reducing the excessive subsidies that Congress has lavished on private lenders, lenders that we have seen in the news this year have acted unscrupulously time and again, Chairman MILLER has more than paid for the investments he is making in our students.

I know that my constituents in Rhode Island who take out Federal students loans will appreciate the $4,420 in savings this bill provides to them. And I also know that the rest of my constituents will appreciate the fact that this increase in student aid does not cost them one extra dime.

When Democrats took control in Congress, we promised to cut student loan interest rates in half, while at the same time proceeding in a fiscally responsible fashion. Today, we are fulfilling that promise. I will be proud to vote in favor of this bill, and I urge my colleagues to do the same.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. HARE), a member of the committee.

Mr. HARE. Mr. Speaker, I rise in strong support of H.R. 2669, the College Cost Reduction Act of 2007. By passing this bill today, we make the largest single investment in higher education since the 1944 GI bill.

College costs have grown nearly 40 percent in just the last 5 years, and too many students have found themselves drowning in debt or, worse, unable to afford an education at all. I believe education is an investment, not an expenditure. This bill will increase our Nation's competitiveness and allow Americans from all economic backgrounds to achieve the dream of a college career.

This act would make need-based student loans more easily accessible and provide for additional mandatory funding for the Pell Grant scholarship, benefiting nearly 230,000 students in my home State of Illinois.

The bill also cuts the interest rate on subsidized student loans in half over the next 5 years and includes tuition assistance for students who teach in the Nation's public schools and loan forgiveness for college graduates who go into public service professions. I urge my colleagues to join us in supporting H.R. 2669.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts (Mr. TIERNEY).

Mr. TIERNEY. Mr. Speaker, I thank the gentleman for acknowledging me. I am happy to rise in support of this bill here today. A conversation I heard a short while ago from my colleagues that there are some people in America who are taking welfare and don't need to have public assistance to go on to college are probably not thinking of the same America that I am thinking of.

I am thinking of the America where college costs have gone up 41 percent after inflation, and that is just for public higher education. I am thinking of the America where parents are working two jobs on many occasions, the students are working, and they still can't afford the cost of a public higher education.

I am thinking of the America that has not raised the value of a Pell Grant for many, many years, and we have a chance here to do just that. I am looking at a bill and supporting a bill that in fact will raise the Pell Grants, is going to lower the interest rate on student loans, both of which are necessary for many, many families in this country. I am talking for businesses as well as families. This is a chance not just to help the individuals, but to help our economy.

We all are very happy to talk about the need, to really have the college-educated populace out there so we can be competitive globally. This is our opportunity to put our money where our mouth is. This is a good piece of work. I congratulate the chairman for getting this through and look forward to passing this bill in the whole House.

□ 1330

The SPEAKER pro tempore. The gentleman from California (Mr. GEORGE MILLER) has 13¼ minutes remaining. The gentleman from California (Mr. MCKEON) has 7¾ minutes remaining.

Mr. MCKEON. Mr. Speaker, I yield 3½ minutes to the gentleman from Wisconsin (Mr. PETRI), a senior member of the committee.

Mr. PETRI. Mr. Speaker, I thank my colleague, and I'd like to share an alternative Republican viewpoint on the bill before us this afternoon. Traditionally, Republicans have stood for budgetary responsibility and competition to ensure a good return on taxpayer investment in Federal programs. I believe that this bill, while not perfect, is something that any Republican who stands for these principles should support.

For many years, I have spoken out against the excess subsidies that taxpayers pay to lenders in the guaranteed loan program. Government and private economists, including those in the Office of Management and Budget, the Congressional Budget Office, the Government Accountability Office and the Treasury Department, have all confirmed the significant inefficiencies in the program due to the arbitrary and capricious nature in which lender subsidies have been set over the last 40 years.

In fact, these scorekeepers have found that taxpayers spend $3 to $5 billion each year on unnecessary subsidies that could be better applied as direct aid to students. The status quo on lender subsidies is inefficient, wasteful and unacceptable, and I applaud the effort made in this bill to redirect these resources primarily as Pell Grants and interest rate reductions.

This bill also contains two other critically important provisions that

largely have been overlooked in this debate. First, it includes an amendment that I offered and which was unanimously adopted in committee to study and implement a pilot program using market-based reforms, such as auctions, to bring down the cost to taxpayers in the guaranteed loan program. The reason we find ourselves needing to redirect these subsidies in the first place is due to the fact that Congress set subsidy rates blindly and irresponsibly, not based on any market considerations.

As a free-market Republican, I believe Congress has no business setting lender returns. Other mechanisms, such as auctions, will actually capture market demands to obtain the optimal rate for taxpayers and for lenders. Given the tremendous waste, fraud and unethical relationships that have been uncovered in this program over the last 6 months, it's clear that the guaranteed loan program is fundamentally and structurally flawed. This study and pilot are key to comprehensively reforming this program to ensure it serves students and taxpayers. And I'd like to thank the chairman and the committee for their strong support for this important effort.

Further, this bill applies a small portion of the savings towards improving income-contingent student loan repayment. Earlier this year, I introduced the IDEA Act, H.R. 2465, to make key changes to our current, limited income-contingent loan repayment program. The bill would make this repayment model accessible to all borrowers and better address the growing debt burdens which our students are graduating with. Some of my colleagues may be surprised to learn that this repayment model was actually developed by free-market economist Milton Friedman as the optimal way for all students, no matter their income, to repay their student loans.

The College Cost Reduction Act includes several provisions included in my legislation to improve this program, such as a 15 percent cap on adjusted income payments and moving the floor from 100 to 150 percent of the poverty level. These are positive first steps towards implementing a viable income-contingent repayment program, and I hope my colleagues will consider cosponsoring the IDEA Act to develop a loan repayment system for the 21st century.

I thank my colleague for yielding me this time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Mrs. DAVIS), a member of the committee who had a major amendment in this legislation.

Mrs. DAVIS of California. Mr. Speaker, I rise today in support of reducing the cost of higher education and increasing access for all of those who dream of attending college, and that includes, Mr. Speaker, our servicemembers.

Our servicemembers face extraordinary challenges when activated to go to Iraq or Afghanistan while in college.

Under current law, those deciding not to return to school must begin to repay the loan immediately after returning home, and this means, as we all know, that they will receive their student loan bills in the mail within days of returning from a combat zone.

Among the other benefits in this bill, the College Cost Reduction Act includes an amendment to give those activated while in college a 13-month deferment before they must begin repaying a student loan.

This bill is important, and it's important for this reason, because it provides our servicemembers the protections and the rights they deserve when activated while in college.

I urge my colleagues to support the overall legislation.

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentlewoman for her amendment, and I yield 1 minute to the gentlewoman from California (Ms. WOOLSEY) a member of the committee.

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

Ms. WOOLSEY. Mr. Speaker, every single American, no matter what circumstances he or she comes from, deserves the opportunity to earn a college degree, but this opportunity should not come at the cost of years of crippling financial debt. That's why the time has come for this Congress to ease the education burden by increasing Pell Grants, reducing interest rates and closing the gap between college costs and financial aid.

For the fifth time in 6 years, the college system in California raised tuition. In fact, this fall, students at Sonoma State University in my district will be required to pay nearly $3,000 more a year in tuition. That's a 10 percent increase from their current tuition.

We need to do better. We need to work with our colleges to keep costs low. We need to invest in financial aid, and today, we are finally doing that.

And it's going to cost $18 billion to help this financial aid increase; $18 billion, about the same as 6 weeks of our occupation in Iraq.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. HOLT), a member of the committee.

Mr. HOLT. Mr. Speaker, I thank the gentleman from California and congratulate him and thank him for developing this legislation.

We've outlined many of the provisions of the bill today. I would just point out that this will result in more than $250 million in additional loan and Pell grant aid to New Jersians. I'm also pleased that this legislation includes provisions from my bill, the Part-Time Student Assistance Act, that will make Pell Grants available year-round instead of the current two semesters a year, and this is important for students who work and go to school.

Also, we have raised the income protection allowance in the College Cost Reduction Act so that students who will have to work to support themselves and their families can earn more without having that count against their student aid.

The bill also includes provisions from my bill, the National Security Language Act. This provides $5,000 in loan forgiveness for Federal employees with critical foreign language skills.

The bill also provides upfront grant aid for those who are becoming math, science and foreign language teachers. Without qualified teachers in these areas, we're endangering the competitiveness of our children in the global economy.

I urge my colleagues to support this legislation.

Mr. MCKEON. Mr. Speaker, I'm happy to yield 3 minutes to the gentleman from Indiana (Mr. SOUDER), a member of the committee.

Mr. SOUDER. Mr. Speaker, this is a truly historic debate on the difference of philosophy of government. We agree on much of what's in this bill. In fact, my friend from Texas, Congressman RON PAUL, is a purist, capitalist, libertarian, but in fact, we've always had a blended government.

And the question is, whether it's through tax incentives, direct spending or loans, we've had a blended economy from the days of building canals and from our beginning; the question is, which way are we going to tilt? Is it going to be a capitalist tilt, or is the tilt going to be government running this?

I believe, and I understand that likely today I'm going to lose, I'm going to be on the losing side, but I want to go on record pointing out how in fact extreme this bill is.

There is a section, a provision of this bill, however well-intentioned, that reverses the normal role of trying to balance what you purchase with your ability to repay. It's an income-based section 133 open-ended entitlement benefit, regardless of profession, that allows them to cap the maximum loan payment each year at 150 percent of discretionary income and have the remainder of the loan forgiven after 20 years.

Under the bill, this means a typical entry-level Hill staffer earning $25,000 a year would never be forced to pay more than $120 a month on their student loans. This would no doubt be popular to our staff, but the American taxpayer I don't believe would approve of this.

An income-based repayment program would eliminate once and for all any need for students to weigh their choice of college or university against which type of career they plan to enter after the degree. It's a disconnect with capitalism because you don't have to say, if I get this number of degrees and go this far, how is my job going to repay this? Should I go to a local campus?

Should I go to a lower priced college? It's disconnected now based from your choice of employment.

While the government surely has a role in increasing access to education, this program would totally strip any incoming college student from making a responsible choice. It's kind-hearted but reckless.

One final example to strengthen the point. Say someone leaves school with an advanced degree and $120,000 of loan debt and takes a job making a steady $65,000 a year. He or she, if they selected to become part of this program, making $65,000 a year and made only minimum monthly payments, using the current 6.8 percent interest rate, the required monthly payment under the program would not even cover the interest on the loan, so that, 20 years later, they would have their $150,000 forgiven, even though they had been making $65,000 a year. That's because the median income in the United States is only $46,000.

I believe that we should work with low-income students through Pell Grants, and I support many parts of this bill in targeting, but when you disconnect the economic decisions that you make on your graduate degrees, on what profession and what college, it is State-controlled, economic controlled, not capitalism.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1 minute to the gentlewoman from Hawaii (Ms. HIRONO), a member of the committee.

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

Ms. HIRONO. Mr. Speaker, I rise in strong support of the College Cost Reduction Act, the largest increase in college aid since the GI bill, and I especially thank Chairman MILLER for his leadership.

This legislation will make college more affordable and accessible for students in Hawaii and across America. It will do so at no new cost to taxpayers.

Keeping America competitive requires an educated workforce prepared for high-skilled jobs. Beyond preparing our youth for careers, education is vital for the full development of an individual.

College costs have skyrocketed beyond the needs of many students and their families, and as a result, students in Hawaii and elsewhere are holding off going to college or skipping it all together, and those who do attend college are taking on increasing amounts of debt.

So this bill is of critical importance because the hardworking families I represent need this help.

I also want to mention a few other provisions in this legislation that are very important to me. As a member of this committee, I worked to increase funding for colleges and universities for native Hawaiians and Alaska natives $30 million over the next 5 years. For this and many other reasons, I rise in strong support of this measure.

Mr. MCKEON. Mr. Speaker, how much time do I have left?

The SPEAKER pro tempore. The gentleman from California (Mr. MCKEON) has 1¼ minutes remaining, and the gentleman from California (Mr. GEORGE MILLER) has 9¼ minutes remaining.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1 minute to the gentlewoman from New York (Ms. CLARKE), a member of the committee.

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

Ms. CLARKE. Mr. Speaker, it is with great pleasure that I rise today to give my enthusiastic support to the College Cost Reduction Act of 2007, H.R. 2669. I want to thank Chairman MILLER for his leadership in this matter.

In the advent of the 21st century, the question we must ask ourselves is, what have we done to ensure the success of our Nation, the development of our civil society? Education has been and will always be the portal for our advancement.

The cost of attending college has increased by 40 percent over the past 5 years. As a result, students are graduating with more debt than ever and postponing enrollment or avoiding college all together because they just can't afford it. This legislation is a much-needed sigh of relief for traditional college students, working families and adult learners in my home district in Brooklyn, New York, and across this Nation.

The College Cost Reduction Act cuts interest rates in half on subsidized student loans over the next 5 years, increases the amount of Federal loans available to students, and so I ask your enthusiastic support for this groundbreaking legislation.

□ 1345

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. DAVIS), a member of the committee.

Mr. DAVIS of Illinois. Mr. Speaker, I rise in strong support of this investment in America. In spite of what we have heard from the other side about a spending plan, what we are really looking at is an investment in education, for those individuals who, without it, would never have an opportunity to experience a college education.

I have heard some things that I thought were unimaginable this afternoon. Eighty percent of the students in my district who attend the University of Illinois rely upon financial aid.

This legislation provides money for Historically Black Colleges and Universities that are falling apart, many of them, at the seams, Hispanic-serving institutions. Individuals who would never, ever get an opportunity to go to college and experience higher education will do so as a result of this legislation, this investment in America. I thank the chairman for a great bill, and I urge its passage.

First let me express my sincere appreciation to Chairman MILLER, and Subcommittee Chairman HINOJOSA for their efforts in introducing this landmark legislation to Congress. In my tenure as a Congressional representative for the citizens of the 7th District of Illinois, this is one of, if not the most critical national policy initiative for which I have been able to advocate. Why? Because in my district for example, approximately 80 percent of the students attending the University of Illinois rely on financial aid programs to support their education, and this bill provides the single largest increase in college aid to students across the country since the GI Bill.

The College Cost Reduction Act increases the maximum Pell Grant scholarship by at least $500 over the next 5 years, and I am pleased that an amendment which I cosponsored added $900,000,000 to the pool; invests in Upward Bound, a proven effective program that empowers students with the resources they need to help them succeed as they pursue higher education; and invests substantial appropriations in historically Black colleges and universities, Hispanic-serving institutions, tribally controlled, Native and predominately black institutions and American and Asian American Pacific institutions.

Detractors will try to paint this as another spending boondoggle by the Democrats, but this bill benefits students and families at no new cost to taxpayers by cutting excess subsidies the Federal government pays to lenders in the student loan industry.

Some may ask why we didn't just focus on Pell Grants, but the fact remains that families who don't qualify for Pell Grants still need assistance paying for college costs, and that approximately 50 percent of students who do qualify for Pell Grants borrow money to pay for college costs. The College Cost Reduction Act of 2007 is the national policy initiative which demonstrates that America recognizes its responsibility to provide an educational environment that inspires and supports the pursuit of academic excellence.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1 minute to the gentleman from Connecticut (Mr. COURTNEY), a member of the committee.

Mr. COURTNEY. Mr. Speaker, I rise in strong support of this measure.

I come from the district in Connecticut that's the home of the University of Connecticut, Eastern Connecticut State University, three community colleges, Conn. College, Mitchell College. We are the higher ed district of the State of Connecticut. New loan assistance and aid through grants in the amount of $130 million will be coming to Connecticut as a result of this measure being passed, which, again, is great news for my district.

Frankly, this bill is about something more than just parochial priorities, which are very important to my district. It's also about the change of direction that this new Congress is keeping faith with with passage of this legislation.

When I campaigned last year as a challenger in the closest race in America, the decision of the last Congress to take $12 billion out of the higher education account and use it to raise interest rates on student loans for the

purpose of making sure that the Paris Hilton stratum of American society was going to get their tax cuts was a perfect symbol for how out of touch the prior Congress was with the needs of America.

Passing this legislation will keep faith with the voters who had the courage to vote for change.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. LINDA T. SÁNCHEZ), a member of the committee.

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I rise in strong support of the College Cost Reduction Act.

Students from working families, especially those who are the first in their families to attend college, face many obstacles.

For example, there is no one at home to say the SATs aren't that difficult or that tricky; or that financial aid forms aren't going to be a nightmare to fill out; or that taking out a student loan isn't as scary as it might seem.

The high cost of college is, of course, the biggest obstacle. In recent years, rising college tuitions have far outstripped inflation, and the previous congressional majority failed to ensure that Pell Grants kept up.

That's why I am proud to support this bill. It provides the single largest investment in higher education since the GI Bill at no new cost to taxpayers.

My mother and father, both immigrants who arrived in the U.S. with little money, and not knowing English, raised seven children. With a lot of hard work and sacrifice, all of us attended college and two even made it into Congress.

What I really like about this bill is that it ensures that the doors that were open to my brothers and sisters and me will stay open for the young people of today and generations to come.

I urge support for this inportant bill.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1 minute to the gentlewoman from New Hampshire (Ms. SHEA-PORTER), a member of the committee.

Ms. SHEA-PORTER. Mr. Speaker, I rise in strong support of this bill.

Education is the key to prosperity in our Nation, and we have always known that. When our troops returned home during World War II, they became eligible for the GI Bill, which built the middle class in this country.

Today we have the opportunity to once again invest in America in our next generation. This is the key to competitiveness. It's the key to the global economy, to make sure that our people will be able to work in the world and to prosper. It is our honor to be able to present this without raising any, any taxes on the American taxpayer.

In my State of New Hampshire alone, over 15,000 students will benefit from this increase; 1,500 more New Hampshire students will qualify for Pell Grants. We have a wonderful opportunity to invest in our Nation and our next generation, and to strengthen the middle class.

It is with great honor that I support this, and I thank the chairman for bringing this bill to us.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1½ minutes to the gentleman from New Jersey (Mr. PAYNE).

Mr. PAYNE. I would like to begin by thanking Chairman MILLER for his leadership on this bill and certainly urge my colleagues to vote for the College Cost Reduction Act of 2007.

Mr. Speaker, I rise in support of H.R. 2669, the College Cost Reduction Act of 2007. This legislation will provide the single largest investment in college financial aid since the 1944 GI Bill, helping millions of low- and middle-income students and families pay for college.

This legislation would provide about $18 billion over the next 5 years in college financial aid at no cost to the United States taxpayers, no new costs.

This new investment is critically important because college costs have grown nearly 40 percent in the last 5 years. Students are graduating from college with more debt than ever before. Many would-be students are holding off going to college or skipping it altogether because they do not believe they can afford it.

By boosting scholarship and reducing loan and tuition costs, the College Cost Reduction Act of 2007 makes an historic investment in America's college students, its economic competitiveness and its future, while maintaining fiscal responsibility.

I urge my colleagues to support this landmark legislation.

The SPEAKER pro tempore (Mr. ROSS). The gentleman from California on the Democratic side has 2¾ minutes remaining, and the gentleman from California on the Republican side has 1¼ minutes remaining.

Mr. MCKEON. Mr. Speaker, I think this has been a very interesting debate.

At the beginning of the debate, I asked our colleagues to please listen carefully for anything they might hear that would lower tuition rates, that would lower the cost of a college education. I have listened very carefully, and I haven't heard anything.

I have heard a lot of talk about investment, I have heard a lot of talk about new spending, and a lot of these things sound wonderful. It reminds me kind of when I would take my children to sit on Santa Claus's knee. He would ask them what they want. They would tell him all the wonderful things, and many times I wished I could have been Santa Claus and just give them all that they wanted. Sometimes it comes back to reality and the parents have to make some tough decisions based on our budget.

I think people that are listening to this debate realize that there is no free lunch. With all of the new programs, nine new entitlement programs, somebody is going to have to pay for those.

I just entreat those who are watching to not create nine new entitlements, to place the interests of colleges, universities, graduates, philanthropic organizations above the needs of low-income students. Let's not put this price on our children and our grandchildren.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I want to thank all of the members of the committee for their work on this legislation on both sides of the aisle. I certainly want to thank the staff as we finish general debate.

Mr. Speaker, we said when we gained the majority in this Congress that we wanted to take America in a new direction. This legislation, in fact, does that.

For 6.8 million students who take out need-based loans, this legislation will allow for cutting the interest rate in half over the next 5 years for those students. That will save them almost $4,400 on the average debt that they graduate with. For almost 5.5 million students who rely on a Pell Grant for the basic cost of their education, this means that over the next 4 years that grant will increase by some $500, definitely a new direction.

Because what we saw in the past was the Republicans made it more expensive to pay for your student loans. They provided little or no contribution to the Pell Grant over the last 4 or 5 years. That is a new direction.

What does it mean to America? It means that we are investing in the students and the talent of the future. It means that these are the young people that will take their talents and provide the next generation of discovery, the next generation of innovation, the next generation of jobs in America, the next generation of economic activity here at home. That's the investment that was made by our grandparents back in 1944, in that generation, the first generation to go to college in such great numbers with the GI Bill, and that's the investment that we have the courage and the vision to make in this generation of young people for the future of this country.

That's what this legislation is about. It's about making sure that the doors of a higher education that every employer tells us is now necessary to come to the American workplace if you want a career and you want a decent wage and you want to be able to provide for your family. The doors to those higher education institutions, be they community colleges, State colleges, universities or elite universities, however you want to characterize them, that those doors will not be closed to people who are talented and ready and qualified to go to college.

This legislation provides the means to ensure their access to help them pay for it and to help them make sure that they don't have to make choices against their best interest because of

that debt and later in life that they can choose to go into the professions that serve us as a society. This is a dramatic departure, a dramatic departure from the status quo, a dramatic departure.

What the Republicans did, when they had a chance, they had $20 billion. They decided they would help pay for the tax cuts to the wealthiest people in the country. That's what they did with a big chunk of the money that they took from these excess subsidies, the subsidies that we are taking a way from the banks.

The entitlement program that the banks have today as we stand here will be changed. Yes, it will become an entitlement program for America's families, America's students, those most at need in this country. That's what this Congress ought to be doing. That's what this society wants us to do, and we're going to do it today when we pass this legislation.

Mr. BACA. Mr. Speaker, I rise today in support of H.R. 2669, the College Cost Reduction Act of 2007.

This historic piece of legislation is the relief our working families have been waiting for and I am proud to stand with this Democratic-led Congress to make college educations more accessible for our youth.

Housing, gas, food, utilities, and health insurance prices are going through the roof. Our middle-class parents are working overtime to keep up with the cost of living and hopefully save for retirement.

It has become increasingly difficult for our families to save for college. With tuition prices increasing an average of 3.5 percent each year, American families are facing an uphill battle.

As a result, more and more of our children are coming out of school with staggering amounts of debt and many are being forced to attend part-time in order to work and pay for books and student fees.

In my home State of California, the average 4-year public school student will walk away with over $15,000 in debt after graduation. This is not how we should be sending our youth into the workforce.

H.R. 2669 is going to slash the interest rates on student loans, saving the average American student about $4,400 in interest payments over the life of their loan.

Furthermore, we're going to help our families take on less student debt by making Pell Grants keep up with the real cost of tuition.

During the Republican-controlled Congress, the maximum Pell Grant amount remained unchanged at $4,050 since 2003. H.R. 2669 is going to increase that figure to $4,310 in 2007 alone. By next year, it will be $4,900 and by 2011, it will be $5,200.

In my home State of California, over 600,000 Pell Grant recipients stand to benefit from the legislation we're going to pass today.

That means our children will be in a better position to save for retirement, become homeowners, and contribute to the economy.

H.R. 2669 will also make landmark investments to our minority serving institutions. Black, Hispanic, Tribal, Native Hawaiian, and Asian-Pacific Islander-serving institutions stand to receive $500 million in aid to teach and equip our minority youth, particularly in the science, technology, engineering, and math fields.

H.R. 2669 provides an additional $228 million for Upward Bound, which will fund 188 additional programs to help prepare low-income, first generation students for college.

Finally, H.R. 2669 will provide loan forgiveness for students who pursue careers as public school teachers. Each would receive upfront tuition assistance of $4,000 per year, to a maximum of $16,000. This will provide aid to at least 21,500 undergraduate and graduate students who commit to teaching a high-need subject in high-need schools for four years.

As the youngest of 15 children, I was the first in my family to attend college. I can tell you from personal experience that it has made all the difference in the world.

I worked hard to get through school and I'm grateful for the assistance I received to complete my education. And it's time for the government to step up and give our children the same support.

The College Cost Reduction Act is the kind of reform my constituents need and I am proud to support this legislation. I urge my colleagues to do the same and support H.R. 2669.

Mr. HINOJOSA. Mr. Speaker, I rise in strong support of H.R. 2669, The College Cost Reduction Act. I urge all of my colleagues to vote "yes" on the largest investment in student aid since the passage of the GI bill.

The College Cost Reduction Act re-affirms the fundamental federal interest in higher education—ensuring that students and families have access to the financial and other supports they need to achieve a college education.

The fundamental guaranty in our student aid programs is not to protect lucrative lines of business in the lending industry; it is a guaranty of college access for students. When we lose sight of this core principle, we lose our way as we have seen with the recent scandals in the student loan industry.

H.R. 2669 is about guaranteeing access. This legislation increases student financial aid on an order of magnitude we have not seen in more than a generation. It invests in our public servants and in our teachers. It brings the private sector and charitable organizations to the table to leverage resources so that more first generation, low-income college students can realize their full potential.

I am particularly proud of our work to strengthen the institutions that are the gateways of access to higher education for minority students. Through this amendment we will commit to investing one-half billion dollars over 5 years in hispanic-serving institutions, historically black colleges and universities, predominantly black institutions, tribally-controlled Colleges and Universities, Native Alaskan and Native Hawaiian serving Institutions, and institutions that serve Asian and Pacific Islanders. This represents a doubling of the current investment in the strengthening and developing institutions programs in Titles III and V of the Higher Education Act.

Many on the other side will say that we are investing in institutions and not students. They will rail against new entitlement spending. These arguments reflect a fundamental lack of understanding of the communities that will fuel the growth in our workforce. Worse, they indicate an unwillingness to invest in those communities.

HSIs, HBCUs, and other minority-serving institutions are only going to grow in their importance for ensuring that our Nation continues to have enough college graduates to fill the jobs in our knowledge-based economy. The 2007 Condition of Education reports that 42 percent of our public school children are racial or ethnic minorities—one in five is Hispanic.

These students face many challenges.

Seventy percent of black 4th graders, 73 percent of Hispanic 4th graders, and 65 percent of Native American 4th graders are eligible for free and reduced priced lunches. These students are also concentrated in our highest poverty public schools where over 75 percent of the students are from low-income families.

These schools are the focus of the No Child Left Behind Act. They are the feeder schools to our Title III and Title V institutions. It is in our national interest to strengthen the capacity of these institutions to serve their communities. It is a worthy investment.

I urge all of my colleagues to support H.R. 2669.

Mrs. MALONEY of New York. Mr. Speaker, I rise in strong support of the College Cost Reduction Act.

I want to commend Chairman MILLER on this legislation, which provides the single largest investment in higher education since the GI bill—at no new cost to taxpayers.

I am proud that this Democratic Congress has tackled the college cost crisis: the time to act is now. Over the last 5 years, college costs have grown by nearly 40 percent. Students across the country are graduating with more and more debt. In my home state of New York, the typical student with need-based loans graduates from 4-year public schools with over $14,000 in debt. And each year nearly 200,000 students in our country hold off on attending college, or opt out altogether, simply because they cannot afford to go.

This historic bill would make college more affordable by cutting interest rates on subsidized student loans in half over the next 5 years. In New York, this means an average student saves $4,570 over the life of their loan.

It will also increase the purchasing power of the Pell Grant Scholarship, upping the maximum scholarship by at least $500 over the next 4 years and ultimately reaching a maximum scholarship of at least $5,200 by 2011. In New York, this increased purchasing power could directly help over 420,000 students.

Under the College Cost Reduction Act, students from New York and all across the country will be better able to achieve their goals and reach their dreams. Our Nation and our economy also benefit when we strengthen the middle class by making college more affordable. I am proud to cast my vote for this historic bill, which makes a tremendous step towards ensuring that no one is denied the opportunity to go to college simply because of the price.

Mr. SPRATT. Mr. Speaker, I rise in support of H.R. 2669 (the College Cost Reduction Act of 2007), a bill that is good for students and good for the Federal budget. Our budget resolution for fiscal year 2008 included reconciliation instructions for the House Committee on Education and Labor to cut its spending by $750 million by 2012, and this bill more than fulfills that target. In fact, this reconciliation bill will reduce the Federal Government's budget

deficit by $2.8 billion over the next 5 years while investing billions of dollars in making college more affordable for millions of students.

One of the first actions of the 110th Congress was to institute a tough pay-as-you-go rule in the House that requires all changes to mandatory spending and revenues to be offset so that they do not lower the budget's bottom line. The rule was necessary to help restore fiscal balance, and it requires Congress to make tough choices about priorities. This bill adheres to the pay-as-you-go rule—with net savings of $2.8 billion over the 2007–2012 period and even greater savings over 2007–2017—while also providing needed improvements in student loans and grant aid.

Like previous reconciliation bills, the College Cost Reduction Act includes some new resources that are more than offset by cuts elsewhere. All of the new resources in the bill will make college more affordable, either by lowering the cost of loans—up-front or through forgiveness after graduation—or by increasing the amount of grant aid available. But none of these resources will increase the deficit: the bill not only complies with our pay-as-you-go rule and the reconciliation directive but actually reduces the deficit by $2.8 billion over the next 5 years.

To pay for these student benefits, the bill reduces the extra subsidies that the government pays to banks. These reductions are similar to those in H.R. 5, which passed the House in January by a bipartisan vote of 356–71, and to the subsidy cuts in the President's 2008 budget proposal. But the student loan business will continue to be an attractive one for banks, which are still guaranteed to receive 95 percent of unpaid principal on any defaulted loan and still receive a subsidy from the Federal Government on each loan they provide.

Mr. BLUMENAUER. Mr. Speaker, I support H.R. 2269, the College Cost Reduction Act of 2007, the single largest investment in college financial aid since the 1944 GI bill. This legislation will help millions of middle- and low-income families and students pay for college without any new cost to taxpayers. At a time of skyrocketing tuition costs, government investment has not kept up. As college degrees become more expensive, we must help keep bright students in school and ensure a bright future for America.

The legislation boosts college financial aid by about $18 billion over the next 5 years, and pays for itself by reducing excessive federal subsidies paid to lenders in the college loan industry by $19 billion. Over the course of 5 years, almost 70,000 Oregon students would benefit from an additional $194 million in available loans and Pell Grants. The average Oregon student graduates with more than $14,000 in debt, and this legislation would cut by almost $5,000 the interest paid on their loans. By investing in our students, we ensure a well-educated, globally competitive workforce. We also benefit our communities by providing incentives for our brightest to go into public service jobs and into our neediest schools.

I am proud to be part of this new Congress that prioritizes education, making it feasible for all families to send their kids to college, and keeping America competitive.

Mr. MICHAUD. Mr. Speaker, I am pleased to support the College Cost Reduction Act of 2007. This legislation will provide the single largest investment in higher education since the GI bill, helping low- and middle-income students and families pay for college.

Unfortunately, too many Maine students do not obtain a postsecondary education because they cannot afford the dramatically escalating costs of higher education. This legislation is a historic opportunity to put education goals within reach for many students by increasing funding for Pell Grants, cutting interest rates on subsidized student loans, and increasing funding for Upward Bound.

While there are provisions within the underlying bill to protect small lenders, I will continue to work hard to ensure that the small lenders in Maine, including the Finance Authority of Maine (FAME), are protected in the final legislation. FAME has provided many Maine students the opportunity to go on to postsecondary education and it's important to ensure that they, and other small lenders, are able to continue to provide the best service possible for Maine students.

Ms. SOLIS. Mr. Speaker, I rise today in strong support of H.R. 2669, the College Cost Reduction Act of 2007. Not since 1944, with the GI Bill, has Congress taken such a proactive step in ensuring that millions of Americans can attend higher education institutes.

It is time to start providing our students with the aid needed to keep America competitive by strengthening the middle class and increasing diversity on our campuses. H.R. 2669 will allow middle class and minority families to have access to quality education by increasing grant aid and lessening the burden of loans. Along with H.R. 5, this legislation ensures that our students will finally have the funding for higher education that has long been denied them.

This bill will increase the Pell Grant by $500, benefiting 646,000 students in my home state of California. In addition, 6.8 million students nationwide who take out need-based federal student loans would see the interest rates cut in half, providing California alone with over $1.4 billion more in loan and Pell aid. H.R. 2669 not only puts and keeps students in college—it strengthens our communities by providing financial assistance to people entering public service careers, like nurses, police, firefighters, first responders, and teachers.

For students in Los Angeles, this is real dollars in the pockets of those who need it most. Since 1980 the Latino population in the United States has doubled, but Latinos attending college has only increased 5 percent during this same period. Latinos continue to face numerous obstacles on the road to college. Low family incomes, low financial aid awards and a reluctance to assume debt has hindered Latinos for too long in achieving their higher education goals. The College Cost Reduction Act helps support those institutions helping Latino students by guaranteeing $500 million over 5 years for Hispanic-Serving Institutions, Historically Black Colleges and Universities, and Tribal Colleges.

Financial assistance was critical to my ability to obtain a higher education and I am proud that H.R. 2669, the College Cost Reduction Act of 2007, will help Latinos and other low income students get the financial security to pursue their dreams. I strongly support this legislation that invests in our students, our communities and our Nation.

Mr. AL GREEN of Texas. Mr. Speaker, the road to a better society is paved with better education. H.R. 2669, the College Cost Reduction Act of 2007, is the single largest investment in higher education since the GI bill and highlights the commitment of this Congress to making college more affordable. By making this investment in our students, we are investing in the future of our country.

This landmark legislation will provide vital assistance to low- and middle-income students by increasing the Pell Grant Scholarship by $500 over the next 5 years. In the State of Texas alone, over 470,000 could benefit from this increase.

H.R. 2669 will also encourage philanthropic participation in college financing through matching grants aimed at increasing the number of first generation and low-income college students.

By passing this bill we will be making great strides on behalf of minority students. The College Cost Reduction Act invests $500 million in minority serving institutions and creates two new designations—Predominately Black Institutions and Institutions Serving Asian Americans and Pacific Islanders. By recognizing these institutions, we recognize their commitment and dedication to serving our minority students.

Mr. Speaker, I believe in an America where every child should grow up knowing that if they study and work hard, that they will have the opportunity to achieve the American Dream.

I believe in an America where the circumstances into which you are born do not determine whether you will one day stand in front of family and friends as you receive a college diploma.

I commend Chairman MILLER and our Democratic Leadership for their continued commitment to ensuring that a college education is not out of reach for low- and middle-income Americans.

Mr. LEVIN. Mr. Speaker, I rise in strong support of H.R. 2669, the College Cost Reduction Act of 2007.

In 2004, a report by Michigan's Lt. Governor John Cherry's Commission on Higher Education and Economic Growth laid out how two-thirds of the jobs created in the next decade will require post-secondary education and training. There is little debate that Michigan's economic future is directly linked to our ability to accelerate the completion of degrees in higher education.

Despite increasing costs across the country and in our state, our federal investment in higher education has faltered. Direct grant aid, which once made up roughly 60 percent of the federal government's student aid contribution has dropped to 40 percent, with the remaining 60 percent offered through loans. The real dollar value of Pell Grants has sunk in recent years, while the average college graduate is now faced with close to $17,500 in debt. For lower and middle income students and families these costs are simply too great, forcing nearly 200,000 to delay or postpone their college dreams because of the prohibitive costs.

It has become increasingly clear that the failure of the federal government to adequately invest in higher education will have effects beyond college accessibility. In 2005, the National Academies of Sciences released a report entitled ''Rising Above the Gathering Storm'' which expressed deep concern that our country is losing its competitive advantage in science and technology research, two fields that are critical to our economic leadership.

The seriousness of our higher education crisis necessitates a comprehensive response of dramatic proportions. The College Cost Reduction Act of 2007 rises to this challenge by investing $18 billion over the next 5 years in higher education, the single largest investment in college financial aid since the GI Bill in 1944.

The maximum Pell Grant is boosted $500 to $5,200—up from just $4,050 in 2006—with its eligibility expanded to more students. TEACH grants are established to provide $4,000 per year for high-achieving students who commit to teach in high-need schools or high-need fields—like math and science. The interest rates for need-based student loans would be halved.

In Michigan, over 200,000 students could see benefits from the Pell increases and about 144,000 student borrowers with subsidized loans would see savings of over $4,200 on average over the life of their loans. This bill provides close to $513 million in loans and grants to Michigan's students and families.

The investments in this bill maintain the commitment made by this Democratic Congress to fiscal responsibility. The bill is fully offset by trimming excessive federal subsidies to lenders in the college loan industry. Not only will this not cost taxpayers a dime, it includes $750 million over 5 years to pay down our national deficit.

The College Cost Reduction Act meets the mounting hurdle of higher education affordability with vigorous across-the-board grant aid and loan investments. It shows the commitment by this Congress to the availability of a college education and the importance of this education to our economic competitiveness. Improving access to higher education is vital to expanding opportunity for Michigan students and building Michigan's economic future. This has to be an ongoing priority for the federal government and this legislation is an important step in the right direction. With this legislation, Congress has stepped up to the plate to ensure a better future for our students, their families and our country.

Mr. DINGELL. Mr. Speaker, I have always believed students must have the opportunity to earn degrees based on their academic accomplishments rather than on their economic situation. Today's economy demands a highly educated work force, which is why Congress must ensure we are providing educational access to every qualified student that wants to attend college. H.R. 2669, the College Cost Reduction Act, will do just that by making the single largest investment in college financial aid since the 1944 GI Bill.

I have heard from many of my constituents that the daunting costs of a college education are preventing them from achieving a college degree. They are not alone. Nearly 200,000 students are holding off on going to college or forgoing college completely because they can't afford it. In the last 5 years tuition at 4-year public colleges has grown by 35 percent, forcing both students and their families to take on increasing amounts of debt to pay for college. At a time when Michigan's economy and workforce is struggling, a college education should not be a luxury that is unreachable for middle-class families.

When the Democrats took the majority this year, we committed to making college more affordable and accessible. H.R. 2669 will do this by cutting the interest rate from 6.8 percent to 3.4 percent over the next 5 years. Each year 6.8 million students take out need-based loans and accrue thousands of dollars of debt while completing their college degree. This legislation will cut in half the interest rates on their loans, saving the average student—with $13,800 in need-based student loan debt—$4,400 over the life of the loan.

H.R. 2669 will also increase the maximum value of the Pell Grant scholarship by $500 over the next 5 years, ultimately reaching a maximum scholarship level of $5,200. As the Federal Government's single largest source of grant aid for college students, this proposed increase will directly benefit over 5 million low- and moderate-income students.

More importantly, this legislation will prevent student borrowers from facing unmanageable levels of Federal student debt by guaranteeing borrowers will never have to spend more than 15 percent of their yearly discretionary income on loan repayments and by allowing borrowers who enter public service to have their loans forgiven after 10 years. This is critically important because students today are graduating from college with more debt than ever before.

Many people may be asking how this will help those who are struggling in Michigan. In our great State of Michigan, over 143,000 students take out need-based loans each year. The average student has $13,256 in need-based student loan debt. H.R. 2669 will provide interest rate cuts that win save each Michigan student $4,240 over the life of their student loan. This legislation will also provide $513 million in increased loan and Pell Grant aid to students and families in Michigan over the next five years—benefiting over 200,000 students.

Mr. Speaker, I rise in support of this legislation not only because it will increase college affordability, but because it will help our workforce. Our economy depends on aggressive investment in our workforce if we want to continue to be competitive in a global economy. I urge my colleagues to vote in favor of this legislation, showing American families that Congress is committed to investing in higher education.

Ms. HIRONO. Mr. Speaker, I ask permission to revise and extend my remarks.

I rise in support of the College Cost Reduction Act, the largest increase in college aid since the G.I. bill, and I thank especially Chairman MILLER for his leadership.

This legislation will make college more affordable and more accessible for students in Hawai'i and across America.

It will do so at no new cost to taxpayers.

Keeping America competitive requires an educated workforce prepared for high skilled jobs.

Beyond preparing our youth for careers, education is vital for the full development of an individual.

College costs have skyrocketed beyond the means of many students and their families. As a result, many students in Hawai'i and elsewhere are holding off on going to college or skipping it altogether. And those who do attend college are taking on increasing amounts of debt, so this bill is of critical importance to the hard-working families I represent.

I also want to mention a few other provisions in this legislation that are especially important to me: As a member of the Education and Labor Committee, I worked to increase funding for colleges and universities serving Native Hawaiians and Alaska Natives by $30 million over the next 5 years.

We also included a $10 million investment in institutions serving Asian and Pacific Islander populations that historically have had low education attainment.

This legislation includes the provisions from my Early Educator Loan Forgiveness bill that provides college loan forgiveness for graduates who enter the field of early education to encourage more of them to pursue this field.

For these reasons and more, I am proud to support this legislation.

Mrs. CHRISTENSEN. Mr. Speaker, I rise today in support of H.R. 2669, the College Cost Reduction Act. I commend the Honorable GEORGE MILLER for introducing this much needed piece of legislation and for his leadership on this issue and education in general.

As you all know, college costs in America are simply out of range for far too many Americans. The University of the Virgin Islands, a Historically Black University in my district, costs $10,000 per year while the median income of a Virgin Islands resident is $32,613. One does not have to be a rocket scientist to see the problem. It is further amplified when examining my alma mater, the George Washington University. Tuition at George Washington for an undergraduate starting this fall will be $39,210 per year—a hefty sum when considering that the median income of need-based federal loan borrowers in 2003–2004 was $45,000.

This welcome legislation will raise the maximum value of the Pell Grant Scholarship by $500, thus increasing its purchasing power and benefiting roughly 5.5 million low- and moderate-income students. And this is only the beginning.

The College Cost Reduction Act will also cut in half interest rates on need-based student loans which so often become an unnecessary burden over the heads of those just starting out in their respective professions. In lowering the interest rates from 6.8 percent to 3.4 percent over the next five years, we are saving the average student borrower $4,400 on their overall loan. The sad reality is that many students from middle class homes miss out on obtaining a secondary education because of a failure on our part. Many middle class students have guardians that make too much money to qualify for Federal grants but not enough to actually provide needed financial support.

Every one of our children and indeed every American strive to reach the American dream. As their representatives, we must support them in this pursuit by granting middle class Americans every opportunity possible to obtain affordable higher education. This legislation will expand eligibility of grants by almost 600,000 students, thus, helping to end the unfair burden many students from middle class homes now face.

Colleagues, I urge you to support this needed legislation. The College Cost Reduction Act of 2007 will be the single largest increase in secondary education support by the United States Government since the GI Bill—and it will not cost the American tax payer one cent. Our young people are America's future. It is critical that we invest in that future.

Mr. STARK. Mr. Speaker, I rise today in strong support of the College Cost Reduction Act of 2007. This bill provides the largest single investment in higher education since the

Montgomery GI Bill of 1944, with no new cost to taxpayers.

Today, Federal financial aid programs fail to meet the needs of many students. That means a college education is unattainable for many young people. Public university students can only expect one-third of the cost of attendance at a 4-year institution to be covered by the Pell grant, down from two-thirds of the cost covered in 1980. This bill makes higher education more affordable by increasing the maximum Pell grant by $500 and increasing the number of eligible students by over half a million. These improvements are long overdue.

In addition to strengthening Pell grants, this bill builds on other existing Federal student aid programs to help provide our next generation with a chance to succeed. It lowers Federal loan interest rates to improve accessibility and ease the growing debt burden of graduates. In 2004, one-fourth of all graduating students with loans carried more than $25,000 in loan debt. Perversely, last year the Republican-controlled Congress enacted the largest reduction ever to Federal student aid programs to finance tax cuts for the rich. The College Cost Reduction Act—H.R. 2669—begins to reverse failed Republican policies by reducing the Federal interest rate on student loans from 6.8 percent to 3.4 percent over 5 years.

We must strengthen our education system if we hope to compete in a global economy. In addition to making college more financially feasible, careers in public service need to be rewarded. Quality elementary and secondary teachers are essential to our public school system, but in 2003–2004 their median salary was only $31,704. Teachers deserve more than pats on the back. This bill provides upfront tuition assistance for aspiring educators who commit to teaching high-need subjects in underperforming schools.

This bill pays for itself by reducing some of the massive fees paid to the scandal-plagued student loan industry. Instead of subsidizing the profits of lenders, this bill puts money in the hands of low- and middle-income students. Not surprisingly, President Bush is siding with the big lenders and he's threatened to veto this essential legislation. He and the Republicans in Congress continue to obstruct real progress in education and almost every other domestic priority.

We must address the rising cost of higher education, reinvest in our schools by attracting new teachers, and cultivate the next generation of American leaders. I urge all of my colleagues to join me in voting for America's future and supporting this bill.

Mr. ETHERIDGE. Mr. Speaker, I rise in support of this legislation and urge my colleagues to join me in voting for it.

As the first member of my family to graduate from college, I know firsthand that affordable access to quality higher education is the key to the American dream for working families. Unfortunately, college costs have skyrocketed in recent years even as many fine colleges and universities, like those in North Carolina, have gone to great lengths to keep higher education affordable. The Federal Government has an obligation to step up to the plate and provide more assistance, and H.R. 2669 makes several important changes to the Federal student financial assistance effort.

Specifically, H.R. 2669 would provide nearly $18 billion in college financial aid at no new cost to the taxpayers. The bill would increase the maximum Pell grant scholarship for low-income and moderate-income students by $500 over the next 5 years. It would cut in half the interest rate on need-based Federal student loans from 6.8 percent to 3.4 percent over 5 years. This will save the typical borrower some $4,400 over the life of the loan. This provision alone could benefit more than 162,000 students in North Carolina.

H.R. 2669 would make historic investments in Historically Black Colleges and Universities—HBCUs—with $170 million in new grants for HBCUs, such as Shaw University and Fayetteville State University, in my congressional district. H.R. 2669 also would create a new designation of Predominantly Black Institutions, which are defined as schools that enroll students in financial need and have at least 40 percent African-American student enrollment. These schools would be eligible to receive $30 million in grant aid over 5 years for academic programs in the fields of science, technology, engineering, health education, and teacher education. This legislation would provide $228 million in funding over 4 years for Upward Bound that increases high school completion, college participation, and graduation rates among low-income and first-generation college students.

I enthusiastically support the bill's tuition assistance for excellent undergraduate students who agree to teach in the Nation's public schools and its loan forgiveness for college graduates that go into public service professions. In addition, H.R. 2669 would make important new investments in science, technology, engineering and mathematics—STEM—education that is so critical to our prosperity in the global economy.

I want to thank Chairman MILLER and his outstanding professional staff, especially Gaby Gomez, Denise Forte, and Mark Zuckerman, for working with me to help nonprofit lenders, like we have in North Carolina. Specifically, this bill provides non-profit and small lenders a significant boost to their bottom line earnings and their ability to compete with for-profit lenders. These lenders will save $85 million in the first year to re-invest in their college aid financing and nearly $500 million over 5 years to serve students even better.

As the legislative process moves forward, I want to continue to work with Chairman MILLER to ensure that cuts to lender subsidies do not result in North Carolina students paying more for their loans than they do today. I am confident the final product will achieve that result, and I urge my colleagues to join me in voting to pass H.R. 2669.

Ms. SCHAKOWSKY. Mr. Speaker, this is such an exciting day. Today, we say to the nearly 200,000 students every year who do not attend college for financial reasons, you deserve better. You deserve better than outdated financial aid packages, crippling debt, and empty promises of support once you graduate. Today we are delivering on that promise.

Higher education has become increasingly important in this country and around the world, yet it has been rapidly slipping from the grasp of thousands and thousands of students every year. Over the past several years, states have cut higher education funding and in many cases, passed that cost on to students.

Student loans, which for two-thirds of our students average $20,000, not only affect student's financial viability down the road, they effect the range of opportunities that are available to new graduates as they seek out professions that will enable them to repay their loans. Education is supposed to be the gateway to opportunity, not the path to financial ruin.

One of the most important provisions of H.R. 2669 is an expansion of eligibility and an increase in the Pell grant scholarship to $5,200 over the next 5 years. This bill will also encourage and enable graduates to go into the public service fields they're interested in—and which our country so desperately needs—by providing loan forgiveness for first responders, early childhood educators, librarians, nurses, public defenders, and public prosecutors. These professions are some of the most important to our communities, yet they are chronically undersupported.

This bill will also provide tuition assistance to students who commit to teaching in public schools, high-poverty communities, and high-need subject areas. It also makes a landmark investment in Hispanic-Serving Institutions and Tribally Controlled, Native or Predominately Black Institutions.

By redirecting excessive Federal subsidies for lenders in the student loan industry, these new commitments will come at no additional cost to taxpayers. It's time that taxpayer dollars go towards our student's future—and the future of our competitiveness as a nation.

I urge my colleagues to support this remarkable legislation.

Mr. WELDON of Florida. Mr. Speaker, I join with my colleagues in support of efforts to make college education more affordable for more Americans. Indeed earlier this year I voted in support of H.R. 5, the College Student Relief Act of 2007. I believed that bill took some positive steps and was pleased to support it.

I am very disappointed that the bill before us, H.R. 2669, falls far short of its goal. While those who drafted the bill assert that it is a comprehensive solution to making college more affordable, H.R. 2669 fails to address the core problem of access to U.S. colleges and universities: sky-rocketing rates of tuition and room and board. In just the last 7 years, yearly inflation has increased on average 2.7 percent. However, higher education costs for students has increased an average of 4.2 percent—a rate that is 55 percent higher than regular inflation. This bill makes it easier for students to borrow more money to face these costs, but it does nothing to fix the root problem. And, the end result will be that under H.R. 2669, the average college student graduating from college 4 years from now will still face a higher college debt than those graduating this year—even with all of the billions of dollars included in this bill. Why is that the case? Because this bill does nothing to address the core problem facing college students: uncontrolled growth in tuition, room and board.

Under H.R. 2669, those attending college in the future will be able to borrow more money and perhaps pay a lower interest rate, but with college expenses growing at a rate that far exceeds the annual inflation rate, students will end college with a significantly larger debt. By failing to address this fundamental problem, this bill avoids the major issue facing families and college students. It is due to this obvious omission that I could not vote for final passage of this bill.

H.R. 2669 will enable students to take on more debt which will further burden them for many years past graduation. In 2006, the Higher Education Price Index, HEPI, calculation showed that inflation for colleges and universities jumped to 5 percent. This is 30 percent higher than the regular inflation rate. When colleges and universities know that students have access to more funds through financial aid, loans, and grants they have simply seen this as an opportunity to raise costs for students. This was the case in the past and it is likely to happen again.

This bill does nothing to discourage colleges and universities from further inflating their tuition rates. In fact, it will do the opposite. If we truly want to help our students go into the world with a good education and saddled with less debt, we should hold colleges and universities who take government aid more accountable and not allow them to continue their excessive increases in college costs. Our students deserve better.

The SPEAKER pro tempore. All time for debate on the bill has expired.

AMENDMENT OFFERED BY MR. MCKEON

Mr. MCKEON. Mr. Speaker, I have an amendment made in order at the desk.

The SPEAKER pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment in the nature of a substitute printed in House Report 110–224 offered by Mr. MCKEON:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Pell Grant Enhancement Act'' .

SEC. 2. REDUCTION OF LENDER INSURANCE PERCENTAGE.

(a) AMENDMENT.—Subparagraph (G) of section 428(b)(1) of the Higher Education Act of 1965 (20 U.S.C. 1078(b)(1)(G)) is amended to read as follows:

''(G) insures 95 percent of the unpaid principal of loans insured under the program, except that—

''(i) such program shall insure 100 percent of the unpaid principal of loans made with funds advanced pursuant to section 428(j) or 439(q); and

''(ii) notwithstanding the preceding provisions of this subparagraph, such program shall insure 100 percent of the unpaid principal amount of exempt claims as defined in subsection (c)(1)(G);''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect with respect to loans made on or after October 1, 2007.

SEC. 3. GUARANTEE AGENCY COLLECTION RETENTION.

Clause (ii) of section 428(c)(6)(A) of the Higher Education Act of 1965 (20 U.S.C. 1078(c)(6)(A)(ii)) is amended to read as follows:

''(ii) an amount equal to 24 percent of such payments for use in accordance with section 422B, except that—

''(I) beginning October 1, 2003 and ending September 30, 2007, this subparagraph shall be applied by substituting '23 percent' for '24 percent';

''(II) beginning October 1, 2007 and ending September 30, 2008, this subparagraph shall be applied by substituting '20 percent' for '24 percent';

''(III) beginning October 1, 2008 and ending September 30, 2010, this subparagraph shall be applied by substituting '18 percent' for '24 percent'; and

''(IV) beginning October 1, 2010, this subparagraph shall be applied by substituting for '24 percent' a percentage determined in accordance with the regulations of the Secretary and equal to the average rate paid to collection agencies that have contracts with the Secretary.''.

SEC. 4. ELIMINATION OF EXCEPTIONAL PERFORMER STATUS FOR LENDERS.

(a) ELIMINATION OF STATUS.—Part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.) is amended by striking section 428I (20 U.S.C. 1078–9).

(b) CONFORMING AMENDMENTS.—Part B of title IV of such Act is further amended—

(1) in section 428(c)(1) (20 U.S.C. 1078(c)(1))—

(A) by striking subparagraph (D); and

(B) by redesignating subparagraphs (E) through (H) as subparagraphs (D) through (G), respectively; and

(2) in section 438(b)(5) (20 U.S.C. 1087–1(b)(5)), by striking the matter following subparagraph (B).

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on October 1, 2007.

SEC. 5. REDUCTION OF LENDER SPECIAL ALLOWANCE PAYMENTS.

Section 438(b)(2)(I) of the Higher Education Act of 1965 (20 U.S.C. 1087–1(b)(2)(I)) is amended by adding at the end the following new clauses:

''(vi) REDUCTION FOR LOANS DISBURSED ON OR AFTER OCTOBER 1, 2007.—With respect to a loan on which the applicable interest rate is determined under section 427A(l) and for which the first disbursement of principal is made on or after October 1, 2007, the special allowance payment computed pursuant to this subparagraph shall be computed—

''(I) by substituting '2.0 percent' for '2.34 percent' each place it appears in this subparagraph;

''(II) by substituting '1.4 percent' for '1.74 percent' in clause (ii); and

''(III) by substituting '2.0 percent' for '2.64 percent' each place it appears in clauses (iii) and (iv).''.

SEC. 6. UNIT COST CALCULATION FOR GUARANTY AGENCY ACCOUNT MAINTENANCE FEES.

Section 458(b) of the Higher Education Act of 1965 (20 U.S.C. 1087h(b)) is amended—

(1) by striking ''Account'' and inserting the following:

''(1) FOR FISCAL YEARS 2006 AND 2007.—For each of the fiscal years 2006 and 2007, account''; and

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

''(2) FOR FISCAL YEAR 2008 AND SUCCEEDING FISCAL YEARS.—

''(A) UNIT COST BASIS.—For fiscal year 2008 and each succeeding fiscal year, the Secretary shall calculate the account maintenance fees payable to guaranty agencies under subsection (a)(3), on a per-loan cost basis in accordance with subparagraph (B).

''(B) DETERMINATIONS.—To determine the amount that shall be paid under subsection (a)(3) per outstanding loan guaranteed by a guaranty agency for fiscal year 2008 and succeeding fiscal years, the Secretary shall—

''(i) establish the per-loan cost basis amount by—

''(I) dividing the total amount of account maintenance fees paid under subsection (a)(3) in fiscal year 2006, by

''(II) the number of loans under part B that were outstanding in that fiscal year; and

''(ii) determine on October 1 of fiscal year 2008 and each subsequent fiscal year, and pay to each guaranty agency, an amount equal to the product of the number of loans under part B that are outstanding on October 1 of that fiscal year and insured by that guaranty agency multiplied by—

''(I) the amount determined under clause (i); increased by

''(II) a percentage equal to the percentage increase in the Consumer Price Index for Wage Earners (as determined by the Bureau of Labor Statistics of the Department of Labor) between the calendar quarter ending on June 30, 2006, and the calendar quarter ending on the June 30 preceding such October 1 of such fiscal year.''.

SEC. 7. TUITION SENSITIVITY.

(a) ELIMINATION OF TUITION SENSITIVITY.—Section 401(b) of the Higher Education Act of 1965 (20 U.S.C. 1070a(b)) is amended—

(1) by striking paragraph (3); and

(2) by redesignating paragraphs (4) through (9) as paragraphs (3) through (8), respectively.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on July 1, 2008.

SEC. 8. MANDATORY PELL GRANT INCREASES.

(a) EXTENSION OF AUTHORITY.—Section 401(a) (20 U.S.C. 1070a(a)) is amended by striking ''fiscal year 2004'' and inserting ''fiscal year 2017''.

(b) FUNDING FOR INCREASES.—Section 401(b) (20 U.S.C. 1070a(b)) is amended by adding at the end the following new paragraph:

''(9) ADDITIONAL FUNDS.—

''(A) IN GENERAL.—For an academic year, there are authorized to be appropriated, and there are appropriated, such sums as may be necessary to carry out subparagraph (B) of this paragraph (in addition to any other amounts appropriated to carry out this section and out of any money in the Treasury not otherwise appropriated) the following amounts:

''(i) $1,454,000,000 for fiscal year 2008;

''(ii) $1,915,000,000 for fiscal year 2009;

''(iii) $2,380,000,000 for fiscal year 2010;

''(iv) $2,845,000,000 for fiscal year 2011;

''(v) $3,386,000,000 for fiscal year 2012;

''(vi) $3,407,000,000 for fiscal year 2013;

''(vii) $3,443,000,000 for fiscal year 2014;

''(viii) $3,474,000,000 for fiscal year 2015;

''(ix) $3,502,000,000 for fiscal year 2016; and

''(x) $3,526,000,000 for fiscal year 2017.

''(B) INCREASE IN FEDERAL PELL GRANTS.—The amounts made available pursuant to subparagraph (A) of this paragraph shall be used to increase the amount of the maximum Pell Grant for which a student shall be eligible during an award year, as specified in the last enacted appropriation Act applicable to that award year, by—

''(i) $350 for award year 2008–2009;

''(ii) $450 for award year 2009–2010;

''(iii) $550 for award year 2010–2011;

''(iv) $650 for award year 2011–2012; and

''(v) $750 for each of the award years 2012–2013 through 2017–2018.''.

(c) AUTHORIZED MAXIMUMS.—Section 401(b)(2)(A) (20 U.S.C. 1070a(b)(2)(A)) is amended to read as follows:

''(2)(A) The amount of the Federal Pell Grant for a student eligible under this part shall be for each of the award years 2008–2009 through 2016-2017, the sum of—

''(i) the amount appropriated in the applicable appropriation Act for the maximum Federal Pell Grant for that award year; and

''(ii) the amount specified in subsection (a)(2)(B) for that award year;

less an amount equal to the amount determined to be the expected family contribution with respect to that student for that year.''.

SEC. 9. PLUS LOAN INTEREST RATES.

Paragraph (2) of section 427A(l) of the Higher Education Act of 1965 (20 U.S.C. 1077a(l)(2)) is amended to read as follows:

''(2) PLUS LOANS.—Notwithstanding subsection (h), with respect to any loan under section 428B, the applicable rate of interest—

''(A) shall be 8.5 percent on the unpaid principal balance of any such loan for which

the first disbursement is made on or after July 1, 2006, and before July 1, 2008; and

''(B) shall be 7.9 percent on the unpaid principal balance of any such loan for which the first disbursement is made on or after July 1, 2008.''.

SEC. 10. CONSUMER INFORMATION AND PUBLIC ACCOUNTABILITY IN HIGHER EDUCATION.

Section 131 of the Higher Education Act of 1965 (20 U.S.C. 1015) is amended to read as follows:

''SEC. 131. CONSUMER INFORMATION AND PUBLIC ACCOUNTABILITY IN HIGHER EDUCATION.

''(a) PURPOSE.—It is the purpose of this section to—

''(1) provide students and families with an easy-to-use, comprehensive web-based tool for researching and comparing institutions of higher education;

''(2) increase the transparency of college cost, price, and financial aid; and

''(3) raise public awareness of information available about postsecondary education, particularly among low-income families, non-traditional student populations, and first-generation college students.

''(b) COLLEGE OPPORTUNITY ON-LINE (COOL) WEBSITE RE-DESIGN PROCESS.—In carrying out this section, the Commissioner of Education Statistics—

''(1) shall identify the data elements that are of greatest importance to prospective students, enrolled students, and their families, paying particular attention to low-income, non-traditional student populations, and first-generation college students;

''(2) shall convene a group of individuals with expertise in the collection and reporting of data related to institutions of higher education to—

''(A) determine the relevance of particular data elements to prospective students, enrolled students, and families;

''(B) assess the cost-effectiveness of various ways in which institutions of higher education might produce relevant data;

''(C) determine the general comparability of the data across institutions of higher education;

''(D) make recommendations regarding the inclusion of specific data items and the most effective and least burdensome methods of collecting and reporting useful data from institutions of higher education; and

''(3) shall ensure that the redesigned COOL website—

''(A) uses, to the extent practicable, data elements currently provided by institutions of higher education to the Secretary;

''(B) includes clear and uniform information determined to be relevant to prospective students, enrolled students, and families;

''(C) provides comparable information, by ensuring that data are based on accepted criteria and common definitions;

''(D) includes a sorting function that permits users to customize their search for and comparison of institutions of higher education based on the information identified through the process as prescribed in paragraph (1) as being of greatest relevance to choosing an institution of higher education.

''(c) DATA COLLECTION.—

''(1) DATA SYSTEM.—The Commissioner of Education Statistics shall continue to redesign the relevant parts of the Integrated Postsecondary Education Data System to include additional data as required by this section and to continue to improve the usefulness and timeliness of data collected by such systems in order to inform consumers about institutions of higher education.

''(2) COLLEGE CONSUMER PROFILE.—The Secretary shall continue to publish on the COOL website, for each academic year and in accordance with standard definitions developed by the Commissioner of Education Statistics (including definitions developed under section 131(a)(3)(A) as in effect on the day before the date of enactment of the College Affordability and Transparency Act of 2007), from at least all institutions of higher education participating in programs under title IV the following information:

''(A) The tuition and fees charged for a first-time, full-time, full-year undergraduate student.

''(B) The room and board charges for a first-time, full-time, full-year undergraduate student.

''(C) The price of attendance for a first-time, full-time, full-year undergraduate student, consistent with the provisions of section 472.

''(D) The average amount of financial assistance received by a first-year, full-time, full-year undergraduate student, including—

''(i) each type of assistance or benefits described in 428(a)(2)(C)(ii);

''(ii) institutional and other assistance; and

''(iii) Federal loans under parts B, D, and E of title IV.

''(E) The number of first-time, full-time, full-year undergraduate students receiving financial assistance described in each clause of subparagraph (D).

''(F) The institutional instructional expenditure per full-time equivalent student.

''(G) Student enrollment information, including information on the number and percentage of full-time and part-time students, the number and percentage of resident and non-resident students.

''(H) Faculty-to-student ratios.

''(I) Faculty information, including the total number of faculty and the percentage of faculty who are full-time employees of the institution and the percentage who are part-time.

''(J) Completion and graduation rates of undergraduate students, identifying whether the completion or graduation rates are from a 2-year or 4-year program of instruction and, in the case of a 2-year program of instruction, the percentage of students who transfer to 4-year institutions prior or subsequent to completion or graduation.

''(K) A link to the institution of higher education with information of interest to students including mission, accreditation, student services (including services for students with disabilities), transfer of credit policies and, if appropriate, placement rates and other measures of success in preparing students for entry into or advancement in the workforce.

''(L) The college affordability information elements specified in subsection (d).

''(M) Any additional information that the Secretary may require.

''(d) COLLEGE AFFORDABILITY INFORMATION ELEMENTS.—The college affordability information elements required by subsection (c)(2)(L) shall include, for each institution submitting data—

''(1) the sticker price of the institution for the 3 most recent academic years;

''(2) the net tuition price of the institution for the 3 most recent academic years;

''(3) the percentage change in both the sticker price and the net tuition price over the 3-year time period that is being reported;

''(4) the percentage change in the CPI over the same time period; and

''(5) whether the institution has been placed on affordability alert status as required by subsection (e)(3).

''(e) OUTCOMES AND ACTIONS.—

''(1) RESPONSE FROM INSTITUTION.—Effective on June 30, 2008, an institution that increases its sticker price at a percentage rate for any 3-year interval ending on or after that date that exceeds two times the rate of change in the CPI over the same time period shall provide a report to the Secretary, in such a form, at such time, and containing such information as the Secretary may require. Such report shall be published by the Secretary on the COOL website, and shall include—

''(A) a description of the factors contributing to the increase in the institution's costs and in the tuition and fees charged to students; and

''(B) if determinations of tuition and fee increases are not within the exclusive control of the institution, a description of the agency or instrumentality of State government or other entity that participates in such determinations and the authority exercised by such agency, instrumentality, or entity.

''(2) QUALITY-EFFICIENCY TASK FORCES.—

''(A) REQUIRED.—Each institution subject to paragraph (1) that has a percentage change in its sticker price that is in the highest 5 percent of all institutions subject to paragraph (1) shall establish a quality-efficiency task force to review the operations of such institution.

''(B) MEMBERSHIP.—Such task force shall include administrators, business and civic leaders, and faculty, and may include students, trustees, parents of students, and alumni of such institution.

''(C) FUNCTIONS.—Such task force shall analyze institutional operating costs in comparison with such costs at other institutions within the class of institutions. Such analysis should identify areas where, in comparison with other institutions in such class, the institution operates more expensively to produce a similar result. Any identified areas should then be targeted for in-depth analysis for cost reduction opportunities.

''(D) REPORT.—The results of the analysis by a quality-efficiency task force under this paragraph shall be made available to the public on the COOL website.

''(3) CONSEQUENCES FOR 2-YEAR CONTINUATION OF FAILURE.—If the Secretary determines that an institution that is subject to paragraph (1)) has failed to reduce the subsequent increase in sticker price below two times the rate of change in the CPI for 2 consecutive academic years subsequent to the 3-year interval used under paragraph (1), the Secretary shall place the institution on affordability alert status.

''(4) EXEMPTIONS.—Notwithstanding paragraph (3), an institution shall not be placed on affordability alert status if, for any 3-year interval for which sticker prices are computed under paragraph (1)—

''(A) with respect the the class of institutions described in paragraph (6) to which the institution belongs, the sticker price of the institution is in the lowest quartile of institutions within such class, as determined by the Secretary, during the last year of such 3-year interval; or

''(B) the institution has a percentage change in its sticker price computed under paragraph (1) that exceeds two times the rate of change in the CPI over the same time period, but the dollar amount of the sticker price increase is less than $500.

''(5) INFORMATION TO STATE AGENCIES.—Any institution that reports under paragraph (1)(B) that an agency or instrumentality of State government or other entity participates in the determinations of tuition and fee increases shall, prior to submitting any information to the Secretary under this subsection, submit such information to, and request the comments and input of, such agency, instrumentality, or entity. With respect to any such institution, the Secretary shall provide a copy of any communication by the

Secretary with that institution to such agency, instrumentality, or entity.

''(6) CLASSES OF INSTITUTIONS.—For purposes of this subsection, the classes of institutions shall be those sectors used by the Integrated Postsecondary Education Data System, based on whether the institution is public, nonprofit private, or for-profit private, and whether the institution has a 4-year, 2-year, or less than 2-year program of instruction.

''(7) DATA REJECTION.—Nothing in this subsection shall be construed as allowing the Secretary to reject the data submitted by an individual institution of higher education.

''(f) INFORMATION TO THE PUBLIC.—The Secretary shall work with public and private entities to promote broad public awareness, particularly among middle and high school students and their families, of the information made available under this section, including by distribution to students who participate in or receive benefits from means-tested federally funded education programs and other Federal programs determined by the Secretary.

''(g) FINES.—In addition to actions authorized in section 487(c), the Secretary may impose a fine in an amount not to exceed $25,000 on an institution of higher education for failing to provide the information required by this section in a timely and accurate manner, or for failing to otherwise cooperate with the National Center for Education Statistics regarding efforts to obtain data under subsections (c) and (j) and pursuant to the program participation agreement entered into under section 487.

''(h) GAO STUDY AND REPORT.—

''(1) GAO STUDY.—The Comptroller General shall conduct a study of the policies and procedures implemented by institutions in increasing the affordability of postsecondary education. Such study shall include information with respect to—

''(A) a list of those institutions that—

''(i) have reduced their sticker prices; or

''(ii) are within the least costly quartile of institutions within each class described in subsection (e)(6);

''(B) policies implemented to stem the increase in tuition and fees and institutional costs;

''(C) the extent to which room and board costs and prices changed;

''(D) the extent to which other services were altered to affect tuition and fees;

''(E) the extent to which the institution's policies affected student body demographics and time to completion;

''(F) what, if any, operational factors played a role in reducing tuition and fees;

''(G) the extent to which academic quality was affected, and how;

''(H) if the institution is a public institution, the relationship between State and local appropriations and the institution's tuition and fees;

''(I) the extent to which policies and practices reducing costs and prices may be replicated from one institution to another; and

''(J) other information as necessary to determine best practices in increasing the affordability of postsecondary education.

''(2) INTERIM AND FINAL REPORTS.— The Comptroller General shall submit an interim and a final report regarding the findings of the study required by paragraph (1) to the appropriate authorizing committees of Congress. The interim report shall be submitted not later than July 31, 2011, and the final report shall be submitted not later than July 31, 2013.

''(i) STUDENT AID RECIPIENT SURVEY.—

''(1) SURVEY REQUIRED.—The Secretary shall conduct a survey of student aid recipients under title IV on a regular cycle and State-by-State basis, but not less than once every 4 years—

''(A) to identify the population of students receiving Federal student aid;

''(B) to describe the income distribution and other socioeconomic characteristics of federally aided students;

''(C) to describe the combinations of aid from State, Federal, and private sources received by students from all income groups;

''(D) to describe the debt burden of educational loan recipients and their capacity to repay their education debts, and the impact of such debt burden on career choices;

''(E) to describe the role played by the price of postsecondary education in the determination by students of what institution to attend; and

''(F) to describe how the increased costs of textbooks and other instructional materials affects the costs of postsecondary education to students.

''(2) SURVEY DESIGN.—The survey shall be representative of full-time and part-time, undergraduate, graduate, and professional and current and former students in all types of institutions, and designed and administered in consultation with the Congress and the postsecondary education community.

''(3) DISSEMINATION.—The Commissioner of Education Statistics shall disseminate the information resulting from the survey in both printed and electronic form.

''(j) REGULATIONS.—The Secretary is authorized to issue such regulations as may be necessary to carry out the provisions of this section.

''(k) DEFINITIONS.—For the purposes of this section:

''(1) NET TUITION PRICE.—The term 'net tuition price' means the average tuition and fees charged to a first-time, full-time, full-year undergraduate student, minus the average grants provided to such students, for any academic year.

''(2) STICKER PRICE.—The term 'sticker price' means the average tuition and fees charged to a first-time, full-time, full-year undergraduate student by an institution of higher education for any academic year.

''(3) CPI.—The term 'CPI' means the Consumer Price Index-All Urban Consumers (Current Series).''.

SEC. 11. COLLEGE AFFORDABILITY DEMONSTRATION PROJECT.

(a) .—Part G of title IV is amended by inserting after section 486 (20 U.S.C. 1093) the following new section:

''SEC. 486A. COLLEGE AFFORDABILITY DEMONSTRATION PROJECT.

''(a) PURPOSE.—It is the purpose of this section—

''(1) to provide, through a college affordability demonstration project, for increased innovation in the delivery of higher education and student financial aid in a manner resulting in reduced costs for students as well as the institution by employing one or more strategies including accelerating degree or program completion, increasing availability of, and access to, distance components of education delivery, engaging in collaborative arrangements with other institutions and organizations, and other alternative methodologies; and

''(2) to help determine—

''(A) the most effective means of delivering student financial aid as well as quality education;

''(B) the specific statutory and regulatory requirements that should be altered to provide for more efficient and effective delivery of student financial aid, as well as access to high quality distance education programs, resulting in a student more efficiently completing postsecondary education; and

''(C) the most effective methods of obtaining and managing institutional resources.

''(b) DEMONSTRATION PROJECT AUTHORIZED.—

''(1) IN GENERAL.—In accordance with the purposes described in subsection (a) and the provisions of subsection (d), the Secretary is authorized to select not more than 100 institutions of higher education, including those applying as part of systems or consortia of such institutions, for voluntary participation in the College Affordability Demonstration Project in order to enable participating institutions to carry out such purposes by providing programs of postsecondary education, and making available student financial assistance under this title to students enrolled in those programs, in a manner that would not otherwise meet the requirements of this title.

''(2) WAIVERS.—The Secretary is authorized to waive for any institutions of higher education, or any system or consortia of institutions of higher education, selected for participation in the College Affordability Demonstration Project, any requirements of this Act or the regulations thereunder as deemed necessary by the Secretary to meet the purpose described in subsection (a)(1), and shall make a determination that the waiver can reasonably be expected to result in reduced costs to students or institutions without an increase in Federal program costs. The Secretary may not waive under this paragraph the maximum award amounts for an academic year or loan period.

''(3) ELIGIBLE APPLICANTS.—

''(A) ELIGIBLE INSTITUTIONS.—Except as provided in subparagraph (B), only an institution of higher education that is eligible to participate in programs under this title shall be eligible to participate in the demonstration project authorized under this section.

''(B) PROHIBITION.—An institution of higher education described in section 102(a)(1)(C) shall not be eligible to participate in the demonstration project authorized under this section.

''(c) APPLICATION.—

''(1) IN GENERAL.—Each institution or system of institutions desiring to participate in the demonstration project under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require.

''(2) CONTENTS OF APPLICATIONS.—Each application for the college affordability demonstration project shall include at least the following:

''(A) a description of the institution or system or consortium of institutions and what quality assurance mechanisms are in place to ensure the integrity of the Federal financial aid programs;

''(B) a description of the innovation or innovations being proposed and the affected programs and students, including—

''(i) a description of any collaborative arrangements with other institutions or organizations to reduce costs;

''(ii) a description of any expected economic impact of participation in the project within the community in which the institution is located; and

''(iii) a description of any means the institution will employ to reduce the costs of instructional materials, such as textbooks;

''(C) a description of each regulatory or statutory requirement for which waivers are sought, with a reason for each waiver;

''(D) a description of the expected outcomes of the program changes proposed, including the estimated reductions in costs both for the institution and for students;

''(E) an assurance from each institution in a system or consortium of a commitment to fulfill its role as described in the application;

''(F) an assurance that the participating institution or system of institutions will

offer full cooperation with the ongoing evaluations of the demonstration project provided for in this section; and

''(G) any other information or assurances the Secretary may require.

''(d) SELECTION.—In selecting institutions to participate in the demonstration project under this section, the Secretary shall take into account—

''(1) the number and quality of applications received, determined on the basis of the contents required by subsection (c)(2);

''(2) the Department's capacity to oversee and monitor each institution's participation;

''(3) an institution's—

''(A) financial responsibility;

''(B) administrative capability;

''(C) program or programs being offered via distance education, if applicable;

''(D) student completion rates; and

''(E) student loan default rates; and

''(4) the participation of a diverse group of institutions with respect to size, mission, and geographic distribution.

''(e) NOTIFICATION.—The Secretary shall make available to the public and to the authorizing committees a list of institutions selected to participate in the demonstration project authorized by this section. Such notice shall include a listing of the specific statutory and regulatory requirements being waived for each institution and a description of the innovations being demonstrated.

''(f) EVALUATIONS AND REPORTS.—

''(1) EVALUATION.—The Secretary shall evaluate the demonstration project authorized under this section on a biennial basis. Such evaluations specifically shall review—

''(A) the extent to which expected outcomes, including the estimated reductions in cost, were achieved;

''(B) the number and types of students participating in the programs offered, including the progress of participating students toward recognized certificates or degrees and the extent to which participation in such programs increased;

''(C) issues related to student financial assistance associated with the innovations undertaken;

''(D) effective technologies and alternative methodologies for delivering student financial assistance;

''(E) the extent of the cost savings to the institution, the student, and the Federal Government resulting from the waivers provided, and an estimate as to future cost savings for the duration of the demonstration project;

''(F) the extent to which students saved money by completing their postsecondary education sooner;

''(G) the extent to which the institution reduced its tuition and fees and its costs by participating in the demonstration project

''(H) the extent to which any collaborative arrangements with other institutions or organizations have reduced the participating institution's costs; and

''(I) the extent to which statutory or regulatory requirements not waived under the demonstration project present difficulties for students or institutions.

''(2) POLICY ANALYSIS.—The Secretary shall review current policies and identify those policies that present impediments to the implementation of innovations that result in cost savings and in expanding access to education.

''(3) REPORTS.—The Secretary shall provide a report to the authorizing committees on a biennial basis regarding—

''(A) the demonstration project authorized under this section;

''(B) the results of the evaluations conducted under paragraph (1);

''(C) the cost savings to the Federal Government by the demonstration project authorized by this section; and

''(D) recommendations for changes to increase the efficiency and effective delivery of financial aid.

''(g) OVERSIGHT.—In conducting the demonstration project authorized under this section, the Secretary shall, on a continuing basis—

''(1) ensure compliance of institutions or systems of institutions with the requirements of this title (other than the sections and regulations that are waived under subsection (b)(2));

''(2) provide technical assistance to institutions in their application to and participation in the demonstration project;

''(3) monitor fluctuations in the student population enrolled in the participating institutions or systems of institutions;

''(4) monitor changes in financial assistance provided at the institution; and

''(5) consult with appropriate accrediting agencies or associations and appropriate State regulatory authorities.

''(h) TERMINATION OF AUTHORITY.—The authority of the Secretary under this section shall cease to be effective on October 1, 2012.''.

SEC. 12. MULTIPLE GRANTS.

(a) AMENDMENT.—Paragraph (5) of section 401(b) (as redesignated by section 7(a)(2) of this Act) is amended to read as follows:

''(5) YEAR-ROUND PELL GRANTS.—The Secretary is authorized, for students enrolled in a baccalaureate degree, associate's degree, or certificate program of study at an eligible institution, to award such students not more than two Pell grants during an award year to permit such students to accelerate progress toward their degree or certificate objectives by enrolling in courses for more than 2 semesters, or 3 quarters, or the equivalent, in a given academic year.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall be effective July 1, 2009.

SEC. 13. DEFERRAL OF LOAN REPAYMENT FOLLOWING ACTIVE DUTY.

Part G of title IV is amended by inserting after section 484B (20 U.S.C. 1091b) the following new section:

''SEC. 484C. DEFERRAL OF LOAN REPAYMENT FOLLOWING ACTIVE DUTY.

''(a) DEFERRAL OF LOAN REPAYMENT FOLLOWING ACTIVE DUTY.—In addition to any deferral of repayment of a loan made under this title pursuant to section 428(b)(1)(M)(iii), 455(f)(2)(C), or 464(c)(2)(A)(ii), a borrower of a loan under this title who is a member of the National Guard or other reserve component of the Armed Forces of the United States, or a member of such Armed Forces in a retired status, is called or ordered to active duty, and is currently enrolled, or was enrolled within six months prior to the activation, in a program of instruction at an eligible institution, shall be eligible for a deferment during the 13 months following the conclusion of such service, except that a deferment under this subsection shall expire upon the borrower's return to enrolled student status.

''(b) ACTIVE DUTY.—Notwithstanding section 481(d), in this section, the term 'active duty' has the meaning given such term in section 101(d)(1) of title 10, United States Code, except that such term—

''(1) does not include active duty for training or attendance at a service school; but

''(2) includes, in the case of members of the National Guard, active State duty.''.

The SPEAKER pro tempore. Pursuant to House Resolution 531, the gentleman from California (Mr. MCKEON) and a Member opposed each will control 30 minutes.

The Chair recognizes the gentleman from California.

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

Mr. Speaker, if bridging the gap between low-income students and their dream of a college education is a primary goal of this House, then this substitute should be adapted with ease. That's because this amendment nearly doubles the Pell Grant increase provided by the underlying bill.

It makes Pell funding available year around for students seeking to finish their degrees more quickly by taking summer courses, which also makes a savings for them, and it eliminates a role that needlessly punishes students attending low-cost schools by limiting the amount of Pell Grant funds they can receive each year.

First some background. Less than a third of savings in the underlying bill, roughly $6 billion, is directed to the most successful student aid program on the books today, the Pell Grant program.

In fact, more funds under the base bill are directed toward those who are, by definition, no longer even students. This is done by temporarily phasing down interest rates on certain loans being repaid by college graduates.

The remaining third of the bill triggers billions of dollars in new entitlement spending, including nine new areas of entitlement spending all together. In fact, some of this new spending is not even directed towards students, but rather to institutions, like colleges, universities, and philanthropic organizations.

This Pell Grant substitute will tip the balance back toward low-income students struggling to pay for their college education by increasing the maximum Pell Grant far more than the underlying bill. Specifically, it would provide for $9 billion in additional funding for Pell Grants over the next 5 years. Again, that's nearly double what the underlying bill would do.

Here's how we do it. This Pell Grant proposal adopts the same cut to lender insurance rates from 97 to 95 percent as the underlying bill, while having the same goal of reducing administrative fees paid to guaranteed agencies as well.

In addition, this substitute would save the Federal Government about $11 billion through lower special allowance payments.

I believe this structural savings is far more responsible than the underlying bill which, much like the President's fiscal year 2008 budget, fails to take into account the fact that Congress cut some $18 billion from the student loan programs just last year.

With these savings, more than $15 billion in total, this amendment corrects current law to equalize the Pell and direct loan rates for PLUS loans at 7.9 percent. It retains bipartisan language from the underlying bill to permit members of the Armed Forces the ability to defer their loans for up to 13 months upon returning from service.

Most importantly, it invests more than $9 billion in the Pell Grant program. This investment would allow us to increase the maximum Pell Grant by $350 in 2008, compared to the smaller increase in the underlying bill, and by $100 for each year thereafter.

On top of that, this measure would pay down the deficit by $5.74 billion. That's more than three times what the underlying bill would dedicate toward deficit reduction.

□ 1400

Also included in this substitute are key college cost reforms, including the College Affordability and Transparency Act legislation that I introduced earlier this year to arm parents and students with more information about college costs than ever before. The measure also would take important steps to insist that colleges and universities be held more accountable for their role in the college cost crisis.

Mr. Speaker, through my substitute amendment, we would increase Pell, decrease the deficit, more directly address college costs and put in place a handful of other student benefits without creating a single new entitlement program. We would accomplish all of this without creating a new maze of rules and regulations for students, parents and institutions to navigate. And, we would accomplish all of this without shortchanging the low-income students who need the most help to get on the ladder to achieve the American dream. I urge my colleagues to join me in supporting it.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I claim the time in opposition to the amendment.

The SPEAKER pro tempore. The gentleman is recognized for 30 minutes.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. WU), a member of the committee.

Mr. WU. Mr. Speaker, I thank the chairman for yielding me the time.

And with just a minute or two of time, one of the saddest moments, one of the two saddest moments in my relatively brief career here in the United States House was when this Chamber acted at the President's request to cut $12 billion from college financial aid. That occurred the day after a State of the Union Address where the President talked about American competitiveness.

Today, we take a bold step in rectifying that error. And I just want to refer a moment to the other saddest day of my thus far 8 years in the House of Representatives, and that was the decision in this Chamber to go to war in Iraq.

Those were the two saddest moments in my congressional career: Begin a war in error, and now perpetuating a pride. But at least today, at this moment, we are having an opportunity to rectify, in my view, the other great error that we committed during my time in this Chamber, and that is the $12 billion cut that the Education Committee passed, the prior majority passed in this Chamber, and that went into effect without a necessary 60-vote majority in the Senate.

Now, we can propose this greatest increase in college financial aid. We may or may not have the votes for cloture in the other Chamber, but this is the right thing to do. This is the right thing to do. It will make America more competitive. It will help individuals, and it will help our society, and we will rectify the errors we have made in the past one by one.

I rise in support of the College Cost Reduction Act.

Affordable access to quality post-secondary education is the best tool available to ensure success and the kind of career that can support a family. It is also critical that American students have the education that will help them remain competitive in an increasingly global and knowledge-based economy.

The College Cost Reduction Act provides a major funding increase to assist students and their families achieve the goal paying for college, and much more—at no new expense to taxpayers. It provides tuition assistance to undergraduates who commit to teaching in low-income communities or high-need subject areas. It rewards those who serve their communities—first responders and law enforcement officers, for example, by providing loan forgiveness to those that serve others.

Perhaps most importantly, the bill provides a major help to students in my home state of Oregon. The bill expands Pell Grant eligibility, and the maximum Pell Grant scholarship is increased over $500. This means nearly 70,000 Oregonians could benefit from the bill. This translates into $194 million dollars in aid to Oregon students and families over five years.

College costs have skyrocketed over the past decade.

The College Cost Reduction Act is instrumental in helping more Americans achieve their dream of a college education. I strongly support this bill, and urge my colleagues to do so as well.

Mr. GEORGE MILLER of California. Mr. Speaker, I recognize the gentleman from New York (Mr. BISHOP) for 5 minutes.

Mr. BISHOP of New York. Mr. Speaker, I rise in opposition to the amendment of the ranking member, and I urge its defeat, and I urge our colleagues to vote in support of the underlying bill. I do so for several reasons; but before I talk about that, I would like to talk about some of the things that I have heard here today in the debate that disturbed me greatly and I think require being addressed.

First is that I believe the ranking member, I am going to paraphrase him, but I think correctly said that we just can't help ourselves; that if you give us an opportunity to spend money, we are going to spend it. And I would rephrase that, and I would say that, we just can't help ourselves. If you give us an opportunity to solve a problem, we are going to solve it, and we are going to do so in a fiscally responsible way. And the problem that we are trying to solve with this underlying bill is diminished access and affordability to higher education, a problem which, if we leave unaddressed, is going to have a very serious consequence in terms of our future and in terms of our security. And we are addressing this problem, as I say, in a fiscally responsible way. It will not cost the taxpayers one dime.

I have also heard a great deal of talk about how we are not addressing the issue of entitlement spending and how we are creating nine new entitlements. Our mandatory budget represents about 60 or 70 percent of the total expenditures of this Nation, and it includes a number of so-called entitlement programs: Social Security, Medicare, Medicaid, interest on the national debt. And I would point out that, of all these programs, only one is truly mandatory, and that is interest on the national debt. And that number has ballooned over the last 6 years under the watch of the then majority when they controlled every lever of power in this town.

Fiscal year 2001, interest on the national debt was $200 billion a year. Fiscal year 2007, interest on the national debt is $265 billion a year. And the total debt has grown by $3 trillion.

So I would simply say that it rings hollow to hear a lecture on fiscal responsibility and to be told that we are behaving in a way that is injurious to the American taxpayer when in fact our behavior is the antithesis of the behavior that has held sway this House for the last 6 years.

Now, with the amendment here is what we would not get if we were to pass Mr. MCKEON's amendment: We would get no reduction in interest rates, a condition that would influence students' decisions to attend colleges. There would be no increase in the Federal capital contribution for the Perkins loan program. I will repeat; this is a loan program that this administration is trying earnestly to kill in what is a terribly ill-advised move.

There is this notion out there that the Federal capital contribution for Perkins will increase availability of Perkins loans. And to correct a common misperception, the Perkins loan program is not duplicative of the FFEL program or of the Direct Lending program. In fact, a great many students borrow from both programs. There would be no investment in cooperative education, a program that exposes students to the world of work and help enriches their college experience. There would be no investment in placing a highly qualified teacher in every classroom, something that we absolutely must do if we are going to make the advances on the K–12 level that we simply must make, the advances that were contemplated by the No Child Left Behind legislation, advances that we now have the opportunity to put in place. And there would be diminished opportunity for students who are needy to pursue careers in public service and in

not-for-profit. We cannot have a condition in which students choose their career based on their indebtedness, and this underlying legislation will address that.

So I believe that the College Cost Reduction Act is, as I said before, long overdue, much needed and will address some very serious concerns that currently confront college students and their families, and will do so in a fiscally responsible way. And I urge its passage, and I urge defeat of the amendment by Mr. MCKEON.

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

Mr. Speaker, let me say how relieved I am that the measure we are considering today does not incorporate the highly controversial STAR Act, which would turn over the entire Federal student loan program to Washington bureaucrats. I appreciate the chairman for not including that.

I continue to strongly support healthy competition between the government-run Direct Loan program and the market-based Pell program, and doing anything to upset that competition would be terrible for students, parents and taxpayers alike. Nonetheless, I would be remiss if I did not express some concerns about the extent of the Pell cuts in H.R. 2669.

After cutting some $18 billion from our student loan program during a budget reconciliation process in the last Congress, an additional cut of more than $18.75 billion this year strikes me as overreaching. Though this figure is close to the President's cut in his latest budget proposal, I believe the administration itself went too far and gave very little consideration to the impact of the cuts we made in the last Congress.

I also believe supporters of H.R. 2669 did not take into account the impact the bill's cuts may have on student loan default rates. When I became chairman, 12 years ago, of this subcommittee over higher education, the default rates were running about 25 percent. And through competition and the things that we have worked on during that time, we have cut that rate to where now the default rate is running at about 5 percent. If it gets back up to those higher ranges again, that is going to cost the American taxpayer another $11 billion a year.

House Republicans are already on record as having supported savings from some of the lender subsidies, and there may well be room to go even further. Later today, in my substitute, I offer cutting $15 billion, which is a little less than the underlying bill but may still be too high. Only time will tell. But we must be cautious to not overreach.

The majority often takes aim at student lenders and seeks continual and excessive cuts as a way to punish them for daring to make a profit. You know, businesses have to make a profit or they don't remain in business. And if they don't remain in business and making loans to students, running about $70 billion a year now, if they don't continue to make those loans, some would say, well, then the direct lending program can take it over, which means the Department of Education, which there have been some criticisms of, would become the largest bank in the world, doing all of the student loan system. Early in my tenure here, they had to shut down their program because they couldn't keep up, and it was a much smaller program at the time. I have very great concerns of turning the whole student loan program over to the Department of Education.

The real victims in all of this debate are the smaller lenders. The large lenders, which is kind of a paradox because they are the ones that we seem to be going after, they will survive, and they will even get better. The small lenders that help those that need the small loans, it takes about $7,000 for a lender to make a profit on these loans. In my community, kids going to the community colleges need a much smaller loan. The tuition, the fees and everything run less than $1,000 a year. And if they take out a loan to cover that, the lenders that are making that loan really aren't making any money; they are doing it as a service. They are not going to do that for long. When they keep getting hit with these kind of cuts, they will just get out of the program, and then, eventually, it will be turned over to the government-run program.

Let me just give a couple of examples here of the things I am concerned about. The Navy Federal Credit Union right here in Virginia that holds $280 million in Federal loans; or San Miguel Federal Credit Union that holds $140 million; or Simmons First National Bank in Pine Bluff, Arkansas, that holds $86 billion; or Sovereign Bank in Reading, Pennsylvania, that holds $79 million; Commerce Bank and Trust in Topeka, Kansas, that holds $60 million; or Zion's First National Bank in Salt Lake with $67 million; will these lenders still be in a program offering loans to their local citizens, or will they be driven out of the program by large lenders such as Sallie Mae? That is something that time will tell as we keep cutting the subsidy that the Federal Government gives now to help these small businesses remain to give the help to those students that need the loans the very most.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentleman from Kentucky (Mr. YARMUTH).

Mr. YARMUTH. Mr. Speaker, in this great land of opportunity, wealth should not be a prerequisite for education, and it should not be a prerequisite for future success. For too many hardworking and qualified Americans, a college degree is the key to a successful career.

□ 1415

And for millions more, that education sends them so deep into debt that raising a family is impossible. The College Cost Reduction Act will respond to this injustice with an unparalleled commitment in higher education. 140,000 students and families will save more than $200 million on tuition costs in my home State of Kentucky alone.

We've heard a lot during this debate from our colleagues on the other side throwing the word around of ''entitlement'' as if ''entitlement'' is a dirty word. And I will grant that over the years, some entitlements have not been particularly productive, but entitlements can also be significant investments in not only human capital but in the future of this country.

And in this particular instance, what we are saying is we are going to make a dramatic step not just to improve the lives of millions of young Americans, but also to make an investment in their futures and the future of this economy. And if we don't do it, the great disparity in wealth between the most wealthy people in this country and everyone else will continue to grow, and we will face an economy in which we are not developing the type of talent that will keep this country at the stature that it has always maintained.

So I am firmly against and urge my colleagues to vote against the amendment. I strongly support the College Cost Reduction Act because this is ultimately an investment in our future as a country, as a great nation, and the future of many Americans who without this help will be destined to a mundane future, which will mean that our country will result in the same state.

Mr. MCKEON. Mr. Speaker, I am happy to yield at this time to the gentlelady from Tennessee (Mrs. BLACKBURN) such time as she may consume.

Mrs. BLACKBURN. Mr. Speaker, I want to thank the gentleman from California for the work that he has done on this. I also want to commend him for his appreciation for how we approach education and how we approach access to education in this country. His work in the committee has not gone unnoticed, and we do appreciate that commitment.

I do rise today to support the McKeon substitute that we have before us, and I think that it addresses some of the problems that so many Members on both sides of the aisle have problems with in the underlying legislation. You cannot deny that there are nine new entitlement programs that are contained in the underlying legislation, and quite frankly, we have heard from so many people who have expressed concern over this.

As we are at a time when people talk about the need to reduce the size of the Federal Government, to reduce the bureaucracy, to reduce the number of programs, here comes a piece of legislation, and lo and behold, you're going to have nine new programs.

Now, quite frankly, Mr. Speaker, there are so many that say, why would you do this? Why would you not do an assessment of the needs and then put the money where the needs are?

And Mr. MCKEON has done that, as he has addressed the Pell Grants and spending the funding, increasing the Pell Grants, which address the access component that is so important to our students.

Another component that is in there that I think many of the Members would be interested in is the changes that it makes in providing funds for year-round Pell Grants, there again answering a question and solving a problem that we hear from our constituents and the type Pell Grant program that they want, the access that they want, being certain that we're going to help those students who wish to pursue their education not only in the fall, not only in the spring, but the summer as well. We know that this is very important as people look at new type schedules, as they look at moving on through the educational process and getting into the workforce.

We know that we have different areas where we need employment and being able to finish a little bit earlier. Not everybody wants to go on a 4- or 5-year program. There are some people that want to go through in a 3-year program, 3½-year program, and so this addresses a societal change and a need that is there that allows that flexibility that students want. And that is where we need to place the emphasis, allowing people to take control, individuals to take control and make decisions that are going to suit them and not having the bureaucracy make those for them, which all too often, when we create nine new entitlement programs, with nine new bureaucracies, we don't see fast decision-making on something. We see this go into that black hole or the terminal put on hold that so many of our constituents continue to complain about every day.

I would also like to commend to this body and thank Mr. MCKEON for the work that puts the emphasis on our military by providing for them extended deferment options for our returning soldiers who may need extra time to get settled and to return to careers and be able to begin repaying any outstanding student loans. Certainly in my district, the Seventh District of Tennessee, this is something that has been recognized as a need. We have so many that have served so honorably with the 101st Airborne at Fort Campbell, and this is a provision that is important. It is one that is recognized by us, by the minority, by those of us on this side of the aisle, and it's one that we do express our thanks for being included.

The McKeon amendment, the substitute is the right move. It is the right balance. It puts the funding where it is needed by increasing those Pell Grants, and I do rise in support of it, and I thank the gentleman for his work.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ).

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I thank Chairman MILLER for his recognition.

I rise in support of the College Cost Reduction Act and want to thank my good friend, the chairman, for his leadership and the members of the committee for their exceptional work.

While I am very supportive of the bill's overall goal, I have a concern that the bill incorporates the Bush administration's proposal to significantly cut the yield on all lenders across the board. Students and parents have saved millions of dollars due to smaller competitive lenders offering consolidation loans at lower interest rates. Greater competition leads to lower prices and more choices for the consumer.

I do want to thank the chairman for his recognition of small lenders. And quite honestly, he's worked very, very hard to get the legislation to this point, and I know he continues to try to do that.

I want to thank the chairman for eliminating the origination fee for small lenders because that's an important part of this bill as well. It will lower interest rates for students in the future. But we must ensure that individuals currently enrolled do not pay more when they're starting to repay their loans.

I look forward to working with Chairman MILLER and the ranking member and hope that this matter will be addressed in conference, and I know the chairman has committed to continue to try to do that. We must ensure that we help all students, parents and lenders equally and fairly.

Mr. MCKEON. Mr. Speaker, I am happy to yield 4 minutes to the gentleman from Louisiana (Mr. BOUSTANY), a member of the committee.

Mr. BOUSTANY. Mr. Speaker, I thank our ranking member for giving me time to speak on this.

I rise in support of the McKeon substitute amendment, and I'm opposed to the underlying bill as it's written. Historically, our Federal Government has limited entitlement spending to programs like Medicare and Social Security, and we're still trying to work out or trying to figure out how to make those programs solvent and sustainable.

The underlying bill creates nine new entitlement programs. And knowing that entitlement programs never die, we need to admit to the taxpayers that if this passes they will be expected to kick in another 15 to $30 billion to cover the cost of these new entitlement programs starting in 2013.

It also starts the precedent of creating entitlement programs for institutions and organizations. This act does little to reduce college costs and shortchanges those students who need help the most to pay for college. The bill spends less than one-third of the total savings on investing in low income students struggling to achieve their dreams of a college education.

Rather than addressing the needs of our Nation's low income students, this bill spends billions of dollars on providing additional subsidies to institutions of higher education.

I urge my colleagues to instead support the McKeon amendment, which would increase Pell Grants for our neediest students.

The amendment, in addition, makes two significant improvements to the Pell Grant program. It provides funds for year-round Pell Grants to help those students who wish to pursue their education, not only in the fall and spring, but in summer as well.

For too long, the student aid programs have only addressed the needs of traditional dependent students who attend fall and spring semester and then go home for summer. It's time that we do more to meet the needs of working adults and nontraditional students who need greater flexibility in pursuing their educational goals.

The amendment reduces interest rates for parents and graduate students in the Pell program who now pay 8.5 percent instead of 7.9 percent, which is paid by their peers in the direct loan program. There's simply no reason at all to charge parents and students different interest rates, and this problem needs to be addressed as soon as possible. I'm disappointed that my colleagues on the other side of the aisle did not see the need to help these parents and students who are being unfairly penalized under current law.

Furthermore, this amendment also helps our military, as was mentioned earlier, by providing extended deferment options for our returning soldiers who may need extra time to get settled before repaying any outstanding student loans. This provision was included in the committee mark, and for that I'm grateful, and I think it's certainly a provision I support.

And finally, the McKeon amendment addresses a concern that Mr. MCKEON has been voicing for the last three or four years, and that concern has to do with rising costs of college. I'm happy to see that this amendment includes the text of Mr. MCKEON's bill, H.R. 472, which brings much needed transparency to the college cost issue.

As we all know, rising college costs are a major concern of parents across the country who find it more and more difficult to pay their tuition bills; yet no one can or will explain why costs continue to increase at rates far exceeding the rate of inflation. It's time to arm parents and students with information that can be used to make these wise choices in selecting an institution of higher learning.

And for these reasons, I wholeheartedly support the McKeon amendment as a substitute to this bill, and urge passage of this very important amendment.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2½ minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in opposition to the amendment in the nature of a substitute for it undermines and it strikes all of the important initiatives that cause this legislation to be one of the imperative legislative initiatives of this Congress.

It impacts negatively the middle class. It undermines the qualified teacher provision. It takes away the reward for public service and, of course, it does not deal with the issue of philanthropic participation in college retention and financing.

But let me tell you what I am supporting. I am supporting the single largest increase in college funding, college aid since the GI Bill. I am supporting the mother who spoke to me on the way up to Washington saying, ''I'm a middle class, single parent, working to send my daughter to college, and I just can't do it. Does anybody understand that plea? I just can't do it.'' This helps this mother send her daughter to college!

And what does this aid package do? This incentive package reinvests in America's young people! It reinvests by strengthening the middle class, by making college more affordable. It increases the power of the Pell Grant through scholarship. It insures that we have qualified teachers in every classroom. It is an equal opportunity promoter of education for Americans.

And then it does something unique. It does something that is not discriminatory. It reflects on the value of historically black colleges, Hispanic-serving colleges and other colleges that serve underserved populations.

I know the real truth of that, representing Texas Southern University when our Governor could find no other way to solve the problem of that college other than to put it into a conservatorship. Isn't it interesting, Mr. Speaker, that if they had put it into a conservatorship, they would have lost all of their accreditation.

This bill invests in helping to retain students. It gives them scholarships. It promotes the colleges.

I don't know if this can be seen, but it is clear when we show this example of what Republicans have done in investing in our college education and what Democrats have done.

□ 1430

I know that my good friend on the other side of the aisle agrees with me that the education of our children is not a partisan issue. So I would encourage him to, if you will, ignore his motion for a substitute and support the underlying bill because colleges like Texas Southern University, Prairie View A&M and Morgan State and Florida A&M are grateful.

I urge my colleagues to support this legislation.

Mr. Speaker, I rise today in support of H.R. 2669, the Education and Labor College Cost Reduction Act of 2007. This bill does much more than ease the burden of student loans for college graduates—it will make the American dream possible for low- and middle-income students and families who pay for college. Mr. Speaker, in 21st-century America, a college education is critical for individual success and the strength of our Nation. Higher education is associated with better health, greater wealth, and more vibrant civic participation, as well national economic competitiveness in today's global environment. As the need for a college degree has grown, however, so has the cost of obtaining that education. The result is rising student debt.

H.R. 2669 would provide about $18 billion in college financial aid at no new cost to taxpayers. This new investment is critical for African-American students and their families, especially given that African-American students comprise about 12 percent of all undergraduate students. Many institutions have helped black students bridge ethnic-related economic barriers, making a college education possible for underprivileged minorities. Among historically black colleges and universities (HBCUs), which give African American students an opportunity to have an educational experience in a community in which they are a part of the majority, costs are also rising. This resolution would support many of these honorable institutions in their righteous deeds in educating our underprivileged students of color.

Mr. Speaker, I support H.R. 2669 because it will increase the maximum Pell Grant award by $500 and increase eligibility to serve more students in the program. The Federal Pell Grant Program prides itself on providing need-based grants to low-income undergraduate and certain postbaccalaureate students to promote access to postsecondary education. Forty-five percent of African American and Hispanic students at 4-year colleges depend on Pell Grants, compared to 23 percent of all students. Approximately 4.5 million students currently depend on Pell Grants and "over 70 percent of Pell Grant funds go to students from families with incomes of $20,000 a year or less". Increasing the maximum Pell Grant Award will expand racial and ethnic diversity in higher education institutions, benefiting not only the institutions cultural background but it will also be a great learning experience for students to learn diverse cultural background different from their own.

H.R. 2669 would cut the interest rates on need-based Federal student loans in half from 6.8 percent to 3–4 percent over 5 years. Once fully implemented, this cut would save the typical borrower—with about $13,800 in need-based loan debt—$4,400 over the life of the loan. About 38 percent of African-American students take out need-based student loans each year. By cutting interest rates on Federal loans, Congress can save college graduates thousands of dollars over the life of their loans. Mr. Speaker, recent graduates, especially those of minority status with low to moderate incomes, must spend the vast majority of their salaries on necessities such as rent, health care, and food. For borrowers struggling to cover basic costs, student loan repayment can create a significant and measurable impact on their lives.

Crushing student debt also has societal consequences, according to a report by two highly respected economists, Drs. Saul Schwarz and Sandy Baum, the prospect of burdensome debt likely deters skilled and dedicated college graduates from entering and staying in important careers educating our Nation's children and helping the country's most vulnerable populations.

To solve this problem and ensure that higher education remains within reach for all Americans, we need to increase need-based grant aid; make loan repayment fair and affordable; protect borrowers from usurious lending practices; and provide incentives for State governments and colleges to control tuition costs. H.R. 2669 is an important step in a new and right direction for America.

I urge my colleagues to vote in favor of H.R. 2669, the Education and Labor College Cost Reduction Act of 2007.

Mr. MCKEON. Mr. Speaker, I yield 3 minutes to the gentlewoman from Washington, our newest mother in the House of Representatives, CATHY MCMORRIS RODGERS.

Mrs. MCMORRIS RODGERS. Mr. Speaker, unfortunately, I rise in opposition to this bill.

In my opinion, it continues some broken promises to us by the majority party. This bill is not fiscally responsible, and it is not going to increase access to college education in this country. Yes, it proposes to spend more money, nine new entitlement programs, that means nine new categories for mandatory spending, but not in ways that will increase access.

I worked my way through college. I was the first in my family to graduate from college, and I am actually still paying some of those student loans from going back to school recently. And I am grateful for the opportunities I have had to go to college and am committed to ensuring that every student in America has access to higher education. It is really part of the American Dream. Unfortunately, this college relief bill does little to actually increase access.

The Republican alternative would have roughly doubled the Pell Grant aid proposed in this bill. That is direct help to students when they need it, when they have to pay for tuition at the beginning of each quarter. Reducing interest rates will help graduates with debt relief, but it will not help students that are currently struggling to make tuition. The vast majority of spending in this bill provides token interest rate cuts for college graduates. Only one-third of the new spending goes towards Pell Grants.

We must do more to fund new programs like Pell Grants, which actually do increase access and opportunities, and the McKeon substitute would do just that. We also must do more to address rising tuition costs and the impact that is having on students' ability to afford college.

Tuition rates have risen above costs of inflation. Here is an example from my own State, Washington State: Over the past 10 years, Washington State

University and the University of Washington have both increased tuition and fees by over 80 percent. At the same time, Washington's per capita of personal income has increased at only about 40 percent, and inflation is a little over 20 percent. We must address the root cause of this problem, what is really driving tuition costs. This bill does nothing to address the skyrocketing cost of tuition, which is disastrous for students and parents.

The Democrats have talked a lot about providing college relief for students; yet, once again, this bill does more to help graduates and institutions rather than helping our current or future college students. Our focus must be on remaining sure that every person who wants to go to college has that opportunity to do so.

Mr. GEORGE MILLER of California. Mr. Speaker, I am the only remaining speaker.

Mr. MCKEON. Mr. Speaker, could I inquire what our time remaining is.

The SPEAKER pro tempore. The gentleman from California on the Republican side has 8½ minutes remaining. The gentleman from California on the Democratic side has 18 minutes remaining.

Mr. MCKEON. I am happy to yield such time as he may consume to the ranking member of the Higher Education Subcommittee, the gentleman from Florida (Mr. KELLER).

Mr. KELLER of Florida. Mr. Speaker, I thank the gentleman for yielding.

I want to begin by thanking the chairman and also the ranking member for their hard work on this bill. Chairman MILLER has accommodated us when he can and opposed us when he must, and I know we have worked together as much as possible.

I think we owe the public an explanation, before we talk about our differences, of what we have in common. So let me begin with what both sides throughout this debate have in common, essentially three things.

First, we believe that all children, rich or poor, should have the opportunity to go to college. Second, we believe that there should be consequences and sunlight on those colleges who excessively increase tuition. And, third, we believe that Pell Grants are the passport out of poverty for so many worthy young children from low- and moderate-income families, and they deserve to be increased.

Now, there are four major differences in this bill, and these differences result in many of us Republicans not being able, regrettably, to vote for this bill. The first difference is on entitlements. How do you feel about new mandatory entitlements? The Democratic bill has nine new entitlement programs with mandatory spending. The Republican substitute has zero new entitlement programs.

How do you feel about Pell Grants, which is money we give to low- and moderate-income families to help their kids go to college? Today the Appropriations Committee is going to be increasing Pell Grants to $4,700. Under the Democrat bill, next year, they will have an additional $100, for a total of $4,800. Under the Republican substitute, students would have an additional $350 for a total of $5,050. So if you care about Pell Grants, you would do substantially better under the Republican bill if you were a student than you would under the Democrat bill.

How do you feel about paying down the deficit? The Democrats use only $1.5 billion to pay down the deficit. We more than triple that in the Republican bill.

How do you feel about private sector versus government-run programs? We have a basic, honest philosophical difference in this belief. Republicans believe that competition among the private sector is good for lower prices and lower taxes. Democrats believe, at least some do, that big government-run programs are better, and if that means eventually raising taxes, especially on the wealthy, then so be it. And we see that in the context of the student loan debate here. Republicans aren't afraid to take money out of the private student lenders. We did so as part of the Deficit Reduction Act. We took $16 billion away from their subsidies. But the Democrat bill, on top of the $16 billion, takes an additional $18.5 billion. It cuts the lender subsidies down to the bone to the point that the private student loan providers really won't be able to make a living if they are the small folks, and it will run many of them out of business. The big folks will stay in business. And that is okay to some on the other side. They prefer the direct student lending program. Under our system, 80 percent of the loans on the Federal level are provided with private sector money, called the FFEL program; 20 percent are the direct student loans. And this bill stacks it heavily in favor of the direct loan program. For example, if you are a low-income public sector employee, such as a police officer or social worker or a firefighter, and you have worked for at least 10 years, you get absolute forgiveness of your loan only in the direct program. They don't forgive it in the private FFEL program. They want to encourage people in the direct program.

If you are a parent and you want to take out a loan for your child to go to college, under the FFEL program, which is the private program, you have to pay 8.5 percent; under the direct lending program from the government, only 7.9 percent. Again, trying to encourage people to go with the big government program. And that was a drafting error that the Republican Congress made when we were passing the Deficit Reduction Act. And we tried to correct it in this bill. The Democrats knew about it, and they didn't let us correct it. And I suspect, and this is my feeling, it is because they expressly favor the direct loan program.

So we have a philosophical difference. I think the motives on both sides are pure. We have an honest difference of opinion with regard to entitlements, Pell grant funding, paying down the debt and private sector involvement.

And for these reasons, Mr. Speaker, I will urge my colleagues to vote ''yes'' in favor of the McKeon substitute and ''no'' on the underlying bill.

Mr. MCKEON. How much time do I have remaining?

The SPEAKER pro tempore. The gentleman from California has 4 minutes remaining.

Mr. MCKEON. Mr. Speaker, I again think that this has been an interesting debate today. I thank the chairman for giving us the opportunity to offer our substitute. I know he didn't have to do that, and I appreciate the opportunity to discuss some of the differences and to present an alternative.

For years I served as subcommittee chairman on the Higher Education Subcommittee. And during that time, I talked about accessibility, accountability and affordability for higher education. The only opportunity that people have to better their lot in life here in this country is through education. And I have seen studies that show that 40 percent of our young people from lower-income families are not able to go to college. And that is just not acceptable. And I think that with our substitute, where we put an additional almost $10 billion into Pell Grants, I think that is a tremendous opportunity to help the affordability aspect of college.

Again, through this bill, there is nothing done to lower the cost of tuition, to make the higher education experience more affordable. As I said, the cost of a higher education during the last 20 years has gone up four times faster than the rate of inflation. Mrs. MCMORRIS ROGERS mentioned earlier, in her State, the cost of tuition has gone up in the last few years 80 percent while the cost of inflation has gone up 20 percent. Again, that is still four times faster. It has gone up faster than the cost of health care. And I think that that is a crisis that in some way we need to come together on. State governments, the Federal Government, students, parents, we all need to come together, come to grips with this issue because to prepare a workforce that is going to carry us through this 21st Century and be competitive throughout the world, we are going to have to do something to make it possible for our young people to get a higher education.

I don't think adding new entitlements is the way to do it. I think increasing Pell Grants is very important. And for that reason, I encourage our colleagues to support the amendment, the substitute amendment. If that passes, then support the bill. If it doesn't pass, I encourage them to vote against the underlying bill.

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

Mr. GEORGE MILLER of California. Mr. Speaker, if I can inquire how much time I have.

The SPEAKER pro tempore. The gentleman from California has 18 minutes remaining.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

The SPEAKER pro tempore. The gentleman from California is recognized for up to 18 minutes.

Mr. GEORGE MILLER of California. Mr. Speaker and members of the committee, I think this has been a very good debate because this has been a debate about which direction this country should go in and I believe will go in and the direction that the American people want this country to go in.

Parents all over this Nation hear every day from business leaders, from educational leaders, from the media, they hear that for America to be competitive, we have got to have a smarter workforce, a better skilled workforce, a better equipped workforce so that we can continue America's leadership in the world in the economics of the world and in the national security of this country. The key to that workforce, the key to that competitiveness, again, the very people who are hiring those individuals say that you must have a college education. What used to be good enough, which was graduation from high school, is no longer good enough today. You have to have advanced learning. It may be in a professional school. It may be in a trade school. It may be in a community college. It may be in a 4-year college. You may get some of it now and some of it later. But the fact of the matter is, you need those skills.

But what has happened over this time is that college education has increased as rapidly as anything else in society, in fact, more rapidly than many other indicators in our economy, over 35 to 40 percent over the last 5 years above inflation. What has that meant? That meant that families who thought they could afford that education now find that they have to squeeze harder. That meant that people who thought they weren't going to have to borrow money are now going to have to borrow money. That meant that people who thought they were going to be able to go to college are now deciding that they can no longer go to college. They are going to postpone it or maybe not go at all.

□ 1445

That's not good for America. That's not good for America's economy. That's not good for America's democratic institutions. And it's not good for our society. We need those young people to go to college.

What this legislation does today is it says to those individuals who are fully qualified to go to college, we will not deny you access to the college of your choice, to the education of your choice, to the career of your choice, and to the curriculum of your choice because you can't afford to pay for it. We're going to help you. We're not going to give you everything you need. Your family is still going to have to sacrifice, you're still going to have to pay back loans, but we're going to give you greater access to the ability to do that.

We're going to take this country in a new direction. We're going to take this country in a direction where we place a priority, a focus and a vision for education in America today because we know we must.

We're told again by the leaders of all of the new technologies, the new companies, the people who are investing in the future that we were the beneficiaries of when John Kennedy said that he wanted to send a person to the Moon and bring them back safely. It was more than a Moon shot. John Kennedy captured our imagination; he captured world leadership with that decision. And over the next decade, we did exactly as he directed.

But you know what else they did? They give 28,000 high-performing college students a grant to go to graduate school so they didn't have to borrow money, they didn't have to walk around with a tin cup, they didn't have to put themselves into debt, so they could use their best skills and talents to create the space program. You know what they created after they created the space program? They created Intel, they created Microsoft, they created Hewlett Packard. They created the infrastructure of this Nation. Now, did we whine and moan because they got a grant and the taxpayers used their money? They created millions of jobs in this country over the next four decades. That's what this is about.

Those are the investments that my grandparents made in my education before they ever met me. Those are the investments that my parents made in my education after they met me. They still thought it was worth something. And those are the investments that have made this country the greatest and strongest Nation in the world, have made us an economic leader, and have given us the ability to lead the world. Do we want to turn our back on it now? If you accept this substitute, you're turning our back on that idea.

The Republicans say, well, we're just going to take a little less money, but we're going to put it all in the Pell Grant. The Republicans, after flatlining Pell Grant all of these years when they had the opportunity to do something, did nothing. Now they want to love this bill to death by putting all the money in the Pell Grant.

This is what this legislation will do for Pell recipients; it will take them up to $5,200 in a Pell Grant. That may or may not pay for their education for that year, but it's a big leap forward.

But we also recognize something else, that this isn't the only constituency struggling to pay for education in this country. No, there are millions of students who will take out a subsidized student loan. And for those students, and their parents who will help them pay it back if they're that fortunate, for those students they will be paying for it by themselves, we're saying we will cut the interest rate in half when you graduate and you start to repay your loan. You borrow the money today, you pay your tuition, and when it comes time to pay your loan, your interest rate is half of what it is today.

Because we know that those middle-income families in this country are struggling as hard as anybody. They have the same vision, the same hope and the same aspiration for their children. So that's why we're doing this, because it's the best investment we can make in this country in that talent of our children, in the brilliance and the excitement and the vision of those children. That's what this legislation is about. But that's not what this substitute legislation is about. You cannot walk away from them.

I find it interesting that just 4 months ago, 5 months ago, 124 Republicans voted to cut those interest rates for middle-income families and their children, and now they're going to vote against it today. So they voted for it then, and now they're going to vote against it today. What was going on? Did they believe it then, or they don't believe it now? Which is it? But the fact of the matter is, this is about whether or not those families that struggle, they may be single parents, they may be two in their family, they may be families that find themselves with one, two or three kids in college at the same time. This government should help them because those children will return that gift of this Nation back to this Nation time and time again over the life of their earnings, over their careers. They will give back to this Nation because we made that investment as my parents and grandparents made in us.

If you vote for this substitute, you get rid of the interest rate cuts for those middle-income families. And also, for these very same Pell recipients, over half of these students will have to borrow money because a Pell Grant isn't enough. So they participate also in that interest rate cut.

You fail to participate in the loan forgiveness for the teacher, for the firefighter, for the policeman, for the special education teacher, for first responders. For those people in critical occupations that give so much to this society, but they're not the highest paying jobs, we're telling them if you stay on the job 5 years, we will give you $5,000 in loan forgiveness. For a student that graduates with an average debt of around $13,000, $14,000, that's a significant amount of loan forgiveness. What do we get? We get an educated firefighter, an educated policeman, a school teacher. We get these people.

For high-performing college students who are willing to go into teaching and go into math, science and engineering, and then go to the most difficult schools to teach, we're saying we will give you $4,000 a year in tuition assistance while you're in school, not later,

up to $16,000; again, an investment, because we now know that a highly qualified teacher can dramatically change the educational outcomes and the future for the children in ways that we can only dream about. That's an important investment, because that investment in that teacher will be invested in all of those students that come across his or her line of vision in those classes.

That's why this legislation is about a vision for America. That's why this legislation goes in a different direction. We stop today when we flatline aid to education in this country. We want to invest in young people. We want their families to be able to invest with us. And that's the importance of this legislation.

And, clearly, the commitment that we make to minority-serving institutions so that those students who are fully qualified to go to school go to school, receive the kind of help to keep them in school so they don't end up dropping out with a debt on the loans that they took. We want that success. It's a problem that's recognized across the country; we address it.

We raise the cap on the amount of money that families can borrow. It's not great news to hear we let you borrow more, but it's a lot cheaper than if you have to borrow it in the private loan market. It's 3.8 percent here, and it's 10, 12, 13, 14, 15 percent in the private market. That means a lot to families. That means a lot to students. That's what this legislation is about.

I would ask all of my colleagues on both sides of the aisle to reject this substitute, to vote for the passage of the final bill. Let's take America to a new future. Let's take America to new heights. Let's take America to new greatness on the next generation of discoverers, of innovators, and of economic creators.

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

The SPEAKER pro tempore. Pursuant to House Resolution 531, the previous question is ordered on the bill, as amended, and on the amendment by the gentleman from California (Mr. MCKEON).

The question is on the amendment offered by the gentleman from California (Mr. MCKEON).

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 189, nays 231, not voting 11, as follows:

[Roll No. 611]

YEAS—189

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

NAYS—231

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

NOT VOTING—11

Berkley
Blumenauer
Blunt
Boehner
Cubin
Davis, Jo Ann
Dicks
Hinojosa
Porter
Towns
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1518

Ms. CORRINE BROWN of Florida, Ms. HIRONO and Messrs. CAPUANO, ELLSWORTH and PENCE changed their vote from ''yea'' to ''nay.''

Ms. ROS-LEHTINEN and Messrs. SHUSTER, NEUGEBAUER and BACHUS changed their vote from ''nay'' to ''yea.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. ROSKAM

Mr. ROSKAM. Mr. Speaker, I offer a motion to recommit.

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

Mr. ROSKAM. I am, in its current form.

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

The Clerk read as follows:

Mr. Roskam moves to recommit the bill H.R. 2669 to the Committee on Education and

Labor with instructions to report the same back to the House promptly with an amendment providing that a borrower who is a full-time elected public official who receives compensation for such elected position, or who is a registered lobbyist at either the Federal or State level who receives compensation for lobbying activities, shall be ineligible for any of the loan forgiveness programs included in the bill.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. ROSKAM) is recognized for 5 minutes in support of his motion.

Mr. ROSKAM. Mr. Speaker, I offer this motion to recommit with instructions, and it surrounds the general topic of student loan forgiveness. As we know, student loan forgiveness programs seek to help students with the cost of college or encourage them to enter a particular occupation or field.

This was first put in place back in 1958 in the National Defense Education Act, and it was reenacted and made part of the Perkins loan program, and it provides forgiveness largely for borrowers who are employed in a specific public service job, including teachers, but over the years has added others as well.

I would like to read a short list of those who are currently eligible under various programs for student loan forgiveness. They include: Public school teachers; Head Start staff, whether teachers or not; special education teachers; military members in combat areas; volunteers in the Peace Corps; law enforcement officers; correction officers; teachers in specific areas who are teaching in math, science, foreign language or bilingual education; nurses; medical technicians; child care providers; family service agency workers; researchers at NIH; health professionals in the National Health Service Corps; AmeriCorp volunteers; National Civilian Corps volunteers; and VISTA volunteers.

These loan forgiveness programs are so popular, in fact, that 43 States currently have them. Congressional Research Service not long ago surveyed a whole host of financial aid officials across the country and came to the conclusion that these are very effective programs in meeting students' financial needs and particular workforce needs.

Earlier this year, the House took on the challenge to expand loan forgiveness for prosecutors and public defenders, and clearly there is a good public purpose behind that.

But now under the bill, Mr. Speaker, basically anyone who works for the government or a nonprofit organization would be eligible for loan forgiveness. I repeat that. Basically anyone who works for the government or a nonprofit organization would be eligible for loan forgiveness. So what does that mean? Does that mean that Members of Congress would be eligible for loan forgiveness? I don't know about you, Mr. Speaker, but nobody sent me here to expand loan forgiveness eligibility for Members of Congress. And, in fact, Members of Congress are eligible under this bill.

Are members of State legislatures eligible for loan forgiveness under this bill? Yes.

Are registered lobbyists who work for nonprofit organizations, are they eligible? Yes.

Mr. Speaker, I would like us to look at some of the CEOs of nonprofit organizations and reflect on their compensation and how that would play into this eligibility question. According to the Charity Navigator, the former head of Planned Parenthood Federation of America made over half a million dollars, $500,000, and would that person be eligible? Yes, as would John Adams, the president of the Natural Resources Defense Counsel who makes almost $300,000 a year. The National Journal reported in 2004 that the median compensation for think tanks was $264,000 a year. Or how about this, $227,000 for education, government and welfare organizations.

Does anybody really believe that these individuals need this kind of support from the taxpayers? My point is that this new blanket program for nonprofit organizations will give a number of well-to-do individuals a government handout that they don't need and our constituents should not have to fund.

So the real question is whether this is the highest and best use of taxpayer dollars. Mr. Speaker, I would submit that it is not, so this motion to recommit is very simple. It would prohibit a borrower who is an elected full-time public official and is paid for that position, as well as a paid registered lobbyist at either the State or Federal level, from receiving any of the loan forgiveness available under this act, period. Very simple, very clear.

I think we should speak clearly to the American taxpayers that we as elected officials are not trying to create some unfair advantage for ourselves, that we are not trying to reward ourselves, or our elected colleagues, nor any registered lobbyist, by giving away their hard-earned taxpayer dollars to pay off student debts.

Mr. Speaker, I urge my colleagues to support this amendment or to at least set some parameters of this big government program under this bill.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I rise in opposition to the motion.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. GEORGE MILLER of California. Mr. Speaker, this motion to recommit says this will not allow a public officeholder or a lobbyist to get loan forgiveness. This has never been raised, and if you don't want them to get it, write me a letter and we will take care of it.

But what this does is this says that you must report this back promptly, so this kills this bill. This kills this bill. The greatest contribution to helping families pay for education since the GI bill, they want to kill it. Cutting interest rates in half for middle-income families, they want to kill it. You could have written the motion another way. You deliberately wrote it this way so you could kill this bill.

What is it you don't like about this bill? You don't like the fact that while you were in power, after years of flatlining the Pell Grant, we finally have given the biggest increase in decades for the poorest kids in the country. You don't like that, so you want to kill the bill. You don't like the fact that we are going to take 5 million middle-class kids and extend to them a loan with an interest rate that is cut in half while their families are struggling to get them through college. They are making sacrifices every year. You are going to do this. You are going to kill this bill? Are you proud of this amendment that you are going to try to kill this bill? Say it louder, that you are proud.

What about loan forgiveness? This amendment supposedly is about loan forgiveness, but in the process, they kill loan forgiveness to firefighters and policemen and nurses and teachers of special education and people who hold our society together and make it work, they kill that. What is it they don't like about having a society that can help its children? What is it they don't like about partnering up with families who want to help pay their kids' education, that borrow money, that are told every day they have to save more for this education, and here we are giving them loan forgiveness. We are giving them loan forgiveness because they have chosen to go into a career that doesn't pay very well. We are giving them an interest rate cut that will save them $4,000. That loan forgiveness will save them $5,000.

We are raising the amount of money that they can borrow, no great gift to their parents, money that they can borrow, but they don't have to go to the private market and pay 15 percent. They can pay 3.8 percent.

□ 1530

That's what this legislation is about. What is it you don't understand about the American people's vision? Mr. Speaker, what is it they don't understand about the American people's vision for this country? What is it you don't understand that America wants to go in a new direction? What is it you don't understand about this vision of the future where we have faith in our children, where they have the confidence of their parents; they have the vision that their kids can succeed, that they can be the next generation of discoverers, of innovators, of those who create economic opportunities and hire other people or get hired?

That's the vision America wants, and it needs help to pay for that education, and this is what this legislation does. That's what this legislation does.

Yes, we help those minority-serving institutions. I guess you don't like that either.

And yes, we thought we would partner up with some of the richest people in the world who said that if you partner up, we think we can raise hundreds of millions of dollars for poor children. So we said, you raise $1, we'll match it with 50 cents. They're now telling us they think they can raise hundreds of millions of dollars of private money. Sounds kind of Republican to me, but what the hell, I don't know.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to address their remarks to the Chair.

Mr. GEORGE MILLER of California. We've even got a multiplier in this bill. We tell high-achieving college students who are studying math, science and engineering, if you will commit to going in and teaching in the most difficult schools in this Nation, you will bring those talents to those kids, we'll give you $4,000 tuition relief while you're in school, not later. We know that that is a multiplier because we know the kids that are exposed to highly qualified and effective teachers can learn things that we can't believe of, and that's what gives back to this society.

At the end of the day, maybe Speaker PELOSI said it best: The dollars we invest in this legislation, the dollars we invest in these young people, that we invest in their families, in their futures, in their competencies, comes back to us every year from the same group of people as they graduate. They return the gifts. They return this gift of the Nation.

We're trying to do for this next generation, what my grandparents did for me, what my parents did for me. And those investments that they made in the college systems of this country, in the GI bill in this country, what did they do? They took America to the premier position in the world in economic leadership, in national security, in foreign affairs, took us to the first place in the world and has been there for 50 years based upon that investment.

America knows now that they need a new investment, and that's what this legislation is about. It's about a new investment for the next generation, the next generation of talent and competency and fearless and beautiful young people, beautiful young people who want their future to be as rewarding as all of ours have been. I ask you to vote ''no'' on this amendment.

PARLIAMENTARY INQUIRIES

Mr. WESTMORELAND. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman may state his parliamentary inquiry.

Mr. WESTMORELAND. Mr. Speaker, parliamentary inquiry. If this motion to recommit is passed, it does not kill the legislation; does it not simply send it back to committee?

Mr. GEORGE MILLER of California. Kills the legislation today.

The SPEAKER pro tempore. The Chair will not interpret the motion. That is for Members to debate, not the Chair.

Mr. WESTMORELAND. Further parliamentary inquiry, Mr. Speaker.

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

Mr. WESTMORELAND. Is the question I just asked not a procedure of this House as far as the Speaker is in control of this body, would he not be learned enough to know that if this motion passed, would it—

The SPEAKER pro tempore. The Chair does not interpret a pending proposal.

Mr. WESTMORELAND. Further parliamentary inquiry, if I read the motion to recommit correctly—

The SPEAKER pro tempore. The Chair can affirm that the motion does not contemplate a report forthwith.

Mr. WESTMORELAND. I'm sorry, sir?

The SPEAKER pro tempore. Which part of that did the gentleman not understand?

Mr. WESTMORELAND. Your answer.

The SPEAKER pro tempore. The motion does not contemplate a report forthwith.

Mr. WESTMORELAND. Further parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. State your parliamentary inquiry.

Mr. WESTMORELAND. If it's true that you don't have the facts right, you should just beat the podium?

The SPEAKER pro tempore. The gentleman is out of order.

For what purpose does the gentleman from California rise?

Mr. GEORGE MILLER of California. The Chair responded to the parliamentary inquiry that it is not forthwith, that it precludes action on the bill today. Thank you.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

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

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

RECORDED VOTE

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

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by a 5-minute vote on passage of H.R. 2669, if ordered, and suspending the rules and passing H.R. 556.

The vote was taken by electronic device, and there were—ayes 199, noes 223, not voting 9, as follows:

[Roll No. 612]

AYES—199

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

NOES—223

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berman
Berry
Bishop (GA)
Bishop (NY)
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich

Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—9

Bartlett (MD)
Berkley
Blumenauer
Boehner
Cubin
Davis, Jo Ann
Hinojosa
Porter
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1553

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

Mr. GEORGE MILLER of California. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 273, noes 149, not voting 9, as follows:

[Roll No. 613]

AYES—273

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

NOES—149

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Chabot
Coble
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Everett
Fallin
Feeney
Flake
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gillmor
Gingrey
Goode
Goodlatte
Granger
Hastert
Hastings (WA)
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jordan
Keller
King (IA)
Kingston
Kline (MN)
Kuhl (NY)
LaHood
Lamborn
Latham
Lewis (CA)
Lewis (KY)
Linder
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCotter
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Pickering
Pitts
Platts
Poe
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rehberg
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiberi
Walberg
Walden (OR)
Wamp
Weldon (FL)
Westmoreland
Wicker
Wilson (SC)
Young (FL)

NOT VOTING—9

Berkley
Blumenauer
Boehner
Clarke
Cubin
Davis, Jo Ann
Hinojosa
Porter
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1601

Mr. SULLIVAN changed his vote from ''aye'' to ''no.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. CLARKE. Mr. Speaker, on roll-call 613, the final passage of the College Cost Reduction Act, a bill I am proud to have been helpful in crafting, I was unavoidably detained. If I had been present, I would have proudly voted ''aye.''

FOREIGN INVESTMENT AND NATIONAL SECURITY ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and concur in the Senate amendment to the bill, H.R. 556, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Mrs. MALONEY) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 556.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 370, nays 45, not voting 16, as follows:

[Roll No. 614]

YEAS—370

Abercrombie
Ackerman
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blunt
Bonner
Boozman
Boren
Boswell
Boucher

Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Donnelly
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Foxx
Frank (MA)
Frelinghuysen
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gonzalez
Goodlatte
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hobson
Hodes
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Jordan
Kagen
Kanjorski
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum (MN)
McCrery
McDermott
McGovern
McHenry
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (PA)
Pickering
Pitts
Platts
Pomeroy
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NAYS—45

Aderholt
Akin
Baker
Barrett (SC)
Bishop (UT)
Blackburn
Bono
Burgess
Culberson
Deal (GA)
Doolittle
Emerson
Everett
Fossella
Franks (AZ)
Gallegly
Gohmert
Goode
Hayes
Hoekstra
Holden
Hunter
Jones (NC)
Kaptur
King (NY)
Kuhl (NY)
Lamborn
Marchant
McCaul (TX)
McCotter
McHugh
Miller (FL)
Murphy, Tim
Nunes
Peterson (MN)
Petri
Poe
Royce
Shuster
Sullivan
Tancredo
Thornberry
Upton
Westmoreland
Wilson (SC)

NOT VOTING—16

Berkley
Blumenauer
Boehner
Conyers
Cubin
Davis, Jo Ann
Doggett
Gordon
Hinojosa
Linder
Porter
Rogers (AL)
Roskam
Watson
Welch (VT)
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1610

So (two-thirds being in the affirmative) the rules were suspended and the Senate amendment was concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 2669, COLLEGE COST REDUCTION ACT OF 2007

Ms. CLARKE. Mr. Speaker, I ask unanimous consent that, in the engrossment of the bill, H.R. 2669, the Clerk be authorized to correct section numbers, punctuation, citations, and cross references and to make such other technical and conforming changes as may be appropriate to reflect the actions of the House.

The SPEAKER pro tempore (Mr. GUTIERREZ). Is there objection to the request of the gentlewoman from New York?

There was no objection.

APPOINTMENT OF MEMBER TO NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION

The SPEAKER pro tempore. Pursuant to 44 U.S.C. 2501, and the order of the House of January 4, 2007, the Chair announces the Speaker's appointment of the following Member of the House to the National Historical Publications and Records Commission:

Mr. LARSON, Connecticut

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken later today.

SSI EXTENSION FOR ELDERLY AND DISABLED REFUGEES ACT

Mr. MCDERMOTT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2608) to amend section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide, in fiscal years 2008 through 2010, extensions of supplemental security income for refugees, asylees, and certain other humanitarian immigrants, and to amend the Internal Revenue Code to collect unemployment compensation debts resulting from fraud.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2608

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 ''SSI Extension for Elderly and Disabled Refugees Act''.

SEC. 2. SSI EXTENSIONS FOR HUMANITARIAN IMMIGRANTS.

Section 402(a)(2) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(a)(2)) is amended by adding at the end the following:

''(M) SSI EXTENSIONS THROUGH FISCAL YEAR 2010.—

''(i) TWO-YEAR EXTENSION.—

''(I) IN GENERAL.—Except as provided in clause (ii), with respect to eligibility for benefits for the specified Federal program described in paragraph (3)(A), the 7-year period described in subparagraph (A) shall be deemed to be a 9-year period during fiscal years 2008 through 2010.

''(II) ALIENS WHOSE BENEFITS CEASED IN PRIOR FISCAL YEARS.—

''(aa) IN GENERAL.—Beginning on the date of the enactment of the SSI Extension for Elderly and Disabled Refugees Act, any qualified alien rendered ineligible for the specified Federal program described in paragraph (3)(A) during fiscal years prior to fiscal year 2008 solely by reason of the termination of the 7-year period described in subparagraph (A) shall be eligible for such program for an additional 2-year period in accordance with this clause, if such alien meets all other eligibility factors under title XVI of the Social Security Act.

''(bb) PAYMENT OF BENEFITS.—Benefits paid under item (aa) shall be paid prospectively over the duration of the qualified alien's renewed eligibility.

''(ii) PENDING NATURALIZATION APPLICATION.—With respect to eligibility for benefits for the specified program described in paragraph (3) (A), subsection (a)(1) shall not

apply during fiscal years 2008 through 2010 to an alien described in one of clauses (i) through (v) of subparagraph (A), if the alien has submitted an application for naturalization that is pending before the Secretary of Homeland Security, and such submission is verified by the Commissioner of Social Security either by receiving a receipt number from the alien for such submitted application or by receiving confirmation from the Secretary of Homeland Security.''.

SEC. 3. COLLECTION OF UNEMPLOYMENT COMPENSATION DEBTS RESULTING FROM FRAUD.

(a) IN GENERAL.—Section 6402 of the Internal Revenue Code (relating to authority to make credits or refunds) is amended by redesignating subsections (f) through (k) as subsections (g) through (l), respectively, and by inserting after subsection (e) the following new subsection:

''(f) COLLECTION OF UNEMPLOYMENT COMPENSATION DEBTS RESULTING FROM FRAUD.—

''(1) IN GENERAL.—Upon receiving notice from any State that a named person owes a covered unemployment compensation debt to such State, the Secretary shall, under such conditions as may be prescribed by the Secretary—

''(A) reduce the amount of any overpayment payable to such person by the amount of such covered unemployment compensation debt;

''(B) pay the amount by which such overpayment is reduced under subparagraph (A) to such State and notify such State of such person's name, taxpayer identification number, address, and the amount collected; and

''(C) notify the person making such overpayment that the overpayment has been reduced by an amount necessary to satisfy a covered unemployment compensation debt.

If an offset is made pursuant to a joint return, the notice under subparagraph (B) shall include the names, taxpayer identification numbers, and addresses of each person filing such return and the notice under subparagraph (C) shall include information related to the rights of a spouse of a person subject to such an offset.

''(2) PRIORITIES FOR OFFSET.—Any overpayment by a person shall be reduced pursuant to this subsection—

''(A) after such overpayment is reduced pursuant to—

''(i) subsection (a) with respect to any liability for any internal revenue tax on the part of the person who made the overpayment;

''(ii) subsection (c) with respect to past-due support; and

''(iii) subsection (d) with respect to any past-due, legally enforceable debt owed to a Federal agency; and

''(B) before such overpayment is credited to the future liability for any Federal internal revenue tax of such person pursuant to subsection (b).

If the Secretary receives notice from a State or States of more than one debt subject to paragraph (1) or subsection (e) that is owed by a person to such State or States, any overpayment by such person shall be applied against such debts in the order in which such debts accrued.

''(3) NOTICE; CONSIDERATION OF EVIDENCE.—No State may take action under this subsection until such State—

''(A) notifies the person owing the covered unemployment compensation debt that the State proposes to take action pursuant to this section;

''(B) provides such person at least 60 days to present evidence that all or part of such liability is not legally enforceable or due to fraud;

''(C) considers any evidence presented by such person and determines that an amount of such debt is legally enforceable and due to fraud; and

''(D) satisfies such other conditions as the Secretary may prescribe to ensure that the determination made under subparagraph (C) is valid and that the State has made reasonable efforts to obtain payment of such covered unemployment compensation debt.

''(4) COVERED UNEMPLOYMENT COMPENSATION DEBT.—For purposes of this subsection, the term 'covered unemployment compensation debt' means—

''(A) a past-due debt for erroneous payment of unemployment compensation due to fraud which has become final under the law of a State certified by the Secretary of Labor pursuant to section 3304 and which remains uncollected;

''(B) contributions due to the unemployment fund of a State for which the State has determined the person to be liable due to fraud; and

''(C) any penalties and interest assessed on such debt.

''(5) REGULATIONS.—

''(A) IN GENERAL.—The Secretary may issue regulations prescribing the time and manner in which States must submit notices of covered unemployment compensation debt and the necessary information that must be contained in or accompany such notices. The regulations may specify the minimum amount of debt to which the reduction procedure established by paragraph (1) may be applied.

''(B) FEE PAYABLE TO SECRETARY.—The regulations may require States to pay a fee to the Secretary, which may be deducted from amounts collected, to reimburse the Secretary for the cost of applying such procedure. Any fee paid to the Secretary pursuant to the preceding sentence shall be used to reimburse appropriations which bore all or part of the cost of applying such procedure.

''(C) SUBMISSION OF NOTICES THROUGH SECRETARY OF LABOR.—The regulations may include a requirement that States submit notices of covered unemployment compensation debt to the Secretary via the Secretary of Labor in accordance with procedures established by the Secretary of Labor. Such procedures may require States to pay a fee to the Secretary of Labor to reimburse the Secretary of Labor for the costs of applying this subsection. Any such fee shall be established in consultation with the Secretary of the Treasury. Any fee paid to the Secretary of Labor may be deducted from amounts collected and shall be used to reimburse the appropriation account which bore all or part of the cost of applying this subsection.

''(6) ERRONEOUS PAYMENT TO STATE.—Any State receiving notice from the Secretary that an erroneous payment has been made to such State under paragraph (1) shall pay promptly to the Secretary, in accordance with such regulations as the Secretary may prescribe, an amount equal to the amount of such erroneous payment (without regard to whether any other amounts payable to such State under such paragraph have been paid to such State).''.

(b) DISCLOSURE OF CERTAIN INFORMATION TO STATES REQUESTING REFUND OFFSETS FOR LEGALLY ENFORCEABLE STATE UNEMPLOYMENT COMPENSATION DEBT RESULTING FROM FRAUD.—

(1) GENERAL RULE.—Paragraph (3) of section 6103(a) of such Code is amended by inserting ''(10),'' after ''(6),''.

(2) DISCLOSURE TO DEPARTMENT OF LABOR AND ITS AGENT.—Paragraph (10) of section 6103(l) of such Code is amended—

(A) by striking ''(c), (d), or (e)'' each place it appears in the heading and text and inserting ''(c), (d), (e), or (f)'',

(B) in subparagraph (A) by inserting '', to officers and employees of the Department of Labor and its agent for purposes of facilitating the exchange of data in connection with a request made under subsection (f)(5) of section 6402,'' after ''section 6402'', and

(C) in subparagraph (B) by inserting '', and any agents of the Department of Labor,'' after ''agency'' the first place it appears.

(3) SAFEGUARDS.—Paragraph (4) of section 6103(p) of such Code is amended—

(A) in the matter preceding subparagraph (A), by striking ''(l)(16),'' and inserting ''(l)(10), (16),'';

(B) in subparagraph (F)(i), by striking ''(l)(16),'' and inserting ''(l)(10), (16),''; and

(C) in the matter following subparagraph (F)(iii)—

(i) in each of the first two places it appears, by striking ''(l)(16),'' and inserting ''(l)(10), (16),'';

(ii) by inserting ''(10),'' after ''paragraph (6)(A),''; and

(iii) in each of the last two places it appears, by striking ''(l)(16)'' and inserting ''(l)(10) or (16)''.

(c) EXPENDITURES FROM STATE FUND.—Section 3304(a)(4) of such Code is amended—

(1) in subparagraph (E), by striking ''and'' after the semicolon;

(2) in subparagraph (F), by inserting ''and'' after the semicolon; and

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

''(G) with respect to amounts of covered unemployment compensation debt (as defined in section 6402(f)(4)) collected under section 6402(f)—

''(i) amounts may be deducted to pay any fees authorized under such section; and

''(ii) the penalties and interest described in section 6402(f)(4)(B) may be transferred to the appropriate State fund into which the State would have deposited such amounts had the person owing the debt paid such amounts directly to the State;''.

(d) CONFORMING AMENDMENTS.—

(1) Subsection (a) of section 6402 of such Code is amended by striking ''(c), (d), and (e),'' and inserting ''(c), (d), (e), and (f)''.

(2) Paragraph (2) of section 6402(d) of such Code is amended by striking ''and before such overpayment is reduced pursuant to subsection (e)'' and inserting ''and before such overpayment is reduced pursuant to subsections (e) and (f)''.

(3) Paragraph (3) of section 6402(e) of such Code is amended in the last sentence by inserting ''or subsection (f)'' after ''paragraph (1)''.

(4) Subsection (g) of section 6402 of such Code, as redesignated by subsection (a), is amended by striking ''(c), (d), or (e)'' and inserting ''(c), (d), (e), or (f)''.

(5) Subsection (i) of section 6402 of such Code, as redesignated by subsection (a), is amended by striking ''subsection (c) or (e)'' and inserting ''subsection (c), (e), or (f)''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to refunds payable under section 6402 of the Internal Revenue Code of 1986 on or after the date of enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. MCDERMOTT) and the gentleman from Illinois (Mr. WELLER) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

Mr. MCDERMOTT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include therein extraneous materials on this bill under consideration.

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

There was no objection.

Mr. McDERMOTT. Mr. Speaker, refugees come to America fleeing persecution, injustice, torture and even death. During a hearing before the Subcommittee on Income Security and Family Support, we heard from one of those refugees. His name was K'Keng, and he fought alongside American forces during the Vietnam war. In fact, he was recruited and trained by our Special Forces. After the U.S. pulled out of Vietnam, he was imprisoned for 6 years as a political prisoner, after which he eventually made it to the United States as a refugee.

He tried working, but the wounds he suffered during the war made that difficult. Based on his disability and the fact that he had almost no other source of income, he began receiving Supplemental Security Income, or SSI, benefits. But those benefits were terminated when he reached a 7-year time limit on SSI on refugees. He is now 75, partially blind, and lives on only a few hundred dollars worth of food stamps every month, as well as assistance from his young son.

Nearly 7,000 elderly and disabled refugees have lost their SSI benefits. The Social Security Administration projects another 16,000 will do so over the next few years unless the Congress acts.

As the beacon of freedom around the world, America can do better than this. While it is true that a refugee may continue to receive SSI if he or she becomes a citizen, a series of obstacles make that transition to citizenship difficult within the 7-year limit of SSI benefits.

First, a refugee must live in the United States for at least 5 years before they are eligible to submit an application for citizenship.

□ 1615

A refugee must then confront a lengthy application process which can take up to 3 to 4 years. Backlogs in processing citizenship applications have been caused by a variety of issues, including protracted background checks put in place after September 11 terrorist attacks. There are other barriers to citizenship, such as the continuing impact of the recent annual cap on the number of asylees who may become legal permanent residents, a status which asylees must maintain for 4 years before they may submit an application for citizenship.

Also, some disabled and elderly refugees encounter difficulties navigating the application process, which includes both an English language and a U.S. civics test.

I'm pleased to say there is bipartisan support for addressing this issue. The last several budget proposals from the Bush administration have called for an extension in SSI benefits for refugees, and there is a bipartisan bill pending in the U.S. Senate.

I would like especially to thank Mr. WELLER, the ranking member on the Subcommittee on Income Security and Family Support, for working with me to forge the bipartisan bill we are now considering.

This bill, H.R. 2608, would generally extend SSI benefits for an additional 2 years for disabled and elderly refugees, asylees and other qualified humanitarian immigrants, including those whose benefits have expired in the recent past. Benefits could be extended for an additional period for those awaiting a decision on pending application for citizenship. These policies would be in effect till 2010.

The legislation completely offsets the cost of the SSI extension for refugees within a provision that will reduce Federal tax refunds to recover unemployment insurance debts due to fraud. The Federal tax refund offset authority already exists to collect unpaid child support, unpaid State taxes and debts owed to the Federal agencies.

The bill simply says that if a State concludes that a worker has fraudulently received unemployment benefits or a business owner has failed to pay UI taxes based on fraud, the State can seek to receive a portion of any Federal tax refund that the individual may be owed. Before pursuing a tax offset, the State would be required to notify the individual and provide them with at least 60 days to contest the amount being recovered.

By catching and reducing fraud in the unemployment insurance system, this provision not only offsets the cost of the SSI extension for refugees, but it also will reduce unemployment taxes on employers. The Joint Committee on Taxation estimates the legislation will cut payroll taxes by $326 million over the next 10 years.

Mr. Speaker, refugees come to our country fleeing persecution. They reside in our country legally, and those eligible for SSI are disabled, elderly or both. This legislation extends a modest benefit to help them provide for their most basic essentials. The bill will not add one dime to the Federal deficit, and it will even provide a tax cut. Such a combination should ensure broad support for this vital effort to help those most in need.

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

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

This bipartisan legislation that we are considering today, the SSI Extension for Elderly and Disabled Refugees Act, increases the amount of time that certain low-income disabled and aged immigrants can continue to receive Supplemental Security Income, SSI benefits, from 7 to 9 years. These are individuals legally allowed in the United States for humanitarian reasons after fleeing persecution and suffering in their own countries. The approximately 28,000 individuals assisted by this legislation include refugees, asylees and Cuban/Haitian entrants from around the world.

To gain access to permanent eligibility for SSI and all other benefits and freedoms afforded to Americans, legal refugees and asylees are eligible to become U.S. citizens through the naturalization process now administered by the Department of Homeland Security. However, as many Members have heard from constituents, this process does not always move forward in a timely manner for a number of reasons.

For instance, a letter I recently received from the Sargent Shriver National Center on Poverty Law in Illinois outlines a case in which an elderly Jewish refugee couple from the former Soviet Union working to become citizens encountered problems of lost paperwork and the need to have fingerprints retaken time and time again. A recent Washington Post story noted that as of March of 2007, this spring, nearly 1.3 million individuals were in the Department of Homeland Security citizenship application backlog, and 330,000 cases were in the FBI background check backlog.

Recognizing the likelihood of ongoing issues in the naturalization process, this legislation provides up to one extra year of eligibility, for a total of up to 10 years, for those refugees and asylees needing more time to complete the naturalization process. This is an important provision as it emphasizes the relative temporary nature of SSI eligibility for newly arrived legal refugees and asylees, while encouraging them to pursue citizenship so that they may fully participate in our Nation's democracy.

As with the other features of this legislation that relate to eligibility for SSI benefits, this provision is effective from fiscal year 2008 through 2010. So a future Congress must reexamine whether these provisions are working as intended, including providing refugees and related individuals who are playing by the rules and applying for citizenship, sufficient time to go through that process without losing access to these important benefits.

These additional SSI benefits are paid for through a provision that will reduce Federal income tax refunds to better recover unemployment benefit overpayments that resulted from fraud. Tax refund offsets already occur for delinquent child support payments and certain other debts owed to the Federal Government, and this simply allows the current process to work in recovering unemployment benefit overpayments.

The Congressional Budget Office estimates this permanent change will more than pay for the additional SSI benefits provided in this bill. This is sound policy and builds on proposals included in recent Bush administration budget proposals.

The Ways and Means Committee, and in particular the Income Security and Family Support Subcommittee, on which I serve as ranking member, has

long been active in developing legislation to combat fraud and abuse involving unemployment and other benefits. I'm pleased to see we are continuing that effort with this legislation.

For example, in 2004, under the leadership of former chairman Wally Herger, we passed provisions to stop the illegal manipulation of State unemployment taxes. We also allowed State unemployment plans to use information in the National Directory of New Hires to help prevent unemployment benefit overpayments. Today's legislation builds on those efforts, and I am proud to support it.

I would also note that this legislation is supported by a long list of faith-based and other community groups, including many who assist refugees in their efforts to become citizens. That list includes the Hebrew Immigrant Aid Society, the Sargent Shriver National Center on Poverty Law, Lutheran Social Services of America, and Catholic Charities USA, among many, many other groups.

I would also note I received a letter of support from the Social Security Administration endorsing this bipartisan bill, and I will include the letters of support in the RECORD.

Finally, I would also like to recognize the efforts of my friend and colleague, Representative PHIL ENGLISH of Pennsylvania who, among many others, has worked diligently to see that these sorts of changes occur, including by introducing bills to this same goal and effect.

I encourage all Members to join me in supporting this bipartisan legislation.

JUNE 28, 2007.

DEAR REPRESENTATIVE, Representing a diverse cross-section of organizations from across the country, we write to you today to ask that you support H.R. 2608—the ''SSI Extension for Elderly and Disabled Refugees Act.'' This bipartisan bill is a critical lifeline to thousands of elderly and disabled refugees who are about to lose, or have already lost, their Supplemental Security Income (SSI) benefits due to the arbitrary seven-year time limit to which their eligibility is limited.

This bill, introduced by Representatives Jim McDermott (D–7th WA) and Jerry Weller (R–11th IL), Chair and Ranking Member, respectively, of the Ways & Means Subcommittee on Income Security and Family Support, will provide a two-year extension of SSI eligibility for elderly and disabled refugees, as well as a provision to cover those who lost benefits prior to enactment of the legislation. The bill will also ensure that refugees who are making efforts to become citizens, but are caught up in the processing backlogs through no fault of their own, are given additional time to naturalize. H.R. 2608 will provide vital relief to thousands of refugees who have already fallen into extreme destitution.

The number of people who are losing their life-sustaining SSI benefits, in large part due to delays in the immigration system beyond their control, is climbing. The Social Security Administration currently projects that 50,000 elderly and disabled refugees will face extreme hardship and destitution by 2012 due to the suspension of their SSI benefits. These individuals fled persecution or torture in countries such as Iran, Russia, Iraq, Vietnam and Somalia, and now are too elderly or disabled to support themselves.

As more and more people begin to reach the end of their seven-year eligibility period, the human impact of this restrictive time limit has become increasingly dire and all the more intolerable. Some will lose health insurance as well, because SSI and Medicaid eligibility are typically linked. Among those who have already lost SSI benefits is a Jewish elderly couple from the former Soviet Union; the husband is deaf and the wife suffers from heart disease. However, this restriction does not affect only the elderly, as illustrated by the case of a 16-year-old Iranian boy with mental retardation, autism, seizures, and severe macrocephaly who lost his SSI benefits and Medicaid health insurance due to the seven-year time limit. These are only but two of the thousands of heartbreaking stories that we will continue to be confronted with unless Congress acts now to lengthen the insufficient eligibility period for this extremely vulnerable population.

The crisis is already upon us. Each and every month, elderly and disabled refugees are losing their lifeline of support. With the exception of West Virginia, no state is left untouched by this arbitrary time limit. Some 4,500 people will lose their SSI benefits in fiscal year 2007 alone. This bill enjoys bipartisan support, builds on similar proposals in recent Bush Administration budgets, and contains a savings provision that will cover the modest cost of the extension. Given the urgency of the situation and the life-threatening consequences that these individuals face, we strongly urge you to support the passage of H.R. 2608 this year. We are hopeful that Congress will act quickly and decisively to prevent the unnecessary hardship that this already-victimized population stands to suffer. Thank you for your consideration.

Respectfully,

NATIONAL

American Academy of HIV; American Association of Homes and Services for the Aging; American Association of Jews from the Former USSR, Inc; American Association of People with Disabilities; American Federation of State, County and Municipal Employees; American Friends Service Committee; American Jewish Committee; American Network of Community Options and Resources; American Occupational Therapy Association; Americans for Democratic Action, Inc; Asian American Justice Center; Asian Americans for Equality; Association of Jewish Family & Children's Agencies (AJFCA); Boat People SOS; Break the Chain Campaign; Campaign for Working Families; Catholic Charities USA; Center for Civil Justice; and Disability Navigators Inc.

EESA-Eastern European Service Agency; Gay Men's Health Crisis; Hispanic Coalition; HIV Medicine Association; HIVictorious, Inc.; Hmong National Development, Inc.; Immigrant and Refugee Rights Program, Washington Lawyers' Committee for Civil Rights and Urban Affairs; Institute for Peace and Justice; Institute for Social and Economic Development (ISED); International AIDS Empowerment; International District Housing Alliance; International Rescue Committee; International Service Center; Jewish Council for Public Affairs; Jubilee Campaign USA Inc; Justice, Peace & Integrity of Creation Office of the Wheaton Franciscans; Living Room, Inc; Lutheran Immigration and Refugee Service (LIRS); Lutheran Services in America; 9to5, National Association of Working Women.

National Advocacy Center of the Sisters of the Good Shepherd; National Asian Pacific Center on Aging; National Coalition for Asian Pacific American Community Development; National Council of Jewish Women; National Council on Aging; National Immigration Forum; National Immigration Law Center; National Korean American Service & Education Consortium (NAKASEC); National Law Center on Homelessness & Poverty; National Priorities Project; National Senior Citizens Law Center; National Women's Law Center; NETWORK: A National Catholic Social Justice Lobby; New Sudan Generation; Northwest Health Law Advocates; Northwest Immigrant Rights Project; Progressive Jewish Alliance; Religious Action Center of Reform Judaism; and RESULTS.

Sargent Shriver National Center on Poverty Law; Sisters of Mercy of the Americas; Southeast Asia Resource Action Center (SEARAC); The AIDS Institute; The Arc of the United States; The Coalition on Human Needs; The Leadership Conference of Women Religious; The National Asian Pacific American Women's Forum; The Women's Commission for Refugee Women and Children; The Workmen's Circle/Arbeter Ring; U.S. Committee for Refugees and Immigrants; Unitarian Universalist Association of Congregations; United Cerebral Palsy; United Jewish Communities; United Methodist Church, General Board of Church and Society; USAction; Wider Opportunities for Women; Women of Reform Judaism; Women of Reform Judaism; World Relief; and YWCA USA.

LOCAL/STATE/REGIONAL

Alabama: Collat Jewish Family Services—Birmingham, Alabama.

Alaska: Alaska Center for Public Policy; Refugee Assistance & Immigration Services (RAIS)—Alaska

Arizona: Area Agency on Aging, Region One—Phoenix, AZ; Arizona Advocacy Network; Jewish Family & Children's Service—Tucson, Arizona; Pima Council on Aging—Tucson, AZ; Protecting Arizona's Family Coalition; and United Way of Tucson and Southern Arizona.

Arkansas: Holy Angels Convent—Arkansas; St. Augustine Catholic Church—North Little Rock, AR; and St. Augustine Center for Children, Inc.—North Little Rock, AR.

California: 9to5 Bay Area; 9to5 Los Angeles; ACLU of Southern California; Asian Law Alliance—San Jose, CA; Asian Law Caucus—Northern California; Asian Pacific American Legal Center of Southern California; Bay Area Immigrant Rights Coalition (BAIRC)—Oakland, CA; Bet Tzedek Legal Services—Los Angeles County; California Church IMPACT; California Immigrant Policy Center; Catholic Charities of Los Angeles, Inc; Center for Gender and Refugee Studies—San Francisco, CA; City of Los Angeles Human Relations Commission—Los Angeles, CA; *D*is*A*bled *S*tudent *U*nion at Pacific School of Religion—Berkeley, CA; Ethiopian Community Services, Inc.—California; Fresno Stonewall Democrats—Fresno, CA; Gray Panthers California; HomeBase—San Francisco, CA; International Rescue Committee—San Diego Regional Resettlement Office; and Jewish Community Federation of San Francisco, the Peninsula, Marin and Sonoma Counties.

Jewish Family and Children's Services of San Francisco, the Peninsula, Marin and Sonoma Counties; Jewish Family and Children's Services of the East Bay—Berkley, California; Jewish Family Service of San Diego—California; Korean Resouce Center, Los Angeles, CA; L.A. Gay & Lesbian Center—CA; Mental Health Advocacy Services, Inc.—Los Angeles; Palo Alto Association of Veterans of World War II, California; Progressive Jewish Alliance—California; Protection and Advocacy, Inc.—Sacramento, CA; Sacramento Mutual Housing Association, CA; San Diego Hunger Coalition—CA; San Francisco Bay Area Darfur Coalition—CA; Service Employees International Union Local 1021—Northern California; SIREN, Services, Immigrant Rights and Education

Network—San Jose, CA; St. Mary's Center—Oakland, CA.

St. Paul's Episcopal Church—San Rafael, CA; The International Institute of the Bay Area—CA; The Workmen's Circle/Arbeter Ring—Southern California District; and Western Center on Law and Poverty—Los Angeles & Sacramento, CA.

Colorado: 9to5 Colorado; Coloradans For Immigrant Rights, a project of the American Friends Service Committee; Colorado Progressive Coalition; RESULTS of Aurora, Colorado; Rocky Mountain Survivors Center—Denver, CO.

Connecticut: Catholic Charities, Diocese of Norwich, Inc—CT; Collaborative Center for Justice, Inc.—Hartford, CT; Connecticut Citizen Action Group; Connecticut Legal Services; International Institute of CT, Inc.—Bridgeport, CT; Jewish Family Services—Danbury, CT; People of Faith CT—West Hartford, CT; and Regional Network of Programs Inc./Prospect House—Bridgeport, CT.

Florida: Catholic Charities Legal Services—Archdiocese of Miami, Inc.; Catholic Charities of Central Florida; Center for Independent Living of South Florida, Inc—Miami—Dade County, Florida; Florida Alliance Pro—Legalization; Florida Consumer Action Network; Florida Fiscal Policy Project—Miami, Florida; Florida Immigrant Advocacy Center; Gulfcoast Legal Services, Inc—FL; Hispanic American Council, Florida Alliance Pro—Legalization; Jewish Family Service Inc. of Broward County—Plantation, Florida; Jewish Federation of South Palm Beach County—FL; Legal Aid Society of the Orange County Bar Association, Orlando, Florida; Refugee Immigration Project, Jacksonville (FL) Area Legal Aid; St. Johns County Legal Aid—St. Augustine, FL; The Legal Aid Society of Palm Beach County, Inc; and Youth Co—Op, Inc—Florida.

Georgia: Atlanta 9to5; Georgia Rural Urban Summit—Decatur, GA; Good Shepherd Services of Atlanta; Gwinnett Ministries Network—Gwinnett County, Georgia; Refugee Family Services—Stone Mountain, Georgia; and Women Watch Afrika, Inc, Decatur, GA.

Hawaii: Na Loio—Immigrant Rights and Public Interest Legal Center—Honolulu, Hawaii.

Idaho: Agency for New Americans—Boise, Idaho; Idaho Office for Refugees; and United Vision for Idaho.

Illinois: Citizen Action/Illinois; Commission on Religion & Race—Naperville IL; Grace United Methodist Church—Naperville IL; Heartland Alliance for Human Needs & Human Rights (Midwest region); Hebrew Immigrant Aid Society Chicago; Illinois Coalition for Immigrant and Refugee Rights; Jewish Federation of Metropolitan Chicago; Korean American Resource & Cultural Center, Chicago, IL; Project IRENE—Illinois; and Protestants for the Common Good, Chicago, IL.

Indiana: CICOA Aging & In—Home Solutions, Indianapolis, IN.

Iowa: Iowa Citizen Action Network.

Kentucky: College Democrats of America—Morehead State University Chapter; Jewish Family & Vocational Service (Louisville, Kentucky); and The Community Relations Council of the Jewish Community Federation of Louisville.

Louisiana: LA Harm Reduction Coalition—Louisiana.

Maine: Catholic Charities Maine Refugee & Immigration Services—Portland, ME; Immigrant Legal Advocacy Project, Portland, Maine; Legal Services for the Elderly—Scarborough, Maine; Maine Equal Justice Partners; Maine People's Alliance; Oganizationg to Win Economic Rights—Portland, Maine; The Jewish Federation of Greater Portland; Waterville Area Bridges for Peace and Justice—Waterville and surrounding communities.

Maryland: Jewish Family Services—Baltimore, Maryland; Maryland Association of Jews from the Former USSR; Maryland Vietnamese Mutual Association Progressive Maryland; Public Justice Center—Baltimore MD; and The Senior Connection of Montgomery County—Silver Spring, MD.

Massachusetts: Community Legal Services and Counseling Center in Cambridge, MA; Disability Law Center, Inc.—Boston, MA; First Congregational Church of Reading—Reading, MA; International Rescue Committee Boston Office; JALSA—the Jewish Alliance for Law and Social Action—Boston; Jewish Community Housing for the Elderly—Boston, MA; Jewish Community Relations Council of Greater Boston; Medical-Legal Partnership for Children Boston Medical Center; Strongest Link AIDS Services—Essex County, MA; and The Massachusetts Association of Jewish Federations.

Michigan: ACCESS (Arab Community Center for Economic and Social Services—Dearborn; Jewish Family Service—Detroit, Michigan; Jewish Family Services—Ann Arbor, Michigan; Michigan Citizen Action; Oakland County Welfare Rights Organization—Pontiac, MI; and The IHM Justice, Peace and Sustainability Office, Michigan.

Minnesota: Jewish Community Action, St. Paul, MN; Lutheran Social Service of Minnesota; Mid-Minnesota Legal Assistance; National Council of Jewish Women—Minnetonka, MN; and Vietnamese Social Services of Minnesota.

Missouri: Bi-Lingual International Assistant Services—St. Louis, MO; Catholic Charities Archdiocese of St. Louis; Jewish Vocational Service/Center for New Americans—Kansas City, MO; Missouri Association for Social Welfare; Missouri Budget Project—St. Louis, MO; Missouri Progressive Vote Coalition; Sisters of St. Joseph of Carondelet and Associates—Missouri; and St. Louis Jewish Community Relations Council—St. Louis, MO.

Montana: Montana People's Action.

New Hampshire: New Hampshire Citizens Alliance.

New Jersey: Community FoodBank of New Jersey; Congregation Brothers of Israel—Long Branch, New Jersey; International Institute of New Jersey; Jewish Federation of Monmouth County—NJ; Lutheran Office of Governmental Ministry in New Jersey; Migration and Refugee Services of the Diocese of Trenton—Trenton, NJ; New Jersey Citizen Action; Temple Shalom—Aberdeen, NJ; The Human Concerns/Social Justice Committee of St. Anselm's Church—Wayside, NJ; The Jewish Community Relations Council of the Jewish Federation of Southern New Jersey; The Workmen's Circle/Arbeter Ring, New Jersey Region; and UJA Federation of Northern New Jersey.

New Mexico: Community Action New Mexico; Domestic Unity—New Mexico; Empowering Our Communities in New Mexico—Bernalillo, NM; New Mexico Center on Law and Poverty—Albuquerque, NM; New Mexico PACE; Open Hands—Sante Fe, NM; and State of New Mexico's Human Services Department.

New York: Bellevue/NYU Program for Survivors of Torture—New York, NY; Bukharian Jewish Center, New York; Cathedral Emergency Services—Syracuse, NY; Center for Independence of the Disabled—New York; Citizen Action of New York; Claire Heureuse Community Center, Inc—New York; Coalition of Behavioral Health Agencies, Inc—New York; Community Healthcare Network—New York City; Community HIV AIDS Mobilization Project—CHAMP, New York; Disabled in Action of Greater Syracuse, New York; Empire Justice Center, New York; Episcopal Migration Ministries—NYC; Federation of Protestant Welfare Agencies—New York City; JBFCS, Manhattan North Community Counseling Center; Jewish Board of Family and Children's Services—New York, NY; Jewish Community Council of the Rockaway Peninsula—Far Rockaway, NY; Jewish Family Services of NENY (Albany, New York); Legal Services for the Elderly, Disabled or Disadvantaged of Western New York, Inc.; Metro New York Health Care For All Campaign; Metropolitan Council on Jewish Poverty—NY; New York Association on Independent Living, Inc.; New York City Department for the Aging; New York Disaster Interfaith Services; New York Immigration Coalition; Society of Jesus, New York Province—Albany, NY; Syracuse Habitat for Humanity, Inc.—NY; The Central Queens YM& YWHA, Forest Hills, New York; The International Institute of Buffalo, NY; The Rockland Immigration Coalition—NY; UJA-Federation of New York; U.S. Committee for Refugees and Immigrants Albany Field Office—NY; West Side Campaign Against Hunger—New York; YKASEC—Empowering the Korean American Community, Flushing, NY.

North Carolina: Episcopal Migration Ministries—eastern North Carolina; and North Carolina Refugee Health Coordinator.

North Dakota: NDPeople.org—North Dakota.

Ohio: Catholic Charities Health and Human Services of the Diocese of Cleveland; Greater Dayton Vietnamese Association—Greater Dayton, Ohio area; Jewish Family Service Association of Cleveland; Jewish Family Service of Toledo, Inc.—Toledo, Ohio; Jewish Family Services—Columbus, Ohio; Jewish Family Services—Youngstown, Ohio; Jewish Federation of Greater Dayton Jewish Community Relations Council—Dayton, Ohio; Lutheran Metropolitan Ministry—Cleveland, Ohio; Ohio Jewish Communities; and Refugee & Immigration Services—Columbus, OH.

Oklahoma: YWCA Multicultural Center—Tulsa, OK.

Oregon: Asian Pacific American Community Support and Service Association (APACSA)—Portland, OR; Community Action Directors of Oregon (CADO); Disability Navigators Inc—Oregon; Immigrant & Refugee Community Organization (IRCO)—Portland, Oregon; Interfaith Action for Justice—Bend, Oregon; Klamath Lake Community Action Services—Klamath Falls, OR; Oregon Action; Peaceful Place—Oregon; The Advocacy Coalition for Seniors and People with Disabilities—OR; and The Human Services Coalition of Oregon.

Pennsylvania: HIAS and Council Migration Service of Philadelphia; JCCs of Greater Philadelphia (Philadelphia, Pennsylvania); JEVS Human Services—Philadelphia; JEVS Social Services (Philadelphia, Pennsylvania); Jewish Family and Children's Services (Philadelphia, Pennsylvania); Jewish Family Service of Greater Wilkes-Barre (Wilkes-Barre, Pennsylvania); Jewish Federation of Greater Philadelphia (Philadelphia, Pennsylvania); Maternity Care Coalition—Philadelphia, PA; Mount St. Joseph—St. Elizabeth, PA; National Council of Jewish Women—PA; New World Association—Philadelphia, PA; Pennsylvania Refugee Resettlement Program; St. Johns Lutheran Church—Lewistown, PA; and YWCA Philadelphia.

Rhode Island: National Association of Social Workers—Rhode Island Chapter; and Rhode Island Ocean State Action.

South Carolina: Columbia Jewish Federation/Jewish Family Service—Columbia, SC; and Jewish Family Service (Columbia, South Carolina).

South Dakota: Systematic Theology and Christian Heritage—Sioux Falls, SD.

Tennessee: Jewish Family Service of Nashville and Middle Tennessee; and Tennessee Citizen Action.

Texas: Catholic Charities Diocese of Ft. Worth, Inc.; Jewish Family and Children's Service (San Antonio, Texas); Jewish Family Service (Houston, Texas); REFUGIO DEL RIO GRANDE, Inc.—San Benito, TX; South Texas Food Bank; and Texas Conference United Methodist Church Board of Church & Society.

Utah: Jewish Family Service of Salt Lake; Learning Loft—Salt Lake Valley, Utah; Utah Community Action Partnership Association; and Utah Housing Coalition.

Vermont: Central Vermont Community Action Council; Vermont Refugee Resettlement Program; and VT Affordable Housing Coalition.

Virginia: Bay Aging—Urbanna, VA; Center for Multicultural Services—Falls Church, VA; Disabled Action Committee—Virginia; Potomac Legal Aid Society—Virginia; Rappahannock Area Agency on Aging, Inc.—Fredericksburg, VA; and Union Theological Seminary and Presbyterian School for Christian Education—Richmond, VA.

Washington: Asian Counseling & Referral Service—Seattle, WA; Catholic Community Services of Western Washington; Jewish Family Service of Seattle (Seattle, Washington); Jewish Federation of Greater Seattle (Seattle, Washington); Solid Ground—Seattle, WA; South Sound Outreach Services—Tacoma, Washington; Washington Community Action Network; and Washington Senior Citizens' Lobby—Olympia, WA.

Washington, DC: Whitman-Walker Clinic—Washington, DC.

West Virginia: West Virginia Citizen Action Group.

Wisconsin: 9to5 Poverty Network Initiative (Wisconsin); Citizen Action of Wisconsin; Milwaukee Association of Russian-speaking Jews; Milwaukee Jewish Council for Community Relations; UMOS, Inc—Milwaukee, WI; and Wisconsin Jewish Conference.

SARGENT SHRIVER NATIONAL CENTER ON POVERTY LAW,
Chicago, IL, June 19, 2007.

Re: HR 2608, The SSI Extension for Elderly and Disabled Refugees Act.

Hon. JERRY WELLER,
Cannon HOB,
Washington, DC.

DEAR REP. WELLER: I write to thank you for the compassionate leadership you have shown in being a chief cosponsor of HR 2608. This legislation provides relief to elderly and disabled residents of our nation who, having already endured great suffering, hardship and persecution in their native lands, are now, through no fault of their own, faced with destitution.

I have been working on this issue for several years, ever since the plight of these elderly and disabled refugees came to light in stories like those of Iosif and Polina Katz, Jewish refugees from the former Soviet Union in their late 60s who fled the Nazi invasion and lived through iron-fisted Soviet rule. (''Older refugees on verge of losing Federal benefits,'' Chicago Tribune, page A1, Dec. 27, 2003). The Katzes needed to become U.S. citizens by July 1, 2004 or they would he terminated from SSI. Iosif, whose green card had been delayed for years after immigration officials lost his application, had no chance of meeting this deadline. His wife Polina, whose fingerprints had to be retaken three times, was also representative of the types of government delays over which these vulnerable residents of our nation have no control.

Thanks again for your leadership, Rep. Weller, and please let me know if we can be of any assistance in your efforts to address this compelling situation.

Sincerely,

DAN LESSER,
Senior Attorney.

SOCIAL SECURITY ADMINISTRATION,
Washington DC, July 10, 2007.

Hon. JIM MCCRERY,
House of Representatives,
Washington, DC.

DEAR MR. MCCRERY: I am writing to provide the Social Security Administration's (SSA) views on H.R. 2608, the SSI Extension for Elderly and Disabled Refugees Act.

SSA fully supports an extension of the time period in which refugees, asylees, and certain other humanitarian categories of noncitizens may remain eligible for Supplemental Security Income (SSI) while seeking U.S. citizenship. The current time limit is 7 years, and some aged, blind and disabled individuals have been unable to obtain U.S. citizenship within this time period. The Administration recognizes the daunting challenges refugees have faced in fleeing tyranny, the adjustments they must make in their resettlement, and their need for additional help in their quest for U.S. citizenship.

Section 2 of H.R. 2608 would amend the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to permit a 9-year period for SSI eligibility, provide retroactive eligibility for refugees and asylees who previously became ineligible after 7 years, and exempt the general SSI prohibition for refugees and asylees with pending naturalization applications. These changes would be in effect from 2008–2010. This provision is similar to the Administration's proposal for an extension to 8 years that was in the President's budget in FY 2005, FY 2006, FY 2007 and FY 2008. One difference between H.R. 2608 and the Administration's proposal is that the retroactive effect of H.R. 2608 could require SSA to reinstate SSI payments for individuals who have been off of the rolls for many years. While this represents a new workload, we would like to work with Congress to address the administrative burden inherent with such an effort, with the overall goal of assisting aged, blind, and disabled individuals in becoming U.S. citizens.

A similar letter has been sent to the Chairman of the House Ways and Means Committee.

Sincerely,

MICHAEL J. ASTRUE,
Commissioner.

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

Mr. MCDERMOTT. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. BECERRA).

Mr. BECERRA. Mr. Speaker, I want to join in this bipartisan effort to try to move forward legislation which is not only important but precious to many people in this country who are keen to be American citizens.

H.R. 2608, the SSI Extension for Elderly and Disabled Refugees Act, is something that won't affect most Americans because most of us don't have to worry about this. But if you are a Russian Jew who was escaping persecution in the former Soviet Union, if you're one of the minority populations in Somalia that escaped the persecution going on there, or if you're a former Yugoslav who was trying to leave the devastation that was occurring in the former Yugoslavian countries that now have become part of the Balkans and the war that we saw in the Balkans, or if you're an Iraqi Kurd who is trying to escape the ill effects of what was going on during the Saddam Hussein era, then perhaps you'd understand why this is so important, because these are individuals who, because of the good graces of the American people, have an opportunity to start a life here, even at their late stage in life, and have an opportunity to recognize and appreciate our freedoms.

But for too many of these refugees, that might all come to an end if we don't come to their rescue, because they did not expect that, all of a sudden, because of the massive waiting line there is for people who are applying for citizenship, legal immigrants who are applying for citizenship, that all of a sudden their cut off of SSI benefits would imperil their ability to pay their rent. Or they didn't expect that, all of a sudden, because of the fact that the paperwork was more difficult than they thought to fill out, or the fee was more expensive than they could afford to pay to be able to become U.S. citizens, that all of a sudden they run out of time with their SSI benefits.

This bipartisan legislation strikes the right chord. It says, we recognize that you came to this country fleeing persecution, fleeing threats of death, and you're elderly or disabled, or perhaps both, and we need to do something to try to show you that we meant what we said when we were taking you in as refugees.

I think this is legislation that really brings us together, not as Democrats or Republicans, not as urban Members or rural Members, but it brings us together as Americans who recognize there are many people around the world who still look at America as the beacon for the rest of the world. And I hope that what we are able to do here, at no taxpayer expense, no taxpayer expense, is to continue to show the rest of the world that we do extend a hand to those who are facing persecution.

So I want to applaud Chairman MCDERMOTT and Ranking Member WELLER for their great work in putting together a bipartisan bill that should receive the unanimous support of this House.

Mr. WELLER of Illinois. Mr. Speaker, I yield 5 minutes to my friend and colleague from Pennsylvania (Mr. ENGLISH), a member of the House Ways and Means Committee and someone who has led on this issue as a member of the Ways and Means Committee.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I rise in strong support of H.R. 2608, the SSI Extension for Elderly and Disabled Refugees Act; and I was particularly pleased to cosponsor this legislation. And I hope that all of my colleagues will join me in supporting it.

Mr. Speaker, the United States has been a welcoming Nation to individuals and families fleeing oppression and tyranny in their own country. Repeatedly we've opened our doors to refugees

from places like Nazi Germany, Stalin's Soviet Union, Cuba, China and Vietnam. And more recently, we've taken in dissidents from African dictatorships, Islamic theocracies, the Balkans, Latin America's strongmen, and nations suffering from near total anarchy. We've not discriminated at any time according to race, religion or politics. We have simply asked refugees to demonstrate that they would face violence or oppression at home for any of these reasons, and then made them welcome here in a new home. This is an important part of the American tradition.

Unfortunately, refugees often arrive in this country with severe health problems or advanced age. Many of them have spent time in prison or in re-education camps. Some, like the Hmong tribesmen who testified before our subcommittee, have shed their own blood in defense of American values or foreign policy and have been severely punished by their own governments for doing so. Often these health problems leave refugees with limited job prospects or ability to gain the skills necessary to compete for employment. This is particularly true of elderly refugees who may have difficulty learning English.

As the chairman and ranking member have explained at length, under current law, these refugees lose their eligibility for SSI benefits, which is often their primary source of income, after they've lived in the United States for 7 years, unless they become citizens. Unfortunately, between the now infamous bureaucracy at the State Department, the difficulties of learning English, and a cap on green cards for refugees, many of these individuals are unable, through no fault of their own, to complete the immigration process in the required 7 years.

Mr. Speaker, we did not welcome these refugees to our shores only to see them starve in our streets, nor should we impose the burden of their support on local governments or private sector nonprofit organizations.

□ 1630

I am extremely proud that many of these individuals have chosen to make their new homes in northwestern Pennsylvania, particularly my hometown of Erie, Pennsylvania, which enjoys a national reputation for welcoming refugees. But our local communities have very limited resources with which to assist large numbers of low-income refugees.

H.R. 2608 wisely recognizes the Federal nature of our obligation to help these people build a new life. It is compassionate yet responsible legislation, and I urge all of my colleagues to join me in a ''yes'' vote.

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

Mr. McDERMOTT. Mr. Speaker, once again, I want to thank Mr. WELLER.

Mr. Speaker, I will include in the RECORD documents relating to this legislation, including a letter from the Commissioner of Social Security articulating the need for this bill and an estimate from the Congressional Budget Office, which highlights the fact that this bill is completely paid for. In fact, it actually reduces the deficit by nearly $50 million.

SOCIAL SECURITY ADMINISTRATION,
Washington, DC, July 10, 2007.

Hon. CHARLES B. RANGEL,
Chairman, Committee on Ways and Means, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to provide the Social Security Administration's (SSA) views on H.R. 2608, the SSI Extension for Elderly and Disabled Refugees Act.

SSA fully supports an extension of the time period in which refugees, asylees, and certain other humanitarian categories of noncitizens may remain eligible for Supplemental Security Income (SSI) while seeking U.S. citizenship. The current time limit is 7 years, and some aged, blind, and disabled individuals have been unable to obtain U.S. citizenship within this time period. The Administration recognizes the daunting challenges refugees have faced in fleeing tyranny, the adjustments they must make in their resettlement, and their need for additional help in their quest for U.S. citizenship.

Section 2 of H.R. 2608 would amend the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to permit a 9-year period for SSI eligibility, provide retroactive eligibility for refugees and asylees who previously became ineligible after 7 years, and exempt the general SSI prohibition for refugees and asylees with pending naturalization applications. These changes would be in effect from 2008–2010. This provision is similar to the Administration's proposal for an extension to 8 years that was in the President's budget in FY 2005, FY 2006, FY 2007 and FY 2008. One difference between H.R. 2608 and the Administration's proposal is that the retroactive effect of H.R. 2608 could require SSA to reinstate SSI payments for individuals who have been off of the rolls for many years. While this represents a new workload, we would like to work with Congress to address the administrative burden inherent with such an effort, with the overall goal of assisting aged, blind, and disabled individuals in becoming U.S. citizens.

A similar letter has been sent to Representative McCrery.

Sincerely,

MICHAEL J. ASTRUE,
Commissioner.

H.R. 2608—SSI EXTENSION FOR ELDERLY AND DISABLED REFUGEES ACT

(By fiscal year, in millions of dollars)

	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	5-year	10-year
SSI	47	50	36	0	0	0	0	0	0	0	133	133
Medicaid	8	9	7	0	0	0	0	0	0	0	24	24
Unemployment comp.	0	−57	−57	−58	−58	−59	−60	−60	−61	−61	−230	−531
Total change in outlays	55	2	−14	−58	−58	−59	−60	−60	−61	−61	−73	−374
Change in revenues	0	0	−7	−20	−35	−45	−51	−55	−56	−57	−62	−326
Net budgetary effect	55	2	−7	−38	−23	−14	−9	−5	−5	−4	−11	−48

Notes: Assumes enactment at the end of FY 2007. SSI and Medicaid outlays and revenues estimated by CBO; Unemployment Compensation outlays estimated by JCT. Components may not sum to totals because of rounding. Does not include administrative costs, which are discretionary.

Mr. STARK. Mr. Speaker, I rise today in strong support of assisting immigrants who Congress invited to live in the United States because they were being persecuted in their home countries.

Refugees arrive in this country with little more than the clothes on their backs. They often have no family in the United States. For those immigrants who are elderly or have disabilities and cannot work, their sole source of income is often the meager benefits—typically around $600 per month—provided by the SSI program.

Under draconian provisions of 1996's so-called ''Welfare Reform'' law, refugess and asylees can only receive SSI benefits for a maximum of 7 years. To date, this law has caused more than 12,000 elderly and disabled humanitarian immigrants to lose their benefits and face hunger and homelessness. The Social Security Administration has estimated that an additional 40,000 individuals will be terminated from assistance in the next 10 years if the law is not changed. Leaving immigrants, who have suffered so much and come to the United States in search of protection, destitute with no means of support is unconscienable.

Current law assumes that refugees and asylees can complete the lengthy and expensive citizenship process within 7 years and continue receiving benefits. For most refugees there is a mandatory 5-year waiting period before they can even apply for citizenship. With application backlogs that regularly near 1 million, becoming naturalized within 7 years is a longshot at best. Acquiring the skills needed to pass the citizenship test, such as English language proficiency, may be impossible for immigrants with severe disabilities.

The SSI Extension for Elderly and Disabled Refugees Act (H.R. 2608) takes the common sense and compassionate approach of temporarily extending the time limit by 2 years. This will provide relief to thousands of individuals facing the loss of their sole source of support.

While this bill is the best we can do given the present fiscal environment, we should move toward completely removing the time limits. Doing so would bring us into compliance with International Conventions requiring nations to accord lawful refugees the same access to public benefits that they allow their own citizens. In addition, it would build on our Nation's tradition of opening our borders to immigrants escaping persecution and suffering.

I urge my colleagues to support this important bill, but I hope everyone recognizes that this bill only represents a partial fix.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. MCDERMOTT) that the House suspend the rules and pass the bill, H.R. 2608.

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

A motion to reconsider was laid on the table.

NATIONAL HOMELESS YOUTH AWARENESS MONTH

Mr. MCDERMOTT. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 527) recognizing the month of November as ''National Homeless Youth Awareness Month''.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 527

Whereas an estimated 1,300,000 to 2,800,000 youths in the United States are homeless for at least one night each year, with many staying on the streets or in emergency shelters;

Whereas homeless youth are typically too poor to secure basic needs, are often unable to access adequate medical or mental health care, and are often unaware of supportive services that are available;

Whereas an average of 13 homeless youth die each day due to physical assault, illness, or suicide;

Whereas some homeless youth are expelled from their homes or run away after physical, sexual, or emotional abuse by their parents or guardians, or are separated from their parents through death or divorce;

Whereas other youth become homeless due to a lack of financial and housing resources as they exit juvenile corrections or foster care, including 25 percent of foster youth who experience homelessness within two to four years after exiting foster care;

Whereas awareness of the tragedy of youth homelessness and its causes should be heightened to better coordinate current programs with the many families, businesses, law enforcement agencies, schools, and community and faith-based organizations working to help youth remain off the streets; and

Whereas November would be an appropriate month to recognize as National Homeless Youth Awareness Month: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports helping vulnerable youth through current programs authorized under title IV of the Social Security Act;

(2) encourages the promotion through such programs of assistance for especially foster youth in staying off the streets, staying in school, and obtaining their high school diplomas and further education and training;

(3) applauds the initiative of public and private organizations and individuals dedicated to helping these programs prevent homelessness among youth, and provide aid when prevention fails; and

(4) should recognize ''National Homeless Youth Awareness Month'' to support and further encourage such efforts.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. MCDERMOTT) and the gentleman from Illinois (Mr. WELLER) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

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

Mr. Speaker, as we walk around our hometowns and cities, who thinks about the young people we pass hanging around in front of a store or a park or street corner? Some people simply avert their eyes and walk a bit faster, focusing on something else. Others, they quickly step by and try to get by them.

Can we tell which of them are begging, borrowing or stealing to eat? Do we stop and consider if these kids are selling drugs or their own bodies in order to buy food or pay for shelter?

Too few of us are willing to ask whether these young people might be homeless, and the fact is too many of them are homeless on the streets of our hometowns. As many as 2.8 million kids are homeless right now, right in front of our eyes, if we choose to look and see.

Some of these homeless kids are fleeing an unsafe home. Others are running from a child welfare system that fails them too frequently. And others are on the street for a myriad of other reasons. Whatever the reason, they are alone, afraid and vulnerable, unsure where to turn for help or to whom they can trust.

Sometimes help arrives too late. On an average, 13 homeless youth die every day from assault, suicide or sickness. It happens in our hometowns across America, and we need to take a stand. We can be the lifeline that pulls these young people back from the brink.

The Income Security and Family Support Subcommittee is in the process of conducting hearings on the ways America can ensure that vulnerable children look to us for help instead of to the streets where the pushers and pimps profit on our inadequacy in protecting these vulnerable youngsters. Federal resources like the Social Security Block Grant; title IV of the Social Security Act; and moneys provided under the Runaway, Homeless and Missing Children Protection Act do help vulnerable and homeless children. But our resources are falling short. It is like standing on the shore with a lifeline that only reaches 25 feet when the person drowning is 50 feet from shore. We are coming up short in spite of our best intentions.

The Federal Government should be doing more to prevent youth homelessness and provide a pathway towards self-sufficiency when children fall through the cracks. We can do a better job of partnering with State and local governments, nonprofits and faith-based organizations to provide assistance to vulnerable families and youth.

Imagine you are in the foster care system, and suddenly you are 18 and you are out of the system. You are on your own. You didn't have parents. You didn't have a family. That is why you were in foster care. And suddenly we throw these kids into adult life. In many cases, they wind up homeless.

In addition to meaningful reforms in Federal programs, I think the House of Representatives can also empower private and public organizations, citizens who employ their talent and compassion to prevent youth homelessness and provide help to homeless youth when prevention fails.

Mr. Speaker, the resolution before us, House Resolution 527, would say that, for 1 month out of the year, America is going to recognize that youth homelessness is an important challenge that we must face as a Nation. More importantly, it will say to every homeless young person that you are not alone anymore. The People's House sees you, and we intend to help. Organizations like Stand Up For Kids, which coordinates a nationwide effort to scour the streets searching for kids and providing resources for them, is one inspiration behind this measure. But it is the kids that should remind us of our duty to provide for and protect American youth and to pass this resolution.

Let this be the last day that we walk along the streets of our hometowns and not see the young people who are homeless young Americans.

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

Mr. WELLER of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Last month, Representative MCDERMOTT and I, along with eight of our House colleagues on both sides of the aisle, introduced a resolution to designate November as ''National Homeless Youth Awareness Month.'' This action followed a hearing on ''disconnected youth'' held by the Committee on Ways and Means Income Security and Family Support Subcommittee, on which I serve as ranking member.

Disconnected young people include young people who often drop out of school, don't work and wind up on the streets. These young people may have family conflict issues, may experience abuse and neglect, or may be or have been in the past involved in the foster care system. Research completed by the University of Chicago suggests there were nearly 25,000 homeless youth in my home State of Illinois in 2004, including 6,353 in the northern Illinois region where the congressional district I represent is located.

Despite an infusion of millions of dollars in Federal assistance and dedicated interests of many adults, too many children today are troubled, disconnected from their families and others who would like to help and, unfortunately, wind up on streets. Federal initiatives such as the Runaway and

Homeless Youth program, the Education for Homeless Children and Youth program, the Family Violence Prevention and Services Discretionary Grants program, and the Chafee Foster Care Independence program have been directed at these problems in recent years.

Yet better serving these children and preventing more youth from winding up on the streets will require a better use and coordination of current program funds. We also need to recognize, as one witness at our subcommittee's recent hearing put it, that ''strengthening families is the best way to prevent the suffering and social disconnection among our young people.''

Even as we applaud those young people, including foster youth, who overcome tremendous challenges to succeed in school and beyond, it is hard to overstate the importance of strong families to the raising of young people who grow up to be productive adults.

Last year in the Deficit Reduction Act, we included specific funds to support private groups that work to strengthen families and promote healthy marriage, which is the foundation for raising healthy children. I am eager to see how these efforts pay off, including by reducing the turmoil in homes that result in too many children ending up on the streets.

We must also acknowledge that kids are connected, and especially as they get older, through their schools. That really means through their circle of friends, teachers, coaches and other mentors they rely on as they become more independent and develop the habits and skills needed for life on their own. Kids in foster care already have suffered the trauma of being removed from their parents. In addition to being bounced from home to home, many foster children suffer too from being bounced from school to school. Studies show high school students who change schools even once are less than half as likely to graduate as those who do not change schools. So it is no wonder that there is ''a 20 percentage point difference between the high school graduation rates of foster youth and their peers,'' according to the Kids Count organization.

At our subcommittee hearing, we also heard from Representative MICHELE BACHMANN of Minnesota. She and her husband have helped raised 23 foster children, and she discussed the importance of achieving stability in their lives and especially stability at home and at school.

In addressing the issue of youth homelessness, we should start by doing whatever we can to ensure that young people in the foster care system complete at least high school. That will vastly improve their chances of getting a decent job and supporting themselves. One way to do that would be to provide more youth in foster care the opportunity to stay better connected to their schools, including by remaining in a single school whenever possible. That might mean offering scholarships so that those in private schools can stay in that school or so those who might benefit from private school could do so. Or it could involve something as simple as bus vouchers so kids can continue going to their current public or private school even if they are sent to live in a foster home across town. Such efforts will increase the chances for foster youth to graduate and can create the foundation for a productive and happy life that is the American Dream. That will also mean far fewer kids winding up on the streets, as is the goal of this resolution introduced today. We should all support that.

And I urge all Members to support this bipartisan resolution.

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

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

Mr. WELLER of Illinois. Mr. Speaker, I yield 5 minutes to the gentlewoman from Minnesota (Mrs. BACHMANN), a leader on this issue.

Mrs. BACHMANN. Mr. Speaker, I thank the gentleman from Illinois for yielding, and I honor and commend both the gentleman from Illinois and his counterpart for this important legislation.

And the gentleman is correct. My husband and I were privileged to be involved with raising 23 foster children. I am happy to report that each of them graduated from high school. They are launched into the world, and they are leading their lives. And, again, it was a privilege for me and my husband and also for our five biological children to be a part of their success story.

Mr. Speaker, that is why I rise today in support of this very important bill because it recognizes the month of November as ''National Homeless Youth Awareness Month.'' The problem of homelessness here in this country is a tragic one and we hope a preventable one, but the issue of homeless youth is especially devastating.

More than 2 million children and youth, Mr. Speaker, in our country are homeless for at least one night every year. It is almost impossible for many, not only just Minnesotans but for many Americans, to get their arms around that figure.

Many of these children have suffered various forms of abuse, which is also difficult to understand, or maybe were just thrown out on the street by their families. While others have spent years moving from home to home to home in various foster care systems.

In our own personal situation, we took in teenagers. We didn't take babies. And we were the last stop in a kid's life. Once they were placed in our home, that was it. We were their last stop. And it was our joy to be able to then launch them off into the world. I have a special interest in these latter cases because of our experience and because of the joys that we had in learning from these wonderful human beings.

These children often came from unstable families. And once they are placed, unfortunately, we saw firsthand they tend to get lost in the shuffle of a new home. It is difficult when you are a foster child and you are placed in a new home. You are not sure what your place is. You are not sure how you belong. And especially when you are in a new school, you kind of sometimes feel like you are second class even if your foster parents love you and don't want you to feel that way.

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Students often begin to feel as though no one really cares about them. And you know, Mr. Speaker, that's one thing my husband always said; we have to show these children that there is at least one adult in their life that's crazy about them. And if we can offer them that much, maybe that can be our part in their world.

In some of the worst cases, these children may even experience more abuse in what should be a safe place in foster homes. Not all foster homes are perfect, unfortunately. And even in the best cases, once a foster child turns 18, which is true for all of our children, except one, they're removed from the system, removed from the foster home, and they are made to live on their own, even though many of them aren't ready. As a matter of fact, Mr. Speaker, many children, I would say just from an anecdotal point of view, are less prepared than children who come from a biological home to be able to make it on their own when they're age 18.

And so unfortunately, as a result, 25 percent of foster children leaving care experience homelessness within 4 years of leaving their foster home. Just think, 25 percent, one-fourth of all foster children, when they leave that foster home, become homeless. Regardless of their backgrounds, once they become homeless, many youth find then that they are unable to lift themselves out of that situation.

While we can all kind of vaguely imagine what homelessness is like, I recently had the opportunity to hear the testimonies of two people who experienced homelessness, including a very courageous statement by the singer Jewel, absolutely lovely young woman, and her story was heartwrenching. She described how she had to wash her hair in a fast-food bathroom and what it was like for her to watch people as they looked down on her as a homeless teenager. She described her inability to find adequate shelter or food, as well as the feeling of hopelessness that she felt while fending for herself on the streets.

Despite these foster children's best efforts, continuing to go to school or finding a way to be able to hold a job becomes near close to impossible because they face a constant threat of illness, of violence, even worse things.

What struck me the most about children who experience homelessness is that through everything they experienced, all they wanted is to just not be written off by people who saw them only as homeless kids and not as the people, the human beings that they really are and the potential that they had. They're good kids, Mr. Speaker, as I'm sure you would agree; they just have been dealt a bad hand.

A child never deserves to be left in the street. Congress has to ensure that those who have been cast out will be cared for and will be given the chance to grow into successful adults. It's time that we shed light on the problem of homeless youth and children.

This is an important bill. I ask my colleagues to join me in supporting this important legislation.

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

GENERAL LEAVE

Mr. McDERMOTT. Mr. Speaker, I ask for unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on this resolution which we are now considering.

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

There was no objection.

Mr. PORTER. Mr. Speaker, I rise today in support of H. Res. 527, which seeks to promote greater public awareness of effective homeless youth prevention programs and the need for safe and productive alternatives, resources, and support for youths in high-risk situations. This resolution designates November as "National Homeless Youth Awareness Month." I'd like to thank the leadership for allowing this resolution to come to the House Floor as it highlights a very tragic and important issue.

In the district that I represent in southern Nevada, Dr. Fred Preston of the University of Nevada, Las Vegas, conducted homeless enumerations in 1999 and 2004. In 2004, Preston reported an estimate of 7,887 homeless people, up from the 6,700 counted in a 1999 survey. A Nevada Partnership for Homeless Youth study released last year estimates that there are 1,700 homeless youths in the valley. According to figures provided by the Clark County Department of Family Services, 483 youth a month, on average, received placements at the temporary emergency "Child Haven" facilities during 2005. That figure represents a 61.5 percent increase in average monthly referrals since 2000. These astonishing statistics highlight the need for our support of those important programs that seek to prevent these types of incidents.

Many of the conditions that lead young people to become homeless are preventable through interventions that can strengthen families and support youth in high-risk situations. Successful interventions are grounded in partnerships among families, community-based human service agencies, law enforcement agencies, schools, faith-based organizations, and businesses.

Preventing young people from becoming homeless and supporting youth in high-risk situations is a family, community, and national concern. Please join me in encouraging all Americans to play a role in supporting the millions of young people who are homeless or who are at-risk of being so each year. H. Res. 527 supports efforts to promote greater public awareness of effective homeless youth prevention programs and the need for safe and productive alternatives, resources, and support for youth in high-risk situations.

Mr. Speaker, I urge my colleagues to support this resolution.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. McDERMOTT) that the House suspend the rules and agree to the resolution, H. Res. 527.

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

A motion to reconsider was laid on the table.

PARLIAMENTARY INQUIRY

Mr. HASTINGS of Florida. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Florida is recognized.

Mr. HASTINGS of Florida. Am I correct that the first two suspensions have been addressed and the third is scheduled for now and House Resolution 287 is the fourth?

The SPEAKER pro tempore. The gentleman will want to consult with leadership on the schedule.

FOOD AND DRUG ADMINISTRATION AMENDMENTS ACT OF 2007

Mr. DINGELL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2900) to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and for medical devices, to enhance the postmarket authorities of the Food and Drug Administration with respect to the safety of drugs, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2900

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 ''Food and Drug Administration Amendments Act of 2007''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—PRESCRIPTION DRUG USER FEE AMENDMENTS OF 2007

Sec. 101. Short title; references in title.
Sec. 102. Definitions.
Sec. 103. Authority to assess and use drug fees.
Sec. 104. Fees relating to advisory review of prescription-drug television advertising.
Sec. 105. Reauthorization; reporting requirements.
Sec. 106. Sunset dates.

TITLE II—MEDICAL DEVICE USER FEE AMENDMENTS OF 2007

Sec. 201. Short title; references in title.

Subtitle A—Fees Related to Medical Devices

Sec. 211. Definitions.
Sec. 212. Authority to assess and use device fees.
Sec. 213. Annual reports.
Sec. 214. Consultation.
Sec. 215. Additional authorization of appropriations for postmarket safety information.
Sec. 216. Effective date.
Sec. 217. Sunset clause.

Subtitle B—Amendments Regarding Regulation of Medical Devices

Sec. 221. Extension of authority for third party review of premarket notification.
Sec. 222. Registration.
Sec. 223. Filing of lists of drugs and devices manufactured, prepared, propagated, and compounded by registrants; statements; accompanying disclosures.
Sec. 224. Electronic registration and listing.
Sec. 225. Report by Government Accountability Office.
Sec. 226. Unique device identification system.
Sec. 227. Frequency of reporting for certain devices.
Sec. 228. Inspections by accredited persons.
Sec. 229. Study of nosocomial infections relating to medical devices.

TITLE III—PEDIATRIC MEDICAL DEVICE SAFETY AND IMPROVEMENT ACT OF 2007

Sec. 301. Short title.
Sec. 302. Tracking pediatric device approvals.
Sec. 303. Modification to humanitarian device exemption.
Sec. 304. Encouraging pediatric medical device research.
Sec. 305. Demonstration grants for improving pediatric device availability.
Sec. 306. Amendments to office of pediatric therapeutics and pediatric advisory committee.
Sec. 307. Postmarket Studies.

TITLE IV—PEDIATRIC RESEARCH EQUITY ACT OF 2007

Sec. 401. Short title.
Sec. 402. Reauthorization of Pediatric Research Equity Act.
Sec. 403. Government Accountability Office report.

TITLE V—BEST PHARMACEUTICALS FOR CHILDREN ACT OF 2007

Sec. 501. Short title.
Sec. 502. Reauthorization of Best Pharmaceuticals for Children Act.

TITLE VI—REAGAN-UDALL FOUNDATION

Sec. 601. The Reagan-Udall Foundation for the Food and Drug Administration.
Sec. 602. Office of the Chief Scientist.
Sec. 603. Critical path public-private partnerships.

TITLE VII—CONFLICTS OF INTEREST

Sec. 701. Conflicts of interest.

TITLE VIII—CLINICAL TRIAL DATABASES

Sec. 801. Clinical trial registry database and clinical trial results database.
Sec. 802. Study by Government Accountability Office.

TITLE IX—ENHANCED AUTHORITIES REGARDING POSTMARKET SAFETY OF DRUGS
Sec. 901. Postmarket studies and clinical trials regarding human drugs; risk evaluation and mitigation strategies.
Sec. 902. Enforcement.
Sec. 903. No effect on withdrawal or suspension of approval.
Sec. 904. Benefit-risk assessments.
Sec. 905. Postmarket risk identification and analysis system for active surveillance and assessment.
Sec. 907. Statement for inclusion in direct-to-consumer advertisements of drugs.
Sec. 908. Clinical trial guidance for antibiotic drugs.
Sec. 909. Prohibition against food to which drugs or biological products have been added.
Sec. 910. Assuring pharmaceutical safety.
Sec. 911. Orphan antibiotic drugs.
Sec. 912. Citizen petitions and petitions for stay of agency action.
Sec. 913. Authorization of appropriations.
Sec. 914. Effective date and applicability.

TITLE I—PRESCRIPTION DRUG USER FEE AMENDMENTS OF 2007

SEC. 101. SHORT TITLE; REFERENCES IN TITLE.

(a) SHORT TITLE.—This title may be cited as the ''Prescription Drug User Fee Amendments of 2007''.

(b) REFERENCES IN ACT.—Except as otherwise specified, amendments made by this title to a section or other provision of law are amendments to such section or other provision of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

SEC. 102. DEFINITIONS.

Section 735 (21 U.S.C. 379g) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking ''505(b)(1),'' and inserting ''505(b), or'';

(B) by striking subparagraph (B); and

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

(2) in paragraph (3)(C)—

(A) by striking ''505(j)(7)(A)'' and inserting ''505(j)(7)(A) (not including the discontinued section of such list),''; and

(B) by inserting before the period ''(not including the discontinued section of such list)'';

(3) in paragraph (4), by inserting before the period at the end the following: ''(such as capsules, tablets, or lyophilized products before reconstitution)'';

(4) by amending paragraph (6)(F) to read as follows:

''(F) Postmarket safety activities with respect to drugs approved under human drug applications or supplements, including the following activities:

''(i) Collecting, developing, and reviewing safety information on approved drugs, including adverse event reports.

''(ii) Developing and using improved adverse-event data-collection systems, including information technology systems.

''(iii) Developing and using improved analytical tools to assess potential safety problems, including access to external data bases.

''(iv) Implementing and enforcing section 505(o) (relating to postapproval studies and clinical trials and labeling changes) and section 505(p) (relating to risk evaluation and mitigation strategies).

''(v) Preparing and making publicly available (including on the website of the Food and Drug Administration) a summary analysis of the adverse drug reaction reports received for recently approved drugs, including identification of any new risks not previously identified, potential new risks, or known risks reported in unusual number not previously identified within 18 months of the drug's initial marketing or after exposure of 10,000 individuals to the drug, whichever is later.

''(vi) Conducting regular, bi-weekly screening of the Adverse Event Reporting System database and developing a report every 15 days on any new safety concerns.

''(vii) Ensuring that the reports available to the public under the Adverse Event Reporting System are updated at least every 6 months.

''(viii) Reporting to the Congress on—

''(I) the recommendations received in consultations with, and reports from, the Office of Surveillance and Epidemiology within the Food and Drug Administration on postmarket safety activities;

''(II) a description of the actions taken on those recommendations; and

''(III) if no action is taken, or a different action is taken relative to the action recommended by the Office of Surveillance and Epidemiology, an explanation of why no action or a different action was taken.

''(ix) On an annual basis, reviewing the entire backlog of postmarket safety commitments to determine which commitments require revision or should be eliminated, reporting to the Congress on these determinations, and assigning start dates and estimated completion dates for such commitments.

''(x) Developing postmarket safety performance measures, including those listed in clauses (v) through (ix), that are as measurable and rigorous as the ones already developed for premarket review.'';

(5) in paragraph (8)—

(A) by striking ''April of the preceding fiscal year'' and inserting ''October of the preceding fiscal year''; and

(B) by striking ''April 1997'' and inserting ''October 1996'';

(6) by redesignating paragraph (9) as paragraph (11); and

(7) by inserting after paragraph (8) the following paragraphs:

''(9) The term 'person' includes an affiliate thereof.

''(10) The term 'active', with respect to a commercial investigational new drug application, means such an application to which information was submitted during the relevant period.''.

SEC. 103. AUTHORITY TO ASSESS AND USE DRUG FEES.

(a) TYPES OF FEES.—Section 736(a) (21 U.S.C. 379h(a)) is amended—

(1) in the matter preceding paragraph (1), by striking ''2003'' and inserting ''2008'';

(2) in paragraph (1)—

(A) in subparagraph (D)—

(i) in the heading, by inserting ''OR WITHDRAWN BEFORE FILING'' after ''REFUSED FOR FILING''; and

(ii) by inserting before the period at the end the following: ''or withdrawn without a waiver before filing'';

(B) by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively; and

(C) by inserting after subparagraph (D) the following:

''(E) FEES FOR APPLICATIONS PREVIOUSLY REFUSED FOR FILING OR WITHDRAWN BEFORE FILING.—A human drug application or supplement that was submitted but was refused for filing, or was withdrawn before being accepted or refused for filing, shall be subject to the full fee under subparagraph (A) upon being resubmitted or filed over protest, unless the fee is waived or reduced under subsection (d).''; and

(3) in paragraph (2)—

(A) in subparagraph (A), by striking ''subparagraph (B)'' and inserting ''subparagraphs (B) and (C)''; and

(B) by adding at the end the following:

''(C) SPECIAL RULES FOR POSITRON EMISSION TOMOGRAPHY DRUGS.—

''(i) IN GENERAL.—Except as provided in clause (ii), each person who is named as the applicant in an approved human drug application for a positron emission tomography drug shall be subject under subparagraph (A) to one-sixth of an annual establishment fee with respect to each such establishment identified in the application as producing positron emission tomography drugs under the approved application.

''(ii) EXCEPTION FROM ANNUAL ESTABLISHMENT FEE.—Each person who is named as the applicant in an application described in clause (i) shall not be assessed an annual establishment fee for a fiscal year if the person certifies to the Secretary, at a time specified by the Secretary and using procedures specified by the Secretary, that—

''(I) the person is a not-for-profit medical center that has only 1 establishment for the production of positron emission tomography drugs; and

''(II) at least 95 percent of the total number of doses of each positron emission tomography drug produced by such establishment during such fiscal year will be used within the medical center.

''(iii) DEFINITION.—For purposes of this subparagraph, the term 'positron emission tomography drug' has the meaning given to the term 'compounded positron emission tomography drug' in section 201(ii), except that subparagraph (1)(B) of such section shall not apply.''.

(b) FEE REVENUE AMOUNTS.—Section 736(b) (21 U.S.C. 379h(b)) is amended to read as follows:

''(b) FEE REVENUE AMOUNTS.—

''(1) IN GENERAL.—For each of the fiscal years 2008 through 2012, fees under subsection (a) shall, except as provided in subsections (c), (d), (f), and (g), be established to generate a total revenue amount under such subsection that is equal to the sum of—

''(A) $392,783,000; and

''(B) an amount equal to the modified workload adjustment factor for fiscal year 2007 (as determined under paragraph (3)).

''(2) TYPES OF FEES.—Of the total revenue amount determined for a fiscal year under paragraph (1)—

''(A) one-third shall be derived from fees under subsection (a)(1) (relating to human drug applications and supplements);

''(B) one-third shall be derived from fees under subsection (a)(2) (relating to prescription drug establishments); and

''(C) one-third shall be derived from fees under subsection (a)(3) (relating to prescription drug products).

''(3) MODIFIED WORKLOAD ADJUSTMENT FACTOR FOR FISCAL YEAR 2007.—For purposes of paragraph (1)(B), the Secretary shall determine the modified workload adjustment factor by determining the dollar amount that results from applying the methodology that was in effect under subsection (c)(2) for fiscal year 2007 to the amount $354,893,000, except that, with respect to the portion of such determination that is based on the change in the total number of commercial investigational new drug applications, the Secretary shall count the number of such applications that were active during the most recent 12-month period for which data on such submissions is available.

''(4) ADDITIONAL FEE REVENUES FOR DRUG SAFETY.—

''(A) IN GENERAL.—For each of the fiscal years 2008 through 2012, paragraph (1)(A) shall, subject to subparagraph (C), be applied

by substituting the amount determined under subparagraph (B) for '$392,783,000'.

''(B) AMOUNT DETERMINED.—For each of the fiscal years 2008 through 2012, the amount determined under this subparagraph is the sum of—

''(i) $392,783,000; plus

''(ii) an amount equal to—

''(I)(aa) for fiscal year 2008, $25,000,000;

''(bb) for fiscal year 2009, $35,000,000;

''(cc) for fiscal year 2010, $45,000,000;

''(dd) for fiscal year 2011, $55,000,000; and

''(ee) for fiscal year 2012, $65,000,000; minus

''(II) the amount equal to the excess amount in item (bb), provided that—

''(aa) the amount of the total appropriation for the Food and Drug Administration for such fiscal year (excluding the amount of fees appropriated for such fiscal year) exceeds the amount of the total appropriation for the Food and Drug Administration for fiscal year 2007 (excluding the amount of fees appropriated for such fiscal year), adjusted as provided under subsection (c)(1); and

''(bb) the amount of the total appropriations for the process of human drug review at the Food and Drug Administration for such fiscal year (excluding the amount of fees appropriated for such fiscal year) exceeds the amount of appropriations for the process of human drug review at the Food and Drug Administration for fiscal year 2007 (excluding the amount of fees appropriated for such fiscal year), adjusted as provided under subsection (c)(1).

In making the adjustment under subclause (II) for any of fiscal years 2008 through 2012, subsection (c)(1) shall be applied by substituting '2007' for '2008'.

''(C) LIMITATION.—This paragraph shall not apply for any fiscal year if the amount described under subparagraph (B)(ii) is less than 0.''.

(c) ADJUSTMENTS TO FEES.—

(1) INFLATION ADJUSTMENT.—Section 736(c)(1) (21 U.S.C. 379h(c)(1)) is amended—

(A) in the matter preceding subparagraph (A), by striking ''The revenues established in subsection (b)'' and inserting ''For fiscal year 2009 and subsequent fiscal years, the revenues established in subsection (b)'';

(B) in subparagraph (A), by striking ''or'' at the end;

(C) in subparagraph (B), by striking the period at the end and inserting '', or'';

(D) by inserting after subparagraph (B) the following:

''(C) the average annual change in the cost, per full-time equivalent position of the Food and Drug Administration, of all personnel compensation and benefits paid with respect to such positions for the first 5 years of the preceding 6 fiscal years.''; and

(E) in the matter following subparagraph (C) (as added under this paragraph), by striking ''fiscal year 2003'' and inserting ''fiscal year 2008''.

(2) WORKLOAD ADJUSTMENT.—Section 736(c)(2) (21 U.S.C. 379h(c)(2)) is amended—

(A) in the matter preceding subparagraph (A), by striking ''Beginning with fiscal year 2004,'' and inserting ''For fiscal year 2009 and subsequent fiscal years,'';

(B) in subparagraph (A), in the first sentence—

(i) by striking ''human drug applications,'' and inserting ''human drug applications (adjusted for changes in review activities, as described in the notice that the Secretary is required to publish in the Federal Register under this subparagraph),'';

(ii) by striking ''commercial investigational new drug applications,''; and

(iii) by inserting before the period the following: '', and the change in the total number of active commercial investigational new drug applications (adjusted for changes in review activities, as so described) during the most recent 12-month period for which data on such submissions is available'';

(C) in subparagraph (B), by adding at the end the following: ''Any adjustment for changes in review activities made in setting fees and revenue amounts for fiscal year 2009 may not result in the total workload adjustment being more than 2 percentage points higher than it would have been in the absence of the adjustment for changes in review activities.''; and

(D) by adding at the end the following:

''(C) The Secretary shall contract with an independent accounting firm to study the adjustment for changes in review activities applied in setting fees and revenue amounts for fiscal year 2009 and to make recommendations, if warranted, for future changes in the methodology for calculating the adjustment. After review of the recommendations, the Secretary shall, if warranted, make appropriate changes to the methodology, and the changes shall be effective for each of the fiscal years 2010 through 2012. The Secretary shall not make any adjustment for changes in review activities for any fiscal year after 2009 unless such study has been completed.''.

(3) RENT AND RENT-RELATED COST ADJUSTMENT.—Section 736(c) (21 U.S.C. 379h(c)) is amended—

(A) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively; and

(B) by inserting after paragraph (2) the following:

''(3) RENT AND RENT-RELATED COST ADJUSTMENT.—For fiscal year 2010 and each subsequent fiscal year, the Secretary shall, before making adjustments under paragraphs (1) and (2), decrease the fee revenue amount established in subsection (b) if actual costs paid for rent and rent-related expenses for the preceding fiscal year are less than estimates made for such year in fiscal year 2006. Any reduction made under this paragraph shall not exceed the amount by which such costs fall below the estimates made in fiscal year 2006 for such fiscal year, and shall not exceed $11,721,000 for any fiscal year.''.

(4) FINAL YEAR ADJUSTMENT.—Section 736(c) (21 U.S.C. 379h(c)) is amended—

(A) in paragraph (4) (as redesignated by paragraph (3)(A))—

(i) by striking ''2007'' each place it appears and inserting ''2012'';

(ii) by striking ''paragraphs (1) and (2)'' and inserting ''paragraphs (1), (2), and (3)''; and

(iii) by striking ''2008'' and inserting ''2013''; and

(B) in paragraph (5) (as so redesignated), by striking ''2002'' and inserting ''2007''.

(d) FEE WAIVER OR REDUCTION.—Section 736(d) (21 U.S.C. 379h(d)) is amended—

(1) in paragraph (1), in the matter preceding subparagraph (A)—

(A) by inserting after ''The Secretary shall grant'' the following: ''to a person who is named as the applicant in a human drug application''; and

(B) by inserting ''to that person'' after ''one or more fees assessed'';

(2) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(3) by inserting after paragraph (1) the following:

''(2) CONSIDERATIONS.—In determining whether to grant a waiver or reduction of a fee under paragraph (1), the Secretary shall consider only the circumstances and assets of the applicant involved and any affiliate of the applicant.''; and

(4) in paragraph (4) (as redesignated by paragraph (2)), in subparagraph (A), by inserting before the period the following: '', and that does not have a drug product that has been approved under a human drug application and introduced or delivered for introduction into interstate commerce''.

(e) CREDITING AND AVAILABILITY OF FEES.—

(1) AUTHORIZATION OF APPROPRIATIONS.—Section 736(g)(3) (21 U.S.C. 379h(g)(3)) is amended to read as follows:

''(3) AUTHORIZATION OF APPROPRIATIONS.—For each of the fiscal years 2008 through 2012, there is authorized to be appropriated for fees under this section an amount equal to the total revenue amount determined under subsection (b) for the fiscal year, as adjusted or otherwise affected under subsection (c) and paragraph (4) of this subsection.''.

(2) OFFSET.—Section 736(g)(4) (21 U.S.C. 379h(g)(4)) is amended to read as follows:

''(4) OFFSET.—If the sum of the cumulative amount of fees collected under this section for the fiscal years 2008 through 2010 and the amount of fees estimated to be collected under this section for fiscal year 2011 exceeds the cumulative amount appropriated under paragraph (3) for the fiscal years 2008 through 2011, the excess shall be credited to the appropriation account of the Food and Drug Administration as provided in paragraph (1), and shall be subtracted from the amount of fees that would otherwise be authorized to be collected under this section pursuant to appropriation Acts for fiscal year 2012.''.

(f) EXEMPTION FOR ORPHAN DRUGS.—Section 736 (21 U.S.C. 379h) is further amended by adding at the end the following:

''(k) ORPHAN DRUGS.—A drug designated under section 526 for a rare disease or condition and approved under section 505 or under section 351 of the Public Health Service Act shall be exempt from product and facility fees under this section, provided that the drug meets all of the following:

''(1) The drug had United States sales in the previous year of less than $25,000,000 for the active moiety, for all indications, dosage forms, and strengths for which the drug is approved and for any off-label uses.

''(2) The drug meets the public health requirements contained in this Act as such requirements are applied to requests for waivers for product and facility fees.

''(3) The drug is owned or licensed and marketed by a company that had less than $100,000,000 in gross worldwide revenue during the previous year.''.

(g) CONFORMING AMENDMENT.—Section 736(a) (21 U.S.C. 379h(a)) is amended in paragraphs (1)(A)(i), (1)(A)(ii), (2)(A), and (3)(A) by striking ''(c)(4)'' each place such term appears and inserting ''(c)(5)''.

SEC. 104. FEES RELATING TO ADVISORY REVIEW OF PRESCRIPTION-DRUG TELEVISION ADVERTISING.

Part 2 of subchapter C of chapter VII (21 U.S.C. 379g et seq.) is amended by adding after section 736 the following:

''SEC. 736A. FEES RELATING TO ADVISORY REVIEW OF PRESCRIPTION-DRUG TELEVISION ADVERTISING.

''(a) TYPES OF DIRECT-TO-CONSUMER TELEVISION ADVERTISEMENT REVIEW FEES.—Beginning in fiscal year 2008, the Secretary shall assess and collect fees in accordance with this section as follows:

''(1) ADVISORY REVIEW FEE.—

''(A) IN GENERAL.—With respect to a proposed direct-to-consumer television advertisement (referred to in this section as a 'DTC advertisement'), each person that on or after October 1, 2007, submits such an advertisement for advisory review by the Secretary prior to its initial public broadcast (referred to in this section as 'prebroadcast advisory review') shall, except as provided in subparagraph (B), be subject to a fee established under subsection (c)(3).

''(B) EXCEPTION FOR REQUIRED SUBMISSIONS.—A DTC advertisement that is required under section 502(n) to be submitted

to the Secretary prior to initial public broadcast is not subject to a fee under subparagraph (A) unless the sponsor designates the submission as a submission for prebroadcast advisory review.

''(C) NOTICE TO SECRETARY OF NUMBER OF ADVERTISEMENTS.—Not later than June 1 of each fiscal year, the Secretary shall publish a notice in the Federal Register requesting any person to notify the Secretary within 30 days of the number of DTC advertisements the person intends to submit for prebroadcast advisory review in the next fiscal year.

''(D) PAYMENT.—

''(i) IN GENERAL.—The fee required by subparagraph (A) (referred to in this section as 'an advisory review fee') shall be due not later than October 1 of the fiscal year in which the DTC advertisement involved is intended be submitted for prebroadcast advisory review, subject to subparagraph (F)(i).

''(ii) EFFECT OF SUBMISSION.—Notification of the Secretary under subparagraph (C) of the number of DTC advertisements a person intends to submit for prebroadcast advisory review is a legally binding commitment by that person to pay the annual advisory review fee for that number of submissions on or before October 1 of the fiscal year in which the advertisement is intended to be submitted.

''(iii) NOTICE REGARDING CARRYOVER SUBMISSIONS.—In making a notification under subparagraph (C), the person involved shall in addition notify the Secretary if under subparagraph (F)(i) the person intends to submit a DTC advertisement for which the advisory review fee has already been paid. If the person does not so notify the Secretary, each DTC advertisement submitted by the person for prebroadcast advisory review in the fiscal year involved shall be subject to the advisory review fee.

''(E) MODIFICATION OF ADVISORY REVIEW FEE.—

''(i) LATE PAYMENT.—If a person has submitted a notification under subparagraph (C) with respect to a fiscal year and has not paid all advisory review fees due under subparagraph (D) on or before November 1 of such fiscal year, the fees are regarded as late and a revised due date and an increase in the amount of fees applies in accordance with this clause, notwithstanding any other provision of this section. For such person, the advisory review fee for each DTC advertisement submitted in such fiscal year for prebroadcast advisory review shall be due and payable 20 days before the advertisement is submitted to the Secretary, and each such fee shall be revised to be equal to 150 percent of the fee that otherwise would have applied pursuant to subsection (c)(3).

''(ii) EXCEEDING IDENTIFIED NUMBER OF SUBMISSIONS.—If a person submits a number of DTC ads for prebroadcast advisory review in a fiscal year that exceeds the number identified by the person under subparagraph (C), a revised due date and an increase in the amount of fees applies under this clause for each submission in excess of such number, notwithstanding any other provision of this section. For each such DTC ad, the advisory review fee shall be due and payable 20 days before the advertisement is submitted to the Secretary, and the fee shall be revised to be equal to 150 percent of the fee that otherwise would have applied pursuant to subsection (c)(3).

''(F) LIMITS.—

''(i) SUBMISSIONS.—For each advisory review fee paid by a person for a fiscal year, the person is entitled to acceptance for advisory review by the Secretary of one DTC advertisement and acceptance of one resubmission for advisory review of the same advertisement. The advertisement shall be submitted for review in the fiscal year for which the fee was assessed, except that a person may carry over not more than one paid advisory review submission to the next fiscal year. Resubmissions may be submitted without regard to the fiscal year of the initial advisory review submission.

''(ii) NO REFUNDS.—Except as provided by subsection (f), fees paid under subparagraph (A) shall not be refunded.

''(iii) NO WAIVERS, EXEMPTIONS, OR REDUCTIONS.—The Secretary shall not grant a waiver, exemption, or reduction of any fees due or payable under this section.

''(iv) RIGHT TO ADVISORY REVIEW NOT TRANSFERABLE.—The right to an advisory review under this paragraph is not transferable, except to a successor in interest.

''(2) OPERATING RESERVE FEE.—

''(A) IN GENERAL.—Each person that on or after October 1, 2007, is assessed an advisory review fee under paragraph (1) shall be subject to fee established under subsection (d)(2) referred to in this section as an 'operating reserve fee' for the first fiscal year in which an advisory review fee is assessed to such person. The person is not subject to an operating reserve fee for any other fiscal year.

''(B) PAYMENT.—Except as provided in subparagraph (C), the operating reserve fee shall be due no later than October 1 of the first fiscal year in which the person is required to pay an advisory review fee under paragraph (1).

''(C) LATE NOTICE OF SUBMISSION.—If, in the first fiscal year of a person's participation in the program under this section, that person submits any DTC advertisements for prebroadcast advisory review that are in excess of the number identified by that person in response to the Federal Register notice described in subsection (a)(1)(C), that person shall pay an operating reserve fee for each of those advisory reviews equal to the advisory review fee for each submission established under paragraph (1)(D)(ii). Fees required by this subparagraph shall be in addition to any fees required by subparagraph (A). Fees under this subparagraph shall be due 20 days before any DTC advertisement is submitted by such person to the Secretary for prebroadcast advisory review.

''(b) ADVISORY REVIEW FEE REVENUE AMOUNTS.—Fees under subsection (a)(1) shall be established to generate revenue amounts of $6,250,000 for each of fiscal years 2008 through 2012, as adjusted pursuant to subsections (c) and (g)(4).

''(c) ADJUSTMENTS.—

''(1) INFLATION ADJUSTMENT.—Beginning with fiscal year 2009, the revenues established in subsection (b) shall be adjusted by the Secretary by notice, published in the Federal Register, for a fiscal year to reflect the greater of—

''(A) the total percentage change that occurred in the Consumer Price Index for all urban consumers (all items; U.S. city average), for the 12-month period ending June 30 preceding the fiscal year for which fees are being established;

''(B) the total percentage change for the previous fiscal year in basic pay under the General Schedule in accordance with section 5332 of title 5, United States Code, as adjusted by any locality-based comparability payment pursuant to section 5304 of such title for Federal employees stationed in the District of Columbia; or

''(C) the average annual change in the cost, per full-time equivalent position of the Food and Drug Administration, of all personnel compensation and benefits paid with respect to such positions for the first 5 fiscal years of the previous 6 fiscal years.

The adjustment made each fiscal year by this subsection will be added on a compounded basis to the sum of all adjustments made each fiscal year after fiscal year 2008 under this subsection.

''(2) WORKLOAD ADJUSTMENT.—Beginning with fiscal year 2009, after the fee revenues established in subsection (b) are adjusted for a fiscal year for inflation in accordance with paragraph (1), the fee revenues shall be adjusted further for such fiscal year to reflect changes in the workload of the Secretary with respect to the submission of DTC advertisements for advisory review prior to initial broadcast. With respect to such adjustment:

''(A) The adjustment shall be determined by the Secretary based upon the number of DTC advertisements identified pursuant to subsection (a)(1)(C) for the upcoming fiscal year, excluding allowable previously paid carry over submissions. The adjustment shall be determined by multiplying the number of such advertisements projected for that fiscal year that exceeds 150 by $27,600 (adjusted each year beginning with fiscal year 2009 for inflation in accordance with paragraph (1)). The Secretary shall publish in the Federal Register the fee revenues and fees resulting from the adjustment and the supporting methodologies.

''(B) Under no circumstances shall the adjustment result in fee revenues for a fiscal year that are less than the fee revenues established for the prior fiscal year.

''(3) ANNUAL FEE SETTING FOR ADVISORY REVIEW.—

''(A) IN GENERAL.—Not later than August 1 of each fiscal year, the Secretary shall establish for the next fiscal year the DTC advertisement advisory review fee under subsection (a)(1), based on the revenue amounts established under subsection (b), the adjustments provided under paragraphs (1) and (2), and the number of DTC advertisements identified pursuant to subsection (a)(1)(C), excluding allowable previously-paid carry over submissions. The annual advisory review fee shall be established by dividing the fee revenue for a fiscal year (as adjusted pursuant to this subsection) by the number of DTC advertisements so identified, excluding allowable previously-paid carry over submissions.

''(B) FISCAL YEAR 2008 FEE LIMIT.—Notwithstanding subsection (b) and the adjustments pursuant to this subsection, the fee established under subparagraph (A) for fiscal year 2008 may not be more than $83,000 per submission for advisory review.

''(C) ANNUAL FEE LIMIT.—Notwithstanding subsection (b) and the adjustments pursuant to this subsection, the fee established under subparagraph (A) for a fiscal year after fiscal year 2008 may not be more than 50 percent more than the fee established for the prior fiscal year.

''(D) LIMIT.—The total amount of fees obligated for a fiscal year may not exceed the total costs for such fiscal year for the resources allocated for the process for the advisory review of prescription drug advertising.

''(d) OPERATING RESERVES.—

''(1) IN GENERAL.—The Secretary shall establish in the Food and Drug Administration salaries and expenses appropriation account without fiscal year limitation a Direct-to-Consumer Advisory Review Operating Reserve, of at least $6,250,000 in fiscal year 2008, to continue the program under this section in the event the fees collected in any subsequent fiscal year pursuant to subsection (a)(1) do not generate the fee revenue amount established for that fiscal year.

''(2) FEE SETTING.—The Secretary shall establish the operating reserve fee under subsection (a)(2)(A) for each person required to pay the fee by multiplying the number of DTC advertisements identified by that person pursuant to subsection (a)(1)(C) by the advisory review fee established pursuant to subsection (c)(3) for that fiscal year, except

that in no case shall the operating reserve fee assessed be less than the operating reserve fee assessed if the person had first participated in the program under this section in fiscal year 2008.

''(3) USE OF OPERATING RESERVE.—The Secretary may use funds from the reserves only to the extent necessary in any fiscal year to make up the difference between the fee revenue amount established for that fiscal year under subsections (b) and (c) and the amount of fees actually collected for that fiscal year pursuant to subsection (a)(1), or to pay costs of ending the program under this section if it is terminated pursuant to subsection (f) or not reauthorized beyond fiscal year 2012.

''(4) REFUND OF OPERATING RESERVES.—Within 120 days of the end of fiscal year 2012, or if the program under this section ends early pursuant to subsection (f), the Secretary, after setting aside sufficient operating reserve amounts to terminate the program under this section, shall refund all amounts remaining in the operating reserve on a pro rata basis to each person that paid an operating reserve fee assessment. In no event shall the refund to any person exceed the total amount of operating reserve fees paid by such person pursuant to subsection (a)(2).

''(e) EFFECT OF FAILURE TO PAY FEES.—Notwithstanding any other requirement, a submission for prebroadcast advisory review of a DTC advertisement submitted by a person subject to fees under subsection (a) shall be considered incomplete and shall not be accepted for review by the Secretary until all fees owed by such person under this section have been paid.

''(f) EFFECT OF INADEQUATE FUNDING OF PROGRAM.—

''(1) INITIAL FUNDING.—If on November 1, 2007, or 120 days after enactment of this provision, whichever is later, the Secretary has not received at least $11,250,000 in advisory review fees and operating reserve fees combined, the program under this section shall not commence and all collected fees shall be refunded.

''(2) LATER FISCAL YEARS.—Beginning in fiscal year 2009, if, on November 1 of the fiscal year, the combination of the operating reserves, annual fee revenues from that fiscal year, and unobligated fee revenues from prior fiscal years falls below $9,000,000, adjusted for inflation (as described in subsection (c)(1)), the program under this section shall cease to exist, and the Secretary shall notify all participants, retain any money from the unused advisory review fees and the operating reserves needed to close down the program under this section, and refund the remainder of the unused fees and operating reserves. To the extent required to close down the program under this section, the Secretary shall first use unobligated advisory review fee revenues from prior fiscal years, then the operating reserves, and finally, unused advisory review fees from the relevant fiscal year.

''(g) CREDITING AND AVAILABILITY OF FEES.—

''(1) IN GENERAL.—Fees authorized under subsection (a) of this section shall be collected and available for obligation only to the extent and in the amount provided in advance in appropriations Acts. Such fees are authorized to remain available until expended. Such sums as may be necessary may be transferred from the Food and Drug Administration salaries and expenses appropriation account without fiscal year limitation to such appropriation account for salaries and expenses with such fiscal year limitation. The sums transferred shall be available solely for the process for the advisory review of prescription drug advertising.

''(2) COLLECTIONS AND APPROPRIATION ACTS.—

''(A) IN GENERAL.—The fees authorized by this section—

''(i) shall be retained in each fiscal year in an amount not to exceed the amount specified in appropriation Acts, or otherwise made available for obligation for such fiscal year; and

''(ii) shall be available for obligation only if the amounts appropriated as budget authority for such fiscal year are sufficient to support a number of full-time equivalent review employees that is not fewer than the number of such employees supported in fiscal year 2007.

''(B) REVIEW EMPLOYEES.—For purposes of subparagraph (A)(ii), the term 'full-time equivalent review employees' means the total combined number of full-time equivalent employees in—

''(i) the Center for Drug Evaluation and Research, Division of Drug Marketing, Advertising, and Communications, Food and Drug Administration; and

''(ii) the Center for Biologics Evaluation and Research, Advertising and Promotional Labeling Branch, Food and Drug Administration.

''(3) AUTHORIZATION OF APPROPRIATIONS.—For each of the fiscal years 2008 through 2012, there is authorized to be appropriated for fees under this section an amount equal to the total revenue amount determined under subsection (b) for the fiscal year, as adjusted pursuant to subsection (c) and paragraph (4) of this subsection, plus amounts collected for the reserve fund under subsection (d).

''(4) OFFSET.—Any amount of fees collected for a fiscal year under this section that exceeds the amount of fees specified in appropriation Acts for such fiscal year shall be credited to the appropriation account of the Food and Drug Administration as provided in paragraph (1), and shall be subtracted from the amount of fees that would otherwise be collected under this section pursuant to appropriation Acts for a subsequent fiscal year.

''(h) DEFINITIONS.—For purposes of this subchapter:

''(1) The term 'advisory review' means reviewing and providing advisory comments on a proposed advertisement prior to its initial public broadcast.

''(2) The term 'advisory review fee' has the meaning indicated for such term in subsection (a)(1)(D).

''(3) The term 'carry over submission' means a submission for an advisory review for which a fee was paid in one fiscal year that is submitted for review in the following fiscal year.

''(4) The term 'direct-to-consumer television advertisement' means an advertisement for a prescription drug product as defined in section 735(3) intended to be displayed on any television channel for less than 3 minutes.

''(5) The term 'DTC advertisement' has the meaning indicated for such term in subsection (a)(1)(A).

''(6) The term 'operating reserve fee' has the meaning indicated for such term in subsection (a)(2)(A).

''(7) The term 'person' includes an individual, partnership, corporation, and association, and any affiliate thereof or successor in interest.

''(8) The term 'prebroadcast advisory review' has the meaning indicated for such term in subsection (a)(1)(A).

''(9) The term 'process for the advisory review of prescription drug advertising' means the activities necessary to review and provide advisory comments on DTC advertisements prior to public broadcast and, to the extent the Secretary has additional staff resources available under the program under this section that are not necessary for the advisory review of DTC advertisements, the activities necessary to review and provide advisory comments on other proposed advertisements and promotional material prior to public broadcast.

''(10) The term 'resources allocated for the process for the advisory review of prescription drug advertising' means the expenses incurred in connection with the process for the advisory review of prescription drug advertising for—

''(A) officers and employees of the Food and Drug Administration, contractors of the Food and Drug Administration, advisory committees, and costs related to such officers, employees, and committees, and to contracts with such contractors;

''(B) management of information, and the acquisition, maintenance, and repair of computer resources;

''(C) leasing, maintenance, renovation, and repair of facilities and acquisition, maintenance, and repair of fixtures, furniture, scientific equipment, and other necessary materials and supplies;

''(D) collection of fees under this section and accounting for resources allocated for the advisory review of prescription drug advertising; and

''(E) closing down the program under this section pursuant to subsection (f)(2) if that becomes necessary.

''(11) The term 'resubmission' means a subsequent submission for advisory review of a direct-to-consumer television advertisement that has been revised in response to the Secretary's comments on an original submission. A resubmission may not introduce significant new concepts or creative themes into the television advertisement.

''(12) The term 'submission for advisory review' means an original submission of a direct-to-consumer television advertisement for which the sponsor voluntarily requests advisory comments before the advertisement is publicly disseminated.''.

SEC. 105. REAUTHORIZATION; REPORTING REQUIREMENTS.

(a) PERFORMANCE REPORT.—Beginning with fiscal year 2008, not later than 120 days after the end of each fiscal year for which fees are collected under part 2 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379g et seq.), the Secretary of Health and Human Services (referred to in this section as the ''Secretary'') shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report concerning the progress of the Food and Drug Administration in achieving the goals identified in the letters described in section 502(4) of the Prescription Drug User Fee Amendments of 2002 (Subtitle A of title V of Public Law 107–188) during such fiscal year and the future plans of the Food and Drug Administration for meeting the goals.

(b) FISCAL REPORT.—Beginning with fiscal year 2008, not later than 120 days after the end of each fiscal year for which fees are collected under the part described in subsection (a), the Secretary shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report on the implementation of the authority for such fees during such fiscal year and the use, by the Food and Drug Administration, of the fees collected for such fiscal year.

(c) REAUTHORIZATION.—

(1) CONSULTATION.—In developing recommendations to present to the Congress

with respect to the goals, and plans for meeting the goals, for the process for the review of human drug applications for the first 5 fiscal years after fiscal year 2012, and for the reauthorization of this part for such fiscal years, the Secretary shall consult with—

(A) the Committee on Energy and Commerce of the House of Representatives;

(B) the Committee on Health, Education, Labor, and Pensions of the Senate;

(C) scientific and academic experts;

(D) health care professionals;

(E) representatives of patient and consumer advocacy groups; and

(F) the regulated industry.

(2) PUBLIC REVIEW OF RECOMMENDATIONS.—After negotiations with the regulated industry and representatives of patient and consumer advocacy groups, the Secretary shall—

(A) present the recommendations developed under paragraph (1) to the congressional committees specified in such paragraph;

(B) publish such recommendations in the Federal Register;

(C) provide for a period of 30 days for the public to provide written comments on such recommendations;

(D) hold a meeting at which the public may present its views on such recommendations; and

(E) after consideration of such public views and comments, revise such recommendations as necessary.

(3) TRANSMITTAL OF RECOMMENDATIONS.—Not later than January 15, 2012, the Secretary shall transmit to Congress the revised recommendations under paragraph (2), a summary of the views and comments received under such paragraph, and any changes made to the recommendations in response to such views and comments.

(4) PUBLIC AVAILABILITY OF MINUTES.—Before presenting the recommendations developed under paragraphs (1) and (2) to the Congress, the Secretary shall make publicly available, on the public website of the Food and Drug Administration, the minutes of all negotiations conducted under paragraph (1) or (2), as applicable, between the Food and Drug Administration and the regulated industry and representatives of patient and consumer advocacy groups.

SEC. 106. SUNSET DATES.

The amendments made by sections 102, 103, and 104 cease to be effective October 1, 2012.

TITLE II—MEDICAL DEVICE USER FEE AMENDMENTS OF 2007

SEC. 201. SHORT TITLE; REFERENCES IN TITLE.

(a) SHORT TITLE.—This title may be cited as the ''Medical Device User Fee Amendments of 2007''.

(b) REFERENCES IN ACT.—Except as otherwise specified, amendments made by this title to a section or other provision of law are amendments to such section or other provision of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

Subtitle A—Fees Related to Medical Devices

SEC. 211. DEFINITIONS.

Section 737 (21 U.S.C. 379i) is amended—

(1) in paragraph (4)—

(A) in subparagraph (A), by striking ''or an efficacy supplement,'' and inserting ''an efficacy supplement, or a 30-day notice,''; and

(B) by adding after subparagraph (E) the following:

''(F) The term '30-day notice' means a supplement to an approved premarket application or premarket report under section 515 that is limited to a request to make modifications to manufacturing procedures or methods of manufacture affecting the safety and effectiveness of the device.'';

(2) by redesignating paragraphs (5), (6), (7), and (8) as paragraphs (7), (8), (9), and (11), respectively;

(3) by inserting after paragraph (4), as amended by paragraph (1) of this section, the following:

''(5) The term 'request for classification information' means a request made under section 513(g) for information respecting the class in which a device has been classified or the requirements applicable to a device.

''(6) The term 'annual fee', with respect to periodic reporting concerning a class III device, means the annual fee associated with periodic reports required by a PMA approval order (as described in section 814.82(a)(7) of title 21, Code of Federal Regulations (or any successor regulation)).'';

(4) in paragraph (9), as so redesignated—

(A) by striking ''April of the preceding fiscal year'' and inserting ''October of the preceding fiscal year''; and

(B) by striking ''April 2002'' and inserting ''October 2001'';

(5) by inserting after paragraph (9), as so amended, the following:

''(10) The term 'person' includes an affiliate thereof.''; and

(6) by inserting after paragraph (11), as redesignated by paragraph (2) of this section, the following:

''(12) The term 'establishment subject to registration' means an establishment that is required to register with the Secretary under section 510 and is one of the following types of establishments:

''(A) MANUFACTURER.—An establishment that makes by any means any article that is a device, as defined in section 201(h), including an establishment that sterilizes or otherwise makes such article for or on behalf of a specification developer or any other person.

''(B) SINGLE-USE DEVICE REPROCESSOR.—An establishment that performs manufacturing operations on a single-use device.

''(C) SPECIFICATION DEVELOPER.—An establishment that develops specifications for a device that is distributed under the establishment's name but which performs no manufacturing, including an establishment that, in addition to developing specifications, also arranges for the manufacturing of devices labeled with another establishment's name by a contract manufacturer.''.

SEC. 212. AUTHORITY TO ASSESS AND USE DEVICE FEES.

(a) TYPES OF FEES.—

(1) IN GENERAL.—The designation and heading of paragraph (2) of section 738(a) (21 U.S.C. 379j(a)(2)) are amended to read as follows:

''(2) PREMARKET APPLICATION, PREMARKET REPORT, SUPPLEMENT, AND SUBMISSION FEE, AND ANNUAL FEE FOR PERIODIC REPORTING CONCERNING A CLASS III DEVICE.—''.

(2) FEE AMOUNTS.—Section 738(a)(2)(A) (21 U.S.C. 379j(a)(2)(A)) is amended—

(A) in clause (iii), by striking ''a fee equal to the fee that applies'' and inserting ''a fee equal to 75 percent of the fee that applies'';

(B) in clause (iv), by striking ''21.5 percent'' and inserting ''15 percent'';

(C) in clause (v), by striking ''7.2 percent'' and inserting ''7 percent'';

(D) by redesignating clauses (vi) and (vii) as clauses (vii) and (viii), respectively;

(E) by inserting after clause (v), as amended by this paragraph, the following:

''(vi) For a 30-day notice, a fee equal to 1.6 percent of the fee that applies under clause (i).'';

(F) in clause (viii), as so redesignated, by striking ''1.42 percent'' and inserting ''1.84 percent''; and

(G) by inserting after such clause (viii) the following:

''(ix) For a request for classification information, a fee equal to 1.35 percent of the fee that applies under clause (i).

''(x) For periodic reporting concerning a class III device, the annual fee shall be equal to 3.5 percent of the fee that applies under clause (i).''.

(3) PAYMENT.—Section 738(a)(2)(C) (21 U.S.C. 379j(a)(2)(C)) is amended to read as follows:

''(C) PAYMENT.—The fee required by subparagraph (A) shall be due upon submission of the premarket application, premarket report, supplement, premarket notification submission, 30-day notice, request for classification information, or periodic reporting concerning a class III device. Applicants submitting portions of applications pursuant to section 515(c)(3) shall pay such fees upon submission of the first portion of such applications.''.

(4) REFUNDS.—Section 738(a)(2)(D) (21 U.S.C. 379j(a)(2)(D)) is amended by adding after clause (iii) the following:

''(iv) MODULAR APPLICATIONS WITHDRAWN BEFORE FIRST ACTION.—The Secretary shall refund 75 percent of the application fee paid for a modular application submitted under section 515(c)(4) that is withdrawn before a second module is submitted and before a first action on the first module. If the modular application is withdrawn after a second or subsequent module is submitted but before any first action, the Secretary may return a portion of the fee. The amount of refund, if any, shall be based on the level of effort already expended on the review of the modules submitted.''.

(5) ANNUAL ESTABLISHMENT REGISTRATION FEE.—Section 738(a) (21 U.S.C. 379j(a)) is amended by adding after paragraph (2) the following:

''(3) ANNUAL ESTABLISHMENT REGISTRATION FEE.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), each establishment subject to registration shall be subject to a fee for each initial or annual registration under section 510 beginning with its registration for fiscal year 2008.

''(B) EXCEPTION.—No fee shall be required under subparagraph (A) for an establishment operated by a State or Federal governmental entity or an Indian tribe (as defined in the Indian Self Determination and Educational Assistance Act), unless a device manufactured by the establishment is to be distributed commercially.

''(C) PAYMENT.—The fee required under subparagraph (A) shall be due once each fiscal year, upon the initial registration of the establishment or upon the annual registration under section 510.''.

(b) FEE AMOUNTS.—Section 738(b) (21 U.S.C. 379j(b)) is amended to read as follows:

''(b) FEE AMOUNTS.—Except as provided in subsections (c), (d), and (e), the fees under subsection (a) shall be based on the following fee amounts:

Fee Type	Fiscal Year 2008	Fiscal Year 2009	Fiscal Year 2010	Fiscal Year 2011	Fiscal Year 2012
Premarket Application	$185,000	$200,725	$217,787	$236,298	$256,384

Fee Type	Fiscal Year 2008	Fiscal Year 2009	Fiscal Year 2010	Fiscal Year 2011	Fiscal Year 2012
Establishment Registration	$1,706	$1,851	$2,008	$2,179	$2,364.''.

(c) ANNUAL FEE SETTING.—

(1) IN GENERAL.—Section 738(c) (21 U.S.C. 379j(c)(1)) is amended—

(A) in the subsection heading, by striking ''Annual Fee Setting'' and inserting ''ANNUAL FEE SETTING''; and

(B) in paragraph (1), by striking the last sentence.

(2) ADJUSTMENT OF ANNUAL ESTABLISHMENT FEE.—Section 738(c) (21 U.S.C. 379j(c)), as amended by paragraph (1), is further amended—

(A) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(B) by inserting after paragraph (1) the following:

''(2) ADJUSTMENT.—

''(A) IN GENERAL.—When setting fees for fiscal year 2010, the Secretary may increase the fee under subsection (a)(3)(A) (applicable to establishments subject to registration) only if the Secretary estimates that the number of establishments submitting fees for fiscal year 2009 is less than 12,250. The percentage increase shall be the percentage by which the estimate of establishments submitting fees in fiscal year 2009 is less than 12,750, but in no case may the percentage increase be more than 8.5 percent over that specified in subsection (b) for fiscal year 2010. If the Secretary makes any adjustment to the fee under subsection (a)(3)(A) for fiscal year 2010, then such fee for fiscal years 2011 and 2012 shall be adjusted so that such fee for fiscal year 2011 is equal to the adjusted fee for fiscal year 2010 increased by 8.5 percent, and such fee for fiscal year 2012 is equal to the adjusted fee for fiscal year 2011 increased by 8.5 percent.

''(B) PUBLICATION.—For any adjustment made under subparagraph (A), the Secretary shall publish in the Federal Register the Secretary's determination to make the adjustment and the rationale for the determination.''; and

(C) in paragraph (4), as redesignated by this paragraph, in subparagraph (A)—

(i) by striking ''For fiscal years 2006 and 2007, the Secretary'' and inserting ''The Secretary''; and

(ii) by striking ''for the first month of fiscal year 2008'' and inserting ''for the first month of the next fiscal year''.

(d) SMALL BUSINESSES; FEE WAIVER AND FEE REDUCTION REGARDING PREMARKET APPROVAL.—

(1) IN GENERAL.—Section 738(d)(1) (21 U.S.C. 379j(d)(1)) is amended—

(A) by striking '', partners, and parent firms''; and

(B) by striking ''clauses (i) through (vi) of subsection (a)(2)(A)'' and inserting ''clauses (i) through (v) and clauses (vii), (ix), and (x) of subsection (a)(2)(A)''.

(2) RULES RELATING TO PREMARKET APPROVAL FEES.—

(A) DEFINITION.—Section 738(d)(2)(A) (21 U.S.C. 379j(d)(2)(A)) is amended by striking '', partners, and parent firms''.

(B) EVIDENCE OF QUALIFICATION.—Section 738(d)(2)(B) (21 U.S.C. 379j(d)(2)(B)) is amended—

(i) by striking ''(B) EVIDENCE OF QUALIFICATION.—An applicant'' and inserting the following:

''(B) EVIDENCE OF QUALIFICATION.—

''(i) IN GENERAL.—An applicant'';

(ii) by striking ''The applicant shall support its claim'' and inserting the following:

''(ii) FIRMS SUBMITTING TAX RETURNS TO THE UNITED STATES INTERNAL REVENUE SERVICE.—The applicant shall support its claim'';

(iii) by striking '', partners, and parent firms'' each place it appears;

(iv) by striking the last sentence and inserting ''If no tax forms are submitted for any affiliate, the applicant shall certify that the applicant has no affiliates.''; and

(v) by adding at the end the following:

''(iii) FIRMS NOT SUBMITTING TAX RETURNS TO THE UNITED STATES INTERNAL REVENUE SERVICE.—In the case of an applicant that has not previously submitted a Federal income tax return, the applicant and each of its affiliates shall demonstrate that it meets the definition under subparagraph (A) by submission of a signed certification, in such form as the Secretary may direct through a notice published in the Federal Register, that the applicant or affiliate meets the criteria for a small business and a certification, in English, from the national taxing authority of the country in which the applicant or, if applicable, affiliate is headquartered. The certification from such taxing authority shall bear the official seal of such taxing authority and shall provide the applicant's or affiliate's gross receipts and sales for the most recent year in both the local currency of such country and in United States dollars, the exchange rate used in converting such local currency to dollars, and the dates during which these receipts and sales were collected. The applicant shall also submit a statement signed by the head of the applicant's firm or by its chief financial officer that the applicant has submitted certifications for all of its affiliates, or that the applicant has no affiliates.''.

(3) REDUCED FEES.—Section 738(d)(2)(C) (21 U.S.C. 379j(d)(2)(C)) is amended to read as follows:

''(C) REDUCED FEES.—Where the Secretary finds that the applicant involved meets the definition under subparagraph (A), the fees established under subsection (c)(1) may be paid at a reduced rate of—

''(i) 25 percent of the fee established under such subsection for a premarket application, a premarket report, a supplement (other than a 30-day notice), or periodic reporting concerning a class III device; and

''(ii) 50 percent of the fee established under such subsection for a 30-day notice or a request for classification information.''.

(e) SMALL BUSINESSES; FEE REDUCTION REGARDING PREMARKET NOTIFICATION SUBMISSIONS.—

(1) IN GENERAL.—Section 738(e)(1) (21 U.S.C. 379j(e)(1)) is amended—

(A) by striking ''2004'' and inserting ''2008''; and

(B) by striking ''(a)(2)(A)(vii)'' and inserting ''(a)(2)(A)(viii)''.

(2) RULES RELATING TO PREMARKET NOTIFICATION SUBMISSIONS.—

(A) DEFINITION.—Section 738(e)(2)(A) (21 U.S.C. 379j(e)(2)(A)) is amended by striking '', partners, and parent firms''.

(B) EVIDENCE OF QUALIFICATION.—Section 738(e)(2)(B) (21 U.S.C. 379j(e)(2)(A)) is amended—

(i) by striking ''(B) EVIDENCE OF QUALIFICATION.—An applicant'' and inserting the following:

''(B) EVIDENCE OF QUALIFICATION.—

''(i) IN GENERAL.—An applicant'';

(ii) by striking ''The applicant shall support its claim'' and inserting the following:

''(ii) FIRMS SUBMITTING TAX RETURNS TO THE UNITED STATES INTERNAL REVENUE SERVICE.—The applicant shall support its claim'';

(iii) by striking '', partners, and parent firms'' each place it appears;

(iv) by striking the last sentence and inserting ''If no tax forms are submitted for any affiliate, the applicant shall certify that the applicant has no affiliates.''; and

(v) by adding at the end the following:

''(iii) FIRMS NOT SUBMITTING TAX RETURNS TO THE UNITED STATES INTERNAL REVENUE SERVICE.—In the case of an applicant that has not previously submitted a Federal income tax return, the applicant and each of its affiliates shall demonstrate that it meets the definition under subparagraph (A) by submission of a signed certification, in such form as the Secretary may direct through a notice published in the Federal Register, that the applicant or affiliate meets the criteria for a small business and a certification, in English, from the national taxing authority of the country in which the applicant or, if applicable, affiliate is headquartered. The certification from such taxing authority shall bear the official seal of such taxing authority and shall provide the applicant's or affiliate's gross receipts and sales for the most recent year in both the local currency of such country and in United States dollars, the exchange rate used in converting such local currency to dollars, and the dates during which these receipts and sales were collected. The applicant shall also submit a statement signed by the head of the applicant's firm or by its chief financial officer that the applicant has submitted certifications for all of its affiliates, or that the applicant has no affiliates.''.

(3) REDUCED FEES.—Section 738(e)(2)(C) (21 U.S.C. 379j(e)(2)(C)) is amended to read as follows:

''(C) REDUCED FEES.—For fiscal year 2008 and each subsequent fiscal year, where the Secretary finds that the applicant involved meets the definition under subparagraph (A), the fee for a premarket notification submission may be paid at 50 percent of the fee that applies under subsection (a)(2)(A)(viii), and as established under subsection (c)(1).''.

(f) EFFECT OF FAILURE TO PAY FEES.—Section 738(f) (21 U.S.C. 379j(f)) is amended to read as follows:

''(f) EFFECT OF FAILURE TO PAY FEES.—

''(1) NO ACCEPTANCE OF SUBMISSIONS.—A premarket application, premarket report, supplement, premarket notification submission, 30-day notice, request for classification information, or periodic reporting concerning a class III device submitted by a person subject to fees under subsection (a)(2) and (a)(3) shall be considered incomplete and shall not be accepted by the Secretary until all fees owed by such person have been paid.

''(2) NO REGISTRATION.—Registration information submitted under section 510 by an establishment subject to registration shall be considered incomplete and shall not be accepted by the Secretary until the registration fee under subsection (a)(3) owed for the establishment has been paid. Until the fee is paid and the registration is complete, the establishment is deemed to have failed to register in accordance with section 510.''.

(g) CONDITIONS.—Section 738(g) (21 U.S.C. 379j(g)) is amended—

(1) in paragraph (1)(D)—

(A) in the matter preceding clause (i), by striking ''For fiscal year 2007'' and inserting ''For fiscal year 2007 and for each subsequent year'';

(B) in clause (i), by striking ''applicable to fiscal year 2007'' and inserting ''applicable to such fiscal year''; and

(C) in clause (ii)—

(i) by striking ''subparagraph (C)'' and inserting ''this subparagraph''; and

(ii) by striking ''for fiscal year 2006'' and inserting ''for the previous fiscal year''; and

(2) by amending paragraph (2) to read as follows:

''(2) AUTHORITY.—If the Secretary does not assess fees under subsection (a) during any portion of a fiscal year because of subparagraph (C) or (D) of paragraph (1) and if at a later date in such fiscal year the Secretary may assess such fees, the Secretary may assess and collect such fees, without any modification in the rate for premarket applications, supplements, premarket reports, premarket notification submissions, 30-day notices, requests for classification information, periodic reporting concerning a class III device, and establishment registrations at any time in such fiscal year, notwithstanding the provisions of subsection (a) relating to the date fees are to be paid.''.

(h) CREDITING AND AVAILABILITY OF FEES.—

(1) AUTHORIZATION OF APPROPRIATIONS.—Section 738(h)(3) (21 U.S.C. 379j(h)(3)) is amended to read as follows:

''(3) AUTHORIZATIONS OF APPROPRIATIONS.—There are authorized to be appropriated for fees under this section—

''(A) $48,431,000 for fiscal year 2008;

''(B) $52,547,000 for fiscal year 2009;

''(C) $57,014,000 for fiscal year 2010;

''(D) $61,860,000 for fiscal year 2011; and

''(E) $67,118,000 for fiscal year 2012.''.

(2) OFFSET.—Section 738(h)(4) (21 U.S.C. 379j(h)(3)) is amended to read as follows:

''(4) OFFSET.—If the cumulative amount of fees collected during fiscal years 2008, 2009, and 2010, added to the amount estimated to be collected for fiscal year 2011, which estimate shall be based upon the amount of fees received by the Secretary through June 30, 2011, exceeds the amount of fees specified in aggregate in paragraph (3) for these four fiscal years, the aggregate amount in excess shall be credited to the appropriation account of the Food and Drug Administration as provided in paragraph (1), and shall be subtracted from the amount of fees that would otherwise be authorized to be collected under this section pursuant to appropriation Acts for fiscal year 2012.''.

SEC. 213. ANNUAL REPORTS.

Beginning with fiscal year 2008, the Secretary shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report concerning—

(1) the progress of the Food and Drug Administration in achieving the goals identified in the letters from the Secretary of Health and Human Services to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate, as set forth in the Congressional Record during such fiscal year, and the future plans of the Food and Drug Administration for meeting the goals, not later than 60 days after the end of each fiscal year during which fees are collected under part 3 of chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379i et seq.); and

(2) the implementation of the authority for such fees during such fiscal year, and the use, by the Food and Drug Administration, of the fees collected during such fiscal year (including a description of the use of such fees for postmarket safety activities), not later than 120 days after the end of each fiscal year during which fees are collected under the medical device user-fee program reauthorized by this title.

SEC. 214. CONSULTATION.

(a) IN GENERAL.—In developing recommendations to the Congress for the goals and plans for meeting the goals for the process for the review of medical device applications for fiscal years after fiscal year 2012, and for the reauthorization of sections 737 and 738 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379i, 379j), the Secretary of Health and Human Services (referred to in this section as the ''Secretary'') shall consult with the Committee on Energy and Commerce of the House of Representatives, the Committee on Health, Education, Labor, and Pensions of the Senate, appropriate scientific and academic experts, health care professionals, representatives of patient and consumer advocacy groups, and the regulated industry.

(b) RECOMMENDATIONS.—The Secretary shall publish in the Federal Register recommendations under subsection (a), after negotiations with the regulated industry and patient and consumer advocacy groups; shall present such recommendations to the congressional committees specified in such subsection; shall hold a meeting at which the public may present its views on such recommendations; and shall provide for a period of 30 days for the public to provide written comments on such recommendations.

SEC. 215. ADDITIONAL AUTHORIZATION OF APPROPRIATIONS FOR POSTMARKET SAFETY INFORMATION.

For the purpose of collecting, developing, reviewing, and evaluating postmarket safety information on medical devices, there are authorized to be appropriated to the Food and Drug Administration, in addition to the amounts authorized by other provisions of law for such purpose, $7,100,000 for fiscal year 2008, and for each of the fiscal years 2009 through 2012, $7,100,000 increased by the amount necessary to offset the effects of inflation occurring after October 1, 2007.

SEC. 216. EFFECTIVE DATE.

The amendments made by this title shall take effect on the date of the enactment of this title, except that fees shall be assessed for all premarket applications, premarket reports, supplements, and premarket notification submissions received on or after October 1, 2007, regardless of the date of enactment.

SEC. 217. SUNSET CLAUSE.

The amendments made by this title cease to be effective October 1, 2012, except that section 213 (regarding annual reports) ceases to be effective January 31, 2013.

Subtitle B—Amendments Regarding Regulation of Medical Devices

SEC. 221. EXTENSION OF AUTHORITY FOR THIRD PARTY REVIEW OF PREMARKET NOTIFICATION.

Section 523(c) (21 U.S.C. 360m(c)) is amended by striking ''2007'' and inserting ''2012''.

SEC. 222. REGISTRATION.

(a) ANNUAL REGISTRATION OF PRODUCERS OF DRUGS AND DEVICES.—Section 510(b) (21 U.S.C. 360(b)) is amended—

(1) by striking ''On or before'' and inserting ''(1) On or before'';

(2) by striking ''or a device or devices''; and

(3) by adding at the end the following:

''(2) During the period beginning on October 1 and ending on December 31 of each year, every person who owns or operates any establishment in any State engaged in the manufacture, preparation, propagation, compounding, or processing of a device or devices shall register with the Secretary his name, places of business, and all such establishments.''.

(b) REGISTRATION OF FOREIGN ESTABLISHMENTS.—Section 510(i)(1) (21 U.S.C. 360(i)(1)) is amended by striking ''On or before December 31'' and all that follows and inserting the following: ''Any establishment within any foreign country engaged in the manufacture, preparation, propagation, compounding, or processing of a drug or device that is imported or offered for import into the United States shall, through electronic means in accordance with the criteria of the Secretary—

''(A) upon first engaging in any such activity, immediately register with the Secretary the name and place of business of the establishment, the name of the United States agent for the establishment, the name of each importer of such drug or device in the United States that is known to the establishment, and the name of each person who imports or offers for import such drug or device to the United States for purposes of importation; and

''(B) each establishment subject to the requirements of subparagraph (A) shall thereafter—

''(i) with respect to drugs, register with the Secretary on or before December 31 of each year; and

''(ii) with respect to devices, register with the Secretary during the period beginning on October 1 and ending on December 31 of each year.''.

SEC. 223. FILING OF LISTS OF DRUGS AND DEVICES MANUFACTURED, PREPARED, PROPAGATED, AND COMPOUNDED BY REGISTRANTS; STATEMENTS; ACCOMPANYING DISCLOSURES.

Section 510(j)(2) (21 U.S.C. 360(j)(2)) is amended, in the matter preceding subparagraph (A), by striking ''Each person'' and all that follows through ''the following information:'' and inserting ''Each person who registers with the Secretary under this section shall report to the Secretary, with regard to drugs once during the month of June of each year and once during the month of December of each year, and with regard to devices once each year during the period beginning on October 1 and ending on December 31, the following information:''.

SEC. 224. ELECTRONIC REGISTRATION AND LISTING.

Section 510(p) (21 U.S.C. 360(p)) is amended to read as follows:

''(p)(1) Registrations and listings under this section (including the submission of updated information) shall be submitted to the Secretary by electronic means unless the Secretary grants a request for waiver of such requirement because use of electronic means is not reasonable for the person requesting such waiver.

''(2) With regard to any establishment engaged in the manufacture, preparation, propagation, compounding, or processing of a device, the registration and listing information required by this section shall be submitted to the Secretary by electronic means, unless the Secretary grants a waiver because electronic registration and listing is not reasonable for the person requesting such waiver.''.

SEC. 225. REPORT BY GOVERNMENT ACCOUNTABILITY OFFICE.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study on the appropriate use of the process under section 510(k) of the Federal Food, Drug, and Cosmetic Act as part of the device classification process to determine whether a new device is as safe and effective as a classified device.

(b) CONSIDERATION.—In determining the effectiveness of the premarket notification and classification authority under section 510(k) and subsections (f) and (i) of section 513, the study under subsection (a) shall consider the Secretary's evaluation of the respective intended uses and technologies of such devices, including the effectiveness of the Secretary's comparative assessment of technological characteristics such as device

materials, principles of operations, and power sources.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall complete the study under subsection (a) and submit to the Congress a report on the results of such study.

SEC. 226. UNIQUE DEVICE IDENTIFICATION SYSTEM.

Section 519 (21 U.S.C. 360i) is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following:

''Unique Device Identification System

''(f) The Secretary shall promulgate regulations establishing a unique device identification system for medical devices requiring the labeling of devices to bear a unique identifier.''.

SEC. 227. FREQUENCY OF REPORTING FOR CERTAIN DEVICES.

Subparagraph (B) of section 519(a)(1) (21 U.S.C. 360i(a)(1)) is amended by striking ''were to recur;'' and inserting the following: ''were to recur, which report under this subparagraph—

''(i) shall be submitted in accordance with part 803 of title 21, Code of Federal Regulations (or successor regulations), if the device involved is—

''(I) a class III device;

''(II) a class II device that is permanently implantable, is life supporting, or is life sustaining; or

''(III) a type of device that the Secretary has by regulation determined should be subject to such part 803 in order to protect the public health; or

''(ii) shall, if the device is not subject to clause (i), be submitted in accordance with criteria established by the Secretary for reports made pursuant to this clause, which criteria shall require the reports to be in summary form and made on a quarterly basis;''.

SEC. 228. INSPECTIONS BY ACCREDITED PERSONS.

Section 704(g) (21 U.S.C. 374(g)) is amended—

(1) in paragraph (1), by striking ''Not later than one year after the date of the enactment of this subsection, the Secretary'' and inserting ''The Secretary'';

(2) in paragraph (2), by—

(A) striking ''Not later than 180 days after the date of enactment of this subsection, the Secretary'' and inserting ''The Secretary''; and

(B) striking the fifth sentence;

(3) in paragraph (3), by adding at the end the following:

''(F) Such person shall notify the Secretary of any withdrawal, suspension, restriction, or expiration of certificate of conformance with the quality systems standard referred to in paragraph (7) for any device establishment that such person inspects under this subsection not later than 30 days after such withdrawal, suspension, restriction, or expiration.

''(G) Such person may conduct audits to establish conformance with the quality systems standard referred to in paragraph (7).'';

(4) by amending paragraph (6) to read as follows:

''(6)(A) Subject to subparagraphs (B) and (C), a device establishment is eligible for inspection by persons accredited under paragraph (2) if the following conditions are met:

''(i) The Secretary classified the results of the most recent inspection of the establishment as 'no action indicated' or 'voluntary action indicated'.

''(ii) With respect to inspections of the establishment to be conducted by an accredited person, the owner or operator of the establishment submits to the Secretary a notice that—

''(I) provides the date of the last inspection of the establishment by the Secretary and the classification of that inspection;

''(II) states the intention of the owner or operator to use an accredited person to conduct inspections of the establishment;

''(III) identifies the particular accredited person the owner or operator intends to select to conduct such inspections; and

''(IV) includes a certification that, with respect to the devices that are manufactured, prepared, propagated, compounded, or processed in the establishment—

''(aa) at least 1 of such devices is marketed in the United States; and

''(bb) at least 1 of such devices is marketed, or is intended to be marketed, in 1 or more foreign countries, 1 of which countries certifies, accredits, or otherwise recognizes the person accredited under paragraph (2) and identified under subclause (III) as a person authorized to conduct inspections of device establishments.

''(B)(i) Except with respect to the requirement of subparagraph (A)(i), a device establishment is deemed to have clearance to participate in the program and to use the accredited person identified in the notice under subparagraph (A)(ii) for inspections of the establishment unless the Secretary, not later than 30 days after receiving such notice, issues a response that—

''(I) denies clearance to participate as provided under subparagraph (C); or

''(II) makes a request under clause (ii).

''(ii) The Secretary may request from the owner or operator of a device establishment in response to the notice under subparagraph (a)(ii) with respect to the establishment, or from the particular accredited person identified in such notice—

''(I) compliance data for the establishment in accordance with clause (iii)(I); or

''(II) information concerning the relationship between the owner or operator of the establishment and the accredited person identified in such notice in accordance with clause (iii)(II).

The owner or operator of the establishment, or such accredited person, as the case may be, shall respond to such a request not later than 60 days after receiving such request.

''(iii)(I) The compliance data to be submitted by the owner or operation of a device establishment in response to a request under clause (ii)(I) are data describing whether the quality controls of the establishment have been sufficient for ensuring consistent compliance with current good manufacturing practice within the meaning of section 501(h) and with other applicable provisions of this Act. Such data shall include complete reports of inspectional findings regarding good manufacturing practice or other quality control audits that, during the preceding 2-year period, were conducted at the establishment by persons other than the owner or operator of the establishment, together with all other compliance data the Secretary deems necessary. Data under the preceding sentence shall demonstrate to the Secretary whether the establishment has facilitated consistent compliance by promptly correcting any compliance problems identified in such inspections.

''(II) A request to an accredited person under clause (ii)(II) may not seek any information that is not required to be maintained by such person in records under subsection (f)(1).

''(iv) A device establishment is deemed to have clearance to participate in the program and to use the accredited person identified in the notice under subparagraph (A)(ii) for inspections of the establishment unless the Secretary, not later than 60 days after receiving the information requested under clause (ii), issues a response that denies clearance to participate as provided under subparagraph (C).

''(C)(i) The Secretary may deny clearance to a device establishment if the Secretary has evidence that the certification under subparagraph (A)(ii)(IV) is untrue and the Secretary provides to the owner or operator of the establishment a statement summarizing such evidence.

''(ii) The Secretary may deny clearance to a device establishment if the Secretary determines that the establishment has failed to demonstrate consistent compliance for purposes of subparagraph (B)(iii)(I) and the Secretary provides to the owner or operator of the establishment a statement of the reasons for such determination.

''(iii)(I) The Secretary may reject the selection of the accredited person identified in the notice under subparagraph (A)(ii) if the Secretary provides to the owner or operator of the establishment a statement of the reasons for such rejection. Reasons for the rejection may include that the establishment or the accredited person, as the case may be, has failed to fully respond to the request, or that the Secretary has concerns regarding the relationship between the establishment and such accredited person.

''(II) If the Secretary rejects the selection of an accredited person by the owner or operator of a device establishment, the owner or operator may make an additional selection of an accredited person by submitting to the Secretary a notice that identifies the additional selection. Clauses (i) and (ii) of subparagraph (B), and subclause (I) of this clause, apply to the selection of an accredited person through a notice under the preceding sentence in the same manner and to the same extent as such provisions apply to a selection of an accredited person through a notice under subparagraph (A)(ii).

''(iv) In the case of a device establishment that is denied clearance under clause (i) or (ii) or with respect to which the selection of the accredited person is rejected under clause (iii), the Secretary shall designate a person to review the statement of reasons, or statement summarizing such evidence, as the case may be, of the Secretary under such clause if, during the 30-day period beginning on the date on which the owner or operator of the establishment receives such statement, the owner or operator requests the review. The review shall commence not later than 30 days after the owner or operator requests the review, unless the Secretary and the owner or operator otherwise agree.'';

(5) in paragraph (7)—

(A) in subparagraph (A), by striking ''(A) Persons'' and all that follows through the end and inserting the following: ''(A) Persons accredited under paragraph (2) to conduct inspections shall record in writing their inspection observations and shall present the observations to the device establishment's designated representative and describe each observation. Additionally, such accredited person shall prepare an inspection report in a form and manner designated by the Secretary to conduct inspections, taking into consideration the goals of international harmonization of quality systems standards. Any official classification of the inspection shall be determined by the Secretary.''; and

(B) by adding at the end the following:

''(F) For the purpose of setting risk-based inspectional priorities, the Secretary shall accept voluntary submissions of reports of audits assessing conformance with appropriate quality systems standards set by the International Organization for Standardization (ISO) and identified by the Secretary in

public notice. If the owner or operator of an establishment elects to submit audit reports under this subparagraph, the owner or operator shall submit all such audit reports with respect to the establishment during the preceding 2-year periods.''; and

(6) in paragraph (10)(C)(iii), by striking ''based'' and inserting ''base''.

SEC. 229. STUDY OF NOSOCOMIAL INFECTIONS RELATING TO MEDICAL DEVICES.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study on—

(1) the number of nosocomial infections attributable to new and reused medical devices; and

(2) the causes of such nosocomial infections, including the following:

(A) Reprocessed single use devices.

(B) Handling of sterilized medical devices.

(C) In-hospital sterilization of medical devices.

(D) Health care professionals' practices for patient examination and treatment.

(E) Hospital-based policies and procedures for infection control and prevention.

(F) Hospital-based practices for handling of medical waste.

(G) Other causes.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall complete the study under subsection (a) and submit to the Congress a report on the results of such study.

(c) DEFINITION.—In this section, the term ''nosocomial infection'' means an infection that is acquired while an individual is a patient at a hospital and was neither present nor incubating in the patient prior to receiving services in the hospital.

TITLE III—PEDIATRIC MEDICAL DEVICE SAFETY AND IMPROVEMENT ACT OF 2007

SEC. 301. SHORT TITLE.

This title may be cited as the ''Pediatric Medical Device Safety and Improvement Act of 2007''.

SEC. 302. TRACKING PEDIATRIC DEVICE APPROVALS.

Chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.) is amended by inserting after section 515 the following:

''SEC. 515A. PEDIATRIC USES OF DEVICES.

''(a) NEW DEVICES.—

''(1) IN GENERAL.—A person that submits to the Secretary an application under section 520(m), or an application (or supplement to an application) or a product development protocol under section 515, shall include in the application or protocol the information described in paragraph (2).

''(2) REQUIRED INFORMATION.—The application or protocol described in paragraph (1) shall include, with respect to the device for which approval is sought and if readily available—

''(A) a description of any pediatric subpopulations that suffer from the disease or condition that the device is intended to treat, diagnose, or cure; and

''(B) the number of affected pediatric patients.

''(3) ANNUAL REPORT.—Not later than 18 months after the date of enactment of this section, and annually thereafter, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that includes—

''(A) the number of devices approved in the year preceding the year in which the report is submitted, for which there is a pediatric subpopulation that suffers from the disease or condition that the device is intended to treat, diagnose, or cure;

''(B) the number of devices approved in the year preceding the year in which the report is submitted, labeled for use in pediatric patients;

''(C) the number of pediatric devices approved in the year preceding the year in which the report is submitted, exempted from a fee pursuant to section 738(a)(2)(B)(v); and

''(D) the review time for each device described in subparagraphs (A), (B), and (C).

''(b) DETERMINATION OF PEDIATRIC EFFECTIVENESS BASED ON SIMILAR COURSE OF DISEASE OR CONDITION OR SIMILAR EFFECT OF DEVICE ON ADULTS.—

''(1) IN GENERAL.—If the course of the disease or condition and the effects of the device are sufficiently similar in adults and pediatric patients, the Secretary may conclude that adult data may be used to support a determination of a reasonable assurance of effectiveness in pediatric populations, as appropriate.

''(2) EXTRAPOLATION BETWEEN SUBPOPULATIONS.—A study may not be needed in each pediatric subpopulation if data from one subpopulation can be extrapolated to another subpopulation.

''(c) PEDIATRIC SUBPOPULATION.—For purposes of this section, the term 'pediatric subpopulation' has the meaning given the term in section 520(m)(6)(E)(ii).''.

SEC. 303. MODIFICATION TO HUMANITARIAN DEVICE EXEMPTION.

(a) IN GENERAL.—Section 520(m) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j(m)) is amended—

(1) in paragraph (3), by striking ''No'' and inserting ''Except as provided in paragraph (6), no'';

(2) in paragraph (5)—

(A) by inserting '', if the Secretary has reason to believe that the requirements of paragraph (6) are no longer met,'' after ''public health''; and

(B) by adding at the end the following: ''If the person granted an exemption under paragraph (2) fails to demonstrate continued compliance with the requirements of this subsection, the Secretary may suspend or withdraw the exemption from the effectiveness requirements of sections 514 and 515 for a humanitarian device only after providing notice and an opportunity for an informal hearing.''; and

(3) by striking paragraph (6) and inserting after paragraph (5) the following new paragraphs:

''(6)(A) Except as provided in subparagraph (D), the prohibition in paragraph (3) shall not apply with respect to a person granted an exemption under paragraph (2) if each of the following conditions apply:

''(i)(I) The device with respect to which the exemption is granted is intended for the treatment or diagnosis of a disease or condition that occurs in pediatric patients or in a pediatric subpopulation, and such device is labeled for use in pediatric patients or in a pediatric subpopulation in which the disease or condition occurs.

''(II) The device was not previously approved under this subsection for the pediatric patients or the pediatric subpopulation described in subclause (I) prior to the date of enactment of the Pediatric Medical Device Safety and Improvement Act of 2007.

''(ii) During any calendar year, the number of such devices distributed during that year does not exceed the annual distribution number specified by the Secretary when the Secretary grants such exemption. The annual distribution number shall be based on the number of individuals affected by the disease or condition that such device is intended to treat, diagnose, or cure, and of that number, the number of individuals likely to use the device, and the number of devices reasonably necessary to treat such individuals. In no case shall the annual distribution number exceed the number identified in paragraph (2)(A).

''(iii) Such person immediately notifies the Secretary if the number of such devices distributed during any calendar year exceeds the annual distribution number referred to in clause (ii).

''(iv) The request for such exemption is submitted on or before October 1, 2013.

''(B) The Secretary may inspect the records relating to the number of devices distributed during any calendar year of a person granted an exemption under paragraph (2) for which the prohibition in paragraph (3) does not apply.

''(C) A person may petition the Secretary to modify the annual distribution number specified by the Secretary under subparagraph (A)(ii) with respect to a device if additional information on the number of individuals affected by the disease or condition arises, and the Secretary may modify such number but in no case shall the annual distribution number exceed the number identified in paragraph (2)(A).

''(D) If a person notifies the Secretary, or the Secretary determines through an inspection under subparagraph (B), that the number of devices distributed during any calendar year exceeds the annual distribution number, as required under subparagraph (A)(iii), and modified under subparagraph (C), if applicable, then the prohibition in paragraph (3) shall apply with respect to such person for such device for any sales of such device after such notification.

''(E)(i) In this subsection, the term 'pediatric patients' means patients who are 21 years of age or younger at the time of the diagnosis or treatment.

''(ii) In this subsection, the term 'pediatric subpopulation' means 1 of the following populations:

''(I) Neonates.

''(II) Infants.

''(III) Children.

''(IV) Adolescents.

''(7) The Secretary shall refer any report of an adverse event regarding a device for which the prohibition under paragraph (3) does not apply pursuant to paragraph (6)(A) that the Secretary receives to the Office of Pediatric Therapeutics, established under section 6 of the Best Pharmaceuticals for Children Act (Public Law 107–109). In considering the report, the Director of the Office of Pediatric Therapeutics, in consultation with experts in the Center for Devices and Radiological Health, shall provide for periodic review of the report by the Pediatric Advisory Committee, including obtaining any recommendations of such committee regarding whether the Secretary should take action under this Act in response to the report.

''(8) In consultation with the Office of Pediatric Therapeutics and the Center for Devices and Radiological Health, the Secretary shall provide for an annual review by the Pediatric Advisory Committee of all devices described in paragraph (6) to ensure that the exemption under paragraph (2) remains appropriate for the pediatric populations for which it is granted.''.

(b) REPORT.—Not later than January 1, 2012, the Comptroller General of the United States shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the impact of allowing persons granted an exemption under section 520(m)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j(m)(2)) with respect to a device to profit from such device pursuant to section 520(m)(6) of such Act (21 U.S.C. 360j(m)(6)) (as amended by subsection (a)), including—

(1) an assessment of whether such section 520(m)(6) (as amended by subsection (a)) has increased the availability of pediatric devices for conditions that occur in small numbers of children, including any increase or decrease in the number of—

(A) exemptions granted under such section 520(m)(2) for pediatric devices; and

(B) applications approved under section 515 of such Act (21 U.S.C. 360e) for devices intended to treat, diagnose, or cure conditions that occur in pediatric patients or for devices labeled for use in a pediatric population;

(2) the conditions or diseases the pediatric devices were intended to treat or diagnose and the estimated size of the pediatric patient population for each condition or disease;

(3) the costs of the pediatric devices, based on a survey of children's hospitals;

(4) the extent to which the costs of such devices are covered by health insurance;

(5) the impact, if any, of allowing profit on access to such devices for patients;

(6) the profits made by manufacturers for each device that receives an exemption;

(7) an estimate of the extent of the use of the pediatric devices by both adults and pediatric populations for a condition or disease other than the condition or disease on the label of such devices;

(8) recommendations of the Comptroller General of the United States regarding the effectiveness of such section 520(m)(6) (as amended by subsection (a)) and whether any modifications to such section 520(m)(6) (as amended by subsection (a)) should be made;

(9) existing obstacles to pediatric device development; and

(10) an evaluation of the demonstration grants described in section 305.

(c) GUIDANCE.—Not later than 180 days after the date of enactment of this Act, the Commissioner of Food and Drugs shall issue guidance for institutional review committees on how to evaluate requests for approval for devices for which a humanitarian device exemption under section 520(m)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j(m)(2)) has been granted.

SEC. 304. ENCOURAGING PEDIATRIC MEDICAL DEVICE RESEARCH.

(a) ACCESS TO FUNDING.—The Director of the National Institutes of Health shall designate a contact point or office at the National Institutes of Health to help innovators and physicians access funding for pediatric medical device development.

(b) PLAN FOR PEDIATRIC MEDICAL DEVICE RESEARCH.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Commissioner of Food and Drugs, in collaboration with the Director of the National Institutes of Health and the Director of the Agency for Healthcare Research and Quality, shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a plan for expanding pediatric medical device research and development. In developing such plan, the Commissioner of Food and Drugs shall consult with individuals and organizations with appropriate expertise in pediatric medical devices.

(2) CONTENTS.—The plan under paragraph (1) shall include—

(A) the current status of federally funded pediatric medical device research;

(B) any gaps in such research, which may include a survey of pediatric medical providers regarding unmet pediatric medical device needs, as needed; and

(C) a research agenda for improving pediatric medical device development and Food and Drug Administration clearance or approval of pediatric medical devices, and for evaluating the short- and long-term safety and effectiveness of pediatric medical devices.

SEC. 305. DEMONSTRATION GRANTS FOR IMPROVING PEDIATRIC DEVICE AVAILABILITY.

(a) IN GENERAL.—

(1) REQUEST FOR PROPOSALS.—Not later than 90 days after the date of enactment of this Act, the Secretary of Health and Human Services shall issue a request for proposals for 1 or more grants or contracts to nonprofit consortia for demonstration projects to promote pediatric device development.

(2) DETERMINATION ON GRANTS OR CONTRACTS.—Not later than 180 days after the date the Secretary of Health and Human Services issues a request for proposals under paragraph (1), the Secretary shall make a determination on the grants or contracts under this section.

(b) APPLICATION.—A nonprofit consortium that desires to receive a grant or contract under this section shall submit an application to the Secretary of Health and Human Services at such time, in such manner, and containing such information as the Secretary may require.

(c) USE OF FUNDS.—A nonprofit consortium that receives a grant or contract under this section shall—

(1) encourage innovation by connecting qualified individuals with pediatric device ideas with potential manufacturers;

(2) mentor and manage pediatric device projects through the development process, including product identification, prototype design, device development, and marketing;

(3) connect innovators and physicians to existing Federal resources, including resources from the Food and Drug Administration, the National Institutes of Health, the Small Business Administration, the Department of Energy, the Department of Education, the National Science Foundation, the Department of Veterans Affairs, the Agency for Healthcare Research and Quality, and the National Institute of Standards and Technology;

(4) assess the scientific and medical merit of proposed pediatric device projects;

(5) assess business feasibility and provide business advice;

(6) provide assistance with prototype development; and

(7) provide assistance with postmarket needs, including training, logistics, and reporting.

(d) COORDINATION.—

(1) NATIONAL INSTITUTES OF HEALTH.—Each consortium that receives a grant or contract under this section shall—

(A) coordinate with the National Institutes of Health's pediatric device contact point or office, designated under section 304; and

(B) provide to the National Institutes of Health any identified pediatric device needs that the consortium lacks sufficient capacity to address or those needs in which the consortium has been unable to stimulate manufacturer interest.

(2) FOOD AND DRUG ADMINISTRATION.—Each consortium that receives a grant or contract under this section shall coordinate with the Commissioner of Food and Drugs and device companies to facilitate the application for approval or clearance of devices labeled for pediatric use.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $6,000,000 for each of fiscal years 2008 through 2012.

SEC. 306. AMENDMENTS TO OFFICE OF PEDIATRIC THERAPEUTICS AND PEDIATRIC ADVISORY COMMITTEE.

(a) OFFICE OF PEDIATRIC THERAPEUTICS.—Section 6(b) of the Best Pharmaceuticals for Children Act (21 U.S.C. 393a(b)) is amended by inserting ", including increasing pediatric access to medical devices" after "pediatric issues".

(b) PEDIATRIC ADVISORY COMMITTEE.—Section 14 of the Best Pharmaceuticals for Children Act (42 U.S.C. 284m note) is amended—

(1) in subsection (a), by inserting "(including drugs and biological products) and medical devices" after "therapeutics"; and

(2) in subsection (b)—

(A) in paragraph (1), by inserting "(including drugs and biological products) and medical devices" after "therapeutics"; and

(B) in paragraph (2)—

(i) in subparagraph (A), by striking "and 505B" and inserting "505B, 510(k), 515, and 520(m)";

(ii) by striking subparagraph (B) and inserting the following:

"(B) identification of research priorities related to therapeutics (including drugs and biological products) and medical devices for pediatric populations and the need for additional diagnostics and treatments for specific pediatric diseases or conditions;"; and

(iii) in subparagraph (C), by inserting "(including drugs and biological products) and medical devices" after "therapeutics".

SEC. 307. POSTMARKET STUDIES.

Section 522 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360l) is amended—

(1) in subsection (a)—

(A) by inserting ", or as a condition to approval of an application (or a supplement to an application) or a product development protocol under section 515 or as a condition to clearance of a premarket notification under section 510(k), for a pediatric population or pediatric subpopulation," after "The Secretary may by order"; and

(B) by inserting ", or that is indicated for pediatric populations or subpopulations or is expected to have significant use in pediatric populations," after "health consequences"; and

(2) in subsection (b)—

(A) by striking "(b) SURVEILLANCE APPROVAL.—Each" and inserting the following:

"(b) SURVEILLANCE APPROVAL.—

"(1) IN GENERAL.—Each";

(B) by striking "The Secretary, in consultation" and inserting "Except as provided in paragraph (2), the Secretary, in consultation";

(C) by striking "Any determination" and inserting "Except as provided in paragraph (2), any determination"; and

(D) by adding at the end the following:

"(2) LONGER STUDIES FOR PEDIATRIC DEVICES.—The Secretary may by order require a prospective surveillance period of more than 36 months with respect to a device that is expected to have significant use in pediatric populations if such period of more than 36 months is necessary in order to assess the impact of the device on growth and development, or the effects of growth, development, activity level, or other factors on the safety or efficacy of the device.

"(c) DISPUTE RESOLUTION.—A manufacturer may request review under section 562 of any order or condition requiring postmarket surveillance under this section. During the pendency of such review, the device subject to such a postmarket surveillance order or condition shall not be deemed misbranded under section 502(t) or otherwise in violation of such order or condition or a related requirement of this Act unless deemed necessary to protect the public health.".

TITLE IV—PEDIATRIC RESEARCH EQUITY ACT OF 2007

SEC. 401. SHORT TITLE.

This title may be cited as the "Pediatric Research Equity Act of 2007".

SEC. 402. REAUTHORIZATION OF PEDIATRIC RESEARCH EQUITY ACT.

(a) IN GENERAL.—Section 505B of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355c) is amended to read as follows:

"SEC. 505B. RESEARCH INTO PEDIATRIC USES FOR DRUGS AND BIOLOGICAL PRODUCTS.

''(a) NEW DRUGS AND BIOLOGICAL PRODUCTS.—

''(1) IN GENERAL.—A person that submits, on or after the date of enactment of the Pediatric Research Equity Act of 2007, an application (or supplement to an application)—

''(A) under section 505 for a new active ingredient, new indication, new dosage form, new dosing regimen, or new route of administration, or

''(B) under section 351 of the Public Health Service Act (42 U.S.C. 262) for a new active ingredient, new indication, new dosage form, new dosing regimen, or new route of administration,

shall submit with the application the assessments described in paragraph (2).

''(2) ASSESSMENTS.—

''(A) IN GENERAL.—The assessments referred to in paragraph (1) shall contain data, gathered using appropriate formulations for each age group for which the assessment is required, that are adequate—

''(i) to assess the safety and effectiveness of the drug or the biological product for the claimed indications in all relevant pediatric subpopulations; and

''(ii) to support dosing and administration for each pediatric subpopulation for which the drug or the biological product is safe and effective.

''(B) SIMILAR COURSE OF DISEASE OR SIMILAR EFFECT OF DRUG OR BIOLOGICAL PRODUCT.—

''(i) IN GENERAL.—If the course of the disease and the effects of the drug are sufficiently similar in adults and pediatric patients, the Secretary may conclude that pediatric effectiveness can be extrapolated from adequate and well-controlled studies in adults, usually supplemented with other information obtained in pediatric patients, such as pharmacokinetic studies.

''(ii) EXTRAPOLATION BETWEEN AGE GROUPS.—A study may not be needed in each pediatric age group if data from one age group can be extrapolated to another age group.

''(iii) INFORMATION ON EXTRAPOLATION.—A brief documentation of the scientific data supporting the conclusion under clauses (i) and (ii) shall be included in the medical review that is collected as part of the application under section 505 of this Act or section 351 of the Public Health Service Act (42 U.S.C. 262).

''(3) DEFERRAL.—

''(A) IN GENERAL.—On the initiative of the Secretary or at the request of the applicant, the Secretary may defer submission of some or all assessments required under paragraph (1) until a specified date after approval of the drug or issuance of the license for a biological product if—

''(i) the Secretary finds that—

''(I) the drug or biological product is ready for approval for use in adults before pediatric studies are complete;

''(II) pediatric studies should be delayed until additional safety or effectiveness data have been collected; or

''(III) there is another appropriate reason for deferral; and

''(ii) the applicant submits to the Secretary—

''(I) certification of the grounds for deferring the assessments;

''(II) a description of the planned or ongoing studies;

''(III) evidence that the studies are being conducted or will be conducted with due diligence and at the earliest possible time; and

''(IV) a timeline for the completion of such studies.

''(B) ANNUAL REVIEW.—

''(i) IN GENERAL.—On an annual basis following the approval of a deferral under subparagraph (A), the applicant shall submit to the Secretary the following information:

''(I) Information detailing the progress made in conducting pediatric studies.

''(II) If no progress has been made in conducting such studies, evidence and documentation that such studies will be conducted with due diligence and at the earliest possible time.

''(ii) PUBLIC AVAILABILITY.—The information submitted through the annual review under clause (i) shall promptly be made available to the public in an easily accessible manner, including through the website of the Food and Drug Administration.

''(4) WAIVERS.—

''(A) FULL WAIVER.—On the initiative of the Secretary or at the request of an applicant, the Secretary shall grant a full waiver, as appropriate, of the requirement to submit assessments for a drug or biological product under this subsection if the applicant certifies and the Secretary finds that—

''(i) necessary studies are impossible or highly impracticable (because, for example, the number of patients is so small or the patients are geographically dispersed);

''(ii) there is evidence strongly suggesting that the drug or biological product would be ineffective or unsafe in all pediatric age groups; or

''(iii) The drug or biological product—

''(I) does not represent a meaningful therapeutic benefit over existing therapies for pediatric patients; and

''(II) is not likely to be used in a substantial number of pediatric patients.

''(B) PARTIAL WAIVER.—On the initiative of the Secretary or at the request of an applicant, the Secretary shall grant a partial waiver, as appropriate, of the requirement to submit assessments for a drug or biological product under this subsection with respect to a specific pediatric age group if the applicant certifies and the Secretary finds that—

''(i) necessary studies are impossible or highly impracticable (because, for example, the number of patients in that age group is so small or patients in that age group are geographically dispersed);

''(ii) there is evidence strongly suggesting that the drug or biological product would be ineffective or unsafe in that age group;

''(iii) the drug or biological product—

''(I) does not represent a meaningful therapeutic benefit over existing therapies for pediatric patients in that age group; and

''(II) is not likely to be used by a substantial number of pediatric patients in that age group; or

''(iv) the applicant can demonstrate that reasonable attempts to produce a pediatric formulation necessary for that age group have failed.

''(C) PEDIATRIC FORMULATION NOT POSSIBLE.—If a waiver is granted on the ground that it is not possible to develop a pediatric formulation, the waiver shall cover only the pediatric groups requiring that formulation. An applicant seeking either a full or partial waiver shall submit to the Secretary documentation detailing why a pediatric formulation cannot be developed and, if the waiver is granted, the applicant's submission shall promptly be made available to the public in an easily accessible manner, including through posting on the website of the Food and Drug Administration.

''(D) LABELING REQUIREMENT.—If the Secretary grants a full or partial waiver because there is evidence that a drug or biological product would be ineffective or unsafe in pediatric populations, the information shall be included in the labeling for the drug or biological product.

''(b) MARKETED DRUGS AND BIOLOGICAL PRODUCTS.—

''(1) IN GENERAL.—Beginning on the date of enactment of the Pediatric Research Equity Act of 2007, after providing notice in the form of a letter and an opportunity for written response and a meeting, which may include an advisory committee meeting, the Secretary may (by order in the form of a letter) require the sponsor or holder of an approved application for a drug under section 505 or the holder of a license for a biological product under section 351 of the Public Health Service Act to submit by a specified date the assessments described in subsection (a)(2), if the Secretary finds that—

''(A)(i) the drug or biological product is used for a substantial number of pediatric patients for the labeled indications; and

''(ii) adequate pediatric labeling could confer a benefit on pediatric patients;

''(B) there is reason to believe that the drug or biological product would represent a meaningful therapeutic benefit over existing therapies for pediatric patients for 1 or more of the claimed indications; or

''(C) the absence of adequate pediatric labeling could pose a risk to pediatric patients.

''(2) WAIVERS.—

''(A) FULL WAIVER.—At the request of an applicant, the Secretary shall grant a full waiver, as appropriate, of the requirement to submit assessments under this subsection if the applicant certifies and the Secretary finds that—

''(i) necessary studies are impossible or highly impracticable (because, for example, the number of patients in that age group is so small or patients in that age group are geographically dispersed); or

''(ii) there is evidence strongly suggesting that the drug or biological product would be ineffective or unsafe in all pediatric age groups.

''(B) PARTIAL WAIVER.—At the request of an applicant, the Secretary shall grant a partial waiver, as appropriate, of the requirement to submit assessments under this subsection with respect to a specific pediatric age group if the applicant certifies and the Secretary finds that—

''(i) necessary studies are impossible or highly impracticable (because, for example, the number of patients in that age group is so small or patients in that age group are geographically dispersed);

''(ii) there is evidence strongly suggesting that the drug or biological product would be ineffective or unsafe in that age group;

''(iii)(I) the drug or biological product—

''(aa) does not represent a meaningful therapeutic benefit over existing therapies for pediatric patients in that age group; and

''(bb) is not likely to be used in a substantial number of pediatric patients in that age group; and

''(II) the absence of adequate labeling could not pose significant risks to pediatric patients; or

''(iv) the applicant can demonstrate that reasonable attempts to produce a pediatric formulation necessary for that age group have failed.

''(C) PEDIATRIC FORMULATION NOT POSSIBLE.—If a waiver is granted on the ground that it is not possible to develop a pediatric formulation, the waiver shall cover only the pediatric groups requiring that formulation. An applicant seeking either a full or partial waiver shall submit to the Secretary documentation detailing why a pediatric formulation cannot be developed and, if the waiver is granted, the applicant's submission shall

promptly be made available to the public in an easily accessible manner, including through posting on the website of the Food and Drug Administration.

''(D) LABELING REQUIREMENT.—If the Secretary grants a full or partial waiver because there is evidence that a drug or biological product would be ineffective or unsafe in pediatric populations, the information shall be included in the labeling for the drug or biological product.

''(c) MEANINGFUL THERAPEUTIC BENEFIT.—For the purposes of paragraph (4)(A)(iii)(I) and (4)(B)(iii)(I) of subsection (a) and paragraphs (1)(B)(I) and (2)(B)(iii)(I)(aa) of subsection (b), a drug or biological product shall be considered to represent a meaningful therapeutic benefit over existing therapies if the Secretary determines that—

''(1) if approved, the drug or biological product could represent an improvement in the treatment, diagnosis, or prevention of a disease, compared with marketed products adequately labeled for that use in the relevant pediatric population; or

''(2) the drug or biological product is in a class of products or for an indication for which there is a need for additional options.

''(d) SUBMISSION OF ASSESSMENTS.—If a person fails to submit an assessment described in subsection (a)(2), or a request for approval of a pediatric formulation described in subsection (a) or (b), in accordance with applicable provisions of subsections (a) and (b)—

''(1) the drug or biological product that is the subject of the assessment or request may be considered misbranded solely because of that failure and subject to relevant enforcement action (except that the drug or biological product shall not be subject to action under section 303); but

''(2) the failure to submit the assessment or request shall not be the basis for a proceeding—

''(A) to withdraw approval for a drug under section 505(e); or

''(B) to revoke the license for a biological product under section 351 of the Public Health Service Act.

''(e) MEETINGS.—Before and during the investigational process for a new drug or biological product, the Secretary shall meet at appropriate times with the sponsor of the new drug or biological product to discuss—

''(1) information that the sponsor submits on plans and timelines for pediatric studies; or

''(2) any planned request by the sponsor for waiver or deferral of pediatric studies.

''(f) REVIEW OF PEDIATRIC PLANS, DEFERRALS, AND WAIVERS.—

''(1) REVIEW.—Beginning not later than 30 days after the date of enactment of the Pediatric Research Equity Act of 2007, the Secretary shall utilize an internal committee to provide consultation to reviewing divisions on all pediatric plans and assessments prior to approval of an application or supplement for which a pediatric assessment is required under this section and all deferral and waiver requests granted pursuant to this section. Such internal committee shall include employees of the Food and Drug Administration, with expertise in pediatrics (including representation from the Office of Pediatric Therapeutics), biopharmacology, statistics, chemistry, legal issues, pediatric ethics, and the appropriate expertise pertaining to the pediatric product under review, and other individuals designated by the Secretary.

''(2) ACTIVITY BY COMMITTEE.—The committee referred to in paragraph (1) may operate using appropriate members of such committee and need not convene all members of the committee.

''(3) DOCUMENTATION OF COMMITTEE ACTION.—For each drug or biological product, the committee referred to in paragraph (1) shall document, for each activity described in paragraph (4), which members of the committee participated in such activity.

''(4) REVIEW OF PEDIATRIC PLANS, DEFERRALS AND WAIVERS.—Consultation on pediatric plans and assessments by the internal committee pursuant to this section shall occur prior to approval of an application or supplement for which a pediatric assessment is required under this section. The internal committee shall review all requests for deferrals and waivers from the requirement to submit a pediatric assessment granted under this section and shall provide recommendations as needed to reviewing divisions.

''(5) RETROSPECTIVE REVIEW OF PEDIATRIC PLANS, DEFERRALS AND WAIVERS.—Within one year after enactment of the Pediatric Research Equity Act of 2007, the committee shall conduct a retrospective review and analysis of a representative sample of assessments submitted and deferrals and waivers approved under this section since enactment of the Pediatric Research Equity Act of 2003. Such review shall include an analysis of the quality and consistency of pediatric information in pediatric assessments and the appropriateness of waivers and deferrals granted. Based on such review, the Secretary shall issue recommendations to the review divisions for improvements and initiate guidance to industry related to the scope of pediatric studies required under this section.

''(6) TRACKING OF ASSESSMENTS AND LABELING CHANGES.—Beginning on the date of enactment of the Pediatric Research Equity Act of 2007, the Secretary shall track and make available to the public in an easily accessible manner, including through posting on the website of the Food and Drug Administration—

''(A) the number of assessments conducted under this section;

''(B) the specific drugs and biological products and their uses assessed under this section;

''(C) the types of assessments conducted under this section, including trial design, the number of pediatric patients studied, and the number of centers and countries involved;

''(D) the total number of deferrals requested and granted under this section and, if granted, the reasons for such deferrals, the timeline for completion, and the number completed and pending by the specified date, as outlined in subsection (a)(3);

''(E) the number of waivers requested and granted under this section and, if granted, the reasons for the waivers;

''(F) the number of pediatric formulations developed and the number of pediatric formulations not developed and the reasons any such formulation was not developed;

''(G) the labeling changes made as a result of assessments conducted under this section;

''(H) an annual summary of labeling changes made as a result of assessments conducted under this section for distribution pursuant to subsection (h)(2); and

''(I) an annual summary of information submitted pursuant to subsection (a)(3)(B).

''(7) COMMITTEE.—The committee utilized under paragraph (1) shall be the committee established under section 505A(f)(1).

''(g) LABELING CHANGES.—

''(1) PRIORITY STATUS FOR PEDIATRIC APPLICATIONS.—Any supplement to an application under section 505 and section 351 of the Public Health Service Act proposing a labeling change as a result of any pediatric assessments conducted pursuant to this section—

''(A) shall be considered a priority application or supplement; and

''(B) shall be subject to the performance goals established by the Commissioner for priority drugs.

''(2) DISPUTE RESOLUTION.—

''(A) REQUEST FOR LABELING CHANGE AND FAILURE TO AGREE.—If, on or after the date of enactment of the Pediatric Research Equity Act of 2007, the Commissioner determines that a sponsor and the Commissioner have been unable to reach agreement on appropriate changes to the labeling for the drug that is the subject of the application or supplement, not later than 180 days after the date of the submission of the application or supplement—

''(i) the Commissioner shall request that the sponsor of the application make any labeling change that the Commissioner determines to be appropriate; and

''(ii) if the sponsor does not agree within 30 days after the Commissioner's request to make a labeling change requested by the Commissioner, the Commissioner shall refer the matter to the Pediatric Advisory Committee.

''(B) ACTION BY THE PEDIATRIC ADVISORY COMMITTEE.—Not later than 90 days after receiving a referral under subparagraph (A)(ii), the Pediatric Advisory Committee shall—

''(i) review the pediatric study reports; and

''(ii) make a recommendation to the Commissioner concerning appropriate labeling changes, if any.

''(C) CONSIDERATION OF RECOMMENDATIONS.—The Commissioner shall consider the recommendations of the Pediatric Advisory Committee and, if appropriate, not later than 30 days after receiving the recommendation, make a request to the sponsor of the application to make any labeling changes that the Commissioner determines to be appropriate.

''(D) MISBRANDING.—If the sponsor of the application, within 30 days after receiving a request under subparagraph (C), does not agree to make a labeling change requested by the Commissioner, the Commissioner may deem the drug that is the subject of the application to be misbranded.

''(E) NO EFFECT ON AUTHORITY.—Nothing in this subsection limits the authority of the United States to bring an enforcement action under this Act when a drug lacks appropriate pediatric labeling. Neither course of action (the Pediatric Advisory Committee process or an enforcement action referred to in the preceding sentence) shall preclude, delay, or serve as the basis to stay the other course of action.

''(3) OTHER LABELING CHANGES.—If, on or after the date of enactment of the Pediatric Research Equity Act of 2007, the Secretary makes a determination that a pediatric assessment conducted under this section does or does not demonstrate that the drug that is the subject of such assessment is safe and effective in pediatric populations or subpopulations, including whether such assessment results are inconclusive, the Secretary shall order the label of such product to include information about the results of the assessment and a statement of the Secretary's determination.

''(h) DISSEMINATION OF PEDIATRIC INFORMATION.—

''(1) IN GENERAL.—Not later than 180 days after the date of submission of a pediatric assessment under this section, the Secretary shall make available to the public in an easily accessible manner the medical, statistical, and clinical pharmacology reviews of such pediatric assessments, and shall post such assessments on the website of the Food and Drug Administration.

''(2) DISSEMINATION OF INFORMATION REGARDING LABELING CHANGES.—Beginning on the date of enactment of the Pediatric Research Equity Act of 2007, the Secretary shall require that the sponsors of the assessments that result in labeling changes that

are reflected in the annual summary developed pursuant to subsection (f)(6)(H) distribute such information to physicians and other health care providers.

''(3) EFFECT OF SUBSECTION.—Nothing in this subsection shall alter or amend Section 301(j) of this Act or section 552 of title 5 or section 1905 of title 18, United States Code.

''(i) ADVERSE EVENT REPORTING.—

''(1) REPORTING IN YEAR ONE.—Beginning on the date of enactment of the Pediatric Research Equity Act of 2007, during the one-year period beginning on the date a labeling change is made pursuant to subsection (g), the Secretary shall ensure that all adverse event reports that have been received for such drug (regardless of when such report was received) are referred to the Office of Pediatric Therapeutics. In considering the report, the Director of such Office shall provide for the review of the report by the Pediatric Advisory Committee, including obtaining any recommendations of such committee regarding whether the Secretary should take action under this Act in response to such report.

''(2) REPORTING IN SUBSEQUENT YEARS.—Following the one-year period described in paragraph (1), the Secretary shall, as appropriate, refer to the Office of Pediatric Therapeutics all pediatric adverse event reports for a drug for which a pediatric study was conducted under this section. In considering the report, the Director of such Office may provide for the review of the report by the Pediatric Advisory Committee, including obtaining any recommendation of such Committee regarding whether the Secretary should take action in response to such report.

''(3) EFFECT.—The requirements of this subsection shall supplement, not supplant, other review of such adverse event reports by the Secretary.

''(j) SCOPE OF AUTHORITY.—Nothing in this section provides to the Secretary any authority to require a pediatric assessment of any drug or biological product, or any assessment regarding other populations or uses of a drug or biological product, other than the pediatric assessments described in this section.

''(k) ORPHAN DRUGS.—Unless the Secretary requires otherwise by regulation, this section does not apply to any drug for an indication for which orphan designation has been granted under section 526.

''(l) INSTITUTE OF MEDICINE STUDY.—

''(1) IN GENERAL.—Not later than three years after the date of the enactment of the Pediatric Research Equity Act of 2007, the Secretary shall contract with the Institute of Medicine to conduct a study and report to Congress regarding the pediatric studies conducted pursuant to this section since 1997 and labeling changes made as a result of such studies.

''(2) CONTENT OF STUDY.—The study under paragraph (1) shall review and assess the use of extrapolation for pediatric subpopulations, the use of alternative endpoints for pediatric populations, neonatal assessment tools, the number and type of pediatric adverse events, and ethical issues in pediatric clinical trials.

''(3) REPRESENTATIVE SAMPLE.—The Institute of Medicine may devise an appropriate mechanism to review a representative sample of studies conducted pursuant to this section from each review division within the Center for Drug Evaluation and Research in order to make the requested assessment.''.

(b) APPLICABILITY.—The amendment made in subsection (a) applies to assessments required under section 505B on or after the date of enactment of this Act.

SEC. 403. GOVERNMENT ACCOUNTABILITY OFFICE REPORT.

Not later than September 1, 2011, the Comptroller General of the United States, in consultation with the Secretary of Health and Human Services, shall submit to the Congress a report that addresses the effectiveness of sections 505A and 505B of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a, 355c) and section 409I of the Public Health Service Act (42 U.S.C. 284m) in ensuring that medicines used by children are tested and properly labeled. Such report shall include—

(1) the number and importance of drugs and biological products for children that are being tested as a result of the amendments made by this title and title V and the importance for children, health care providers, parents, and others of labeling changes made as a result of such testing;

(2) the number and importance of drugs and biological products for children that are not being tested for their use notwithstanding the provisions of this title and title V and possible reasons for the lack of testing, including whether the number of written requests declined by sponsors or holders of drugs subject to section 505A(g)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a(g)(2)) has increased or decreased as a result of the amendments made by this title;

(3) the number of drugs and biological products for which testing is being done and labeling changes required, including the date labeling changes are made and which labeling changes required the use of the dispute resolution process established pursuant to the amendments made by this title, together with a description of the outcomes of such process, including a description of the disputes and the recommendations of the Pediatric Advisory Committee;

(4) any recommendations for modifications to the programs established under sections 505A and 505B of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a) and section 409I of the Public Health Service Act (42 U.S.C. 284m) that the Secretary determines to be appropriate, including a detailed rationale for each recommendation; and

(5)(A) the efforts made by the Secretary to increase the number of studies conducted in the neonate population; and

(B) the results of those efforts, including efforts made to encourage the conduct of appropriate studies in neonates by companies with products that have sufficient safety and other information to make the conduct of the studies ethical and safe.

TITLE V—BEST PHARMACEUTICALS FOR CHILDREN ACT OF 2007

SEC. 501. SHORT TITLE.

This title may be cited as the ''Best Pharmaceuticals for Children Act of 2007''.

SEC. 502. REAUTHORIZATION OF BEST PHARMACEUTICALS FOR CHILDREN ACT.

(a) PEDIATRIC STUDIES OF DRUGS.—

(1) IN GENERAL.—Section 505A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a) is amended to read as follows:

''SEC. 505A. PEDIATRIC STUDIES OF DRUGS.

''(a) DEFINITIONS.—As used in this section, the term 'pediatric studies' or 'studies' means at least one clinical investigation (that, at the Secretary's discretion, may include pharmacokinetic studies) in pediatric age groups (including neonates in appropriate cases) in which a drug is anticipated to be used, and at the discretion of the Secretary, may include preclinical studies.

''(b) MARKET EXCLUSIVITY FOR NEW DRUGS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), if, prior to approval of an application that is submitted under section 505(b)(1), the Secretary determines that information relating to the use of a new drug in the pediatric population may produce health benefits in that population, the Secretary makes a written request for pediatric studies (which shall include a timeframe for completing such studies), the applicant agrees to the request, such studies are completed using appropriate formulations for each age group for which the study is requested within any such timeframe, and the reports thereof are submitted and accepted in accordance with subsection (d)(3), and if the Secretary has determined that labeling changes are appropriate, such changes are approved within the timeframe requested by the Secretary—

''(A)(i)(I) the period referred to in subsection (c)(3)(E)(ii) of section 505, and in subsection (j)(5)(F)(ii) of such section, is deemed to be five years and six months rather than five years, and the references in subsections (c)(3)(E)(ii) and (j)(5)(F)(ii) of such section to four years, to forty-eight months, and to seven and one-half years are deemed to be four and one-half years, fifty-four months, and eight years, respectively; or

''(II) the period referred to in clauses (iii) and (iv) of subsection (c)(3)(E) of such section, and in clauses (iii) and (iv) of subsection (j)(5)(F) of such section, is deemed to be three years and six months rather than three years; and

''(ii) if the drug is designated under section 526 for a rare disease or condition, the period referred to in section 527(a) is deemed to be seven years and six months rather than seven years; and

''(B)(i) if the drug is the subject of—

''(I) a listed patent for which a certification has been submitted under subsection (b)(2)(A)(ii) or (j)(2)(A)(vii)(II) of section 505 and for which pediatric studies were submitted prior to the expiration of the patent (including any patent extensions); or

''(II) a listed patent for which a certification has been submitted under subsections (b)(2)(A)(iii) or (j)(2)(A)(vii)(III) of section 505,

the period during which an application may not be approved under section 505(c)(3) or section 505(j)(5)(B) shall be extended by a period of six months after the date the patent expires (including any patent extensions); or

''(ii) if the drug is the subject of a listed patent for which a certification has been submitted under subsection (b)(2)(A)(iv) or (j)(2)(A)(vii)(IV) of section 505, and in the patent infringement litigation resulting from the certification the court determines that the patent is valid and would be infringed, the period during which an application may not be approved under section 505(c)(3) or section 505(j)(5)(B) shall be extended by a period of six months after the date the patent expires (including any patent extensions).

''(2) EXCEPTION.—The Secretary shall not extend the period referred to in paragraph (1)(A) or (1)(B) if the determination is made later than one year prior to the expiration of such period.

''(c) MARKET EXCLUSIVITY FOR ALREADY-MARKETED DRUGS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), if the Secretary determines that information relating to the use of an approved drug in the pediatric population may produce health benefits in that population and makes a written request to the holder of an approved application under section 505(b)(1) for pediatric studies (which shall include a timeframe for completing such studies), the holder agrees to the request, such studies are completed using appropriate formulations for each age group for which the study is requested within any such

timeframe and the reports thereof are submitted and accepted in accordance with subsection (d)(3), and if the Secretary determines that labeling changes are appropriate and such changes are approved within the timeframe requested by the Secretary—

''(A)(i)(I) the period referred to in subsection (c)(3)(E)(ii) of section 505, and in subsection (j)(5)(F)(ii) of such section, is deemed to be five years and six months rather than five years, and the references in subsections (c)(3)(E)(ii) and (j)(5)(F)(ii) of such section to four years, to forty-eight months, and to seven and one-half years are deemed to be four and one-half years, fifty-four months, and eight years, respectively; or

''(II) the period referred to in clauses (iii) and (iv) of subsection (c)(3)(D) of such section, and in clauses (iii) and (iv) of subsection (j)(5)(F) of such section, is deemed to be three years and six months rather than three years; and

''(ii) if the drug is designated under section 526 for a rare disease or condition, the period referred to in section 527(a) is deemed to be seven years and six months rather than seven years; and

''(B)(i) if the drug is the subject of—

''(I) a listed patent for which a certification has been submitted under subsection (b)(2)(A)(ii) or (j)(2)(A)(vii)(II) of section 505 and for which pediatric studies were submitted prior to the expiration of the patent (including any patent extensions); or

''(II) a listed patent for which a certification has been submitted under subsection (b)(2)(A)(iii) or (j)(2)(A)(vii)(III) of section 505,

the period during which an application may not be approved under section 505(c)(3) or section 505(j)(5)(B)(ii) shall be extended by a period of six months after the date the patent expires (including any patent extensions); or

''(ii) if the drug is the subject of a listed patent for which a certification has been submitted under subsection (b)(2)(A)(iv) or (j)(2)(A)(vii)(IV) of section 505, and in the patent infringement litigation resulting from the certification the court determines that the patent is valid and would be infringed, the period during which an application may not be approved under section 505(c)(3) or section 505(j)(5)(B) shall be extended by a period of six months after the date the patent expires (including any patent extensions)

''(2) EXCEPTION.—The Secretary shall not extend the period referred to in paragraph (1)(A) or (1)(B) if the determination is made later than one year prior to the expiration of such period.

''(d) CONDUCT OF PEDIATRIC STUDIES.—

''(1) REQUEST FOR STUDIES.—

''(A) IN GENERAL.—The Secretary may, after consultation with the sponsor of an application for an investigational new drug under section 505(i), the sponsor of an application for a new drug under section 505(b)(1), or the holder of an approved application for a drug under section 505(b)(1) issue to the sponsor or holder a written request for the conduct of pediatric studies for such drug. In issuing such request, the Secretary shall take into account adequate representation of children of ethnic and racial minorities. Such request to conduct pediatric studies shall be in writing and shall include a timeframe for such studies and a request to the sponsor or holder to propose pediatric labeling resulting from such studies.

''(B) SINGLE WRITTEN REQUEST.—A single written request—

''(i) may relate to more than one use of a drug; and

''(ii) may include uses that are both approved and unapproved.

''(2) WRITTEN REQUEST FOR PEDIATRIC STUDIES.—

''(A) REQUEST AND RESPONSE.—

''(i) IN GENERAL.—If the Secretary makes a written request for pediatric studies (including neonates, as appropriate) under subsection (b) or (c), the applicant or holder, not later than 180 days after receiving the written request, shall respond to the Secretary as to the intention of the applicant or holder to act on the request by—

''(I) indicating when the pediatric studies will be initiated, if the applicant or holder agrees to the request; or

''(II) indicating that the applicant or holder does not agree to the request and stating the reasons for declining the request.

''(ii) DISAGREE WITH REQUEST.—If, on or after the date of the enactment of the Best Pharmaceuticals for Children Act of 2007, the applicant or holder does not agree to the request on the grounds that it is not possible to develop the appropriate pediatric formulation, the applicant or holder shall submit to the Secretary the reasons such pediatric formulation cannot be developed.

''(B) ADVERSE EVENT REPORTS.—An applicant or holder that, on or after the date of the enactment of the Best Pharmaceuticals for Children Act of 2007, agrees to the request for such studies shall provide the Secretary, at the same time as the submission of the reports of such studies, with all postmarket adverse event reports regarding the drug that is the subject of such studies and are available prior to submission of such reports.

''(3) MEETING THE STUDIES REQUIREMENT.—Not later than 180 days after the submission of the reports of the studies, the Secretary shall accept or reject such reports and so notify the sponsor or holder. The Secretary's only responsibility in accepting or rejecting the reports shall be to determine, within the 180-day period, whether the studies fairly respond to the written request, have been conducted in accordance with commonly accepted scientific principles and protocols, and have been reported in accordance with the requirements of the Secretary for filing.

''(4) EFFECT OF SUBSECTION.—Nothing in this subsection alters or amends section 301(j) of this Act or section 552 of title 5 or section 1905 of title 18, United States Code.

''(e) NOTICE OF DETERMINATIONS ON STUDIES REQUIREMENT.—

''(1) IN GENERAL.—The Secretary shall publish a notice of any determination, made on or after the date of the enactment of the Best Pharmaceuticals for Children Act of 2007, that the requirements of subsection (d) have been met and that submissions and approvals under subsection (b)(2) or (j) of section 505 for a drug will be subject to the provisions of this section. Such notice shall be published not later than 30 days after the date of the Secretary's determination regarding market exclusivity and shall include a copy of the written request made under subsection (b) or (c).

''(2) IDENTIFICATION OF CERTAIN DRUGS.—The Secretary shall publish a notice identifying any drug for which, on or after the date of the enactment of the Best Pharmaceuticals for Children Act of 2007, a pediatric formulation was developed, studied, and found to be safe and effective in the pediatric population (or specified subpopulation) if the pediatric formulation for such drug is not introduced onto the market within one year after the date that the Secretary publishes the notice described in paragraph (1). Such notice identifying such drug shall be published not later than 30 days after the date of the expiration of such one year period.

''(f) INTERNAL REVIEW OF WRITTEN REQUESTS AND PEDIATRIC STUDIES.—

''(1) INTERNAL REVIEW.—

''(A) IN GENERAL.—The Secretary shall establish an internal review committee to review all written requests issued on or after the date of the enactment of the Best Pharmaceuticals for Children Act of 2007, in accordance with paragraph (2).

''(B) MEMBERS.—The committee established under subparagraph (A) shall include individuals with expertise in pediatrics, biopharmacology, statistics, drugs and drug formulations, legal issues, pediatric ethics, the appropriate expertise, such as expertise in child and adolescent psychiatry, pertaining to the pediatric product under review, one or more experts from the Office of Pediatric Therapeutics, and other individuals designated by the Secretary.

''(2) REVIEW OF WRITTEN REQUESTS.—The committee established under paragraph (1) shall review all written requests issued pursuant to this section prior to being issued.

''(3) TRACKING PEDIATRIC STUDIES AND LABELING CHANGES.—The Secretary shall track and make available to the public, in an easily accessible manner, including through posting on the website of the Food and Drug Administration—

''(A) the number of studies conducted under this section and under section 409I of the Public Health Service Act;

''(B) the specific drugs and biological products and their uses, including labeled and off-labeled indications, studied under such sections;

''(C) the types of studies conducted under such sections, including trial design, the number of pediatric patients studied, and the number of centers and countries involved;

''(D) the number of pediatric formulations developed and the number of pediatric formulations not developed and the reasons such formulations were not developed;

''(E) the labeling changes made as a result of studies conducted under such sections;

''(F) an annual summary of labeling changes made as a result of studies conducted under such sections for distribution pursuant to subsection (k)(2); and

''(G) information regarding reports submitted on or after the date of the enactment of the Best Pharmaceuticals for Children Act of 2007.

''(4) COMMITTEE.—The committee established under paragraph (1) shall be the committee utilized under section 505B(f)(1).

''(g) LIMITATIONS.—Notwithstanding subsection (c)(2), a drug to which the six-month period under subsection (b) or (c) has already been applied—

''(1) may receive an additional six-month period under subsection (c)(1)(A)(i)(II) for a supplemental application if all other requirements under this section are satisfied; and

''(2) may not receive any additional such period under subsection (c)(1)(A)(ii).

''(h) RELATIONSHIP TO PEDIATRIC RESEARCH REQUIREMENTS.—Notwithstanding any other provision of law, if any pediatric study is required by a provision of law (including a regulation) other than this section and such study meets the completeness, timeliness, and other requirements of this section, such study shall be deemed to satisfy the requirement for market exclusivity pursuant to this section.

''(i) LABELING CHANGES.—

''(1) PRIORITY STATUS FOR PEDIATRIC APPLICATIONS AND SUPPLEMENTS.—Any application or supplement to an application under section 505 proposing a labeling change as a result of any pediatric study conducted pursuant to this section—

''(A) shall be considered to be a priority application or supplement; and

''(B) shall be subject to the performance goals established by the Commissioner for priority drugs.

''(2) DISPUTE RESOLUTION.—

''(A) REQUEST FOR LABELING CHANGE AND FAILURE TO AGREE.—If, on or after the date of the enactment of the Best Pharmaceuticals for Children Act of 2007, the Commissioner determines that the sponsor and the Commissioner have been unable to reach agreement on appropriate changes to the labeling for the drug that is the subject of the application, not later than 180 days after the date of submission of the application—

''(i) the Commissioner shall request that the sponsor of the application make any labeling change that the Commissioner determines to be appropriate; and

''(ii) if the sponsor of the application does not agree within 30 days after the Commissioner's request to make a labeling change requested by the Commissioner, the Commissioner shall refer the matter to the Pediatric Advisory Committee.

''(B) ACTION BY THE PEDIATRIC ADVISORY COMMITTEE.—Not later than 90 days after receiving a referral under subparagraph (A)(ii), the Pediatric Advisory Committee shall—

''(i) review the pediatric study reports; and

''(ii) make a recommendation to the Commissioner concerning appropriate labeling changes, if any.

''(C) CONSIDERATION OF RECOMMENDATIONS.—The Commissioner shall consider the recommendations of the Pediatric Advisory Committee and, if appropriate, not later than 30 days after receiving the recommendation, make a request to the sponsor of the application to make any labeling change that the Commissioner determines to be appropriate.

''(D) MISBRANDING.—If the sponsor of the application, within 30 days after receiving a request under subparagraph (C), does not agree to make a labeling change requested by the Commissioner, the Commissioner may deem the drug that is the subject of the application to be misbranded.

''(E) NO EFFECT ON AUTHORITY.—Nothing in this subsection limits the authority of the United States to bring an enforcement action under this Act when a drug lacks appropriate pediatric labeling. Neither course of action (the Pediatric Advisory Committee process or an enforcement action referred to in the preceding sentence) shall preclude, delay, or serve as the basis to stay the other course of action.

''(j) OTHER LABELING CHANGES.—If, on or after the date of the enactment of the Best Pharmaceuticals for Children Act of 2007, the Secretary determines that a pediatric study conducted under this section does or does not demonstrate that the drug that is the subject of the study is safe and effective in pediatric populations or subpopulations, including whether such study results are inconclusive, the Secretary shall order the labeling of such product to include information about the results of the study and a statement of the Secretary's determination.

''(k) DISSEMINATION OF PEDIATRIC INFORMATION.—

''(1) IN GENERAL.—Not later than 180 days after the date of submission of a report on a pediatric study under this section, the Secretary shall make available to the public the medical, statistical, and clinical pharmacology reviews of pediatric studies conducted under subsection (b) or (c).

''(2) DISSEMINATION OF INFORMATION REGARDING LABELING CHANGES.—Beginning on the date of the enactment of the Best Pharmaceuticals for Children Act of 2007, the Secretary shall include as a requirement of a written request that the sponsors of the studies that result in labeling changes that are reflected in the annual summary developed pursuant to subsection (f)(3)(F) distribute, at least annually (or more frequently if the Secretary determines that it would be beneficial to the public health), such information to physicians and other health care providers.

''(3) EFFECT OF SUBSECTION.—Nothing in this subsection alters or amends section 301(j) of this Act or section 552 of title 5 or section 1905 of title 18, United States Code.

''(l) ADVERSE EVENT REPORTING.—

''(1) REPORTING IN YEAR ONE.—Beginning on the date of the enactment of the Best Pharmaceuticals for Children Act of 2007, during the one-year period beginning on the date a labeling change is approved pursuant to subsection (i), the Secretary shall ensure that all adverse event reports that have been received for such drug (regardless of when such report was received) are referred to the Office of Pediatric Therapeutics established under section 6 of the Best Pharmaceuticals for Children Act (Public Law 107–109). In considering the reports, the Director of such Office shall provide for the review of the reports by the Pediatric Advisory Committee, including obtaining any recommendations of such Committee regarding whether the Secretary should take action under this Act in response to such reports.

''(2) REPORTING IN SUBSEQUENT YEARS.—Following the one-year period described in paragraph (1), the Secretary shall, as appropriate, refer to the Office of Pediatric Therapeutics all pediatric adverse event reports for a drug for which a pediatric study was conducted under this section. In considering such reports, the Director of such Office may provide for the review of such reports by the Pediatric Advisory Committee, including obtaining any recommendation of such Committee regarding whether the Secretary should take action in response to such reports.

''(3) EFFECT.—The requirements of this subsection shall supplement, not supplant, other review of such adverse event reports by the Secretary.

''(m) CLARIFICATION OF INTERACTION OF MARKET EXCLUSIVITY UNDER THIS SECTION AND MARKET EXCLUSIVITY AWARDED TO AN APPLICANT FOR APPROVAL OF A DRUG UNDER SECTION 505(j).—If a 180-day period under section 505(j)(5)(B)(iv) overlaps with a 6-month exclusivity period under this section, so that the applicant for approval of a drug under section 505(j) entitled to the 180-day period under that section loses a portion of the 180-day period to which the applicant is entitled for the drug, the 180-day period shall be extended from—

''(1) the date on which the 180-day period would have expired by the number of days of the overlap, if the 180-day period would, but for the application of this subsection, expire after the 6-month exclusivity period; or

''(2) the date on which the 6-month exclusivity period expires, by the number of days of the overlap if the 180-day period would, but for the application of this subsection, expire during the six-month exclusivity period.

''(n) REFERRAL IF PEDIATRIC STUDIES NOT COMPLETED.—

''(1) IN GENERAL.—Beginning on the date of the enactment of the Best Pharmaceuticals for Children Act of 2007, if pediatric studies have not been completed under subsection (d) and if the Secretary, through the committee established under subsection (f), determines that there is a continuing need for information relating to the use of the drug in the pediatric population (including neonates, as appropriate), the Secretary shall—

''(A) for a drug for which listed patents have not expired, make a determination regarding whether an assessment shall be required to be submitted under section 505B; or

''(B) for a drug that has no listed patents or has 1 or more listed patents that have expired, determine whether there are funds available under section 736 to award a grant to conduct the requested studies pursuant to paragraph (2).

''(2) FUNDING OF STUDIES.—If, pursuant to paragraph (1), the Secretary determines that there are funds available under section 736 to award a grant to conduct the requested pediatric studies, then the Secretary shall issue a proposal to award a grant to conduct the requested studies. If the Secretary determines that funds are not available under section 736, the Secretary shall refer the drug for inclusion on the list established under section 409I of the Public Health Service Act or the conduct of studies.

''(3) PUBLIC NOTICE.—The Secretary shall give the public notice of—

''(A) a decision under paragraph (1)(A) not to require an assessment under section 505B and the basis for such decision;

''(B) the name of any drug, its manufacturer, and the indications to be studied pursuant to a grant made under paragraph (2); and

''(C) any decision under paragraph (2) to include a drug on the list established under section 409I of the Public Health Service Act.

''(4) EFFECT OF SUBSECTION.—Nothing in this subsection alters or amends section 301(j) of this Act or section 552 of title 5 or section 1905 of title 18, United States Code.

''(o) PROMPT APPROVAL OF DRUGS UNDER SECTION 505(j) WHEN PEDIATRIC INFORMATION IS ADDED TO LABELING.—

''(1) GENERAL RULE.—A drug for which an application has been submitted or approved under section 505(j) shall not be considered ineligible for approval under that section or misbranded under section 502 on the basis that the labeling of the drug omits a pediatric indication or any other aspect of labeling pertaining to pediatric use when the omitted indication or other aspect is protected by patent or by exclusivity under clause (iii) or (iv) of section 505(j)(5)(F).

''(2) LABELING.—Notwithstanding clauses (iii) and (iv) of section 505(j)(5)(F), the Secretary may require that the labeling of a drug approved under section 505(j) that omits a pediatric indication or other aspect of labeling as described in paragraph (1) include—

''(A) a statement that, because of marketing exclusivity for a manufacturer—

''(i) the drug is not labeled for pediatric use; or

''(ii) in the case of a drug for which there is an additional pediatric use not referred to in paragraph (1), the drug is not labeled for the pediatric use under paragraph (1); and

''(B) a statement of any appropriate pediatric contraindications, warnings, or precautions that the Secretary considers necessary.

''(3) PRESERVATION OF PEDIATRIC EXCLUSIVITY AND OTHER PROVISIONS.—This subsection does not affect—

''(A) the availability or scope of exclusivity under this section;

''(B) the availability or scope of exclusivity under section 505 for pediatric formulations;

''(C) the question of the eligibility for approval of any application under section 505(j) that omits any other conditions of approval entitled to exclusivity under clause (iii) or (iv) of section 505(j)(5)(F); or

''(D) except as expressly provided in paragraphs (1) and (2), the operation of section 505.

''(p) INSTITUTE OF MEDICINE STUDY.—Not later than 3 years after the date of the enactment of the Best Pharmaceuticals for Children Act of 2007, the Secretary shall enter into a contract with the Institute of Medicine to conduct a study and report to Congress regarding the written requests made and the studies conducted pursuant to this section. The Institute of Medicine may devise an appropriate mechanism to review a

representative sample of requests made and studies conducted pursuant to this section in order to conduct such study. Such study shall—

''(1) review such representative written requests issued by the Secretary since 1997 under subsections (b) and (c);

''(2) review and assess such representative pediatric studies conducted under subsections (b) and (c) since 1997 and labeling changes made as a result of such studies;

''(3) review the use of extrapolation for pediatric subpopulations, the use of alternative endpoints for pediatric populations, neonatal assessment tools, and ethical issues in pediatric clinical trials; and

''(4) make recommendations regarding appropriate incentives for encouraging pediatric studies of biologics.

''(q) SUNSET.—A drug may not receive any 6-month period under subsection (b) or (c) unless—

''(1) on or before October 1, 2012, the Secretary makes a written request for pediatric studies of the drug;

''(2) on or before October 1, 2012, an application for the drug is accepted for filing under section 505(b); and

''(3) all requirements of this section are met.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to written requests under section 505A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a) made after the date of the enactment of this Act.

(b) PROGRAM FOR PEDIATRIC STUDIES OF DRUGS.—Section 409I of the Public Health Service Act (42 U.S.C. 284m) is amended to read as follows:

''SEC. 409I. PROGRAM FOR PEDIATRIC STUDIES OF DRUGS.

''(a) LIST OF PRIORITY ISSUES IN PEDIATRIC THERAPEUTICS.—

''(1) IN GENERAL.—Not later than one year after the date of the enactment of the Best Pharmaceuticals for Children Act of 2007, the Secretary, acting through the Director of the National Institutes of Health and in consultation with the Commissioner of Food and Drugs and experts in pediatric research, shall develop and publish a priority list of needs in pediatric therapeutics, including drugs or indications that require study. The list shall be revised every three years.

''(2) CONSIDERATION OF AVAILABLE INFORMATION.—In developing and prioritizing the list under paragraph (1), the Secretary shall consider—

''(A) therapeutic gaps in pediatrics that may include developmental pharmacology, pharmacogenetic determinants of drug response, metabolism of drugs and biologics in children, and pediatric clinical trials;

''(B) particular pediatric diseases, disorders or conditions where more complete knowledge and testing of therapeutics, including drugs and biologics, may be beneficial in pediatric populations; and

''(C) the adequacy of necessary infrastructure to conduct pediatric pharmacological research, including research networks and trained pediatric investigators.

''(b) PEDIATRIC STUDIES AND RESEARCH.—The Secretary, acting through the National Institutes of Health, shall award funds to entities that have the expertise to conduct pediatric clinical trials or other research (including qualified universities, hospitals, laboratories, contract research organizations, practice groups, federally funded programs such as pediatric pharmacology research units, other public or private institutions, or individuals) to enable the entities to conduct the drug studies or other research on the issues described in subsection (a). The Secretary may use contracts, grants, or other appropriate funding mechanisms to award funds under this subsection.

''(c) PROCESS FOR PROPOSED PEDIATRIC STUDY REQUESTS AND LABELING CHANGES.—

''(1) SUBMISSION OF PROPOSED PEDIATRIC STUDY REQUEST.—The Director of the National Institutes of Health shall, as appropriate, submit proposed pediatric study requests for consideration by the Commissioner of Food and Drugs for pediatric studies of a specific pediatric indication identified under subsection (a). Such a proposed pediatric study request shall be made in a manner equivalent to a written request made under subsection (b) or (c) of section 505A of the Federal Food, Drug, and Cosmetic Act, including with respect to the information provided on the pediatric studies to be conducted pursuant to the request. The Director of the National Institutes of Health may submit a proposed pediatric study request for a drug for which—

''(A)(i) there is an approved application under section 505(j) of the Federal Food, Drug, and Cosmetic Act; or

''(ii) there is a submitted application that could be approved under the criteria of such section; and

''(B) there is no patent protection or market exclusivity protection for at least one form of the drug under the Federal Food, Drug, and Cosmetic Act; and

''(C) additional studies are needed to assess the safety and effectiveness of the use of the drug in the pediatric population.

''(2) WRITTEN REQUEST TO HOLDERS OF APPROVED APPLICATIONS FOR DRUGS LACKING EXCLUSIVITY.—The Commissioner of Food and Drugs, in consultation with the Director of the National Institutes of Health, may issue a written request based on the proposed pediatric study request for the indication or indications submitted pursuant to paragraph (1) (which shall include a timeframe for negotiations for an agreement) for pediatric studies concerning a drug identified under subsection (a) to all holders of an approved application for the drug under section 505 of the Federal Food, Drug, and Cosmetic Act. Such a written request shall be made in a manner equivalent to the manner in which a written request is made under subsection (b) or (c) of section 505A of such Act, including with respect to information provided on the pediatric studies to be conducted pursuant to the request and using appropriate formulations for each age group for which the study is requested.

''(3) REQUESTS FOR PROPOSALS.—If the Commissioner of Food and Drugs does not receive a response to a written request issued under paragraph (2) not later than 30 days after the date on which a request was issued, the Secretary, acting through the Director of the National Institutes of Health and in consultation with the Commissioner of Food and Drugs, shall publish a request for proposals to conduct the pediatric studies described in the written request in accordance with subsection (b).

''(4) DISQUALIFICATION.—A holder that receives a first right of refusal shall not be entitled to respond to a request for proposals under paragraph (3).

''(5) CONTRACTS, GRANTS, OR OTHER FUNDING MECHANISMS.—A contract, grant, or other funding may be awarded under this section only if a proposal is submitted to the Secretary in such form and manner, and containing such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section.

''(6) REPORTING OF STUDIES.—

''(A) IN GENERAL.—On completion of a pediatric study in accordance with an award under this section, a report concerning the study shall be submitted to the Director of the National Institutes of Health and the Commissioner of Food and Drugs. The report shall include all data generated in connection with the study, including a written request if issued.

''(B) AVAILABILITY OF REPORTS.—Each report submitted under subparagraph (A) shall be considered to be in the public domain (subject to section 505A(d)(4) of the Federal Food, Drug, and Cosmetic Act) and shall be assigned a docket number by the Commissioner of Food and Drugs. An interested person may submit written comments concerning such pediatric studies to the Commissioner of Food and Drugs, and the written comments shall become part of the docket file with respect to each of the drugs.

''(C) ACTION BY COMMISSIONER.—The Commissioner of Food and Drugs shall take appropriate action in response to the reports submitted under subparagraph (A) in accordance with paragraph (7).

''(7) REQUESTS FOR LABELING CHANGE.—During the 180-day period after the date on which a report is submitted under paragraph (6)(A), the Commissioner of Food and Drugs shall—

''(A) review the report and such other data as are available concerning the safe and effective use in the pediatric population of the drug studied;

''(B) negotiate with the holders of approved applications for the drug studied for any labeling changes that the Commissioner of Food and Drugs determines to be appropriate and requests the holders to make; and

''(C)(i) place in the public docket file a copy of the report and of any requested labeling changes; and

''(ii) publish in the Federal Register and through a posting on the website of the Food and Drug Administration a summary of the report and a copy of any requested labeling changes.

''(8) DISPUTE RESOLUTION.—

''(A) REFERRAL TO PEDIATRIC ADVISORY COMMITTEE.—If, not later than the end of the 180-day period specified in paragraph (7), the holder of an approved application for the drug involved does not agree to any labeling change requested by the Commissioner of Food and Drugs under that paragraph, the Commissioner of Food and Drugs shall refer the request to the Pediatric Advisory Committee.

''(B) ACTION BY THE PEDIATRIC ADVISORY COMMITTEE.—Not later than 90 days after receiving a referral under subparagraph (A), the Pediatric Advisory Committee shall—

''(i) review the available information on the safe and effective use of the drug in the pediatric population, including study reports submitted under this section; and

''(ii) make a recommendation to the Commissioner of Food and Drugs as to appropriate labeling changes, if any.

''(9) FDA DETERMINATION.—Not later than 30 days after receiving a recommendation from the Pediatric Advisory Committee under paragraph (8)(B)(ii) with respect to a drug, the Commissioner of Food and Drugs shall consider the recommendation and, if appropriate, make a request to the holders of approved applications for the drug to make any labeling change that the Commissioner of Food and Drugs determines to be appropriate.

''(10) FAILURE TO AGREE.—If a holder of an approved application for a drug, within 30 days after receiving a request to make a labeling change under paragraph (9), does not agree to make a requested labeling change, the Commissioner of Food and Drugs may deem the drug to be misbranded under the Federal Food, Drug, and Cosmetic Act.

''(11) NO EFFECT ON AUTHORITY.—Nothing in this subsection limits the authority of the

United States to bring an enforcement action under the Federal Food, Drug, and Cosmetic Act when a drug lacks appropriate pediatric labeling. Neither course of action (the Pediatric Advisory Committee process or an enforcement action referred to in the preceding sentence) shall preclude, delay, or serve as the basis to stay the other course of action.

''(d) DISSEMINATION OF PEDIATRIC INFORMATION.—Not later than one year after the date of the enactment of the Best Pharmaceuticals for Children Act of 2007, the Secretary, acting through the Director of the National Institutes of Health, shall study the feasibility of establishing a compilation of information on pediatric drug use and report the findings to Congress.

''(e) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated to carry out this section—

''(A) $200,000,000 for fiscal year 2008; and

''(B) such sums as are necessary for each of the four succeeding fiscal years.

''(2) AVAILABILITY.—Any amount appropriated under paragraph (1) shall remain available to carry out this section until expended.''.

(c) FEES RELATING TO DRUGS.—Section 735(6) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379(6)) is amended by adding at the end the following new subparagraph:

''(G) Activities relating to the support of studies of drugs on pediatric populations under section 505A(n)(1).''.

(d) FOUNDATION FOR THE NATIONAL INSTITUTES OF HEALTH.—Section 499(c)(1)(C) of the Public Health Service Act (42 U.S.C. 290b(c)(1)(C)) is amended by striking ''and studies listed by the Secretary pursuant to section 409I(a)(1)(A) of this Act and referred under section 505A(d)(4)(C) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(a)(d)(4)(C))''.

(e) CONTINUATION OF OPERATION OF COMMITTEE.—Section 14 of the Best Pharmaceuticals for Children Act (42 U.S.C. 284m note) is amended by adding at the end the following new subsection:

''(d) CONTINUATION OF OPERATION OF COMMITTEE.—Notwithstanding section 14 of the Federal Advisory Committee Act, the advisory committee shall continue to operate during the five-year period beginning on the date of the enactment of the Best Pharmaceuticals for Children Act of 2007.''.

(f) PEDIATRIC SUBCOMMITTEE OF THE ONCOLOGIC DRUGS ADVISORY COMMITTEE.—Section 15 of the Best Pharmaceuticals for Children Act (42 U.S.C. 284m note) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in subparagraph (B), by striking ''and'' after the semicolon;

(ii) in subparagraph (C), by striking the period at the end and inserting ''; and''; and

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

''(D) provide recommendations to the internal review committee created under section 505A(f) of the Federal Food, Drug, and Cosmetic Act regarding the implementation of amendments to sections 505A and 505B of the Federal Food, Drug, and Cosmetic Act with respect to the treatment of pediatric cancers.''; and

(B) by adding at the end the following new paragraph:

''(3) CONTINUATION OF OPERATION OF SUBCOMMITTEE.—Notwithstanding section 14 of the Federal Advisory Committee Act, the Subcommittee shall continue to operate during the five-year period beginning on the date of the enactment of the Best Pharmaceuticals for Children Act of 2007.''; and

(2) in subsection (d), by striking ''2003'' and inserting ''2009''.

(g) EFFECTIVE DATE AND LIMITATION FOR RULE RELATING TO TOLL-FREE NUMBER FOR ADVERSE EVENTS ON LABELING FOR HUMAN DRUG PRODUCTS.—

(1) IN GENERAL.—Notwithstanding subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the ''Administrative Procedure Act'') and any other provision of law, the proposed rule issued by the Commissioner of Food and Drugs entitled ''Toll-Free Number for Reporting Adverse Events on Labeling for Human Drug Products,'' 69 Fed. Reg. 21778, (April 22, 2004) shall take effect on January 1, 2008, unless such Commissioner issues the final rule before such date.

(2) LIMITATION.—The proposed rule that takes effect under subsection (a), or the final rule described under subsection (a), shall, notwithstanding section 17(a) of the Best Pharmaceuticals for Children Act (21 U.S.C. 355b(a)), not apply to a drug—

(A) for which an application is approved under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355);

(B) that is not described under section 503(b)(1) of such Act (21 U.S.C. 353(b)(1)); and

(C) the packaging of which includes a toll-free number through which consumers can report complaints to the manufacturer or distributor of the drug.

TITLE VI—REAGAN-UDALL FOUNDATION

SEC. 601. THE REAGAN-UDALL FOUNDATION FOR THE FOOD AND DRUG ADMINISTRATION.

(a) IN GENERAL.—Chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 371 et seq.) is amended by adding at the end the following:

"Subchapter I—Reagan-Udall Foundation for the Food and Drug Administration

"SEC. 770. ESTABLISHMENT AND FUNCTIONS OF THE FOUNDATION.

''(a) IN GENERAL.—A nonprofit corporation to be known as the Reagan-Udall Foundation for the Food and Drug Administration (referred to in this subchapter as the 'Foundation') shall be established in accordance with this section. The Foundation shall be headed by an Executive Director, appointed by the members of the Board of Directors under subsection (e). The Foundation shall not be an agency or instrumentality of the United States Government.

''(b) PURPOSE OF FOUNDATION.—The purpose of the Foundation is to advance the mission of the Food and Drug Administration to modernize medical, veterinary, food, food ingredient, and cosmetic product development, accelerate innovation, and enhance product safety.

''(c) DUTIES OF THE FOUNDATION.—The Foundation shall—

''(1) taking into consideration the Critical Path reports and priorities published by the Food and Drug Administration, identify unmet needs in the development, manufacture, and evaluation of the safety and effectiveness, including postapproval, of devices, including diagnostics, biologics, and drugs, and the safety of food, food ingredients, and cosmetics, and including the incorporation of more sensitive and predictive tools and devices to measure safety;

''(2) establish goals and priorities in order to meet the unmet needs identified in paragraph (1);

''(3) in consultation with the Secretary, identify existing and proposed Federal intramural and extramural research and development programs relating to the goals and priorities established under paragraph (2), coordinate Foundation activities with such programs, and minimize Foundation duplication of existing efforts;

''(4) award grants to, or enter into contracts, memoranda of understanding, or cooperative agreements with, scientists and entities, which may include the Food and Drug Administration, university consortia, public-private partnerships, institutions of higher education, entities described in section 501(c)(3) of the Internal Revenue Code (and exempt from tax under section 501(a) of such Code), and industry, to efficiently and effectively advance the goals and priorities established under paragraph (2);

''(5) recruit meeting participants and hold or sponsor (in whole or in part) meetings as appropriate to further the goals and priorities established under paragraph (2);

''(6) release and publish information and data and, to the extent practicable, license, distribute, and release material, reagents, and techniques to maximize, promote, and coordinate the availability of such material, reagents, and techniques for use by the Food and Drug Administration, nonprofit organizations, and academic and industrial researchers to further the goals and priorities established under paragraph (2);

''(7) ensure that—

''(A) action is taken as necessary to obtain patents for inventions developed by the Foundation or with funds from the Foundation;

''(B) action is taken as necessary to enable the licensing of inventions developed by the Foundation or with funds from the Foundation; and

''(C) executed licenses, memoranda of understanding, material transfer agreements, contracts, and other such instruments, promote, to the maximum extent practicable, the broadest conversion to commercial and noncommercial applications of licensed and patented inventions of the Foundation to further the goals and priorities established under paragraph (2);

''(8) provide objective clinical and scientific information to the Food and Drug Administration and, upon request, to other Federal agencies to assist in agency determinations of how to ensure that regulatory policy accommodates scientific advances and meets the agency's public health mission;

''(9) conduct annual assessments of the unmet needs identified in paragraph (1); and

''(10) carry out such other activities consistent with the purposes of the Foundation as the Board determines appropriate.

''(d) BOARD OF DIRECTORS.—

''(1) ESTABLISHMENT.—

''(A) IN GENERAL.—The Foundation shall have a Board of Directors (referred to in this subchapter as the 'Board'), which shall be composed of ex officio and appointed members in accordance with this subsection. All appointed members of the Board shall be voting members.

''(B) EX OFFICIO MEMBERS.—The ex officio members of the Board shall be the following individuals or their designees:

''(i) The Commissioner.

''(ii) The Director of the National Institutes of Health.

''(iii) The Director of the Centers for Disease Control and Prevention.

''(iv) The Director of the Agency for Healthcare Research and Quality.

''(C) APPOINTED MEMBERS.—

''(i) IN GENERAL.—The ex officio members of the Board under subparagraph (B) shall, by majority vote, appoint to the Board 12 individuals, from a list of candidates to be provided by the National Academy of Sciences. Of such appointed members—

''(I) 4 shall be representatives of the general pharmaceutical, device, food, cosmetic, and biotechnology industries;

''(II) 3 shall be representatives of academic research organizations;

''(III) 2 shall be representatives of Government agencies, including the Food and Drug

Administration and the National Institutes of Health;

''(IV) 2 shall be representatives of patient or consumer advocacy organizations; and

''(V) 1 shall be a representative of health care providers.

''(ii) REQUIREMENT.—The ex officio members shall ensure the Board membership includes individuals with expertise in areas including the sciences of developing, manufacturing, and evaluating the safety and effectiveness of devices, including diagnostics, biologics, and drugs, and the safety of food, food ingredients, and cosmetics.

''(D) INITIAL MEETING.—

''(i) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary shall convene a meeting of the ex officio members of the Board to—

''(I) incorporate the Foundation; and

''(II) appoint the members of the Board in accordance with subparagraph (C).

''(ii) SERVICE OF EX OFFICIO MEMBERS.—Upon the appointment of the members of the Board under clause (i)(II), the terms of service of the ex officio members of the Board as members of the Board shall terminate.

''(iii) CHAIR.—The ex officio members of the Board under subparagraph (B) shall designate an appointed member of the Board to serve as the Chair of the Board.

''(2) DUTIES OF BOARD.—The Board shall—

''(A) establish bylaws for the Foundation that—

''(i) are published in the Federal Register and available for public comment;

''(ii) establish policies for the selection of the officers, employees, agents, and contractors of the Foundation;

''(iii) establish policies, including ethical standards, for the acceptance, solicitation, and disposition of donations and grants to the Foundation and for the disposition of the assets of the Foundation, including appropriate limits on the ability of donors to designate, by stipulation or restriction, the use or recipient of donated funds;

''(iv) establish policies that would subject all employees, fellows, and trainees of the Foundation to the conflict of interest standards under section 208 of title 18, United States Code;

''(v) establish licensing, distribution, and publication policies that support the widest and least restrictive use by the public of information and inventions developed by the Foundation or with Foundation funds to carry out the duties described in paragraphs (6) and (7) of subsection (c), and may include charging cost-based fees for published material produced by the Foundation;

''(vi) specify principles for the review of proposals and awarding of grants and contracts that include peer review and that are consistent with those of the Foundation for the National Institutes of Health, to the extent determined practicable and appropriate by the Board;

''(vii) specify a cap on administrative expenses for recipients of a grant, contract, or cooperative agreement from the Foundation;

''(viii) establish policies for the execution of memoranda of understanding and cooperative agreements between the Foundation and other entities, including the Food and Drug Administration;

''(ix) establish policies for funding training fellowships, whether at the Foundation, academic or scientific institutions, or the Food and Drug Administration, for scientists, doctors, and other professionals who are not employees of regulated industry, to foster greater understanding of and expertise in new scientific tools, diagnostics, manufacturing techniques, and potential barriers to translating basic research into clinical and regulatory practice;

''(x) specify a process for annual Board review of the operations of the Foundation; and

''(xi) establish specific duties of the Executive Director;

''(B) prioritize and provide overall direction to the activities of the Foundation;

''(C) evaluate the performance of the Executive Director; and

''(D) carry out any other necessary activities regarding the functioning of the Foundation.

''(3) TERMS AND VACANCIES.—

''(A) TERM.—The term of office of each member of the Board appointed under paragraph (1)(C) shall be 4 years, except that the terms of offices for the initial appointed members of the Board shall expire on a staggered basis as determined by the ex officio members.

''(B) VACANCY.—Any vacancy in the membership of the Board—

''(i) shall not affect the power of the remaining members to execute the duties of the Board; and

''(ii) shall be filled by appointment by the appointed members described in paragraph (1)(C) by majority vote.

''(C) PARTIAL TERM.—If a member of the Board does not serve the full term applicable under subparagraph (A), the individual appointed under subparagraph (B) to fill the resulting vacancy shall be appointed for the remainder of the term of the predecessor of the individual.

''(D) SERVING PAST TERM.—A member of the Board may continue to serve after the expiration of the term of the member until a successor is appointed.

''(4) COMPENSATION.—Members of the Board may not receive compensation for service on the Board. Such members may be reimbursed for travel, subsistence, and other necessary expenses incurred in carrying out the duties of the Board, as set forth in the bylaws issued by the Board.

''(e) INCORPORATION.—The ex officio members of the Board shall serve as incorporators and shall take whatever actions necessary to incorporate the Foundation.

''(f) NONPROFIT STATUS.—The Foundation shall be considered to be a corporation under section 501(c) of the Internal Revenue Code of 1986, and shall be subject to the provisions of such section.

''(g) EXECUTIVE DIRECTOR.—

''(1) IN GENERAL.—The Board shall appoint an Executive Director who shall serve at the pleasure of the Board. The Executive Director shall be responsible for the day-to-day operations of the Foundation and shall have such specific duties and responsibilities as the Board shall prescribe.

''(2) COMPENSATION.—The compensation of the Executive Director shall be fixed by the Board but shall not be greater than the compensation of the Commissioner.

''(h) ADMINISTRATIVE POWERS.—In carrying out this subchapter, the Board, acting through the Executive Director, may—

''(1) adopt, alter, and use a corporate seal, which shall be judicially noticed;

''(2) hire, promote, compensate, and discharge 1 or more officers, employees, and agents, as may be necessary, and define their duties;

''(3) prescribe the manner in which—

''(A) real or personal property of the Foundation is acquired, held, and transferred;

''(B) general operations of the Foundation are to be conducted; and

''(C) the privileges granted to the Board by law are exercised and enjoyed;

''(4) with the consent of the applicable executive department or independent agency, use the information, services, and facilities of such department or agencies in carrying out this section;

''(5) enter into contracts with public and private organizations for the writing, editing, printing, and publishing of books and other material;

''(6) hold, administer, invest, and spend any gift, devise, or bequest of real or personal property made to the Foundation under subsection (i);

''(7) enter into such other contracts, leases, cooperative agreements, and other transactions as the Board considers appropriate to conduct the activities of the Foundation;

''(8) modify or consent to the modification of any contract or agreement to which it is a party or in which it has an interest under this subchapter;

''(9) take such action as may be necessary to obtain patents and licenses for devices and procedures developed by the Foundation and its employees;

''(10) sue and be sued in its corporate name, and complain and defend in courts of competent jurisdiction;

''(11) appoint other groups of advisors as may be determined necessary to carry out the functions of the Foundation; and

''(12) exercise other powers as set forth in this section, and such other incidental powers as are necessary to carry out its powers, duties, and functions in accordance with this subchapter.

''(i) ACCEPTANCE OF FUNDS FROM OTHER SOURCES.—The Executive Director may solicit and accept on behalf of the Foundation, any funds, gifts, grants, devises, or bequests of real or personal property made to the Foundation, including from private entities, for the purposes of carrying out the duties of the Foundation.

''(j) SERVICE OF FEDERAL EMPLOYEES.—Federal Government employees may serve on committees advisory to the Foundation and otherwise cooperate with and assist the Foundation in carrying out its functions, so long as such employees do not direct or control Foundation activities.

''(k) DETAIL OF GOVERNMENT EMPLOYEES; FELLOWSHIPS.—

''(1) DETAIL FROM FEDERAL AGENCIES.—Federal Government employees may be detailed from Federal agencies with or without reimbursement to those agencies to the Foundation at any time, and such detail shall be without interruption or loss of civil service status or privilege. Each such employee shall abide by the statutory, regulatory, ethical, and procedural standards applicable to the employees of the agency from which such employee is detailed and those of the Foundation.

''(2) VOLUNTARY SERVICE; ACCEPTANCE OF FEDERAL EMPLOYEES.—

''(A) FOUNDATION.—The Executive Director of the Foundation may accept the services of employees detailed from Federal agencies with or without reimbursement to those agencies.

''(B) FOOD AND DRUG ADMINISTRATION.—The Commissioner may accept the uncompensated services of Foundation fellows or trainees. Such services shall be considered to be undertaking an activity under contract with the Secretary as described in section 708.

''(l) ANNUAL REPORTS.—

''(1) REPORTS TO FOUNDATION.—Any recipient of a grant, contract, fellowship, memorandum of understanding, or cooperative agreement from the Foundation under this section shall submit to the Foundation a report on an annual basis for the duration of such grant, contract, fellowship, memorandum of understanding, or cooperative agreement, that describes the activities carried out under such grant, contract, fellowship, memorandum of understanding, or cooperative agreement.

''(2) REPORT TO CONGRESS AND THE FDA.—Beginning with fiscal year 2009, the Executive Director shall submit to Congress and the Commissioner an annual report that—

''(A) describes the activities of the Foundation and the progress of the Foundation in furthering the goals and priorities established under subsection (c)(2), including the practical impact of the Foundation on regulated product development;

''(B) provides a specific accounting of the source and use of all funds used by the Foundation to carry out such activities; and

''(C) provides information on how the results of Foundation activities could be incorporated into the regulatory and product review activities of the Food and Drug Administration.

''(m) SEPARATION OF FUNDS.—The Executive Director shall ensure that the funds received from the Treasury are held in separate accounts from funds received from entities under subsection (i).

''(n) FUNDING.—From amounts appropriated to the Food and Drug Administration for each fiscal year, the Commissioner shall transfer not less than $500,000 and not more than $1,250,000, to the Foundation to carry out subsections (a), (b), and (d) through (m).''.

(b) OTHER FOUNDATION PROVISIONS.—Chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 371 et seq.) (as amended by subsection (a)) is amended by adding at the end the following:

''SEC. 771. LOCATION OF FOUNDATION.

''The Foundation shall, if practicable, be located not more than 20 miles from the District of Columbia.

''SEC. 772. ACTIVITIES OF THE FOOD AND DRUG ADMINISTRATION.

''(a) IN GENERAL.—The Commissioner shall receive and assess the report submitted to the Commissioner by the Executive Director of the Foundation under section 770(l)(2).

''(b) REPORT TO CONGRESS.—Beginning with fiscal year 2009, the Commissioner shall submit to Congress an annual report summarizing the incorporation of the information provided by the Foundation in the report described under section 770(l)(2) and by other recipients of grants, contracts, memoranda of understanding, or cooperative agreements into regulatory and product review activities of the Food and Drug Administration.

''(c) EXTRAMURAL GRANTS.—The provisions of this subchapter shall have no effect on any grant, contract, memorandum of understanding, or cooperative agreement between the Food and Drug Administration and any other entity entered into before, on, or after the date of enactment of this subchapter.''.

(c) CONFORMING AMENDMENT.—Section 742(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379l(b)) is amended by adding at the end the following: ''Any such fellowships and training programs under this section or under section 770(d)(2)(A)(ix) may include provision by such scientists and physicians of services on a voluntary and uncompensated basis, as the Secretary determines appropriate. Such scientists and physicians shall be subject to all legal and ethical requirements otherwise applicable to officers or employees of the Department of Health and Human Services.''.

SEC. 602. OFFICE OF THE CHIEF SCIENTIST.

Chapter IX of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 391 et seq.) is amended by adding at the end the following:

''SEC. 910. OFFICE OF THE CHIEF SCIENTIST.

''(a) ESTABLISHMENT; APPOINTMENT.—The Secretary shall establish within the Office of the Commissioner an office to be known as the Office of the Chief Scientist. The Secretary shall appoint a Chief Scientist to lead such Office.

''(b) DUTIES OF THE OFFICE.—The Office of the Chief Scientist shall—

''(1) oversee, coordinate, and ensure quality and regulatory focus of the intramural research programs of the Food and Drug Administration;

''(2) track and, to the extent necessary, coordinate intramural research awards made by each center of the Administration or science-based office within the Office of the Commissioner, and ensure that there is no duplication of research efforts supported by the Reagan-Udall Foundation for the Food and Drug Administration;

''(3) develop and advocate for a budget to support intramural research;

''(4) develop a peer review process by which intramural research can be evaluated; and

''(5) identify and solicit intramural research proposals from across the Food and Drug Administration through an advisory board composed of employees of the Administration that shall include—

''(A) representatives of each of the centers and the science-based offices within the Office of the Commissioner; and

''(B) experts on trial design, epidemiology, demographics, pharmacovigilance, basic science, and public health.''.

SEC. 603. CRITICAL PATH PUBLIC-PRIVATE PARTNERSHIPS.

Subchapter E of chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb et seq.) is amended by adding at the end the following:

''SEC. 566. CRITICAL PATH PUBLIC-PRIVATE PARTNERSHIPS.

''(a) ESTABLISHMENT.—The Secretary, acting through the Commissioner of Food and Drugs, shall enter into collaborative agreements, to be known as Critical Path Public-Private Partnerships, with one or more eligible entities to implement the Critical Path Initiative of the Food and Drug Administration by developing innovative, collaborative projects in research, education, and outreach for the purpose of fostering medical product innovation, enabling the acceleration of medical product development, and enhancing medical product safety.

''(b) ELIGIBLE ENTITY.—In this section, the term 'eligible entity' means an entity that meets each of the following:

''(1) The entity is—

''(A) an institution of higher education (as such term is defined in section 101 of the Higher Education Act of 1965); or

''(B) an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code.

''(2) The entity has experienced personnel and clinical and other technical expertise in the biomedical sciences.

''(3) The entity demonstrates to the Secretary's satisfaction that the entity is capable of—

''(A) developing and critically evaluating tools, methods, and processes—

''(i) to increase efficiency, predictability, and productivity of medical product development; and

''(ii) to more accurately identify the benefits and risks of new and existing medical products;

''(B) establishing partnerships, consortia, and collaborations with health care practitioners and other providers of health care goods or services; pharmacists; pharmacy benefit managers and purchasers; health maintenance organizations and other managed health care organizations; health care insurers; government agencies; patients and consumers; manufacturers of prescription drugs, biological products, diagnostic technologies, and devices; and academic scientists; and

''(C) securing funding for the projects of a Critical Path Public-Private Partnership from Federal and nonfederal governmental sources, foundations, and private individuals.

''(c) FUNDING.—The Secretary may not enter into a collaborative agreement under subsection (a) unless the eligible entity involved provides an assurance that the entity will not accept funding for a Critical Path Public-Private Partnership project from any organization that manufactures or distributes products regulated by the Food and Drug Administration unless—

''(1) the entity accepts such funding for such project from 2 or more such organizations; and

''(2) the entity provides assurances in its agreement with the Food and Drug Administration that the results of the Critical Path Public-Private Partnership project will not be influenced by any source of funding.

''(d) ANNUAL REPORT.—Not later than 18 months after the date of the enactment of this section, and annually thereafter, the Secretary, in collaboration with the parties to each Critical Path Public-Private Partnership, shall submit a report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives—

''(1) reviewing the operations and activities of the Partnerships in the previous year; and

''(2) addressing such other issues relating to this section as the Secretary determines to be appropriate.

''(e) DEFINITION.—In this section, the term 'medical product' includes a drug, a biological product, a device, and any combination of such products.

''(f) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated $5,000,000 for fiscal year 2008 and such sums as may be necessary for each of fiscal years 2009 through 2012.''.

TITLE VII—CONFLICTS OF INTEREST

SEC. 701. CONFLICTS OF INTEREST.

(a) IN GENERAL.—Subchapter A of chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 371 et seq.) is amended by inserting at the end the following:

''SEC. 712. CONFLICTS OF INTEREST.

''(a) DEFINITIONS.—For purposes of this section:

''(1) ADVISORY COMMITTEE.—The term 'advisory committee' means an advisory committee under the Federal Advisory Committee Act that provides advice or recommendations to the Secretary regarding activities of the Food and Drug Administration.

''(2) FINANCIAL INTEREST.—The term 'financial interest' means a financial interest under section 208(a) of title 18, United States Code.

''(b) APPOINTMENTS TO ADVISORY COMMITTEES.—

''(1) RECRUITMENT.—

''(A) IN GENERAL.—Given the importance of advisory committees to the review process at the Food and Drug Administration, the Secretary, through the Office of Women's Health, the Office of Orphan Product Development, the Office of Pediatric Therapeutics, and other offices within the Food and Drug Administration with relevant expertise, shall develop and implement strategies on effective outreach to potential members of advisory committees at universities, colleges, other academic research centers, professional and medical societies, and patient and consumer groups. The Secretary shall

seek input from professional medical and scientific societies to determine the most effective informational and recruitment activities. The Secretary shall also take into account the advisory committees with the greatest number of vacancies.

''(B) RECRUITMENT ACTIVITIES.—The recruitment activities under subparagraph (A) may include—

''(i) advertising the process for becoming an advisory committee member at medical and scientific society conferences;

''(ii) making widely available, including by using existing electronic communications channels, the contact information for the Food and Drug Administration point of contact regarding advisory committee nominations; and

''(iii) developing a method through which an entity receiving funding from the National Institutes of Health, the Agency for Healthcare Research and Quality, the Centers for Disease Control and Prevention, or the Veterans Health Administration can identify a person who the Food and Drug Administration can contact regarding the nomination of individuals to serve on advisory committees.

''(2) EVALUATION AND CRITERIA.—When considering a term appointment to an advisory committee, the Secretary shall review the expertise of the individual and the financial disclosure report filed by the individual pursuant to the Ethics in Government Act of 1978 for each individual under consideration for the appointment, so as to reduce the likelihood that an appointed individual will later require a written determination as referred to in section 208(b)(1) of title 18, United States Code, a written certification as referred to in section 208(b)(3) of title 18, United States Code, or a waiver as referred to in subsection (c)(3) of this section for service on the committee at a meeting of the committee.

''(3) PARTICIPATION OF GUEST EXPERT WITH FINANCIAL INTEREST.—Notwithstanding any other provision of this section, an individual with a financial interest with respect to any matter considered by an advisory committee may be allowed to participate in a meeting of an advisory committee as a guest expert if the Secretary determines that the individual has particular expertise required for the meeting. An individual participating as a guest expert may provide information and expert opinion, but shall not participate in the discussion or voting by the members of the advisory committee.

''(c) GRANTING AND DISCLOSURE OF WAIVERS.—

''(1) IN GENERAL.—Prior to a meeting of an advisory committee regarding a 'particular matter' (as that term is used in section 208 of title 18, United States Code), each member of the committee who is a full-time Government employee or special Government employee shall disclose to the Secretary financial interests in accordance with subsection (b) of such section 208.

''(2) FINANCIAL INTEREST OF ADVISORY COMMITTEE MEMBER OR FAMILY MEMBER.—No member of an advisory committee may vote with respect to any matter considered by the advisory committee if such member (or an immediate family member of such member) has a financial interest that could be affected by the advice given to the Secretary with respect to such matter, excluding interests exempted in regulations issued by the Director of the Office of Government Ethics as too remote or inconsequential to affect the integrity of the services of the Government officers or employees to which such regulations apply.

''(3) WAIVER.—The Secretary may grant a waiver of the prohibition in paragraph (2) if such waiver is necessary to afford the advisory committee essential expertise.

''(4) LIMITATIONS.—

''(A) ONE WAIVER PER COMMITTEE MEETING.—Notwithstanding any other provision of this section, with respect to each advisory committee, the Secretary shall not grant more than 1 waiver under paragraph (3) per committee meeting.

''(B) SCIENTIFIC WORK.—The Secretary may not grant a waiver under paragraph (3) for a member of an advisory committee when the member's own scientific work is involved.

''(5) DISCLOSURE OF WAIVER.—Notwithstanding section 107(a)(2) of the Ethics in Government Act (5 U.S.C. App.), the following shall apply:

''(A) 15 OR MORE DAYS IN ADVANCE.—As soon as practicable, but in no case later than 15 days prior to a meeting of an advisory committee to which a written determination as referred to in section 208(b)(1) of title 18, United States Code, a written certification as referred to in section 208(b)(3) of title 18, United States Code, or a waiver as referred to in paragraph (3) applies, the Secretary shall disclose (other than information exempted from disclosure under section 552 of title 5, United States Code, and section 552a of title 5, United States Code (popularly known as the Freedom of Information Act and the Privacy Act of 1974, respectively)) on the Internet website of the Food and Drug Administration—

''(i) the type, nature, and magnitude of the financial interests of the advisory committee member to which such determination, certification, or waiver applies; and

''(ii) the reasons of the Secretary for such determination, certification, or waiver.

''(B) LESS THAN 30 DAYS IN ADVANCE.—In the case of a financial interest that becomes known to the Secretary less than 30 days prior to a meeting of an advisory committee to which a written determination as referred to in section 208(b)(1) of title 18, United States Code, a written certification as referred to in section 208(b)(3) of title 18, United States Code, or a waiver as referred to in paragraph (3) applies, the Secretary shall disclose (other than information exempted from disclosure under section 552 of title 5, United States Code, and section 552a of title 5, United States Code) on the Internet website of the Food and Drug Administration, the information described in clauses (i) and (ii) of subparagraph (A) as soon as practicable after the Secretary makes such determination, certification, or waiver, but in no case later than the date of such meeting.

''(d) PUBLIC RECORD.—The Secretary shall ensure that the public record and transcript of each meeting of an advisory committee includes the disclosure required under subsection (c)(5) (other than information exempted from disclosure under section 552 of title 5, United States Code, and section 552a of title 5, United States Code).

''(e) ANNUAL REPORT.—Not later than February 1 of each year, the Secretary shall submit to the Committee on Appropriations and the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Appropriations and the Committee on Energy and Commerce of the House of Representatives a report that describes—

''(1) with respect to the fiscal year that ended on September 30 of the previous year, the number of vacancies on each advisory committee, the number of nominees received for each committee, and the number of such nominees willing to serve;

''(2) with respect to such year, the aggregate number of disclosures required under subsection (c)(5) for each meeting of each advisory committee and the percentage of individuals to whom such disclosures did not apply who served on such committee for each such meeting;

''(3) with respect to such year, the number of times the disclosures required under subsection (c)(5) occurred under subparagraph (B) of such subsection; and

''(4) how the Secretary plans to reduce the number of vacancies reported under paragraph (1) during the fiscal year following such year, and mechanisms to encourage the nomination of individuals for service on an advisory committee, including those who are classified by the Food and Drug Administration as academicians or practitioners.

''(f) PERIODIC REVIEW OF GUIDANCE.—Not less than once every 5 years, the Secretary shall review guidance of the Food and Drug Administration regarding conflict of interest waiver determinations with respect to advisory committees and update such guidance as necessary.''.

(b) CONFORMING AMENDMENT.—Section 505(n) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(n)) is amended—

(1) by striking paragraph (4); and

(2) by redesignating paragraphs (5), (6), (7), and (8) as paragraphs (4), (5), (6), and (7), respectively.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2007.

TITLE VIII—CLINICAL TRIAL DATABASES

SEC. 801. CLINICAL TRIAL REGISTRY DATABASE AND CLINICAL TRIAL RESULTS DATABASE.

(a) IN GENERAL.—Title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended—

(1) in section 402, by striking subsection (i); and

(2) by inserting after section 492B the following new section:

''SEC. 492C. CLINICAL TRIAL REGISTRY DATABASE; CLINICAL TRIAL RESULTS DATABASE.

''(a) DEFINITIONS.—In this section:

''(1) APPLICABLE CLINICAL TRIAL.—The term 'applicable clinical trial'—

''(A) means a clinical trial that is conducted to test the safety or effectiveness (including comparative effectiveness) of a drug or device (irrespective of whether the clinical trial is federally or privately funded, and whether the clinical trial involves an approved or unapproved drug or device);

''(B) includes such a clinical trial that is conducted outside of the United States if—

''(i) there is an application or premarket notification pending before the Food and Drug Administration for approval or clearance of the drug or device involved under section 505, 510(k), or 515 of the Federal Food, Drug, and Cosmetic Act or section 351 of this Act; or

''(ii) the drug or device involved is so approved or cleared; and

''(C) notwithstanding subparagraphs (A) and (B), excludes—

''(i) a clinical trial to determine the safety of a use of a drug that is designed solely to detect major toxicities in the drug or to investigate pharmacokinetics, unless the clinical trial is designed to investigate pharmacokinetics in a special population or populations; and

''(ii) a small clinical trial to determine the feasibility of a device, or a clinical trial to test prototype devices where the primary focus is feasibility.

''(2) CLINICAL TRIAL INFORMATION.—The term 'clinical trial information' means those data elements that are necessary to complete an entry in the clinical trial registry database under subsection (b) or the clinical trial results database under subsection (c), as applicable.

''(3) COMPLETION DATE.—The term 'completion date' means the date of the final collection of data from subjects in the clinical trial for the primary and secondary outcomes to be examined in the trial.

''(4) DEVICE.—The term 'device' has the meaning given to that term in section 201(h) of the Federal Food, Drug, and Cosmetic Act.

''(5) DRUG.—The term 'drug' means a drug as defined in section 201(g) of the Federal Food, Drug, and Cosmetic Act or a biological product as defined in section 351 of this Act.

''(6) RESPONSIBLE PARTY.—The term 'responsible party', with respect to an applicable clinical trial, means—

''(A) the primary sponsor (as defined in the International Clinical Trials Registry Platform trial registration data set of the World Health Organization) of the clinical trial; or

''(B) the principal investigator of such clinical trial if so designated by such sponsor, so long as the principal investigator is responsible for conducting the trial, has access to and control over the data, has the right to publish the results of the trial, and has the responsibility to meet all of the requirements under this section that are applicable to responsible parties.

''(b) CLINICAL TRIALS REGISTRY DATABASE.—

''(1) ESTABLISHMENT.—To enhance patient enrollment and provide a mechanism to track subsequent progress of clinical trials, the Secretary, acting through the Director of NIH, shall establish and administer a clinical trial registry database in accordance with this section (referred to in this section as the 'registry database'). The Director of NIH shall ensure that the registry database is made publicly available through the Internet.

''(2) CONTENT.—The Secretary shall promulgate regulations for the submission to the registry database of clinical trial information that—

''(A) conforms to the International Clinical Trials Registry Platform trial registration data set of the World Health Organization;

''(B) includes the city, State, and zip code for each clinical trial location or a toll free number through which such location information may be accessed;

''(C) includes a statement of the estimated completion date for the clinical trial;

''(D) includes the identity and contact information of the responsible party;

''(E) if the drug is not approved under section 505 of the Federal Food, Drug, and Cosmetic Act or licensed under section 351 of this Act, or the device is not cleared under section 510(k) or approved under section 515 of the Federal Food, Drug, and Cosmetic Act, specifies whether or not there is expanded access to the drug or device under section 561 of the Federal Food, Drug, and Cosmetic Act for those who do not qualify for enrollment in the clinical trial and how to obtain information about such access;

''(F) includes, with respect to any individual who is not an employee of the responsible party for the clinical trial or of the manufacturer of the drug or device involved, information on whether the responsible party or manufacturer has entered into any agreement with such individual that restricts in any manner the ability of the individual—

''(i) to discuss the results of the trial at a scientific meeting or any other public or private forum; or

''(ii) to publish the results of the trial, or a description or discussion of the results of the trial, in a scientific or academic journal; and

''(G) requires the inclusion of such other data elements to the registry database as appropriate.

''(3) FORMAT AND STRUCTURE.—

''(A) SEARCHABLE CATEGORIES.—The Director of NIH shall ensure that the public may search the entries in the registry database by 1 or more of the following criteria:

''(i) The indication being studied in the clinical trial, using Medical Subject Headers (MeSH) descriptors.

''(ii) The safety issue being studied in the clinical trial.

''(iii) The enrollment status of the clinical trial.

''(iv) The sponsor of the clinical trial.

''(B) FORMAT.—The Director of the NIH shall ensure that the registry database is easily used by patients, and that entries are easily compared.

''(4) DATA SUBMISSION.—The responsible party for an applicable clinical trial shall submit to the Director of NIH for inclusion in the registry database the clinical trial information described in paragraph (2).

''(5) TRUTHFUL CLINICAL TRIAL INFORMATION.—

''(A) IN GENERAL.—The clinical trial information submitted by a responsible party under this subsection shall not be false or misleading.

''(B) EFFECT.—Subparagraph (A) shall not have the effect of requiring clinical trial information to include information from any source other than the clinical trial involved.

''(6) TIMING OF SUBMISSION.—Except as provided in paragraph (7), the clinical trial information for a clinical trial required to be submitted under this subsection shall be submitted not later than 14 days after the first patient is enrolled in such clinical trial.

''(7) UPDATES.—The responsible party for an applicable clinical trial shall submit to the Director of NIH for inclusion in the registry database periodic updates to reflect changes to the clinical trial information submitted under this subsection. Such updates—

''(A) shall be provided not less than once every 6 months until information on the results of the trial is submitted under subsection (c);

''(B) shall include identification of the dates of any such changes;

''(C) not later than 30 days after the enrollment status of such clinical trial changes, shall include an update of the enrollment status; and

''(D) not later than 30 days after the completion date of the clinical trial, shall include a report to the Director that such clinical trial is complete.

''(8) APPLICABILITY OF DEVICE TRIALS.—In the case of an applicable clinical trial regarding a device, the responsible person for the trial shall submit to the Director of NIH the clinical trial information as required in paragraph (4), but the Director may not make the information publicly available through the registry database until the device is approved or cleared (as the case may be).

''(c) CLINICAL TRIALS RESULTS DATABASE.—

''(1) ESTABLISHMENT.—To ensure that results of clinical trials are made public and that patients and providers have current information regarding the results of clinical trials, the Secretary, acting through the Director of NIH, shall establish and administer a clinical trial results database in accordance with this section (referred to in this section as the 'results database'). The Director of NIH shall ensure that the results database is made publicly available through the Internet.

''(2) SEARCHABLE CATEGORIES.—The Director of NIH shall ensure that the public may search the entries in the results database by 1 or more of the following:

''(A) The indication studied in the clinical trial, using Medical Subject Headers (MeSH) descriptors.

''(B) The safety issue studied in the clinical trial.

''(C) Whether an application for the tested indication is approved, pending approval, withdrawn, or not submitted.

''(D) The phase of the clinical trial.

''(E) The name of the drug or device that is the subject of the clinical trial.

''(F) Within the documents described in clauses (i) and (ii) of paragraph (3)(B), the following information, as applicable:

''(i) The sponsor of the clinical trial.

''(ii) Each financial sponsor of the clinical trial.

''(3) CONTENTS.—

''(A) IN GENERAL.—The responsible party for an applicable clinical trial shall submit to the Director of NIH for inclusion in the results database the clinical trial information described in subparagraph (B).

''(B) REQUIRED ELEMENTS.—In submitting clinical trial information for a clinical trial to the Director of NIH for inclusion in the results database, the responsible party shall include, with respect to such clinical trial, the following information:

''(i) The information described in subparagraphs (A) through (E) of subsection (b)(2).

''(ii) A summary that is written in nontechnical, understandable language for patients that includes the following:

''(I) The purpose of the clinical trial.

''(II) The sponsor of the clinical trial.

''(III) A point of contact for information about the clinical trial.

''(IV) A description of the patient population tested in the clinical trial.

''(V) A general description of the clinical trial and results, including a description of and the reasons for any changes in the clinical trial design that occurred since the date of submission of clinical trial information for inclusion in the registry database established under subsection (b) and a description of any significant safety information.

''(iii) A summary that is technical in nature that includes the following:

''(I) The purpose of the clinical trial.

''(II) The sponsor of the clinical trial.

''(III) Each financial sponsor of the clinical trial.

''(IV) A point of contact for scientific information about the clinical trial.

''(V) A description of the patient population tested in the clinical trial.

''(VI) A general description of the clinical trial and results, including a description of and the reasons for any changes in the clinical trial design that occurred since the date of submission of clinical trial information for the clinical trial in the registry database established under subsection (b).

''(VII) Summary data describing the results, including—

''(aa) whether the primary endpoint was achieved, including relevant statistics;

''(bb) an assessment of any secondary endpoints, if applicable, including relevant statistics; and

''(cc) any significant safety information, including a summary of the incidence of serious adverse events observed in the clinical trial and a summary of the most common adverse events observed in the clinical trial and the frequencies of such events.

''(iv) With respect to the group of subjects receiving the drug or device involved, and each comparison group of subjects, the percentage of individuals who ceased participation as subjects and the reasons for ceasing participation.

''(v) With respect to an individual who is not an employee of the responsible party for the clinical trial or of the manufacturer of the drug or device involved, information (to the extent not submitted under subsection (b)(2)(F)) on any agreement that the responsible party or manufacturer has entered into

with such individual that restricts in any manner the ability of the individual—

''(I) to discuss the results of the trial at a scientific meeting or any other public or private forum; or

''(II) to publish the results of the trial, or a description or discussion of the results of the trial, in a scientific or academic journal.

''(vi) The completion date of the clinical trial.

''(vii) A link to the Internet web posting of any adverse regulatory actions taken by the Food and Drug Administration, such as a warning letter, that was substantively based on the clinical trial design, outcome, or representation made by the applicant about the design or outcome of the clinical trial.

''(C) LINKS IN DATABASE.—The Director of NIH shall ensure that the results database includes the following:

''(i) Links to Medline citations to publications reporting results from each applicable drug clinical trial and applicable device clinical trial.

''(ii) Links to the entry for the product that is the subject of an applicable drug clinical trial in the National Library of Medicine database of structured product labels, if available.

''(iii) Links described in clauses (i) and (ii) for data bank entries for clinical trials submitted to the data bank prior to enactment of this section, as available.

''(4) TIMING.—

''(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), a responsible party shall submit to the Director of NIH for inclusion in the results database clinical trial information for an applicable clinical trial not later than 1 year after the earlier of—

''(i) the estimated completion date of the trial, as submitted under subsection (b)(2); or

''(ii) the actual date of the completion, or termination before completion, of the trial, as applicable.

''(B) EXTENSIONS.—The Director of NIH may provide an extension of the deadline for submission of clinical trial information under subparagraph (A) if the responsible party for the trial submits to the Director a written request that demonstrates good cause for the extension and provides an estimate of the date on which the information will be submitted. The Director of NIH may grant more than one such extension for the clinical trial involved.

''(C) UPDATES.—The responsible party for an applicable clinical trial shall submit to the Director of NIH for inclusion in the results database periodic updates to reflect changes in the clinical trial information submitted under this subsection. Such updates—

''(i) shall be provided not less frequently than once every 6 months during the 10-year period beginning on the date on which information is due under subparagraph (A);

''(ii) shall identify the dates on which the changes were made; and

''(iii) shall include, not later than 30 days after any change in the regulatory status of the drug or device involved, an update informing the Director of NIH of such change.

''(5) TRUTHFUL CLINICAL TRIAL INFORMATION.—

''(A) IN GENERAL.—The clinical trial information submitted by a responsible party under this subsection shall not be false or misleading in any particular.

''(B) EFFECT.—Subparagraph (A) shall not have the effect of requiring clinical trial information with respect to a clinical trial to include information from any source other than such clinical trial.

''(6) PUBLIC AVAILABILITY OF RESULTS.—

''(A) PRE-APPROVAL STUDIES.—Except as provided in subparagraph (E), with respect to an applicable clinical trial that is completed before the drug is initially approved under section 505 of the Federal Food, Drug, and Cosmetic Act or initially licensed under section 351 of this Act, or the device is initially cleared under section 510(k) or approved under section 515 of the Federal Food, Drug, and Cosmetic Act, the Director of NIH shall make publicly available on the results database the clinical trial information submitted for such clinical trial not later than 30 days after—

''(i) the drug or device is approved under such section 505, licensed under such section 351, cleared under such section 510(k), or approved under such section 515, as applicable; or

''(ii) the Secretary issues a not approvable letter or a not substantially equivalent letter for the drug or device under such section 505, 351, 510(k), or 515, as applicable.

''(B) MEDICAL AND CLINICAL PHARMACOLOGY REVIEWS OF PRE-APPROVAL STUDIES.—Not later than 90 days after the date applicable under clause (i) or (ii) of subparagraph (A) with respect to an applicable clinical trial, the Director of NIH shall make publicly available on the results database a summary of the available medical and clinical pharmacology reviews conducted by the Food and Drug Administration for such trial.

''(C) POST-APPROVAL STUDIES.—Except as provided in subparagraphs (D) and (E), with respect to an applicable clinical trial that is completed after the drug is initially approved under such section 505 or licensed under such section 351, or the device is initially cleared under such section 510(k) or approved under such section 515, the Director of NIH shall make publicly available on the results database the clinical trial information submitted for such clinical trial not later than 30 days after the date of such submission.

''(D) SEEKING APPROVAL OF A NEW USE FOR THE DRUG OR DEVICE.—

''(i) IN GENERAL.—If the manufacturer of the drug or device is the sponsor or a financial sponsor of an applicable clinical trial, and such manufacturer certifies to the Director of NIH that such manufacturer has filed, or will file within 1 year, an application seeking approval under such section 505, licensing under such section 351, clearance under such section 510(k), or approval under such section 515 for the use studied in such clinical trial (which use is not included in the labeling of the approved drug or device), then the Director of NIH shall make publicly available on the results database the clinical trial information submitted for such clinical trial on the earlier of the date that is 30 days after the date—

''(I) the new use of the drug or device is approved under such section 505, licensed under such section 351, cleared under such section 510(k), or approved under such section 515;

''(II) the Secretary issues a not approvable letter or a not substantially equivalent letter for the new use of the drug or device under such section 505, 351, 510(k), or 515; or

''(III) the application or premarket notification under such section 505, 351, 510(k), or 515 is withdrawn.

''(ii) LIMITATION ON CERTIFICATION.—If a manufacturer makes a certification under clause (i) with respect to a clinical trial, the manufacturer shall make such a certification with respect to each applicable clinical trial that is required to be submitted in an application for approval of the use studied in the clinical trial.

''(iii) 2-YEAR LIMITATION.—The clinical trial information subject to clause (i) shall be made publicly available on the results database on the date that is 2 years after the date the certification referred to in clause (i) was made to the Director of NIH, if a regulatory action referred to in subclause (I), (II), or (III) of clause (i) has not occurred by such date.

''(iv) MEDICAL AND CLINICAL PHARMACOLOGY REVIEWS.—Not later than 90 days after the date applicable under subclause (I), (II), or (III) of clause (i) or clause (iii) with respect to an applicable clinical trial, the Director of NIH shall make publicly available on the results database a summary of the available medical and clinical pharmacology reviews conducted by the Food and Drug Administration for such trial.

''(E) SEEKING PUBLICATION.—

''(i) IN GENERAL.—If the principal investigator of an applicable clinical trial is seeking publication in a peer-reviewed biomedical journal of a manuscript based on the results of the clinical trial and the responsible party so certifies to the Director of NIH—

''(I) the responsible party shall notify the Director of NIH of the publication date of such manuscript not later than 15 days after such date; and

''(II) the Director of NIH shall make publicly available on the results database the clinical trial information submitted for such clinical trial on the date that is 30 days after the publication date of such manuscript.

''(ii) LIMITATIONS.—The clinical trial information subject to clause (i)—

''(I) shall be made publicly available on the results database on the date that is 2 years after the date that the clinical trial information was required to be submitted to the Director of NIH if the manuscript referred to in such clause has not been published by such date; and

''(II) shall not be required to be made publicly available under section 552 of title 5, United States Code (commonly known as the 'Freedom of Information Act'), prior to the date applicable to such clinical trial information under this subparagraph.

''(7) VERIFICATION OF SUBMISSION PRIOR TO PUBLIC AVAILABILITY.—In the case of clinical trial information that is submitted under this subsection, but is not made publicly available pending either regulatory action or publication under subparagraph (D) or (E) of paragraph (6), as applicable, the Director of NIH shall respond to inquiries from other Federal agencies and peer-reviewed journals to confirm that such clinical trial information has been submitted but has not yet been made publicly available on the results database.

''(d) UPDATES; TRACKING OF CHANGES IN SUBMITTED INFORMATION.—The Director of NIH shall ensure that updates submitted to the Director under subsections (b)(7) and (c)(4) do not result in the removal from the registry database or the results database of the original submissions or of any preceding updates, and that information in such databases is presented in a manner that enables users to readily access each original submission and to track the changes made by the updates.

''(e) COORDINATION AND COMPLIANCE.—

''(1) CONSULTATION WITH OTHER FEDERAL AGENCIES.—The Secretary shall—

''(A) consult with other agencies that conduct human studies in accordance with part 46 of title 45, Code of Federal Regulations (or any successor regulations), to determine if any such studies are applicable clinical trials; and

''(B) develop with such agencies appropriate procedures to ensure that clinical trial information for such applicable clinical trials is submitted under subsection (b) and (c).

''(2) COORDINATION OF REGISTRY DATABASE AND RESULTS DATABASE.—

''(A) IN GENERAL.—Each entry in the registry database under subsection (b) or the results database under subsection (c) shall include a link to the corresponding entry in the results database or the registry database, respectively.

''(B) MISSING ENTRIES.—

''(i) IN GENERAL.—If, based on a review of the entries in the registry database under subsection (b), the Director of NIH determines that a responsible party has failed to submit required clinical trial information to the results database under subsection (c), the Director of NIH shall inform the responsible party involved of such failure and permit the responsible party to correct the failure within 30 days.

''(ii) FAILURE TO CORRECT.—If the responsible party does not correct a failure to submit required clinical trial information within the 30-day period described under clause (i), the Director of NIH shall report such noncompliance to the scientific peer review committees of the Federal research agencies and to the Office of Human Research Protections.

''(iii) PUBLIC NOTICE OF FAILURE TO CORRECT.—The Director of NIH shall include in the clinical trial registry database entry and the clinical trial results database entry for each applicable clinical trial a notice of any uncorrected failure to submit required clinical trial information and shall provide that the public may easily search for such entries.

''(3) ACTION ON APPLICATIONS.—

''(A) VERIFICATION PRIOR TO FILING.—The Secretary, acting through the Commissioner of Food and Drugs, shall verify that the clinical trial information required under subsections (b) and (c) for an applicable clinical trial is submitted pursuant to such subsections, as applicable—

''(i) when considering a drug or device for an exemption under section 505(i) or section 520(g) of the Federal Food, Drug, and Cosmetic Act; and

''(ii) prior to filing an application or premarket notification under section 505, 510(k), or 515 of the Federal Food, Drug, and Cosmetic Act or section 351 of this Act, that includes information from such clinical trial.

''(B) NOTIFICATION.—If the Secretary determines under subparagraph (A) that clinical trial information has not been submitted as required by subsection (b) or (c), the Secretary shall notify the applicant and the responsible party of such noncompliance and require submission of such information within 30 days.

''(C) REFUSAL TO FILE.—If the responsible party does not remedy such noncompliance within 30 days of receipt of notification under subparagraph (B), the Secretary shall refuse to file, approve, or clear such application or premarket notification.

''(4) CONTENT REVIEW.—

''(A) IN GENERAL.—To ensure that the summary documents described in subsection (c)(3) are non-promotional, and are not false or misleading in any particular under subsection (c)(5), the Secretary shall compare such documents to the results data of the clinical trial for a representative sample of applicable clinical trials by—

''(i) acting through the Commissioner of Food and Drugs to examine the results data for such clinical trials submitted to Secretary when such data are submitted—

''(I) for review as part of an application under section 505 or 515 of the Federal Food, Drug, and Cosmetic Act or under section 351 of this Act or a premarket notification under section 510(k) of the Federal Food, Drug, and Cosmetic Act; or

''(II) in an annual status report on the drug or device under such application;

''(ii) acting with the Federal agency that funds such clinical trial in whole or in part by a grant to examine the results data for such clinical trials; and

''(iii) acting through inspections under section 704 of the Federal Food, Drug, and Cosmetic Act to examine results data for such clinical trials not described in clause (i) or (ii).

''(B) NOTICE OF NONCOMPLIANCE.—If the Secretary determines that the clinical trial information submitted in such a summary document is false or misleading in any particular, the Secretary shall notify the responsible party and give such party an opportunity to remedy such noncompliance by submitting the required revised clinical trial information within 30 days of such notification.

''(f) PENALTIES FOR NONCOMPLIANCE.—

''(1) IN GENERAL.—The following acts and the causing thereof are unlawful:

''(A) The failure to submit clinical trial information as required by this section.

''(B) The submission of clinical trial information under this section that is false or misleading in any particular in violation of subsection (b)(5) or (c)(5).

''(2) CERTAIN PENALTIES.—Section 303(a) of the Federal Food, Drug, and Cosmetic Act applies with respect to a violation of paragraph (1) to the same extent and in the same manner as such section 303(a) applies with respect to a violation of section 301 of such Act.

''(3) CONSIDERATIONS.—In determining whether to apply a penalty under paragraph (2) or under paragraph (4) for a violation described in paragraph (1), the Secretary, acting through the Commissioner of Food and Drugs, shall consider—

''(A) whether the responsible party promptly corrects the noncompliance when provided notice;

''(B) whether the responsible party has engaged in a pattern or practice of noncompliance; and

''(C) the extent to which the noncompliance involved may have significantly misled health care providers or patients concerning the safety or effectiveness of the drug involved.

''(4) CIVIL PENALTIES.—

''(A) IN GENERAL.—A person is subject to a civil penalty in accordance with this paragraph if the person commits a violation described in paragraph (1) and fails to correct the violation by the end of the 30-day period described in subparagraph (B).

''(B) NOTIFICATION.—If a person is in violation of paragraph (1), the Secretary shall notify the person of such noncompliance and give the person a 30-day period to correct such violation before imposing a civil penalty under this paragraph.

''(C) AMOUNT OF PENALTY.—The amount of a civil penalty under this subsection shall be not more than a total of $15,000 for all violations adjudicated in a single proceeding in the case of an individual, and not more than $10,000 per day until the violation is corrected in the case of any other person, except that if the person is a nonprofit entity the penalty may not exceed a total of $15,000 for all violations adjudicated in a single proceeding.

''(D) PROCEDURES.—The provisions of paragraphs (4) through (6) of section 303(f) of the Federal Food, Drug, and Cosmetic Act apply to the imposition of a penalty under this subsection to the same extent and in the same manner as such provisions apply to a penalty imposed under such section 303(f).

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $10,000,000 for each fiscal year.''.

(b) CONFORMING AMENDMENTS.—

(1) INVESTIGATIONAL NEW DRUGS.—Section 505(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(i)) is amended—

(A) in paragraph (1)—

(i) in subparagraph (C), by striking ''and'' after the semicolon;

(ii) in subparagraph (D)—

(I) by aligning the indentation of such subparagraph with the indentation of subparagraphs (A), (B), and (C); and

(II) by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(E) the submission to the Director of NIH of clinical trial information for the clinical investigation at issue required under section 492C of the Public Health Service Act for inclusion in the registry database and the results database described in such section.'';

(B) in paragraph (3)(B)—

(i) in clause (i), by striking ''or'' after the semicolon;

(ii) in clause (ii), by striking the period at the end and inserting ''; or''; and

(iii) by adding at the end the following:

''(iii) clinical trial information for the clinical investigation at issue was not submitted in compliance with section 492C of the Public Health Service Act.''; and

(C) in paragraph (4), by adding at the end the following: ''The Secretary shall update such regulations to require inclusion in the informed consent form a statement that clinical trial information for such clinical investigation will be submitted for inclusion in the registry database and results database, as applicable, described in section 492C of the Public Health Service Act.''.

(2) REFUSAL TO APPROVE NEW DRUG APPLICATION.—Section 505(d) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(d)) is amended—

(A) in the first sentence, by inserting after ''in any particular;'' the following: ''or (8) the applicant failed to submit the clinical trial information for any applicable clinical trial as required by section 492C of the Public Health Service Act;''; and

(B) in the second sentence, by striking ''clauses (1) through (6)'' and inserting ''paragraphs (1) through (8)''.

(3) INVESTIGATIONAL NEW DEVICES.—Subparagraph (B) of section 520(g)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j(g)(2)) is amended—

(A) by redesignating clause (iii) as clause (iv); and

(B) by inserting after clause (ii) the following:

''(iii) A requirement that the person applying for an exemption for a device assure that such person is in compliance with the requirements of section 492C of the Public Health Service Act for the submission of clinical trial information for inclusion in the registry database and the results database described in such section.''.

(4) REFUSAL TO CLEAR NEW DEVICE PREMARKET NOTIFICATION REPORT.—Subsection (k) of section 510 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360) is amended—

(A) in paragraph (1), by striking ''and'' at the end; and

(B) in paragraph (2), by striking the period at the end and inserting '', and''; and

(C) by adding at the end the following:

''(3) action taken by such person to comply with requirements under section 492C of the Public Health Service Act for the submission of clinical trial information for inclusion in the registry database and the results database described in such section.''.

(5) REFUSAL TO APPROVE NEW DEVICE APPLICATION.—Paragraph (2) of section 515(d) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360e(d)) is amended—

(A) in subparagraph (D), by striking ''or'' at the end;

(B) in subparagraph (E), by striking the period at the end and inserting ''; or''; and

(C) by inserting after subparagraph (E) the following:

''(F) the applicant is in violation of the requirements under section 492C of the Public Health Service Act for the submission of clinical trial information for inclusion in the registry database or the results database described in such section.''.

(c) GUIDANCE.—Not later than 180 days after the date of the enactment of this Act, the Commissioner of Food and Drugs, in consultation with the Director of the National Institutes of Health, shall issue guidance to clarify which clinical trials are applicable clinical trials (as defined in section 492C of the Public Health Service Act, as amended by this section) and required to be submitted for inclusion in the clinical trial registry database described in such section.

(d) PREEMPTION.—

(1) IN GENERAL.—No State or political subdivision of a State may establish or continue in effect any requirement for the registration of clinical trials or any requirement for the inclusion of information relating to the results of clinical trials in a database.

(2) RULE OF CONSTRUCTION.—The fact of submission of clinical trial information, if submitted in compliance with section 492C of the Public Health Service Act (as amended by this section), that relates to a use of a drug or device not included in the official labeling of the approved drug or device shall not be construed by the Secretary or in any administrative or judicial proceeding, as evidence of a new intended use of the drug or device that is different from the intended use of the drug or device set forth in the official labeling of the drug or device. The availability of clinical trial information through the databases under subsections (b) and (c) of such section 492C, if submitted in compliance with such section 492C, shall not be considered as labeling, adulteration, or misbranding of the drug or device under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

(e) EFFECTIVE DATES.—

(1) ESTABLISHMENT OF REGISTRY DATABASE AND RESULTS DATABASE.—Not later than 1 year after the date of the enactment of this Act, the Director of NIH shall establish the registry database and the results database of clinical trials of drugs and devices in accordance with section 492C of the Public Health Service Act (as amended by subsection (a)).

(2) CLINICAL TRIALS INITIATED PRIOR TO OPERATION OF REGISTRY DATABASE.—The responsible party (as defined in such section 492C) for an applicable clinical trial (as defined in such section 492C) that is initiated after the date of the enactment of this Act and before the date such registry database is established under paragraph (1) of this subsection, shall submit required clinical trial information not later than 120 days after the date such registry database is established.

(3) CLINICAL TRIALS INITIATED AFTER OPERATION OF REGISTRY DATABASE.—The responsible party (as defined in such section 492C) for an applicable clinical trial (as defined in such section 492C) that is initiated after the date such registry database is established under paragraph (1) of this subsection shall submit required clinical trial information in accordance with subsection (b) of such section 492C.

(4) TRIALS COMPLETED BEFORE OPERATION OF RESULTS DATABASE.—

(A) IN GENERAL.—Subsection (c) of such section 492C shall take effect 90 days after the date the results database is established under paragraph (1) of this subsection with respect to any applicable clinical trial (as defined in such section 492C) that—

(i) involves a drug to treat a serious or life-threatening condition; and

(ii) is completed between the date of the enactment of this Act and such date of establishment under paragraph (1) of this subsection.

(B) OTHER TRIALS.—Except as provided in subparagraph (A), subsection (c) of such section 492C shall take effect 180 days after the date that the results database is established under paragraph (1) of this subsection with respect to any applicable clinical trial that is completed between the date of the enactment of this Act and such date of establishment under paragraph (1).

(5) TRIALS COMPLETED AFTER ESTABLISHMENT OF RESULTS DATABASE.—Subsection (c) of such section 492C shall apply to any clinical trial that is completed after the date that the results database is established under paragraph (1) of this subsection.

(6) RETROACTIVITY OF DATABASE.—

(A) VOLUNTARY SUBMISSIONS.—The Secretary of Health and Human Services (referred to in this paragraph as the ''Secretary'') shall establish procedures and mechanisms to allow for the voluntary submission to the Secretary—

(i) of clinical trial information for inclusion in the registry database (as defined in such section 492C) on applicable clinical trials (as defined in such section 492C) initiated before the date of the enactment of this Act; and

(ii) of clinical trial information for inclusion in the results database (as defined in such section 492C) on applicable clinical trials (as defined in such section 492C) completed before the date of the enactment of this Act.

(B) REQUIRED SUBMISSIONS.—Notwithstanding the preceding paragraphs of this subsection, in any case in which the Secretary determines that submission of clinical trial information for an applicable clinical trial (as defined in such section 492C) described in clause (i) or (ii) of subparagraph (A) is in the interest of the public health—

(i) the Secretary may require that such information be submitted to the Secretary in accordance with such section 492C; and

(ii) failure to comply with such a requirement shall be treated as a violation of the corresponding requirement of such section 492C.

(7) STATUS OF CLINICALTRIALS.GOV WEBSITE.—

(A) IN GENERAL.—After receiving public comment and not later than 90 days after the date of the enactment of this Act, the Secretary shall publish in the Federal Register a notice determining the more efficient approach to establishing the registry database described in subsection (b) of such section 492C and whether such approach is—

(i) that such registry database should expand and build upon the data bank described in section 402(i) of the Public Health Service Act (as in effect on the day before the date of the enactment of this Act); or

(ii) that such registry database should supplant the data bank described in such section 402(i) (as in effect on the day before the date of the enactment of this Act).

(B) CLINICALTRIALS.GOV SUPPLANTED.—If the Secretary determines to apply the approach described under subparagraph (A)(ii), the Secretary shall maintain an archive of the data bank described in such section 402(i) (as in effect on the day before the date of the enactment of this Act) on the Internet website of the National Library of Medicine.

SEC. 802. STUDY BY GOVERNMENT ACCOUNTABILITY OFFICE.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study to determine whether information on the trials registry and database is considered promotional and to evaluate the implementation of this database.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Comptroller General shall complete the study under subsection (a) and submit to the Congress a report on the results of such study.

TITLE IX—ENHANCED AUTHORITIES REGARDING POSTMARKET SAFETY OF DRUGS

SEC. 901. POSTMARKET STUDIES AND CLINICAL TRIALS REGARDING HUMAN DRUGS; RISK EVALUATION AND MITIGATION STRATEGIES.

(a) IN GENERAL.—Section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) is amended by adding at the end the following subsections:

''(o) POSTMARKET STUDIES AND CLINICAL TRIALS; LABELING.—

''(1) IN GENERAL.—A responsible person may not introduce or deliver for introduction into interstate commerce the new drug involved if the person is in violation of a requirement established under paragraph (3) or (4) with respect to the drug.

''(2) DEFINITIONS.—For purposes of this subsection:

''(A) RESPONSIBLE PERSON.—The term 'responsible person' means a person who—

''(i) has submitted to the Secretary a covered application that is pending; or

''(ii) is the holder of an approved covered application.

''(B) COVERED APPLICATION.—The term 'covered application' means—

''(i) an application under subsection (b) for a drug that is subject to section 503(b); and

''(ii) an application under section 351 of the Public Health Service Act.

''(C) NEW SAFETY INFORMATION; SERIOUS RISK.—The terms 'new safety information', 'serious risk', and 'signal of a serious risk' have the meanings given such terms in section 505–1(b).

''(3) STUDIES AND CLINICAL TRIALS.—

''(A) IN GENERAL.—For any or all of the purposes specified in subparagraph (B), the Secretary may, subject to subparagraph (C), require a responsible person for a drug to conduct a postapproval study or studies of the drug, or a postapproval clinical trial or trials of the drug, on the basis of scientific information, including information regarding chemically-related or pharmacologically-related drugs.

''(B) PURPOSES OF STUDY OR TRIAL.—The purposes referred to in this subparagraph with respect to a postapproval study or postapproval clinical trial are the following:

''(i) To assess a known serious risk related to the use of the drug involved.

''(ii) To assess signals of serious risk related to the use of the drug.

''(iii) To identify a serious risk.

''(C) ESTABLISHMENT OF REQUIREMENT AFTER APPROVAL OF COVERED APPLICATION.—The Secretary may require a postapproval study or studies or postapproval trial or trials for a drug for which an approved covered application is in effect as of the date on which the Secretary seeks to establish such requirement only if the Secretary becomes aware of new safety information. For each study required to be conducted under this subparagraph, the Secretary shall require that the applicant submit a timetable for completion of the study and shall require the applicant to periodically report to the Secretary on the status of the study. Unless the applicant demonstrates good cause for failure to comply with such timeline, the applicant shall be in violation of this subsection.

The Secretary shall determine what constitutes good cause under the preceding sentence.

''(4) SAFETY LABELING CHANGES REQUESTED BY SECRETARY.—

''(A) NEW SAFETY INFORMATION.—The Secretary shall promptly notify the responsible person if the Secretary becomes aware of new safety information that the Secretary believes should be included in the labeling of the drug.

''(B) RESPONSE TO NOTIFICATION.—Following notification pursuant to subparagraph (A), the responsible person shall within 30 days—

''(i) submit a supplement proposing changes to the approved labeling to reflect the new safety information, including changes to boxed warnings, contraindications, warnings, precautions, or adverse reactions; or

''(ii) notify the Secretary that the responsible person does not believe a labeling change is warranted and submit a statement detailing the reasons why such a change is not warranted.

''(C) REVIEW.—Upon receipt of such supplement, the Secretary shall promptly review and act upon such supplement. If the Secretary disagrees with the proposed changes in the supplement or with the statement setting forth the responsible person's reasons why no labeling change is necessary, the Secretary shall initiate discussions with the responsible person to reach agreement on whether the labeling for the drug should be modified to reflect the new safety information, and if so, the contents of such labeling changes.

''(D) DISCUSSIONS.—Such discussions shall not extend for more than 30 days after the response to the notification under subparagraph (B), unless the Secretary determines an extension of such discussion period is warranted.

''(E) ORDER.—Within 15 days of the conclusion of the discussions under subparagraph (D), the Secretary may issue an order directing the responsible person to make such a labeling change as the Secretary deems appropriate to address the new safety information. Within 15 days of such an order, the responsible person shall submit a supplement containing the labeling change.

''(F) DISPUTE RESOLUTION.—Within 5 days of receiving an order under subparagraph (E), the responsible person may appeal using the Food and Drug Administration's normal dispute resolution procedures established by the Secretary in regulation and guidance.

''(G) VIOLATION.—If the change required by an order under subparagraph (E) is not made by the date so specified, the responsible person shall be considered to be in violation of this section.

''(H) SERIOUS PUBLIC HEALTH THREAT.—Notwithstanding subparagraphs (A) through (F), if the Secretary concludes that failure to make such a labeling change is necessary to protect against a serious public health threat, the Secretary may accelerate the timelines in such subparagraphs.

''(I) RULE OF CONSTRUCTION.—This paragraph shall not be construed to affect the responsibility of the responsible person to maintain its label in accordance with existing requirements, including subpart B and section 314.70 of title 21, Code of Federal Regulations (or any successor regulations).

''(p) RISK EVALUATION AND MITIGATION STRATEGY.—

''(1) IN GENERAL.—A person may not introduce or deliver for introduction into interstate commerce a new drug if—

''(A)(i) the application for such drug is approved under subsection (b) or (j) and is subject to section 503(b); or

''(ii) the application for such drug is approved under section 351 of the Public Health Service Act; and

''(B) a risk evaluation and mitigation strategy is required under section 505–1 with respect to the drug and—

''(i) the person fails to maintain compliance with the requirements of the approved strategy or with other requirements under section 505–1, including requirements regarding assessments of approved strategies; or

''(ii) in the case of a requirement for such a strategy that is first established after the applicable application referred to in subparagraph (A) was approved with respect to the drug, the Secretary, after notice and opportunity for a hearing, publishes in the Federal Register a statement that the person is not cooperating with the Secretary in developing such a strategy for the drug.

''(2) REQUIRED STATEMENT DURING APPROVAL PROCESS.—In the case of an application approved under subsection (b) or (j) for a new drug that is subject to section 503(b), or an application approved under section 351 of the Public Health Service Act, or a supplement to such an application that requires substantive data, the Secretary may not approve the application or supplement unless the person involved has complied with the following:

''(A) The person has submitted to the Secretary a statement that provides the following information:

''(i) Whether the person believes that a risk evaluation and mitigation strategy should be required under section 505–1.

''(ii) Whether a postmarket study or clinical trial should be required under subsection (o)(3).

''(B) In making the statement under subparagraph (A), the person took into account each of the following factors:

''(i) The estimated size of the population likely to use the drug involved.

''(ii) The seriousness of the disease or condition that is to be treated with the drug.

''(iii) The expected benefit of the drug with respect to such disease or condition.

''(iv) The expected or actual duration of treatment with the drug.

''(v) The seriousness of any known or potential adverse events that may be related to the drug and the background incidence of such events in the population likely to use the drug.

''(3) CERTAIN POSTMARKET STUDIES.—The failure to conduct a postmarket study under subpart H of part 314 of title 21, Code of Federal Regulations (or any successor regulation), is deemed to be a violation of paragraph (1).''.

(b) REQUIREMENTS REGARDING STRATEGIES.—Chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.) is amended by inserting after section 505 the following section:

''SEC. 505–1. RISK EVALUATION AND MITIGATION STRATEGIES.

''(a) SUBMISSION OF PROPOSED STRATEGY.—

''(1) INITIAL APPROVAL.—A person who submits an application referred to in section 505(p)(1)(A) (referred to in this section as a 'covered application') shall submit to the Secretary as part of the application a proposed risk evaluation and mitigation strategy if the Secretary determines such a strategy is necessary to ensure that the benefits of the drug involved outweigh the risks of the drug. In making such a determination, the Secretary shall consider the statement submitted by the person under section 505(p)(2) with respect to the drug and shall consider the following factors:

''(A) The estimated size of the population likely to use the drug involved.

''(B) The seriousness of the disease or condition that is to be treated with the drug.

''(C) The expected benefit of the drug with respect to such disease or condition.

''(D) The expected or actual duration of treatment with the drug.

''(E) The seriousness of any known or potential adverse events that may be related to the drug and the background incidence of such events in the population likely to use the drug.

''(F) The availability and safety of a drug or other treatment, if any, for such disease or condition to which the safety of the drug may be compared.

''(G) Whether the drug is a new molecular entity.

''(2) POSTAPPROVAL REQUIREMENT.—

''(A) IN GENERAL.—If the Secretary approves a covered application and does not when approving the application require a risk evaluation and mitigation strategy under paragraph (1), the Secretary may subsequently require such a strategy for the drug involved if the Secretary becomes aware of new safety information and makes a determination that such a strategy is necessary to ensure that the benefits of the drug outweigh the risks of the drug.

''(B) SUBMISSION OF PROPOSED STRATEGY.—Not later than 120 days after the Secretary notifies the holder of an approved covered application that the Secretary has made a determination under subparagraph (A) with respect to the drug involved, or within such other time as the Secretary requires to protect the public health, the holder shall submit to the Secretary a proposed risk evaluation and mitigation strategy.

''(3) APPROVAL OF NEW INDICATION FOR USE.—The applicability of paragraph (2) includes applicability to a drug for which an approved covered application was in effect on the day before the effective date of this section and for which, on or after such effective date, the holder of the approved application submits to the Secretary a supplemental application seeking approval of a new indication for use of the drug.

''(4) ABBREVIATED NEW DRUG APPLICATIONS.—The applicability of this section to an application under section 505(j) is subject to subsection (i).

''(b) DEFINITIONS.—For purposes of this section:

''(1) ADVERSE DRUG EXPERIENCE.—The term 'adverse drug experience' means any adverse event associated with the use of a drug in humans, whether or not considered drug related, including—

''(A) an adverse event occurring in the course of the use of the drug in professional practice;

''(B) an adverse event occurring from an overdose of the drug, whether accidental or intentional;

''(C) an adverse event occurring from abuse of the drug;

''(D) an adverse event occurring from withdrawal of the drug; and

''(E) any failure of expected pharmacological action of the drug.

''(2) COVERED APPLICATION.—The term 'covered application' has the meaning indicated for such term in subsection (a)(1).

''(3) NEW SAFETY INFORMATION.—The term 'new safety information' with respect to a drug means information about—

''(A) a serious risk or an unexpected serious risk associated with use of the drug that the Secretary has become aware of since the drug was approved, since the risk evaluation and mitigation strategy was required, or since the last assessment of the approved risk evaluation and mitigation strategy for the drug; or

''(B) the effectiveness of the approved risk evaluation and mitigation strategy for the drug obtained since the last assessment of such strategy.

''(4) SERIOUS ADVERSE DRUG EXPERIENCE.—The term 'serious adverse drug experience' is an adverse event that—

''(A) results in—

''(i) death;

''(ii) an adverse drug experience that places the patient at immediate risk of death from the adverse drug experience as it occurred (not including an adverse drug experience that might have caused death had it occurred in a more severe form);

''(iii) inpatient hospitalization or prolongation of existing hospitalization;

''(iv) a persistent or significant incapacity or substantial disruption of the ability to conduct normal life functions; or

''(v) a congenital anomaly or birth defect; or

''(B) based on appropriate medical judgment, may jeopardize the patient and may require a medical or surgical intervention to prevent an outcome described under subparagraph (A).

''(5) SERIOUS RISK.—The term 'serious risk' means a risk of a serious adverse drug experience.

''(6) SIGNAL OF A SERIOUS RISK.—The term 'signal of a serious risk' means information related to a serious adverse drug experience associated with use of a drug and derived from—

''(A) a clinical trial;

''(B) adverse event reports;

''(C) a postapproval study, including a study under section 505(o)(3);

''(D) peer-reviewed biomedical literature; or

''(E) data derived from a postmarket risk identification and analysis system under section 505(k)(3).

''(7) RESPONSIBLE PERSON.—The term 'responsible person' has the meaning indicated for such term in subsection (e)(2).

''(8) UNEXPECTED SERIOUS RISK.—The term 'unexpected serious risk' means a serious adverse drug experience that is not listed in the labeling of a drug, or that may be symptomatically and pathophysiologically related to an adverse drug experience identified in the labeling, but differs from such adverse drug experience because of greater severity, specificity, or prevalence.

''(c) CONTENTS.—A proposed risk evaluation and mitigation strategy under subsection (a) shall—

''(1) include the timetable required under subsection (d); and

''(2) to the extent required by the Secretary, include additional elements described in subsections (e) and (f).

''(d) MINIMAL STRATEGY.—For purposes of subsection (c)(1), the risk evaluation and mitigation strategy for a drug shall require a timetable for submission of assessments of the strategy that—

''(1) is not less frequent than once annually for the first 3 years after the strategy is initially approved;

''(2) includes an assessment in the seventh year after the strategy is so approved; and

''(3) subject to paragraph (2), for subsequent years—

''(A) is at a frequency specified in the strategy;

''(B) is increased or reduced in frequency as necessary as provided for in subsection (g)(4)(A); and

''(C) is eliminated after the 3-year period described in paragraph (1) if the Secretary determines that serious risks of the drug have been adequately identified and assessed and are being adequately managed.

''(e) ADDITIONAL POTENTIAL ELEMENTS OF STRATEGY.—

''(1) IN GENERAL.—The Secretary may under subsection (c)(2) require that the risk evaluation and mitigation strategy for a drug include 1 or more of the additional elements described in this subsection if the Secretary makes the determination required with respect to the element involved.

''(2) MEDGUIDE; PATIENT PACKAGE INSERT.—The risk evaluation and mitigation strategy for a drug may require that, as applicable, the person submitting the covered application or the holder of the approved such application (referred to in this section as the 'responsible person') develop for distribution to each patient when the drug is dispensed—

''(A) a Medication Guide, as provided for under part 208 of title 21, Code of Federal Regulations (or any successor regulations); and

''(B) a patient package insert, if the Secretary determines that such insert may help mitigate a serious risk of the drug.

''(3) COMMUNICATION PLAN.—The risk evaluation and mitigation strategy for a drug may require that the responsible person conduct a communication plan to health care providers, if, with respect to such drug, the Secretary determines that such plan may support implementation of an element of the strategy. Such plan may include—

''(A) sending letters to health care providers;

''(B) disseminating information about the elements of the risk evaluation and mitigation strategy to encourage implementation by health care providers of components that apply to such health care providers, or to explain certain safety protocols (such as medical monitoring by periodic laboratory tests); or

''(C) disseminating information to health care providers through professional societies about any serious risks of the drug and any protocol to assure safe use.

''(f) RESTRICTIONS ON DISTRIBUTION OR USE.—

''(1) IN GENERAL.—If the Secretary determines that a drug shown to be effective can be safely used only if distribution or use of such drug is restricted, the Secretary may under subsection (c)(2) require as elements of the risk evaluation and mitigation strategy such restrictions on distribution or use as are needed to ensure safe use of the drug.

''(2) ASSURING ACCESS AND MINIMIZING BURDEN.—Elements of a risk evaluation and mitigation strategy included under paragraph (1) shall—

''(A) be commensurate with a specific serious risk listed in the labeling of the drug;

''(B) be posted publicly by the Secretary with an explanation of how such elements will mitigate the observed safety risk, which posting shall be made within 30 days after the date on which the Secretary requires the element involved;

''(C) considering the risk referred to in subparagraph (A), not be unduly burdensome on patient access to the drug, considering in particular—

''(i) patients with serious or life-threatening diseases or conditions; and

''(ii) patients who have difficulty accessing health care (such as patients in rural or medically underserved areas); and

''(D) to the extent practicable, so as to minimize the burden on the health care delivery system—

''(i) conform with elements to assure safe use for other drugs with similar, serious risks; and

''(ii) be designed to be compatible with established distribution, procurement, and dispensing systems for drugs.

''(3) ELEMENTS.—The restrictions on distribution or use described in paragraph (1) shall include 1 or more goals to evaluate or mitigate a serious risk listed in the labeling of the drug, and may require that—

''(A) health care providers that prescribe the drug have special training or experience, or are specially certified, which training or certification with respect to the drug is available to any willing provider from a frontier area;

''(B) pharmacies, practitioners, or health care settings that dispense the drug are specially certified, which training or certification with respect to the drug is available to any willing provider from a frontier area;

''(C) the drug be dispensed to patients only in certain health care settings, such as hospitals;

''(D) the drug be dispensed to patients with evidence or other documentation of safe-use conditions, such as laboratory test results;

''(E) each patient using the drug be subject to certain monitoring; or

''(F) each patient using the drug be enrolled in a registry.

''(4) IMPLEMENTATION SYSTEM.—The restrictions on distribution or use described in paragraph (1) may require a system through which the responsible person is able to—

''(A) monitor and evaluate implementation of the restrictions by health care providers, pharmacists, patients, and other parties in the health care system who are responsible for implementing the restrictions;

''(B) work to improve implementation of the restrictions by health care providers, pharmacists, patients, and other parties in the health care system who are responsible for implementing the restrictions; and

''(C) notify wholesalers of the drug of those health care providers—

''(i) who are responsible for implementing the restrictions; and

''(ii) whom the responsible person knows have failed to meet their responsibilities for implementing the restrictions, after the responsible person has informed such party of such failure and such party has not remedied such failure.

''(5) LIMITATION.—No holder of an approved application shall use any restriction on distribution required by the Secretary as necessary to assure safe use of the drug to block or delay approval of an application under section 505(b)(2) or (j) or to prevent application of such restriction under subsection (i)(1)(B) to a drug that is the subject of an abbreviated new drug application.

''(6) BIOEQUIVALENCE TESTING.—Notwithstanding any other provisions in this subsection, the holder of an approved application that is subject to distribution restrictions required under this subsection that limit the ability of a sponsor seeking approval of an application under subsection 505(b)(2) or (j) to purchase on the open market a sufficient quantity of drug to conduct bioequivalence testing shall provide to such a sponsor a sufficient amount of drug to conduct bioequivalence testing if the sponsor seeking approval under section 505(b)(2) or (j)—

''(A) agrees to such restrictions on distribution as the Secretary finds necessary to assure safe use of the drug during bioequivalence testing; and

''(B) pays the holder of the approved application the fair market value of the drug purchased for bioequivalence testing.

''(7) LETTER BY SECRETARY.—Upon a showing by the sponsor seeking approval under section 505(b)(2) or (j) that the sponsor has agreed to such restrictions necessary to assure safe use of the drug during bioequivalence testing, the Secretary shall issue to the sponsor seeking to conduct bioequivalence testing a letter that describes the Secretary's finding which shall serve as proof that the sponsor has satisfied the requirements of subparagraph (6)(A).

''(8) EVALUATION OF ELEMENTS TO ASSURE SAFE USE.—The Secretary, acting through

the Drug Safety and Risk Management Advisory Committee (or any successor committee) of the Food and Drug Administration, shall—

''(A) seek input from patients, physicians, pharmacists, and other health care providers about how elements to assure safe use under this subsection for 1 or more drugs may be standardized so as not to be—

''(i) unduly burdensome on patient access to the drug; and

''(ii) to the extent practicable, minimize the burden on the health care delivery system;

''(B) at least annually, evaluate, for 1 or more drugs, the elements to assure safe use of such drug to assess whether the elements—

''(i) assure safe use of the drug;

''(ii) are not unduly burdensome on patient access to the drug; and

''(iii) to the extent practicable, minimize the burden on the health care delivery system; and

''(C) considering such input and evaluations—

''(i) issue or modify agency guidance about how to implement the requirements of this subsection; and

''(ii) modify elements under this subsection for 1 or more drugs as appropriate.

''(9) WAIVER IN PUBLIC HEALTH EMERGENCIES.—The Secretary may waive any restriction on distribution or use under this subsection during the period described in section 319(a) of the Public Health Service Act with respect to a qualified countermeasure described under section 319F–1(a)(2) of such Act, to which a restriction or use under this subsection has been applied, if the Secretary has—

''(A) declared a public health emergency under such section 319; and

''(B) determined that such waiver is required to mitigate the effects of, or reduce the severity of, such public health emergency.

''(g) ASSESSMENT AND MODIFICATION OF APPROVED STRATEGY.—

''(1) VOLUNTARY ASSESSMENTS.—After the approval of a risk evaluation and mitigation strategy under subsection (a), the responsible person involved may, subject to paragraph (2), submit to the Secretary an assessment of, and propose a modification to, the approved strategy for the drug involved at any time.

''(2) REQUIRED ASSESSMENTS.—A responsible person shall, subject to paragraph (5), submit an assessment of, and may propose a modification to, the approved risk evaluation and mitigation strategy for a drug—

''(A) when submitting a supplemental application for a new indication for use under section 505(b) or under section 351 of the Public Health Service Act, unless the drug is not subject to section 503(b) and the risk evaluation and mitigation strategy for the drug includes only the timetable under subsection (d);

''(B) when required by the strategy, as provided for in such timetable under subsection (d);

''(C) within a time period to be determined by the Secretary, if the Secretary determines that new safety or effectiveness information indicates that—

''(i) an element under subsection (d) or (e) should be modified or included in the strategy; or

''(ii) an element under subsection (f) should be modified or included in the strategy; or

''(D) within 15 days when ordered by the Secretary, if the Secretary determines that there may be a cause for action by the Secretary under section 505(e).

''(3) REQUIREMENTS FOR ASSESSMENTS.—An assessment under paragraph (1) or (2) of an approved risk evaluation and mitigation strategy for a drug shall include—

''(A) with respect to any goal under subsection (f), an assessment of the extent to which the restrictions on distribution or use are meeting the goal or whether the goal or such restrictions should be modified;

''(B) with respect to any postapproval study required under section 505(o)(3), the status of such study, including whether any difficulties completing the study have been encountered; and

''(C) with respect to any postapproval clinical trial required under section 505(o), the status of such clinical trial, including whether enrollment has begun, the number of participants enrolled, the expected completion date, whether any difficulties completing the clinical trial have been encountered, and registration information with respect to requirements under section 492C of the Public Health Service Act.

''(4) MODIFICATION.—A modification (whether an enhancement or a reduction) to the approved risk evaluation and mitigation strategy for a drug may include the addition or modification of any element under subsection (d) or the addition, modification, or removal of any element under subsection (e) or (f), such as—

''(A) modifying the timetable for assessments of the strategy under subsection (d), including to eliminate assessments; or

''(B) adding, modifying, or removing a restriction on distribution or use under subsection (f).

''(5) NO EFFECT ON LABELING CHANGES THAT DO NOT REQUIRE PREAPPROVAL.—In the case of a labeling change to which section 314.70 of title 21, Code of Federal Regulations (or any successor regulation), applies for which the submission of a supplemental application is not required or for which distribution of the drug involved may commence upon the receipt by the Secretary of a supplemental application for the change, the submission of an assessment of the approved risk evaluation and mitigation strategy for the drug under paragraph (2) is not required.

''(h) REVIEW OF PROPOSED STRATEGIES; REVIEW OF ASSESSMENTS OF APPROVED STRATEGIES.—

''(1) IN GENERAL.—The Secretary shall promptly review each proposed risk evaluation and mitigation strategy for a drug submitted under subsection (a) and each assessment of an approved risk evaluation and mitigation strategy for a drug submitted under subsection (g).

''(2) MARKETING PLAN.—

''(A) IN GENERAL.—As part of a review conducted under this subsection, the Secretary may require the applicant to submit information regarding its marketing plan and practices for the drug, so as to allow the Secretary to determine whether any of the proposed or ongoing marketing activities undermine any of the requirements of the risk evaluation and mitigation strategy.

''(B) RULE OF CONSTRUCTION.—Subparagraph (A) may not be construed as authorizing the Secretary to make or direct any change in the marketing plan or practices involved. The preceding sentence does not affect any authority of the Secretary under this Act, other than the authority of the Secretary under subparagraph (A).

''(3) DISCUSSION.—The Secretary shall initiate discussions with a responsible person for purposes of this subsection to determine a strategy—

''(A) if the proposed strategy is submitted as part of an application or supplemental application under subsection (a) or subsection (g)(2)(A), not less than 60 days before the action deadline for the application that has been agreed to by the Secretary and that has been set forth in goals identified in letters of the Secretary (relating to the use of fees collected under section 736 to expedite the drug development process and the process for the review of human drug applications);

''(B) if the assessment is submitted under subparagraph (B) or (C) or subsection (g)(2), not later than 20 days after such submission;

''(C) if the assessment is submitted under subsection (g)(1) or subsection (g)(2)(D) , not later than 30 days after such submission; or

''(D) if the assessment is submitted under subsection (g)(2)(D), not later than 10 days after such submission.

''(4) ACTION.—

''(A) IN GENERAL.—Unless the responsible person requests the dispute resolution process described under paragraph (5), the Secretary shall approve and describe the risk evaluation and mitigation strategy for a drug, or any modification to the strategy—

''(i) as part of the action letter on the application, when a proposed strategy is submitted under subsection (a) or an assessment of the strategy is submitted under subsection (g)(1); or

''(ii) in an order issued not later than 50 days after the date discussions of such modification begin under paragraph (3), when an assessment of the strategy is submitted under subsection (g)(1) or under any of subparagraphs (B) through (D) of subsection (g)(2).

''(B) INACTION.—An approved risk evaluation and mitigation strategy shall remain in effect until the Secretary acts, if the Secretary fails to act as provided under subparagraph (A).

''(C) PUBLIC AVAILABILITY.—Any action letter described in subparagraph (A)(i) or order described in subparagraph (A)(ii) shall be made publicly available.

''(5) DISPUTE RESOLUTION.—

''(A) REQUEST FOR REVIEW.—

''(i) IN GENERAL.—Not earlier than 15 days, and not later than 35 days, after discussions under paragraph (3) have begun, the responsible person may request in writing that a dispute about the strategy be reviewed by the Drug Safety Oversight Board under subsection (j), except that the determination of the Secretary to require a risk evaluation and mitigation strategy is not subject to review under this paragraph. The preceding sentence does not prohibit review under this paragraph of the particular elements of such a strategy.

''(ii) SCHEDULING.—Upon receipt of a request under clause (i), the Secretary shall schedule the dispute involved for review under subparagraph (B) and, not later than 5 business days of scheduling the dispute for review, shall publish by posting on the Internet or otherwise a notice that the dispute will be reviewed by the Drug Safety Oversight Board.

''(B) SCHEDULING REVIEW.—If a responsible person requests review under subparagraph (A), the Secretary—

''(i) shall schedule the dispute for review at 1 of the next 2 regular meetings of the Drug Safety Oversight Board, whichever meeting date is more practicable; or

''(ii) may convene a special meeting of the Drug Safety Oversight Board to review the matter more promptly, including to meet an action deadline on an application (including a supplemental application).

''(C) AGREEMENT AFTER DISCUSSION OR ADMINISTRATIVE APPEALS.—

''(i) FURTHER DISCUSSION OR ADMINISTRATIVE APPEALS.—A request for review under subparagraph (A) shall not preclude further discussions to reach agreement on the risk evaluation and mitigation strategy, and such a request shall not preclude the use of administrative appeals within the Food and

Drug Administration to reach agreement on the strategy, including appeals as described in letters of the Secretary (relating to the use of fees collected under section 736 to expedite the drug development process and the process for the review of human drug applications) for procedural or scientific matters involving the review of human drug applications and supplemental applications that cannot be resolved at the divisional level.

''(ii) AGREEMENT TERMINATES DISPUTE RESOLUTION.—At any time before a decision and order is issued under subparagraph (G) , the Secretary and the responsible person may reach an agreement on the risk evaluation and mitigation strategy through further discussion or administrative appeals, terminating the dispute resolution process, and the Secretary shall issue an action letter or order, as appropriate, that describes the strategy.

''(D) MEETING OF THE BOARD.—At a meeting of the Drug Safety Oversight Board described in subparagraph (B), the Board shall—

''(i) hear from both parties; and

''(ii) review the dispute.

''(E) RECORD OF PROCEEDINGS.—The Secretary shall ensure that the proceedings of any such meeting are recorded, transcribed, and made public within 30 days of the meeting. The Secretary shall redact the transcript to protect any trade secrets or other confidential information described in section 552(b)(4) of title 5, United States Code.

''(F) RECOMMENDATION OF THE BOARD.—Not later than 5 days after any such meeting, the Drug Safety Oversight Board shall provide a written recommendation on resolving the dispute to the Secretary. Not later than 5 days after the Board provides such written recommendation to the Secretary, the Secretary shall make the recommendation available to the public.

''(G) ACTION BY THE SECRETARY.—

''(i) ACTION LETTER.—With respect to a proposal or assessment referred to in paragraph (1), the Secretary shall issue an action letter that resolves the dispute not later than the later of—

''(I) the action deadline referred to in paragraph (3)(A); or

''(II) 7 days after receiving the recommendation of the Drug Safety Oversight Board.

''(ii) ORDER.—With respect to an assessment of an approved risk evaluation and mitigation strategy under subsection (g)(1) or under any of subparagraphs (B) through (D) of subsection (g)(2), the Secretary shall issue an order, which shall be made public, that resolves the dispute not later than 7 days after receiving the recommendation of the Drug Safety Oversight Board.

''(H) INACTION.—An approved risk evaluation and mitigation strategy shall remain in effect until the Secretary acts, if the Secretary fails to act as provided for under subparagraph (G).

''(I) EFFECT ON ACTION DEADLINE.—With respect to a proposal or assessment referred to in paragraph (1), the Secretary shall be considered to have met the action deadline referred to in paragraph (3)(A) with respect to the application involved if the responsible person requests the dispute resolution process described in this paragraph and if the Secretary—

''(i) has initiated the discussions described under paragraph (3) not less than 60 days before such action deadline; and

''(ii) has complied with the timing requirements of scheduling review by the Drug Safety Oversight Board, providing a written recommendation, and issuing an action letter under subparagraphs (B), (F), and (G), respectively.

''(J) DISQUALIFICATION.—No individual who is an employee of the Food and Drug Administration and who reviews a drug or who participated in an administrative appeal under subparagraph (C)(i) with respect to such drug may serve on the Drug Safety Oversight Board at a meeting under subparagraph (D) to review a dispute about the risk evaluation and mitigation strategy for such drug.

''(K) ADDITIONAL EXPERTISE.—The Drug Safety Oversight Board may add members with relevant expertise from the Food and Drug Administration, including the Office of Pediatrics, the Office of Women's Health, or the Office of Rare Diseases, or from other Federal public health or health care agencies, for a meeting under subparagraph (D) of the Drug Safety Oversight Board.

''(6) USE OF ADVISORY COMMITTEES.—The Secretary may convene a meeting of 1 or more advisory committees of the Food and Drug Administration to—

''(A) review a concern about the safety of a drug or class of drugs, including before an assessment of the risk evaluation and mitigation strategy or strategies of such drug or drugs is required to be submitted under any of subparagraphs (B) through (D) of subsection (g)(2);

''(B) review the risk evaluation and mitigation strategy or strategies of a drug or group of drugs; or

''(C) review a dispute under paragraph (5).

''(7) PROCESS FOR ADDRESSING DRUG CLASS EFFECTS.—

''(A) IN GENERAL.—When a concern about a serious risk of a drug may be related to the pharmacological class of the drug, the Secretary may defer assessments of the approved risk evaluation and mitigation strategies for such drugs until the Secretary has convened 1 or more public meetings to consider possible responses to such concern. If the Secretary defers an assessment under this subparagraph, the Secretary shall give notice to the public of the deferral not later than 5 days of the deferral.

''(B) PUBLIC MEETINGS.—Such public meetings may include—

''(i) 1 or more meetings of the reviewed entities for such drugs;

''(ii) 1 or more meetings of 1 or more advisory committees of the Food and Drug Administration, as provided for under paragraph (6); or

''(iii) 1 or more workshops of scientific experts and other stakeholders.

''(C) ACTION.—After considering the discussions from any meetings under subparagraph (B), the Secretary may—

''(i) announce in the Federal Register a planned regulatory action, including a modification to each risk evaluation and mitigation strategy, for drugs in the pharmacological class;

''(ii) seek public comment about such action; and

''(iii) after seeking such comment, issue an order addressing such regulatory action.

''(8) INTERNATIONAL COORDINATION.—The Secretary may coordinate the timetable for submission of assessments under subsection (d), or a study or clinical trial under section 505(o)(3), with efforts to identify and assess the serious risks of such drug by the marketing authorities of other countries whose drug approval and risk management processes the Secretary deems comparable to the drug approval and risk management processes of the United States. If the Secretary takes action to coordinate such timetable, the Secretary shall give notice to the public of the action not later than 5 days after the action.

''(9) EFFECT.—Use of the processes described in paragraphs (7) and (8) shall not delay action on an application or a supplement to an application for a drug.

''(i) ABBREVIATED NEW DRUG APPLICATIONS.—

''(1) IN GENERAL.—A drug that is the subject of an abbreviated new drug application under section 505(j) is subject to only the following elements of the risk evaluation and mitigation strategy required under subsection (a) for the applicable listed drug:

''(A) A Medication Guide or patient package insert, if required under subsection (e) for the applicable listed drug.

''(B) Restrictions on distribution or use, if required under subsection (f) for the listed drug. A drug that is the subject of an abbreviated new drug application and the listed drug shall use a single, shared system under subsection (f)(4). The Secretary may waive the requirement under the preceding sentence for a drug that is the subject of an abbreviated new drug application if the Secretary determines that—

''(i) it is not practical for the drug to use such single, shared system; or

''(ii) the burden of using the single, shared system outweighs the benefit of using the single system.

''(2) ACTION BY SECRETARY.—For an applicable listed drug for which a drug is approved under section 505(j), the Secretary—

''(A) shall undertake any communication plan to health care providers required under subsection (e)(3) for the applicable listed drug; and

''(B) shall inform the responsible person for the drug that is so approved if the risk evaluation and mitigation strategy for the applicable listed drug is modified.

''(j) DRUG SAFETY OVERSIGHT BOARD.—

''(1) IN GENERAL.—There is established a Drug Safety Oversight Board.

''(2) COMPOSITION; MEETINGS.—The Drug Safety Oversight Board shall—

''(A) be composed of scientists and health care practitioners appointed by the Secretary, each of whom is an employee of the Federal Government;

''(B) include representatives from offices throughout the Food and Drug Administration;

''(C) include at least 1 representative from each of the National Institutes of Health and the Department of Health and Human Services (other than the Food and Drug Administration);

''(D) include such representatives as the Secretary shall designate from other appropriate agencies that wish to provide representatives; and

''(E) meet at least monthly to provide oversight and advice to the Secretary on the management of important drug safety issues.''.

(c) REGULATION OF BIOLOGICAL PRODUCTS.—Section 351 of the Public Health Service Act (42 U.S.C. 262) is amended—

(1) in subsection (a)(2), by adding at the end the following:

''(D) RISK EVALUATION AND MITIGATION STRATEGY.—A person that submits an application for a license under this paragraph is subject to section 505(p) of the Federal Food, Drug, and Cosmetic Act.''; and

(2) in subsection (j), by inserting '', including the requirements under section 505(p) of such Act,'' after '', and Cosmetic Act''.

(d) PREREVIEW OF ADVERTISEMENTS.—

(1) SENSE OF CONGRESS.—It is the sense of the Congress that—

(A) ''Guidance for Industry Consumer-Directed Broadcast Advertisements'' issued by the Food and Drug Administration in August, 1999, represents generally good guidance for direct-to-consumer (DTC) advertising of prescription medicines and other treatments;

(B) direct-to-consumer advertising as an accurate source of health information for all populations, specifically including the elderly populations, children, chronically ill and racial and ethnic minority populations,

should be made more reliable by ensuring the truth and credibility of information provided through such advertising; and

(C) the Congress will work with the Food and Drug Administration to ensure that information provided through direct-to-consumer advertising of prescription medicines and other treatments is not false or misleading and communicates clearly and sensitively to all communities.

(2) PREREVIEW.—The Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) is amended—

(A) in section 301 (21 U.S.C. 331), by adding at the end the following:

''(jj) The dissemination of a television advertisement without complying with section 503B.''; and

(B) by inserting after section 503A the following:

''SEC. 503B. PREREVIEW OF TELEVISION ADVERTISEMENTS.

''(a) IN GENERAL.—The Secretary may require the submission of any television advertisement for a drug (including any script, story board, rough, or a completed video production of the television advertisement) to the Secretary for review under this section not later than 45 days before dissemination of the television advertisement.

''(b) REVIEW.—In conducting a review of a television advertisement under this section, the Secretary may make recommendations—

''(1) on changes that are—

''(A) necessary to protect the consumer good and well-being; or

''(B) consistent with prescribing information for the product under review; and

''(2) if appropriate and if information exists, on statements for inclusion in the advertisement to address the specific efficacy of the drug as it relates to a specific population group, including elderly populations, children, and racially and ethnically diverse populations.

''(c) NO AUTHORITY TO REQUIRE CHANGES.—This section does not authorize the Secretary to make or direct changes in any material submitted pursuant to subsection (a).

''(d) ELDERLY POPULATIONS, CHILDREN, RACIALLY AND ETHNICALLY DIVERSE COMMUNITIES.—In formulating recommendations under subsection (b), the Secretary shall take into consideration the impact of the advertised drug on elderly populations, children, and racially and ethnically diverse communities.

''(e) SPECIFIC DISCLOSURES.—

''(1) SERIOUS RISK; SAFETY PROTOCOL.—In conducting a review of a television advertisement under this section, if the Secretary determines that the advertisement would be false or misleading without a specific disclosure about a serious risk listed in the labeling of the drug involved, the Secretary may require inclusion of such disclosure in the advertisement.

''(2) DATE OF APPROVAL.—In conducting a review of a television advertisement under this section, the Secretary may require the advertisement to include, for a period not to exceed 2 years from the date of the approval of the drug under section 505, a specific disclosure of such date of approval if the Secretary determines that the advertisement would otherwise be false or misleading.

''(f) RULE OF CONSTRUCTION.—Nothing in this section may be construed as having any effect on the authority of the Secretary under section 314.550, 314.640, 601.45, or 601.94 of title 21, Code of Federal Regulations (or successor regulations).''.

(3) DIRECT-TO-CONSUMER ADVERTISEMENTS.—

(A) IN GENERAL.—Section 502(n) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352(n)) is amended by adding at the end the following: ''In the case of an advertisement for a drug subject to section 503(b)(1) presented directly to consumers in television or radio format and stating the name of the drug and its conditions of use, the major statement relating to side effects and contraindications shall be presented in a clear and conspicuous manner.''.

(B) REGULATIONS TO DETERMINE CLEAR AND CONSPICUOUS MANNER.—The Secretary of Health and Human Services shall by regulation establish standards for determining whether a major statement relating to side effects and contraindications of a drug, described in section 502(n) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352(n)) (as amended by subparagraph (A)) is presented in the manner required under such section.

(4) CIVIL PENALTIES.—Section 303 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333) is amended—

(A) by redesignating subsection (g) (relating to civil penalties) as subsection (f); and

(B) by adding at the end the following:

''(g)(1) With respect to a person who is a holder of an approved application under section 505 for a drug subject to section 503(b) or under section 351 of the Public Health Service Act, any such person who disseminates a direct-to-consumer advertisement that is false or misleading shall be liable to the United States for a civil penalty in an amount not to exceed $250,000 for the first such violation in any 3-year period, and not to exceed $500,000 for each subsequent violation in any 3-year period. No other civil monetary penalties in this Act (including the civil penalty in section 303(f)(3)) shall apply to a violation regarding direct-to-consumer advertising. For purposes of this paragraph: (A) Repeated dissemination of the same or similar advertisement prior to the receipt of the written notice referred to in paragraph (2) for such advertisements shall be considered one violation. (B) On and after the date of the receipt of such a notice, all violations under this paragraph occurring in a single day shall be considered one violation

''(2) A civil penalty under paragraph (1) shall be assessed by the Secretary by an order made on the record after providing written notice to the person to be assessed a civil penalty and an opportunity for a hearing in accordance with this paragraph and section 554 of title 5, United States Code. If upon receipt of the written notice, the person to be assessed a civil penalty objects and requests a hearing, then in the course of any investigation related to such hearing, the Secretary may issue subpoenas requiring the attendance and testimony of witnesses and the production of evidence that relates to the matter under investigation, including information pertaining to the factors described in paragraph (3).

''(3) Upon the request of the person to be assessed a civil penalty under paragraph (1), the Secretary, in determining the amount of the civil penalty, shall take into account the nature, circumstances, extent, and gravity of the violation or violations, including the following factors:

''(A) Whether the person submitted the advertisement or a similar advertisement for review under section 736A.

''(B) Whether the person submitted the advertisement for review if required under section 503B.

''(C) Whether, after submission of the advertisement as described in subparagraph (A) or (B), the person disseminated the advertisement before the end of the 45-day comment period.

''(D) Whether the person incorporated any comments made by the Secretary with regard to the advertisement into the advertisement prior to its dissemination.

''(E) Whether the person ceased distribution of the advertisement upon receipt of the written notice referred to in paragraph (2) for such advertisement.

''(F) Whether the person had the advertisement reviewed by qualified medical, regulatory, and legal reviewers prior to its dissemination.

''(G) Whether the violations were material.

''(H) Whether the person who created the advertisement acted in good faith.

''(I) Whether the person who created the advertisement has been assessed a civil penalty under this provision within the previous 1-year period.

''(J) The scope and extent of any voluntary, subsequent remedial action by the person.

''(K) Such other matters, as justice may require.

''(4)(A) Subject to subparagraph (B), no person shall be required to pay a civil penalty under paragraph (1) if the person submitted the advertisement to the Secretary and disseminated such advertisement after incorporating any comment received from the Secretary other than a recommendation subject to subsection 503B(c).

''(B) The Secretary may retract or modify any prior comments the Secretary has provided to an advertisement submitted to the Secretary based on new information or changed circumstances, so long as the Secretary provides written notice to the person of the new views of the Secretary on the advertisement and provides a reasonable time for modification or correction of the advertisement prior to seeking any civil penalty under paragraph (1).

''(5) The Secretary may compromise, modify, or remit, with or without conditions, any civil penalty which may be assessed under paragraph (1). The amount of such penalty, when finally determined, or the amount charged upon in compromise, may be deducted from any sums owed by the United States to the person charged.

''(6) Any person who requested, in accordance with paragraph (2), a hearing with respect to the assessment of a civil penalty and who is aggrieved by an order assessing a civil penalty, may file a petition for de novo judicial review of such order with the United States Court of Appeals for the District of Columbia Circuit or for any other circuit in which such person resides or transacts business. Such a petition may only be filed within the 60-day period beginning on the date the order making such assessments was issued.

''(7) On an annual basis, the Secretary shall report to the Congress on direct-to-consumer advertising and its ability to communicate to subsets of the general population, including elderly populations, children, and racial and ethnic minority communities. The Secretary shall establish a permanent advisory committee to advise the Secretary with respect to such report. The membership of the advisory committee shall consist of nationally recognized medical, advertising, and communications experts, including experts representing subsets of the general population. The members of the advisory committee shall serve without pay, but may receive travel expenses, including per diem in lieu of subsistence in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code. The advisory committee shall study direct-to-consumer advertising as it relates to increased access to health information and decreased health disparities for these populations. The annual report required by this paragraph shall recommend effective ways to present and disseminate information to these populations. Such report shall also make recommendations regarding impediments to the

participation of elderly populations, children, racially and ethnically diverse communities, and medically underserved populations in clinical drug trials and shall recommend best practice approaches for increasing the inclusion of such subsets of the general population. The Secretary shall submit the first annual report under this paragraph to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives not later than 18 months after the advisory committee has been convened by the Secretary.

''(8) If any person fails to pay an assessment of a civil penalty under paragraph (1)—

''(A) after the order making the assessment becomes final, and if such person does not file a petition for judicial review of the order in accordance with paragraph (6), or

''(B) after a court in an action brought under paragraph (6) has entered a final judgment in favor of the Secretary,

the Attorney General of the United States shall recover the amount assessed (plus interest at currently prevailing rates from the date of the expiration of the 60-day period referred to in paragraph (6) or the date of such final judgment, as the case may be) in an action brought in any appropriate district court of the United States. In such an action, the validity, amount, and appropriateness of such penalty shall not be subject to review.''.

(e) RULE OF CONSTRUCTION REGARDING PEDIATRIC STUDIES.—This title and the amendments made by this title may not be construed as affecting the authority of the Secretary of Health and Human Services to request pediatric studies under section 505A of the Federal Food, Drug, and Cosmetic Act or to require such studies under section 505B of such Act.

SEC. 902. ENFORCEMENT.

(a) MISBRANDING.—Section 502 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352) is amended by adding at the end the following:

''(y) If it is a drug subject to an approved risk evaluation and mitigation strategy pursuant to section 505(p) and the person responsible for complying with the strategy fails to comply with a requirement of such strategy provided for under subsection (d), (e), or (f) of section 505–1.

''(z) If it is a drug, and the responsible person (as such term is used in section 505(o)) is in violation of a requirement established under paragraph (3) (relating to postmarket studies and clinical trials) or paragraph (4) (relating to labeling) of section 505(o) with respect to such drug.''.

(b) CIVIL PENALTIES.—Section 303(f) of the Federal Food, Drug, and Cosmetic Act, as redesignated by section 901(d)(4), is amended—

(1) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively;

(2) by inserting after paragraph (2) the following:

''(3) Any applicant (as such term is used in section 505–1) who violates a requirement of section 505(o), section 505(p), or section 505–1 shall be subject to a civil monetary penalty of—

''(A) not more than $250,000 per violation, and not to exceed $1,000,000 for all such violations adjudicated in a single proceeding; or

''(B) in the case of a violation that continues after the Secretary provides notice of such violation to the applicant, not more than $10,000,000 per violation, and not to exceed $50,000,000 for all such violations adjudicated in a single proceeding.

If a violation referred to in subparagraph (A) or (B) is continuing in nature and poses a substantial threat to the public health, the Secretary may impose a civil penalty not to exceed $1,000,000 per day during such time period such person is in violation.'';

(3) in paragraph (2)(C), by striking ''paragraph (3)(A)'' and inserting ''paragraph (4)(A)'';

(4) in paragraph (4), as so redesignated, by striking ''paragraph (1) or (2)'' each place it appears and inserting ''paragraph (1), (2), or (3)''; and

(5) in paragraph (6), as so redesignated, by striking ''paragraph (4)'' each place it appears and inserting ''paragraph (5)''.

SEC. 903. NO EFFECT ON WITHDRAWAL OR SUSPENSION OF APPROVAL.

Section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) is amended by adding at the end the following: ''The Secretary may withdraw the approval of an application submitted under this section, or suspend the approval of such an application, as provided under this subsection, without first ordering the applicant to submit an assessment of the approved risk evaluation and mitigation strategy for the drug under section 505–1(g)(2)(D).''.

SEC. 904. BENEFIT-RISK ASSESSMENTS.

Not later than 1 year after the date of the enactment of this Act, the Commissioner of Food and Drugs shall submit to the Congress a report on how best to communicate to the public the risks and benefits of new drugs and the role of the risk evaluation and mitigation strategy in assessing such risks and benefits. As part of such study, the Commissioner shall consider the possibility of including in the labeling and any direct-to-consumer advertisements of a newly approved drug or indication a unique symbol indicating the newly approved status of the drug or indication for a period after approval.

SEC. 905. POSTMARKET RISK IDENTIFICATION AND ANALYSIS SYSTEM FOR ACTIVE SURVEILLANCE AND ASSESSMENT.

(a) FINDINGS.—Congress finds the following:

(1) It is in the best interests of healthcare providers and patients that a postmarketing surveillance system be developed that will enable active surveillance of disparate sources of data to identify signals of unexpected adverse events and trends in the frequency of known adverse events, to provide data on the outcomes of off label uses, and to enable identification of safety issues earlier than can be done today.

(2) Such a system can best be developed through public private partnerships to develop methods and tools for conducting surveillance using electronic databases that currently contain data on millions of patient encounters and are expected to grow significantly in the next decade, as well as electronic databases that contain millions of medical product purchases, health care claims, and similar information relevant to product use, efficacy, and safety.

(3) Therefore, this section directs the Secretary of Health and Human Services to enter into such public private partnerships as are necessary to develop such a surveillance system and the tools and methods necessary to conduct active surveillance using the system.

(b) DEVELOPMENT OF THE POSTMARKET RISK IDENTIFICATION AND ANALYSIS SYSTEM.—Subsection (k) of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) is amended by adding at the end the following:

''(3) The Secretary shall establish public private partnerships to develop tools and methods to enable the Secretary and others to use available electronic databases to create a robust surveillance system that will support active surveillance on important drug safety questions including detecting and assessing drug safety signals; monitoring the frequency of known adverse events; and evaluating the outcomes of off label uses. Such surveillance shall provide for adverse event surveillance using the following data sources:

''(A) Federal health-related electronic data (such as data from the Medicare program and the health systems of the Department of Veterans Affairs).

''(B) Private sector health-related electronic data (such as pharmaceutical purchase data and health insurance claims data).

''(C) Other information as the Secretary deems useful to create a robust system to identify and assess adverse events and potential drug safety signals and to evaluate the extent and outcomes of off label uses of drugs.

''(4) Not later than 1 year after the date of the enactment of this paragraph, the Secretary, in consultation with experts including individuals who are recognized in the field of data privacy and security, shall develop methods for integrating and analyzing safety data from multiple sources and mechanisms for obtaining access to such data. Such methods and mechanisms shall not compromise the protection of individually identifiable health information.

''(5) Not later than 2 years after the date of the enactment of this paragraph, the Secretary shall have entered into partnerships that will allow the analysis of available data from the various data sources using the standards and methods to identify drug safety signals and trends. Such analysis shall not disclose individually identifiable health information when presenting such drug safety signals and trends or when responding to inquiries regarding such drug safety signals and trends.

''(6) Not later than 4 years after the date of the enactment of this paragraph, the Secretary shall report to the Congress on the ways in which the Secretary has used the surveillance system described in this subsection to identify specific drug safety signals and to better understand the outcomes associated with drugs marketed in the United States.

''(7) Disclosure of individually identifiable information is prohibited in the surveillance system described in this subsection. Nothing in this subsection prohibits lawful disclosure of such information for other purposes.

''(8) Nothing in this subsection shall be construed as limiting public health activities authorized under law.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—To carry out activities under the amendment made by subsection (b) for which funds are made available under section 736 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379h), there are authorized to be appropriated, in addition to such funds, $25,000,000 for each of fiscal years 2008 through 2012.

(d) GAO REPORT.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall evaluate data confidentiality and security issues relating to collection, transmission, and maintenance of data for the surveillance system developed pursuant to this section, and make recommendations to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate, and any other congressional committees of relevant jurisdiction, regarding the need for any additional legislative or regulatory actions to ensure confidentiality and security of this data or otherwise address confidentiality and security issues to ensure the effective operation of the surveillance system.

SEC. 907. STATEMENT FOR INCLUSION IN DIRECT-TO-CONSUMER ADVERTISEMENTS OF DRUGS.

Section 502(n) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352), as amended by section 901(d)(3), is further amended by striking ''of this Act, except that'' and inserting ''of this Act, and in the case of any direct-to-consumer advertisement the following statement: 'You are encouraged to report adverse effects of prescription drug medication to the FDA. Log onto www.fda.gov/medwatch or call 1–800-FDA-1088.', except that''.

SEC. 908. CLINICAL TRIAL GUIDANCE FOR ANTIBIOTIC DRUGS.

Chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.) is amended by inserting after section 510 the following:

''SEC. 511. CLINICAL TRIAL GUIDANCE FOR ANTIBIOTIC DRUGS.

''(a) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Secretary, acting through the Commissioner of Food and Drugs, shall issue guidance for the conduct of clinical trials with respect to antibiotic drugs, including antimicrobials to treat acute bacterial sinusitis, acute bacterial otitis media, and acute bacterial exacerbation of chronic bronchitis. Such guidelines shall indicate the appropriate animal models of infection, in vitro techniques, and valid microbiologic surrogate markers.

''(b) REVIEW.—Not later than 5 years after the date of enactment of this section, the Secretary, acting through the Commissioner of Food and Drugs, shall review and update the guidance described under subsection (a) to reflect developments in scientific and medical information and technology.''.

SEC. 909. PROHIBITION AGAINST FOOD TO WHICH DRUGS OR BIOLOGICAL PRODUCTS HAVE BEEN ADDED.

Section 301 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331), as amended by section 901(d)(2)(A), is amended by adding at the end the following:

''(kk) The introduction or delivery for introduction into interstate commerce of any food to which has been added—

''(1) a drug approved under section 505,

''(2) a biological product licensed under section 351 of the Public Health Service Act, or

''(3) a drug or biological product for which substantial clinical investigations have been instituted and for which the existence of such investigations has been made public,

unless such drug or biological product was marketed in food before any approval of the drug under section 505 of this Act, before licensure of the biological product under section 351 of the Public Health Service Act, and before any substantial clinical investigations involving the drug or biological product have been instituted, or unless the Secretary, in the Secretary's discretion, has issued a regulation, after notice and comment, approving the addition of such drug or biological product to the food.''.

SEC. 910. ASSURING PHARMACEUTICAL SAFETY.

Chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.) is amended by inserting after section 505B the following:

''SEC. 505C. PHARMACEUTICAL SECURITY.

''(a) IN GENERAL.—The Secretary shall develop standards and identify and validate effective technologies for the purpose of securing the prescription drug distribution system against counterfeit, diverted, subpotent, substandard, adulterated, misbranded, or expired drugs.

''(b) STANDARDS DEVELOPMENT.—

''(1) IN GENERAL.—The Secretary shall, in consultation with the agencies specified in paragraph (3), prioritize and develop standards for the identification, validation, authentication, and tracking of prescription drugs.

''(2) PROMISING TECHNOLOGIES.—The standards developed under this subsection shall address promising technologies, including—

''(A) radio frequency identification technology;

''(B) nanotechnology;

''(C) encryption technologies; and

''(D) other track-and-trace technologies.

''(3) INTERAGENCY COLLABORATION.—In carrying out this subsection, the Secretary shall consult with Federal health and security agencies, including—

''(A) the Administrator of the Drug Enforcement Administration;

''(B) the Secretary of the Department of Homeland Security;

''(C) the Secretary of Commerce; and

''(D) other appropriate Federal and State agencies.

''(c) INSPECTION AND ENFORCEMENT.—

''(1) IN GENERAL.—The Secretary shall expand and enhance the resources and facilities of the Office of Regulatory Affairs of the Food and Drug Administration to protect the prescription drug distribution system against counterfeit, diverted, subpotent, substandard, adulterated, misbranded, or expired drugs.

''(2) ACTIVITIES.—The Secretary shall undertake enhanced and joint enforcement activities with other Federal agencies and State officials, and establish regional capacities for the validation of prescription drugs and the inspection of the prescription drug distribution system.

''(d) DEFINITION.—In this section, the term 'prescription drug' means a drug subject to section 503(b)(1).''.

SEC. 911. ORPHAN ANTIBIOTIC DRUGS.

(a) PUBLIC MEETING.—The Commissioner of Food and Drugs shall convene a public meeting regarding which serious and life threatening infectious diseases, such as diseases due to gram-negative bacteria and other diseases due to antibiotic-resistant bacteria, potentially qualify for available grants and contracts under section 5(a) of the Orphan Drug Act (21 U.S.C. 360ee(a)) or other incentives for development.

(b) GRANTS AND CONTRACTS FOR THE DEVELOPMENT OF ORPHAN DRUGS.—Section 5(c) of the Orphan Drug Act (21 U.S.C. 360ee(c)) is amended to read as follows:

''(c) For grants and contracts under subsection (a), there is authorized to be appropriated $30,000,000 for each of fiscal years 2008 through 2012.''.

SEC. 912. CITIZEN PETITIONS AND PETITIONS FOR STAY OF AGENCY ACTION.

(a) IN GENERAL.—Section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355), as amended by section 901(a), is amended by adding at the end the following:

''(q) PETITIONS AND CIVIL ACTIONS REGARDING APPROVAL OF CERTAIN APPLICATIONS.—

''(1) IN GENERAL.—With respect to a pending application under subsection (b)(2) or (j), if a petition is submitted to the Secretary that seeks to have the Secretary take, or refrain from taking, any form of action relating to the approval of the application, including a delay in the effective date of the application, the following applies, subject to paragraph (5):

''(A) The Secretary may not, on the basis of the petition, delay approval of the application unless the Secretary determines that a delay is necessary to protect the public health and provides the applicant with a written explanation of the reasons for the delay. Consideration of a petition shall be separate and apart from the review and approval of the application.

''(B) The Secretary shall take final agency action on the petition not later than 180 days after the date on which the petition is submitted. The Secretary shall not extend such period, even with the consent of the petitioner, for any reason, including based upon the submission of comments relating to the petition or supplemental information supplied by the petitioner.

''(C) If the Secretary determines that the petition was submitted with the primary purpose of delaying approval of a drug under subsection (b)(2) or (j), the Secretary may deny the petition at any point.

''(D) If the filing of the application resulted in first-applicant status under subsection (j)(5)(D)(i)(IV), the 30-month period under such subsection is deemed to be extended by a period of time equal to the period beginning on the date on which the Secretary received the petition and ending on the date of final agency action on the petition (inclusive of such beginning and ending dates), without regard to whether the Secretary grants, in whole or in part, or denies, in whole or in part, the petition.

''(E) The Secretary may not consider the petition for review unless it is signed and contains the following certification: 'I certify that, to my best knowledge and belief: (a) this petition includes all information and views upon which the petition relies; (b) this petition includes representative data and/or information known to the petitioner which are unfavorable to the petition; and (c) I have taken reasonable steps to ensure that any representative data and/or information which are unfavorable to the petition were disclosed to me. I further certify that the information upon which I have based the action requested herein first became known to the party on whose behalf this petition is submitted on or about the following date: _____. I received or expect to receive payments, including cash and other forms of consideration, from the following persons or organizations to file this petition: _____. I verify under penalty of perjury that the foregoing is true and correct.'.

''(2) EXHAUSTION OF ADMINISTRATIVE REMEDIES.—

''(A) FINAL AGENCY ACTION WITHIN 180 DAYS.—The Secretary shall be considered to have taken final agency action on a petition referred to in paragraph (1) if—

''(i) during the 180-day period referred to in subparagraph (B) of such paragraph, the Secretary makes a final decision within the meaning of section 10.45(d) of title 21, Code of Federal Regulations (or any successor regulation); or

''(ii) such period expires without the Secretary having made such a final decision.

''(B) DISMISSAL OF CERTAIN CIVIL ACTIONS.—If a civil action is filed with respect to any issue raised in a petition under paragraph (1) before the Secretary has taken final agency action on the petition within the meaning of subparagraph (A), the court shall dismiss the action for failure to exhaust administrative remedies.

''(3) APPLICABILITY OF CERTAIN REGULATIONS.—The provisions of this section are in addition to the requirements for the submission of a petition to the Secretary that apply under section 10.30 or 10.35 of title 21, Code of Federal Regulations (or any successor regulations).

''(4) ANNUAL REPORT ON DELAYS IN APPROVALS PER PETITIONS.—The Secretary shall annually submit to the Congress a report that specifies—

''(A) the number of applications under subsections (b)(2) and (j) that were approved during the preceding 12-month period;

''(B) the number of such applications whose effective dates were delayed by petitions referred to in paragraph (1) during such period; and

''(C) the number of days by which the applications were so delayed.

''(5) EXCEPTIONS.—This subsection does not apply to—

''(A) a petition that relates solely to the timing of the approval of an application pursuant to subsection (j)(5)(B)(iv); or

''(B) a petition that is made by the sponsor of an application under subsection (b)(2) or (j) and that seeks only to have the Secretary take or refrain from taking any form of action with respect to that application.

''(6) DEFINITION.—For purposes of this subsection, the term 'petition' includes any request to the Secretary for an action described in paragraph (1), without regard to whether the request is characterized as a petition.''.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit a report to the Congress on ways to encourage the early submission of petitions under section 505(q), as added by subsection (a).

SEC. 913. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—For carrying out this title and the amendments made by this title, there is authorized to be appropriated $25,000,000 for each of fiscal years 2008 through 2012.

(b) RELATION TO OTHER FUNDING.—The authorization of appropriations under subsection (a) is in addition to any other funds available for carrying out this title and the amendments made by this title.

SEC. 914. EFFECTIVE DATE AND APPLICABILITY.

(a) EFFECTIVE DATE.—This title takes effect 180 days after the date of the enactment of this Act.

(b) DRUGS DEEMED TO HAVE RISK EVALUATION AND MITIGATION STRATEGIES.—

(1) IN GENERAL.—A drug that was approved before the effective date of this Act is, in accordance with paragraph (2), deemed to have in effect an approved risk evaluation and mitigation strategy under section 505–1 of the Federal Food, Drug, and Cosmetic Act (as added by section 901 of this title) (referred to in this section as the ''Act'') if there are in effect on the effective date of this Act restrictions on distribution or use—

(A) required under section 314.520 or section 601.42 of title 21, Code of Federal Regulations; or

(B) otherwise agreed to by the applicant and the Secretary for such drug.

(2) ELEMENTS OF STRATEGY; ENFORCEMENT.—The approved risk evaluation and mitigation strategy in effect for a drug under paragraph (1)—

(A) is deemed to consist of the elements described in paragraphs (1) and (2) of section 505–1(d) of the Act and any additional elements under subsections (d) and (e) of such section in effect for such drug on the effective date of this Act; and

(B) is subject to enforcement by the Secretary to the same extent as any other risk evaluation and mitigation strategy under section 505–1 of the Act.

(3) SUBMISSION.—Not later than 180 days after the effective date of this Act, the holder of an approved application for which a risk evaluation and mitigation strategy is deemed to be in effect under paragraph (1) shall submit to the Secretary a proposed risk evaluation and mitigation strategy. Such proposed strategy is subject to section 505–1 of the Act as if included in such application at the time of submission of the application to the Secretary.

(c) OTHER DRUGS APPROVED BEFORE THE EFFECTIVE DATE.—The Secretary, on a case-by-case basis, may require the holder of an application approved before the effective date of this Act to which subsection (b) does not apply to submit a proposed risk evaluation and mitigation strategy in accordance with the timeframes provided for in subparagraphs (C) through (D) of section 505–1(g)(2) of the Act if the Secretary determines (with respect to such drug or with respect to the group of drugs to which such drug belongs) that—

(1) an element described under section 505–1(d)(1) of the Act may require modification; or

(2) a standard for adding an element described in subsection (e) or (d) of section 505–1 of the Act that is not in effect with respect to such drug or class of drugs may apply.

(d) USE OF ADVISORY COMMITTEES; PROCESS FOR ADDRESSING DRUG CLASS EFFECTS.—In imposing a requirement under subsection (c), the Secretary—

(1) may convene a meeting of 1 or more advisory committees of the Food and Drug Administration in accordance with paragraph (6) of section 505–1(h) of the Act; and

(2) may use the process described in paragraph (7) of such section 505–1(h) (relating to addressing drug class effects).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. DINGELL) and the gentleman from Texas (Mr. BURGESS) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. DINGELL. Mr. Speaker, I yield myself 5 minutes.

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

Mr. DINGELL. I rise to express my strong support for H.R. 2900, the Food and Drug Administration Amendments Act of 2007.

This is significant legislation, and in the best traditions of the Committee on Energy and Commerce, it is bipartisan. I want to thank and commend my Republican colleagues for their assistance in bringing this bill to the floor, and I want to commend all of the members of the committee for their hard work, which was done in an extraordinarily friendly and proper fashion on the legislation.

I rise to inform my colleagues that the bill text before the House today contains three useful changes in the bill that was reported by the committee.

There is a section on citizen petitions that is designed to prevent or minimize delays to the introduction of generic drugs. In addition to good public policy, it also reduces Federal expenditures and completely offsets the costs of H.R. 2900 so that the bill we consider today meets applicable budget pay-as-you-go standards.

The other changes are two clarifications. One, that the Secretary is not authorized to order changes in the marketing plans or product sponsors; and two, that PDUFA fees can be used to carry out the bill's postmarket safety activities under the risk evaluation and mitigation strategies authorized by the bill, known as REMS.

H.R. 2900 has nine distinct titles. Title I reauthorizes the Prescription Drug User Fee Act, a very successful piece of legislation. It significantly boosts resources to have new drugs or biological products reviewed through a thorough yet timely and careful manner, and gives greater attention and resources to postmarket drug safety activities.

Title II reauthorizes the Medical Device User Fee and Modernization Act, providing increased user fee resources for review of medical devices. The fee structure is broadened to both stabilize revenue and decrease the cost of application fees.

Title III is the Pediatric Medical Device Safety and Improvement Act of 2007. This will foster development of medical devices for use by children. It fills an important gap in therapies for one of our most vulnerable and important patient groups who are, after all, the future of the country. I commend my colleagues, Mr. MARKEY and Mr. ROGERS, for their fine efforts in this title.

Titles IV and V address the need for drugs that are tested and labeled for use by children.

Title IV reauthorizes the Pediatric Research Equity Act. This title will provide FDA permanent authority to test and label drugs for pediatric patients.

Title V reauthorizes the Best Pharmaceuticals for Children Act, providing incentive for testing and labeling drugs for pediatric patients. Together, these two pediatric drug programs provide for the method to achieve an important common purpose, better therapies for our children.

I want to recognize the efforts of our dear friend, Representative ESHOO, on both of these titles.

Titles VI, VII, VIII and IX represent the drug safety component of the bill.

Title VI establishes the Reagan-Udall Foundation for the Food and Drug Administration. This will foster public-private partnerships for the purposes of advancing FDA's mission to modernize product development, accelerate innovation, and enhance product safety. Our good friends and colleagues, Mr. ENGEL and Ms. GIFFORDS, are to be commended for their work on this title.

Title VII addresses concerns about conflicts of interest amongst those who serve on the expert advisory panels that play a crucial role in FDA's work. Title VII establishes a clinical trials registry and database. This title will expand the amount of information available to patients, scientists and other stakeholders regarding clinical tests.

Finally, title IX represents a major enhancement of the safety in the drug program of this country through an active postmarket surveillance program with the goal of reducing the likelihood of another Vioxx situation and the reported aftereffects which went unheard. Congressmen MARKEY and WAXMAN made important contributions in this matter.

I wish also to thank my friend, the committee's ranking member, Mr. BARTON, and the ranking member of the Subcommittee on Health, Mr. DEAL. They worked with us throughout this process and brought forth good suggestions that make this a better bill. For that I commend them, and for their hard work I thank them.

Finally, I wish to recognize the outstanding work of the chairman of the Subcommittee on Health, Mr. PALLONE. His firm and steady hand and hard work brought forth a strong bill out of the subcommittee, and the House should applaud his extraordinary leadership.

Mr. Speaker, this legislation strikes proper balance between new drug safety regulations and measures and ensuring consumers have the access to innovative prescription pharmaceuticals without undue delay.

I urge my colleagues to support H.R. 2900 and ask for a favorable vote on this legislation.

Mr. Speaker, I reserve the balance of my time, and I ask unanimous consent that I be permitted to yield the remainder of my time on this matter to the distinguished gentleman from New Jersey (Mr. PALLONE), the subcommittee chairman, and that he be permitted to control the time. He will do a splendid job.

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

There was no objection.

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

Before he leaves, I want to thank Chairman DINGELL for his willingness to work with the minority side on this. We had a lot of give-and-take, both at the staff level and certainly at the subcommittee level and the full committee level, and for that I am grateful.

I think this is a good piece of legislation, and I think it was improved by the work of the staff, both on the majority and the minority side, and I think it was improved by the committee process as we worked this bill through committee.

I am pleased to support H.R. 2900, and this bill, of course, will improve the drug and medical device safety approval by the FDA.

Over the past several weeks, members of the Energy and Commerce Committee, both Republican and Democrat, have come together to hammer out a bill that will ensure that the American people can rely on the decisions made by the Food and Drug Administration, that their drugs are safe, and that regulatory requirements don't overly infringe on innovation or sound clinical practice of medicine.

H.R. 2900 will achieve several goals, such as providing additional resources to the Food and Drug Administration to improve premarket drug and device approval, create new postmarket surveillance authorities, enhance clinical trial transparency and data mining, and ensure the adequacy of pediatric studies for drugs and devices.

I would like to thank, again, Chairman DINGELL and Chairman PALLONE for working with our Republican staff to improve this legislation before we convened the markup, and of course during the process of the markup, again, both at the subcommittee and at the full committee level.

I'm pleased that we were able to modify the Direct to Consumer Advertising provision to protect this bill from a constitutional challenge, Mr. Speaker, and in a manner relying on the existing Food and Drug Administration regulatory standards.

In regard to pediatric exclusivity, the committee was able to find a workable standard as opposed to the original proposal that would have required the Food and Drug Administration accountants to post a lot of overtime in their jobs.

I'm also pleased with regard to one of my concerns about how the new postmarket surveillance regime would impact the independent practice of medicine. I'm pleased that Mr. WAXMAN, Mr. PALLONE and DINGELL and their staffs worked with me to improve the language relating to the restrictions on distribution and use pursuant to elements of a drug's risk evaluation and mitigation strategy. Certainly, Mr. Speaker, it was not the intent, or I did not feel it was the intent of our legislation to be circumventing clinical judgment of trained and experienced practitioners. The original language threatened clinical decision making that is both lawful and based on scientific evidence and sound medical opinion, but I'm pleased that it has been tempered by the concerns that I raised to the above-mentioned gentlemen.

One issue that I hope we will continue to work on as this bill moves toward conference committee relates to the provision on conflicts of interest.

The Food and Drug Administration advisory panel serves a vital science function when it comes to the approval of drugs and devices.

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I believe that we should strive to weed out any conflicts of interest for those that serve on these panels.

But in reality, Mr. Speaker, that is easier said than done. The standard established in this bill, limiting panels to one waiver for a conflict of interest, could severely impair the Food and Drug Administration's advisory panel process, especially for panels convened to review drugs or devices targeted at very small patient populations, such as those with very rare diseases. For drugs or devices that would fall into these categories, it can be extremely difficult to find sound scientific experts. This irrational standard will only make it harder to perform that function. Moving forward, I hope we can find and strike the acceptable balance.

It has already been shown that our collaboration on this endeavor has produced better legislation. I hope we continue that as the process moves forward.

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

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

Mr. Speaker, I rise in strong support of this legislation. I am extremely proud to say that the bill before us is a product of a bipartisan effort to ensure that the Food and Drug Administration has the authority and resources it needs to ensure that American consumers have timely access to safe and effective prescription drugs and medical devices.

This bill accomplishes a number of important goals. First and foremost, the legislation will empower the FDA to protect patients from potentially harmful prescription drugs. Over the past few years, it has become clear that consumers have been placed in harm's way due to the failing of our current drug safety system. The legislation we are passing today will lay the groundwork for restoring public confidence in the FDA by giving it the tools it needs to safeguard the public health.

There are many other significant measures included in the bill before us, such as the reauthorization of two important user-fee programs that will provide the FDA with the financial resources it needs to approve applications for new drugs and devices to be marketed. In addition to new funding for the pre-market review activities of FDA, this bill includes a substantial amount of new funding for post-market safety activities.

The bill will also reauthorize two important programs that will help encourage drug makers to conduct research into the appropriate use of prescription drugs in pediatric populations. Similarly, we are providing new incentives to device manufacturers to develop products that are specifically designed for use in children. Finally, this bill establishes the Reagan-Udall Foundation, which will help build public-private partnerships designed to advance the mission of the FDA.

I would like to thank all the Members who devoted so many hours and days to developing this bill. Specifically, I would like to thank Chairman DINGELL, Ranking Member BARTON, Mr. DEAL, Mr. WAXMAN, Mr. MARKEY, Ms. ESHOO, Mr. ROGERS and Dr. BURGESS, as well, all of them, for their hard work and devoted staff, as well, because of all the support that the staff did in their efforts in making this bill possible.

In closing, I would just like to reiterate that this bill has strong bipartisan support as well as support from the pharmaceutical and medical device industries and a number of consumer advocacy organizations. Few times in the past do I recall that we have

achieved such a wide-ranging consensus on a bill of this size or importance. I strongly urge my colleagues to support its passage.

Mr. BURGESS. Mr. Speaker, I am expecting additional speakers, but at present, I will reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Speaker, I rise in support of this legislation. It is becoming increasingly clear that FDA needs more of two things; it needs more resources and more authority. This is particularly true in the area of post-market drug safety. We are all familiar with the series of high profile drug safety problems with drugs like Vioxx and Avandia. It is no secret that FDA's ability to protect the safety of our drugs is in serious jeopardy. H.R. 2900 makes significant strides in getting FDA both the authorities and resources to improve its oversight of drug safety.

I am pleased this bill incorporates many of the provisions in a bill that I introduced with Representative MARKEY called the Enhancing Drug Safety and Innovation Act of 2007. Our bill incorporates many of the recommendations of a high-profile study by the Institute of Medicine. For example, it will give the FDA the ability to require post-market studies and labeling changes, as well as the ability to impose significant civil monetary penalties to ensure that these things get done in an appropriate and timely way.

Another section of the bill would establish mandatory clinical trial registry and results databases. This would bring much-needed transparency to the clinical trials conducted on our fellow citizens and will prevent drug and device companies from hiding negative trial results that cast their products in a negative light.

I do regret that one of the most important recommendations made by the IOM was stripped from the committee-reported bill: that Congress give FDA the authority to restrict direct-to-consumer advertising of new drugs with unknown safety risks. If a new drug is heavily marketed as a result of direct-to-consumer ads and a serious risk does emerge, many people will have been unnecessarily exposed to that risk.

Similarly, I regret H.R. 2900 does not contain a provision to appropriately tailor the period of exclusivity that blockbuster drugs receive in exchange for conducting pediatric trials under the Best Pharmaceuticals for Children Act. We all share the goal of ensuring that our children get the same benefit from FDA approved drugs and all medical devices, as do adults. But we must make sure that the American consumers are not paying an unjustified price tag for those tests.

Nevertheless, the bill as a whole makes significant contributions to the work of the FDA and deserves our support. I do want to emphasize that the FDA will need a significant influx of resources to do what we are asking them to do in this bill. Although H.R. 2900 gives FDA the enhanced ability to dedicate user fee dollars to these activities, it will be critical for Congress to come forward with additional appropriated dollars. We simply have got to get FDA the funds it needs to do their job well.

Every day, Americans rely on FDA to protect them from dangerous medicines and devices. Today, we have the opportunity to take a critically important step toward ensuring that FDA can fulfill this mission.

Mr. Speaker, I encourage Members to support the bill.

Mr. BURGESS. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from Pennsylvania (Mr. MURPHY), a member of the committee.

Mr. TIM MURPHY of Pennsylvania. Mr. Speaker, I thank the gentleman. I am here to speak on behalf of this bill and my support for it.

Under the Medical Device User Fee Modernization Act reprocessed or reused medical devices are brought under the regulation of the FDA.

Now, there is a problem with reusing medical devices sometimes, and that is these devices were designed for optimal performance and safety under their intended conditions of use, not necessarily designed for their ease of cleaning or even secondary use, which make it extremely difficult to effectively clean and resterilize. Reusing medical devices can compromise their safety and performance and even destroy some of these devices. This can also lead to deadly hospital-acquired or nosocomial infections.

At least half, half, of all cases of nosocomial infections are associated with medical devices. Let me give some examples of the rates of infection from these devices: 23 percent of peritoneal dialysis catheters; 7 percent of pacemakers; 7.2 percent of implantable cardioverter defibrillators; up to 50 percent of ventricular assist devices; and 30 percent of bladder catheters, just to name a few.

I would like to thank Chairman DINGELL and Ranking Member BARTON as well as Chairman PALLONE and Ranking Member DEAL for working with me to include language in the Medical Device User Fee amendments of H.R. 2900, the Food and Drug Administration Act of 2007, for a study on the causes of these infections, from reprocessed single-use devices; from handling of sterilized medical devices; from in-hospital sterilization of medical devices; from health care professionals' practices for patient examination and treatment; hospital-based policies and procedures for patient examination and treatment; hospital-based policies and procedures for infection control and prevention; and hospital-based practices for handling medical waste and other relevant hospital practices.

Let me explain why and what this means in terms of real lives and dollars. A CDC report from a couple of years ago said that learning to prevent these infections has the potential to save over 90,000 lives and $50 billion annually, according to the CDC. A more recent report just came out and said perhaps we are up to even 119,000 lives a year.

Health care providers should work with medical device companies to provide patients with information if a medical device has been reused. Patients have the right to know whether or not a medical device designed for single use has already been used in another patient before a device is used on them and what can be done and what was done in terms of sterilization and cleaning that equipment. Otherwise, patients will be exposed to an unnecessary risk for hospital-acquired infections and medical device failures.

This study has the potential to save thousands of lives and billions of dollars. Eliminating infections from medical devices will move us towards a safer patient-centered health care system that promotes patient choice, patient safety and patient quality.

We all know that physicians and nurses and hospital personnel are all dedicated to providing the best health care possible. We also know when hospitals have worked together to eliminate infections, indeed, that is what they do. The VA Hospital in Pittsburgh and a number of hospitals in the Pittsburgh area that I am familiar with and worked with have indeed brought some post-surgical infection rates down to zero. And there have been occasional lapses in these throughout the nation where post-surgical infections or infections associated with medical devices have been unnecessarily high.

We can prevent these infections. We can save lives. We could save not only the Federal Government, but other insurance companies, billions of dollars, and I look forward to passing this bill.

Mr. PALLONE. Mr. Speaker, I would ask unanimous consent that the gentleman from New York (Mr. HINCHEY) be given 5 minutes time in addition to what we have already allocated to speak in opposition to the bill.

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

There was no objection.

Mr. HINCHEY. Mr. Speaker, I very much appreciate the kindness of my friend and colleague from New Jersey for providing me with this time.

Mr. Speaker, I am a member of the Appropriations Committee and the subcommittee which has oversight over the Food and Drug Administration, so over the course of a number of years now, I have been deeply engaged in this issue.

I am glad that the FDA Amendments Act that we are discussing here this evening addresses a number of the problems that we have confronted over the course of the last number of years. These problems include giving the agency enhanced authority on post-

market drug safety and developing a strengthened system for oversight of direct-to-consumer advertising. That is a very good move in the right direction.

However, I am deeply disappointed that this bill neglects to sufficiently address a number of other major issues that are jeopardizing the trustworthiness of the Food and Drug Administration, the agency that is supposed to represent the gold standard for consumer protection in America.

First, the FDA Amendments Act reauthorizes the Prescription Drug User Fee Act through which drug companies provide funding to the FDA for its drug safety approval and oversight activities. So, in other words, what we have is the regulated industry paying money to the agency that judges the worthiness of the industry's products and how they put those products on the market. To make matters worse, before each reauthorization of the Prescription Drug User Fee Act, the FDA sits down with representatives from this industry to negotiate out performance standards that the agency will achieve in return for those funds.

In fact, representatives from the FDA met 112 times with representatives from the big pharmaceutical industry before the agency sent their recommendations with regard to this bill to Capitol Hill. Meanwhile, the FDA only met five times with other groups, groups like consumers, medical professionals and advocates; only five times with groups like that to hear their perspective on reauthorization of the Prescription Drug User Fee Act.

The FDA is in bed with the drug companies, and put simply, the FDA Amendments Act does not sufficiently sever this inappropriate relationship between the agency and the regulated industry.

Under this bill, the FDA will continue to collect funding from a regulated industry and will continue to meet industry standards and put those standards above everyone else's interest.

Second, the FDA Amendment Act does not sufficiently address financial conflict of interest among members of agency advisory committees.

□ 1715

These committees exist to provide the agency with unbiased scientific advice on controversial issues, and such advice can easily be tainted by these conflicts; and we have seen numerous examples of how it has been.

Many of my colleagues will remember voting to end such conflicts during our consideration of the fiscal year 2006 Agricultural appropriations bill. Since that time, the FDA has come forward with a new policy of its own that would stop those members with over $5,000 worth of inappropriate financial holdings from even participating on advisory committees and stop all conflicted members from voting on the committees regardless of the size of that conflict.

Unfortunately, the FDA Amendment Act does not continue the movement for change that has been espoused by both the House and now internally by the FDA. Instead, this legislation would enable the agency to continue to waive conflicted members on to advisory committees. There is simply no need for this policy to continue.

Finally, this legislation does nothing to keep the FDA from its current misinformed policy of preempting State law on drug policy.

The Bush FDA's relentless arguments in favor of preemption robs consumers of recourse from injury and issues drug companies a free pass from accountability.

As we have seen from recent flu vaccine crises, revelations of conflicts of interest, and failures of post-market drugs such as Vioxx, the FDA is clearly not a perfect agency.

At the same time, drug companies are not sufficiently forthcoming about side effects related to their products. It is illogical for the Federal Government to close the door on a method of recourse for Americans who have been affected by these imperfections. In a world in which drug companies are not fully clear about the safety of their drugs, and the FDA is not sufficiently on the side of consumers, the role of the State courts in protecting Americans is more important than ever.

I am very disappointed in these provisions, and I think that they all should be considered carefully in the examination of this legislation.

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

Number one, my understanding is as we took this bill through the subcommittee and committee that we accepted legislative language on an amendment that would provide for a reverse trigger so that if the gentleman and other appropriators want to provide more money for the evaluation of new drugs and devices, the actual contribution from the user fees will decrease. After all, it was a Democratic Congress in 1992 that began the first Prescription Drug User Fee Act, and the reason for that legislation was because it simply took too long to get drugs and devices through the regulatory maze. And as a consequence, practicing physicians such as myself were denied access to life-saving medications for their patients. So the Democrats in the early 1990s improved the process by adding the prescription drug user fees, but we would all be happy with the appropriators if they would step up to the plate and appropriate the correct amount of money.

Additionally, let me just point out that consumer groups and patient groups actually are going to be involved in the negotiations for the next prescription drug user fee authorization. That is language that was brought to us, I don't remember by which side, but it was an amendment that was accepted by the full committee. So, Mr. Speaker, although there are concerns expressed by the gentleman who just spoke, the reality is many of those things were actually addressed through the committee and subcommittee process.

I will speak a little further on the conflicts issue as I do my closing remarks on this bill, but Mr. WAXMAN so eloquently spoke about how unfortunate it was we stripped out an Institute of Medicine recommendation in his previous remarks. The reality is that the Institute of Medicine recommended that waivers be available for up to 40 percent of FDA panels. Those are the individuals who are the exerts and who understand what these compounds can and cannot do.

Mr. Speaker, I recognized throughout the committee process that I had a responsibility as the only member on the committee on either side who had ever picked up a pen and written a prescription for a patient, who had ever sat down face to face with a patient and talked about benefits and potential risks from medications, and who had ever talked to a patient about the cost of their medication.

I think this legislation was well crafted and well worked up between both sides as we went through the committee process.

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

Mr. PALLONE. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. BUTTERFIELD).

Mr. BUTTERFIELD. Mr. Speaker, first let me thank the chairman of the subcommittee, the gentleman from New Jersey (Mr. PALLONE), for yielding me this time and thank him for his leadership as chairman of the Health Subcommittee.

Mr. Speaker, the subject of public health remains a top priority for rural America, including my home district of eastern North Carolina, the First Congressional District. Health has been an issue that has not always included the topic of disparities and the lack of access for minority communities and low-income communities. But under the leadership of this chairman, I am confident that we are now going in another direction and we are going to confront head on the issue of disparities. I want to thank the chairman and the committee for making the decision to go in that direction.

But, Mr. Speaker, I have come to the floor today to address the subject of medications that are intended to combat tropical diseases and their access to the developing world. My desire, Mr. Speaker, is for the House to further cooperate and work with the other Chamber in search of a solution to the tropical disease epidemic facing the developing world. These diseases, such as HIV/AIDS and malaria and tuberculosis, continue to inflict millions of impoverished people because of the lack of medicines. In addition to perpetuating extreme poverty, these diseases also prevent millions of people from working and participating in family or community life. So as we discuss

this very important issue, I would like for us to also consider the issue of tropical disease-combating medications in developing countries.

Mr. BURGESS. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. DEAL), the ranking member on the Health Subcommittee.

Mr. DEAL of Georgia. Mr. Speaker, I am pleased to support H.R. 2900. I think this bill plays an important role in ensuring that patients have timely access to approved, safe, and effective medications and medical devices. This legislation creates an entirely new post-marketing drug safety program that will help address some of the troubling recent drug scares that we have all been aware of.

The Subcommittee on Health in our Energy and Commerce Committee held numerous hearings on the programs authorized in this bill, and I am pleased that members of the committee were able to come together to work out a bipartisan compromise that continues many important programs of the FDA. For instance, the Prescription Drug and User Fee Amendments and the Medical Device User Fee Amendments allow the FDA to continue important programs which provide the agency with resources for the expeditious review of life-saving drugs and devices.

One important addition in the prescription drug user fee amendments addresses direct-to-consumer advertisements. I share concern with many members on the committee about the drug advertisements being presented to patients, and I am glad the bill takes steps to provide for the FDA's review of these television ads while at the same time protecting freedom of speech.

However, our main concern is the FDA's increasing reliance on the regulated industry to fund its drug review activities, and hope that future appropriations will take advantage of the amendment I offered at the full committee to help reduce FDA's dependence on user fees by replacing them with appropriations. This amendment stated there should be a dollar-for-dollar reduction in the new user fee for every new dollar appropriated for post-market safety. The amendment was a step in the right direction, but I believe more should be done to restore the balance between user fees and appropriations for drug review.

The bill also continues important programs which encourage the study of medications in pediatric populations. Meeting the unique medical needs of children presents special challenges, and H.R. 2900 reauthorizes two programs which have effectively promoted the study of drugs in children. It also encourages the development of medical devices for use in pediatric populations.

This legislation also improves FDA drug safety authorities. Recent incidents have undermined consumer confidence in the FDA's ability to ensure that the medications they take on a regular basis are safe. H.R. 2900 provides the agency with new tools to better monitor products that might present greater risk to patients. I believe these reforms will help maintain the FDA's position as the world leader in protecting patient safety and access to safe medications.

In conclusion, I think this is a good compromise. Our committee worked hard on it. Both sides came together in an effort to try to present this House with a package that I hope will be approved today.

Mr. PALLONE. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. MARKEY) who had a great deal to do with putting this bill together.

Mr. MARKEY. I thank the gentleman and congratulate the chairman, the gentleman from New Jersey (Mr. PALLONE), for his enormously successful work; and Mr. DINGELL as well, as well as the key Republicans who worked on this legislation.

I am pleased that the bill before the House includes language from the drug safety bill that Mr. WAXMAN and I introduced in March to strengthen the FDA's ability to monitor drugs after they have been approved and create a true post-market safety net system.

As we have seen with drugs such as Vioxx, new side effects and health risks may only surface after drugs are approved and are used by the general population. Yet the FDA has not had the authority to mandate label changes or require further studies to get more information about these risks once the drugs have been approved. This bill will empower the FDA with those important new authorities, and it will also establish a new post-market risk identification and analysis system to identify harmful side effects and uncover signals of unexpected adverse events without compromising patient privacy.

I am also pleased that the package includes a strong clinical trials registry and results database that is consistent with the bill that Mr. WAXMAN and I have been championing since 2004 when we learned that some drug companies were painting distorted pictures of their products by hiding negative trial results.

The current system, which allows companies to pick and choose which trials they want to make public, is like allowing students to just pick the grades they want to bring home. Everyone would have straight A's.

Our bill will establish one central mandatory registry of all clinical trials with strong enforcement mechanisms to require companies to make their clinical trials and the result of those trials available to the public, all of the trials. This is historic because the database of trial results will ensure that doctors and their patients have current, complete, and accurate information about all drugs on the market.

Finally, I want to thank Mr. ROGERS from Michigan for working with me on the pediatric devices bill. It is an important bill that will help children get the devices that they need. I thank again Mr. PALLONE, Mr. DINGELL, and all the others who worked on this bill.

Mr. BURGESS. Mr. Speaker, may I inquire as to the time remaining.

The SPEAKER pro tempore. The gentleman from Texas has 6½ minutes and the gentleman from New Jersey has 5 minutes.

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

Mr. PALLONE. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Arizona (Ms. GIFFORDS).

Ms. GIFFORDS. Mr. Speaker, I rise today in support of the Safe and Effective Drug Development Act, which was adopted as an amendment to H.R. 2900 in committee. I would like to thank Mr. DINGELL, Mr. ENGEL, Mr. HALL, and Mrs. BLACKBURN for their work on this legislation.

An op-ed in today's Washington Post by Dr. Lichtenberg from Columbia University identified medical innovation as the key factor contributing to the increase in life expectancy here in the United States over the last 15 years. I think we would all agree that living longer is a very good thing.

However, in 2004, the FDA identified 76 specific problems that have caused a critical slow down in medical innovation. This legislation formalizes public-private partnerships between the FDA, nonprofits, and universities. These partnerships help solve the problems that stand between new biomedical discoveries and how quickly and safely these discoveries are translated to consumers.

I want to thank the gentleman for allowing me to speak and thank all of those staff and of course the committee members who worked so hard on this legislation.

□ 1730

Mr. BURGESS. Mr. Speaker, I yield myself the balance of my time.

Again, Mr. Speaker, I want to point out, Mr. WAXMAN in his remarks discussed the Institute of Medicine study, and in fact, when we talked about the issue that's still the unresolved issue of the conflict-of-interest waivers, the Institute of Medicine itself recommended that the Food and Drug Administration advisory panels, those panels that are convened to advise the Food and Drug Administration on the acceptance or rejection of new drugs and new devices, that that panel could be comprised of up to 40 percent of individuals for whom a conflict-of-interest waiver was obtained.

The current legislation has language in it that will restrict that waiver to one such individual, and as we've already heard from the other side, even that one conflict waiver is too much for some people to tolerate. But the reality, if the FDA is allowed to issue only one waiver per panel meeting, they will find themselves seeking the guidance of fellows that have just

passed their boards and are beginning their practice of medicine. The drafters of the code of Federal regulations did not intend that only the most recent graduates of a fellowship program or residency program be considered the so-called expert.

At present, medical societies find restrictions on the FDA panel nominees increasingly difficult due to a number of criteria that must be met in addition to considerations for the conflicts of interest.

The Food and Drug Administration panels must have geographic, ethnic and gender diversity. We've already heard discussion from the other side of how they're concerned about aggravating ethnic disparities. Here's another place where we could perhaps reverse that trend.

For clinical representation, panel members on those Food and Drug Administration advisory panels, panel members should be practicing physicians and, in fact, should have practiced for many years. They should have accumulated a body of experience. They should have knowledge of the conduct of clinical trials. They should have knowledge of statistics.

They should have intricate knowledge of the specific anatomy if they're on a device panel. They may need to know about the biomechanical forces imposed on the anatomy if a device is implanted or the cellular biology to determine wear and tear on the devices and knowledge of the American Society for Testing and Materials or international standards organizations. Members may also need to know about the packaging and the effects of radiation on many of the device components.

For some panels, such as on March 29 of this year, the Cellular Tissue and Gene Therapies Advisory Committee meeting to provide guidance to the Food and Drug Administration on biological license applications, such as the medicine that might be used for treatment of men with asymptomatic metastatic hormone refractory prostate cancer; these panels must have a specific knowledge base that far exceeds that of a practicing physician.

And indeed, I heard from other individuals where the universe of patients may be quite small for patients who have a certain type of brain malignancy. The universe of patients may be only 1,000 or 1,500.

The people that develop the drugs are of necessity going to be people who have been employed by those industries that were developing the drugs. Why exclude them from the panel? Why craft a law where the only people in the room are, by law, going to be people who have no knowledge of the intricacy of the specific disease being treated or no knowledge of the surgical procedures required to implant those medical devices? Why restrict ourselves in that way?

We just heard eloquent testimony from the gentlewoman from Arizona talking about the devices and those medications and treatments that are just over the horizon to us right now that we can't imagine, we can't envision. Why restrict those Food and Drug Administration advisory panels to one conflict-of-interest waiver?

Mr. Speaker, I will submit being in public service can be expensive, it can be time-consuming, and it can be embarrassing. Why make it harder for these individuals to participate in these panels? Frankly, I do not understand that. I hope we will continue to work on that process as we get to the conference activity on this bill. I'm looking forward to those discussions.

But in reality, the bill that is before us today is, in fact, a good bill. The committee staff on both sides did great work as far as getting language that would be acceptable to both sides, and we were not an easy audience to please on many occasions through the debate on that bill.

But Mr. Speaker, I do rise in support of the bill. I do think it is worthy of the House's consideration and passage.

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

GENERAL LEAVE

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

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

There was no objection.

Mr. PALLONE. Mr. Speaker, before we proceed to the vote on H.R. 2900, I yield myself time to acknowledge the months of work that Members have done leading to this bill coming before the House today. It truly was a bipartisan effort, and everyone worked so hard.

I also wish to take a moment to recognize the efforts of the staff who worked long hours in ensuring we produced a quality piece of legislation. In particular, I thank Warren Burke and Ellen Sutherland, professional staff with the Office of Legislative Counsel, for their outstanding service.

I also want to thank the staff of the Committee on Energy and Commerce. I'm not going to mention the Republicans, not because they didn't do as much work, because they certainly did, but I don't remember all their names. I don't want to eliminate anybody.

As far as the Democratic staff is concerned, I do want to specifically mention John Ford, Pete Goodloe, Jack Maniko, Melissa Sidman, Jessica McNiece, Bob Clark and Virgil Miller. And from Mr. WAXMAN's staff, because Mr. WAXMAN and Mr. MARKEY played a major role in this bill and Mr. WAXMAN's staff in particular, Karen Nelson, Rachel Sher and Stephen Cha. And again, everyone worked very hard on this.

I think it is really remarkable that we were able to achieve a consensus and bring this up today, particularly under suspension.

Mr. HALL of New York. Mr. Speaker, this evening, the House of Representatives considered H.R. 2900, The Food and Drug Administration Amendments of 2007, which, among other things reauthorized the FDA through 2012. I voted for this bill because I believe it's vital for our national interests that the FDA be authorized, and I am aware that the current authorization is due to expire very shortly. That said, I cast this vote with great reservations. The current funding of the FDA is too dependent on the companies that the Agency is supposed to be regulating. There is an inherent and unacceptable conflict of interest in this arrangement. To be a truly effective regulator, the FDA must be a completely independent entity, with no outside relationships. Only then can the American people be absolutely certain that the agency is always acting with their best interests in mind.

It is my hope that during conference with the Senate some greater protections can be added to this legislation to ensure that it is an independent entity in which we can place our full and complete trust.

Mr. VAN HOLLEN. Mr. Speaker, I rise in support of H.R. 2900, the Food and Drug Administration Amendments Act of 2007.

I am proud that the headquarters of the Food and Drug Administration (FDA) is located in the Congressional District that I represent. I commend the hard working employees at FDA for their service and dedication to our country. However, serious gaps have been exposed in FDA's ability to protect the American public due to recent outbreaks of foodborne illnesses as well as high-profile postmarket safety problems. It has become clear that FDA lacks the adequate resources to fulfill its vast and vital public health mission.

In light of these events, we need to ensure that the FDA has the necessary tools and resources to protect the American public from unsafe products. H.R. 2900 takes a good first step in providing FDA with those resources in reauthorizing the Prescription Drug User Fee Act (PDUFA). Since its inception in 1992, PDUFA has helped enable FDA to approve more than 1,100 new medicines and reduce review times for innovative drugs and biologics, providing patients and doctors with earlier access to breakthrough treatments. Congress must reauthorize the prescription drug and medical device user fee programs in a timely manner to avoid any workforce disruptions at FDA. Without this bill, FDA will not have adequate resources to fulfill its mission. In addition, the innovation and development of new therapies will be hampered if PDUFA is not renewed—the FDA approval process will be too long for new potential treatments. With this reauthorization, the FDA will be permitted to collect a total of $393 million in prescription drug user fees per year through FY 2012.

H.R. 2900 also expands the FDA's ability to monitor the safety of drugs after they have been approved and marketed. In addition, the legislation creates a public database for ongoing and completed clinical trials. It is important to have all the information about any drug during the trial stage be disclosed to the public so that doctors can make sound medical decisions and provide their patients with the best possible care.

I am also pleased that the legislation includes a provision that expands on the successful Critical Path Initiative. FDA established

the Critical Path Initiative in 2004 to improve the efficiency and safety of drug and medical product development. This provision authorizes the FDA to enter into Critical Path Public-Private Partnerships with universities and non-profit organizations to modernize the process to develop prescription drugs and other medical products. These collaborations will help the FDA move drugs and medical devices through the approval process in a quicker, safer and more reliable manner at a lower cost.

Mr. Speaker, the Food and Drug Administration Amendments Act is only one important step in providing FDA with the necessary tools and resources to do its job. Congress must also significantly increase federal appropriations to FDA so that the agency is able to fulfill its most basic responsibilities. Such an increase will not only make foods, drugs and devices safer, but it will also lead to a stronger, more effective FDA that can restore public confidence, speed innovation and ensure that America remains competitive in foreign markets.

I believe H.R. 2900 will help ensure the timely access to safe and effective prescription drugs and medical devices as well as improve the integrity of the drug approval process at FDA. I urge my colleagues to support H.R. 2900.

Mr. GENE GREEN of Texas. Mr. Speaker, I rise in strong support of H.R. 2900, legislation to reauthorize important user fee programs at the Food and Drug Administration and enact critical drug safety reforms at the agency.

This legislation is the result of years of hard work by the Energy and Commerce Committee and particularly the Oversight and Investigations Subcommittee and the Health Subcommittee. I am proud to serve on both of these subcommittees. The Oversight and Investigations Subcommittee has worked on a bi-partisan basis to investigate the drug safety concerns brought to light by scandals associated with drugs such as Vioxx, Ketek and Selective Serotonin Reuptake Inhibitors, or SSRIs, which are typically used to treat depression. These investigations uncovered significant safety lapses at the FDA and shed a bright light on the FDA's bias toward drug approval with too little attention paid to post-market safety concerns.

The FDA Amendments Act of 2007 makes important changes at the FDA to place a greater emphasis on post-market surveillance within the agency. Specifically, this legislation would establish a Risk, Evaluation, and Mitigation Strategy whereby drugs approved by the agency are monitored throughout their lifecycle for adverse events or other signs of safety concerns. A critical aspect of this strategy is the additional authority this bill gives the Secretary of HHS to mandate that drug manufacturers conduct post-market studies.

Under this bill, the additional post-market activities extend to the user fee programs that help fund the drug approval process. Specifically, this bill directs drug manufacturers utilizing the FDA's drug approval process to dedicate an additional $225 million over five years for post-market surveillance activities at the FDA. This additional funding represents an important investment by the pharmaceutical industry in the FDA's postmarket safety activities, while also ensuring that pre-market user fees are adequate to bring potentially life-saving medicines to market in a reasonable time.

This legislation also reauthorizes the Medical Device User Fee Act, as well as the Best Pharmaceuticals For Children Act and the Pediatric Research Equity Act. The unanimous support of the committee for this bill is a testament to the open process and bi-partisan nature in which the committee members and staff on both sides of the aisle conducted these negotiations.

I would like to thank our Chairman, Mr. DINGELL, and our Health Subcommittee Chairman, Mr. PALLONE, for their work on this important legislation, and encourage my colleagues to support this important bill. These necessary changes at the FDA will go a long way toward restoring the American public's confidence in the agency and its ability to ensure the safety of the nation's drug supply.

Ms. HOOLEY. Mr. Speaker, I am particularly pleased that H.R. 2900 includes a provision I authored and worked on with my colleague Mr. DOYLE from Pennsylvania that will require the FDA to establish a unique device identification (UDI) system for medical devices.

Currently, most medical devices cannot be tracked or identified in any systemic fashion. A UDI will enable the FDA to better pinpoint devices associated with adverse events and look for patterns across event reports. A more sophisticated reporting system will thus strengthen FDA's post-market surveillance capabilities.

A UDI system will not only provide FDA with the tools to discover warning signs of a defective device earlier, thus potentially savings lives, but will also improve the agency's ability to promptly respond to device recalls. I believe our current system for notifying patients in the event of a recall is deficient. When defective medical devices are recalled, the absence of a standard identification system hinders the FDA's ability to notify patients. These UDI provisions take an important step toward improving the ability of the FDA, device manufacturers, and physicians to quickly and effectively communicate risk information to patients.

Ms. ESHOO. Mr. Speaker, I rise in full support of H.R. 2900, the Food and Drug Administration Amendments Act of 2007. An extraordinary amount of time was put into negotiating this bill and the fact that it's coming to the floor without contention is a testament to the leadership of our Committee and Subcommittee Chairmen, Ranking Member, and Majority and Minority staffs.

The bill is important for ensuring the safety and efficacy of pharmaceuticals and medical devices available to the American public. It includes necessary funding for vital FDA functions, such as drug and device review and approval, and also enhances post-market surveillance activities for these products.

I want to focus my remarks on the sections of the bill that renew the Pediatric Research Equity Act (PREA), and the Best Pharmaceuticals for Children Act (BPCA). I championed the original enactments of these successful programs which have helped to increase the number of drugs tested and labeled for use in children, and I'm proud these programs will be renewed and further improved under this bill.

According to the American Academy of Pediatrics, only about 25% of drugs administered to children have been appropriately tested for use in kids. Pediatricians often have to prescribe drugs for ''off-label'' use, because the drug has not been studied in appropriate FDA-approved pediatric clinical trials. Children have specific medical needs that have to be considered when drugs are used. Children have died or suffered serious side effects after taking drugs that were shown safe for use in adults but had different results in children.

I've worked with stakeholders on all sides of this issue to update BPCA and PREA to increase the amount and quality of pediatric information available to doctors, parents, and researchers. I've also enhanced labeling and post-market safety requirements. The bill also makes permanent the FDA's authority to require pediatric studies of drugs, which is consistent with its permanent authority to require studies of adult formulations. Together, these changes will help to generate important new information about the safety and efficacy of drugs prescribed to children.

A coalition of children's groups has endorsed H.R. 2900. The bill was unanimously passed out of the Energy and Commerce Committee before the July 4th Recess and I urge my colleagues to support it.

In closing I want to thank the staff members who have worked exceedingly hard to bring this bill to the Floor today: John Ford, Bobby Clark, Pete Goodloe and Jack Maniko of the Energy and Commerce Committee Majority staff, Ryan Long and John Little of the Minority staff, and Jennifer Nieto from my office.

I'm proud to be an original cosponsor of H.R. 2900 and I urge my colleagues to vote for it.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, H.R. 2900, as amended.

The question was taken.

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

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

The yeas and nays were ordered.

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

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2956, RESPONSIBLE REDEPLOYMENT FROM IRAQ ACT

Mr. HASTINGS of Florida, from the Committee on Rules, submitted a privileged report (Rept. No. 110–226) on the resolution (H. Res. 533) providing for consideration of the bill (H.R. 2956) to require the Secretary of Defense to commence the reduction of the number of United States Armed Forces in Iraq to a limited presence by April 1, 2008, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1851, SECTION 8 VOUCHER REFORM ACT OF 2007

Mr. HASTINGS of Florida, from the Committee on Rules, submitted a privileged report (Rept. No. 110–227) on the

resolution (H. Res. 534) providing for consideration of the bill (H.R. 1851) to reform the housing choice voucher program under section 8 of the United States Housing Act of 1937, which was referred to the House Calendar and ordered to be printed.

CELEBRATING THE 500TH ANNIVERSARY OF THE FIRST USE OF THE NAME ''AMERICA''

Ms. JACKSON-LEE of Texas. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 287) to celebrate the 500th anniversary of the first use of the name ''America'', and for other purposes, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 287

Whereas Italian navigator Amerigo Vespucci was born in 1454 and traveled across the Atlantic Ocean 4 times between 1497 and 1504;

Whereas during his second voyage to the Western Hemisphere in 1499, Amerigo Vespucci realized that the land Christopher Columbus discovered in 1492 was not India but a new continent;

Whereas cartographer Martin Waldseemüller, a member of the research group Gymnasium Vosagense in Saint-Dié, France, first used the word ''America'' in his world map, which first appeared in public on April 25, 1507, and described the newly discovered Western Hemisphere as separated by the Atlantic Ocean and an ocean known now as the Pacific Ocean, in its first depiction;

Whereas Waldseemüller chose to honor Amerigo Vespucci by naming the new continent with Vespucci's name even while Vespucci was alive;

Whereas Waldseemüller described this decision in his ''Cosmographiae Introductio'', the book that accompanied the map, by writing, ''I see no reason why anyone should justly object to calling this part ... America, after Amerigo [Vespucci], its discoverer, a man of great ability.''; and

Whereas April 25, 2007, will be the 500th anniversary of this first public use of the word ''America'', which now serves as the root of the names of 2 continents: Now, therefore, be it

Resolved, That the House of Representatives—

(1) celebrates the 500th anniversary of the first use of the name ''America'' to describe areas in the Western Hemisphere;

(2) honors the explorations of Amerigo Vespucci and other navigators who contributed to the discovery of the Western Hemisphere;

(3) acknowledges the significance of Martin Waldseemüller's 1507 map of the world and accompanying book, ''Cosmographiae Introductio'', which forever changed the accepted geographical view of the world and first officially used the name ''America''; and

(4) encourages the inhabitants of all countries of the Western Hemisphere who have the privilege to share this great name ''America'' to join with the House of Representatives and citizens of the United States of America in this historic celebration.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Texas (Ms. JACKSON-LEE) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Texas.

GENERAL LEAVE

Ms. JACKSON-LEE of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

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

There was no objection.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in strong support of this resolution and yield myself as much time as I may consume.

Let me first of all thank our colleague, Congressman ALCEE HASTINGS, for introducing this meaningful measure that speaks to the very heart of our Nation, as well as its history.

The resolution before the House today acknowledges the 500th anniversary of the use of the name ''America'' which first appeared on a map of the world drafted by a German cartographer, Martin Waldseemuller in 1507. The only known surviving copy of the first printed edition of this map is now housed in our own Library of Congress. It was the first map to depict the continent beyond Europe's western horizon, with the Pacific shown on its opposite shore as a separate ocean.

This measure also acknowledges the contribution of explorer Amerigo Vespucci in radically shifting human understanding of world geography. No longer was the globe thought to be divided only among Europe, Asia and Africa. This, in turn, inspired Martin Waldseemuller to adopt Vespucci's given name and to confer it on the newly charted Western Hemisphere. Mr. Speaker, this might be called the first act of immigration.

It is important that we celebrate this historic occasion because ''America'' has come to symbolize much more than a name placed on a map half a millennium ago. For centuries, it has been seen by many as a promised land, where a new start offers endless possibilities. So many have come to our shores, seeking opportunity, fleeing persecution, fleeing prosecution against those values that they hold so dear, and looking for economic opportunity. And for decades, this country has played a global leadership role, offering hope for relief from oppression and tyranny.

Our Independence Day festivities which we just celebrated with great gusto last week reminds Americans and the world every year of a unique place in history this country holds.

I, for one, held the first Citizenship Day in the history of Houston on Independence Day. It was a joyful celebration of the freedom and the independence of those great days of this great Nation.

I would like to acknowledge the Americans Abroad Caucus, which saw this resolution as an opportunity to promote international geographical understanding and to celebrate the expansive symbolism of this great and wonderful country. As well, it comes as an opportunity to support and emphasize the symbolism of the word ''America'' and what it has come to signify.

I would also like to acknowledge the America 500th Birthday Organizing Committee and their ''Who Named America'' initiative which has coordinated a series of city, county and State proclamations consistent with the spirit of this resolution.

Mr. Speaker, I urge all Members to support H. Res. 287.

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

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this resolution authored by my good friend and colleague, Mr. HASTINGS of Florida, a resolution that commemorates the first use of the name ''America'' by European map makers.

When Italian photographer and navigator Amerigo Vespucci, the merchant, explorer and cartographer, set sail on his first westward bound voyage across the Atlantic, probably in the year 1497, he did so in search of a faster trading route to China. But in the course of his travels, he set foot instead in what is now the continent of South America.

From widely published letters attributed to him at the time, Europeans first came to know of the vast continents of this new world, lands that would come to play such a dominant role in the history of the Old World during the next four centuries.

From these letters, Amerigo's destiny as a namesake for our home on the world maps that followed was assured.

This resolution of Mr. HASTINGS reminds us that no matter where we live in the northern or southern hemisphere, we are Americans, united by a common history.

I thank my colleague from Florida (Mr. HASTINGS) for offering this resolution.

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I'm delighted to yield such time as he might consume to the sponsor of this bill, Representative ALCEE L. HASTINGS, who is the chairman of the Rules Subcommittee on the Legislative and Budget Process and is also the international chairperson of the Helsinki Commission.

Mr. HASTINGS of Florida. Mr. Speaker, I thank my good friend from Houston for yielding time.

Mr. Speaker, I rise today in strong support of House Resolution 287, a resolution, as has been stated by both my good friends, that celebrates the 500th anniversary of the first use of the name ''America.''

I'd like to especially thank the original cosponsors that worked with me to introduce the legislation: Majority Leader STENY HOYER; and the leaders

of the Americans Abroad Caucus, Congresswoman CAROLYN MALONEY and Congressman JOE WILSON.

□ 1745

I also want to thank the chairman and ranking Republican of the Foreign Affairs Committee, my good friend, Chairman LANTOS, and my good friend from Florida, we came here together, my colleague, Representative ROS-LEHTINEN, for supporting this legislation and bringing it to the floor today.

Finally, I would like to express my deep appreciation to Representative ELIOT ENGEL and his staff for their help in moving this resolution forward. I would be terribly remiss if I did not mention a young man in my office, that this is among his first experiences, Alex Johnson, who found the work, not robbery, to bring this forward along with my legislative director, David Goldenberg.

It is important to recognize the collaborative community initiative that has emerged to commemorate this occasion. The Americans Abroad Caucus and the national initiative for similar proclamations in all 50 States coordinated by the America 500 Birthday Organizing Committee have established a foundation for this important resolution to be taken up for floor consideration today.

This resolution transcends the simple acknowledgment of the first use of a term on a map, but, rather, commemorates scientific achievement toward a shared understanding of the world. It is this world which increasingly exchanges culture, technology, and scientific advancement that thrives through shared understanding and the innovation we celebrate today.

When German cartographer Martin Waldseemuller first used America to identify a previously uncharted continent on his, previously mentioned by Ms. JACKSON-LEE and Ms. ROS-LEHTINEN, 1507 map of the world, I doubt that he truly realized the magnitude of his achievement. His choice of the term ''America'' to memorialize the voyages of Amerigo Vespucci shifted the geographical understanding of the world and established a term that would be attributed with symbolic identity in the centuries to come.

This symbolic identity is the source of pride that continues to motivate me and all of us to serve this great Nation. It is this American spirit which guides our role in the world and should motivate all Americans to work towards a renewed commitment to positive international relations.

My colleagues should know that the last remaining copy, and I believe Ms. JACKSON-LEE pointed it out in her remarks, remains as a trust, as a top treasure of the Library of Congress. I would encourage my colleagues and citizens in this country to visit and see this treasure which established the geographical origin of the American identity.

Again, I thank Chairman LANTOS, Ranking Member ROS-LEHTINEN, and Representative ENGEL for their work on this. I urge my colleagues to support this resolution and join me to commemorate the origin of the term which has resulted in an international American identity.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield back the balance of our time.

Ms. JACKSON-LEE of Texas. Let me thank the distinguished gentleman from Florida. Again, let me acknowledge Mr. LANTOS, Ms. ROS-LEHTINEN and Mr. ENGEL as well. This is an important piece of history, and I am very grateful for this legislation to provide us another chain link, if you will, another connection to the history of America.

Mr. Speaker, I ask my colleagues to support this legislation, which is H. Res. 287.

Mr. HOYER. Mr. Speaker, I rise today to commemorate the 500th anniversary of the first use of the word ''America''—a name that has come to symbolize liberty, opportunity and an unyielding hope for humanity.

In the 500 years that have passed since the word ''America'' was first used, the term has become more of a concept than a name—an idea that celebrates what is truly special about the world in which we live; a principle that defines what democracy, equality, freedom and unity are all about; and a goal that people all over the world have embraced since our country's inception.

We have come a long way since 1507—from a simple name on a map, to a moral, political and economic leader among nations. It gives me great pride to mark this 5th centenary of the name ''America,'' and to express my sincere hope that the next 500 years of our country's history provide just as many benefits to the people of the world as the last 500.

Mr. DAVIS of Illinois. Mr. Speaker, today we celebrate the 500th anniversary of the first use of the name America, to describe areas in the Western Hemisphere. These areas are named after Amerigo Vespucci, an Italian Explorer on a quest to find new lands. He is one of many from that era who craved the exploration of new worlds and ideas. Although Vespucci's intention was to conquer land for Italy, he ultimately helped to create a place that today is one of the most diverse places on earth. Vespucci took a bold step, defying previous thinking that the land we live on was part of India.

Today we recognize the anniversary of Amerigo's discovery as a reminder of how important it is to challenge preconceived notions, and how critical it is that we keep exploring new ideas and sciences.

We are a people who live and breathe discovery. Our history holds many examples of our desire to explore. This country has gone to the Moon and intertwined computers into our everyday lives. We have created vaccines to help eradicate polio and other life threatening diseases. We use our ambition to explore, and as a means to be competitive in the world we live in.

Today we must continue to honor our historical drive for exploration. Unlike Vespucci's quest which was to only benefit a small subset of people, today we must give anyone the opportunity to be involved with the exploration and to partake in the benefits of our successes. Only about 6 percent of practicing physicians are Latino, African American and Native American today, and according to an analysis by the Commission on Professionals in Science and Technology, the percentage of African Americans receiving bachelor's degrees in engineering is only 4.7 percent of all engineering graduates. Minorities and women are often left out of these fields. There is no reason for these discriminations. We should push all young people to discover science and mathematics and to understand there are jobs that interact with those fields. We especially need to push minorities and women who have not gotten those opportunities to achieve in those fields.

We have made progress since the last election in helping every young person to become involved with math and science. The house recently passed The 21st Century Competitiveness Act of 2007, which establishes, revises, and extends specified science, mathematics, education, engineering, technology, research, and training programs, however; we need to keep improving math and science education for young people. We should increase computer interaction in poverty stricken areas and increase young minority student's interactions with math and science at a younger age.

In the celebration of America and Amerigo Vespucci, let us pledge to continue our quest for exploration and discovery. Let us continue to take bold steps as he once did to move in a direction where we can use new technology and discoveries to improve the lives of millions not just those in positions of power, but for even the most underprivileged in our society.

Mrs,. MALONEY of New York. Mr. Speaker, I rise today in support of H. Res. 287 which honors the 500th Anniversary of the name ''America.''

The story of the origin of our country's name is one of great discovery and dedication that embodies our national spirit.

On April 25, 1507 cartographer Martin Waldseemüller of the research group Gymnasium Vosagense in Saint-Die, France changed the way Europeans perceived the world by first depicting the Western Hemisphere in his 1507 World Map. He labeled the land ''America,'' marking the first official use of the word. The only remaining copy of this map is housed next door in the Library of Congress.

Waldseemüller named the land after Italian navigator Amerigo Vespucci. Although explorers like Christopher Columbus already discovered what we now know to be the Western Hemisphere, Vespucci was the first to realize that it was not India but an entirely new continent.

Mr. Speaker, I am proud to honor the name ''America.'' Truly encompassing the American spirit, this name was derived from those challenging the status quo to improve our world and persevering in the face of doubt. Today we are not only honoring the name America but all Americans who have the great privilege of sharing this name and all it embodies.

Mr. ENGEL. Mr. Speaker, I rise in support of H. Res. 287 and thank our colleague, Congressman ALCEE L. HASTINGS, for sponsoring this excellent resolution.

In 1507, German cartographer Martin Waldseemüller [VALD-say-meuller] drafted a map of the world that inaugurated the use of the name ''America,'' acknowledging the contributions of explorer Amerigo Vespucci, which forever altered the accepted geographical view of the world.

As Chair of the Subcommittee on the Western Hemisphere, with jurisdiction over the Americas—Latin America and Central America, North and South America—I am keenly aware that the use of this name has forever defined the region where we all live.

As we commemorate 500 years of the use of the name "America", let us rededicate ourselves to promoting better and closer relations between the United States and the countries of the Americas and hope that the next 500 years will be an era of peace and prosperity throughout the hemisphere.

I urge Committee Members to support H. Res. 287.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. JACKSON-LEE) that the House suspend the rules and agree to the resolution, H. Res. 287, as amended.

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

A motion to reconsider was laid on the table.

RECOGNIZING 2007 AS THE YEAR OF THE RIGHTS OF INTERNALLY DISPLACED PERSONS IN COLOMBIA

Ms. JACKSON-LEE of Texas. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 426) recognizing 2007 as the Year of the Rights of Internally Displaced Persons in Colombia, and offering support for efforts to ensure that the internally displaced people of Colombia receive the assistance and protection they need to rebuild their lives successfully, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 426

Whereas Colombia has experienced the internal displacement of more than 3,800,000 people over the past 20 years, representing approximately 8 percent of Colombia's population;

Whereas Colombia's internally displaced population is one of the worst humanitarian crises in the Americas, and the second largest internally displaced population in the world, after Sudan;

Whereas more than 200,000 people continue to be displaced internally every year;

Whereas Colombia's internally displaced people are often forced from their homes multiple times, and fear repercussions if they identify their attackers;

Whereas the International Committee of the Red Cross and the World Food Program have found internally displaced people in Colombia to be poorer and more disenfranchised than the general population, with 70 percent suffering from food insecurity, inadequate shelter, or limited health care services;

Whereas Afro-Colombian and indigenous peoples are disproportionately affected by displacement, representing almost one-third of the internally displaced;

Whereas women and children also comprise a large majority of the internally displaced;

Whereas very few internally displaced Colombians have been able to return to their original homes due to ongoing conflict throughout the country, and when returns take place they should be carried out voluntarily, in safety and with dignity;

Whereas, in 1997, the Government of Colombia passed landmark legislation, known as Law 387, to guarantee rights and assistance to its internally displaced population;

Whereas the Government of Colombia has expanded its ability to assist internally displaced people through its own agencies, and with the financial, technical, and operational support of the international community;

Whereas the Constitutional Court of Colombia has handed down multiple decisions recognizing the insufficient nature of the government's efforts to meet the basic needs of internally displaced persons and upheld the importance of implementing law 387 in light of the United Nations Guiding Principles on Internal Displacement;

Whereas the Constitutional Court of Colombia, in consultation with the Government of Colombia, civil society, and the United Nations, has developed an extensive set of measurements to ensure government compliance with Law 387;

Whereas the Government of Colombia, the international community, and civil society are engaged in the London-Cartagena Process to develop coordinated responses to domestic problems, including humanitarian assistance and internal displacement;

Whereas the Government of the United States provides valuable, but limited, humanitarian assistance through Plan Colombia, and has programs targeted specifically for internally displaced people; and

Whereas the United Nations High Commissioner for Refugees, Antonio Guterres, on a visit to Colombia in March 2007, urged greater attention to the issue, stating that it should be a "national priority" and asked for "greater coherence" in programs to address the needs of the internally displaced: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that—

(1) the United Nations High Commissioner for Refugees, the Colombian Catholic Church, and the Consultancy for Human Rights and Internal Displacement should be commended for their initiative to declare the Year of the Rights of the Internally Displaced People in Colombia;

(2) the Government of Colombia and the international donor community should be encouraged to prioritize discussion of humanitarian assistance and internal displacement with the international donor community, especially within the context of the London-Cartagena Process; and

(3) the Government of the United States should increase the resources it makes available to provide emergency humanitarian assistance and protection through international and civilian government agencies, and assist Colombia's internally displaced people in rebuilding their lives in a dignified, safe, and sustainable manner.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Texas (Ms. JACKSON-LEE) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Texas.

GENERAL LEAVE

Ms. JACKSON-LEE of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

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

There was no objection.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of this legislation and yield myself such time as I may consume.

I would first like to express our appreciation to our colleagues, Congressman JIM MCGOVERN and Congressman JOE PITTS, for introducing this important legislation. Let me also thank the Chair of the Western Hemisphere Subcommittee, Mr. ELIOT ENGEL, and the Chair and ranking member of the Africa and Global Health Subcommittee, Mr. PAYNE and Mr. SMITH, for bringing this issue to our attention. For those who have recently visited Colombia, I can assure the sponsors of this legislation that this is a timely and important and constructive addition to the assistance of displaced persons in Colombia.

The McGovern resolution brings long overdue attention to the continuing plight of Colombia's internally displaced people. Ongoing violence over the last 20 years among paramilitary groups, guerillas and government security forces has forced millions of civilians to leave their homes, wander the streets and the countryside and simply struggle to survive. It has to be a miserable existence.

Colombia's internally displaced population represents one of the worst humanitarian crises in the hemisphere and the second largest population of internally displaced in the world after Sudan. While the entire world knows about the hardships facing the people of Sudan, Colombia's internally displaced suffer in great silence.

For this reason, the United Nations' High Commissioner for Refugees has deemed it the greatest hidden humanitarian crisis in the world. Over the past two decades, approximately 3.8 million Colombians, or about 8 percent of Colombia's entire population, have been displaced from their homes due to violence and conflict and through no fault of their own.

President Uribe is a solid ally of the United States in South America. He has made enormous strides in protecting his own people, but clearly he faces an uphill battle. In our conversations, in my visit to Colombia, along with several Members, including Congressman GREG MEEKS, we made this a very strong point, meeting with some of the internally displaced persons and recognize that this is an enormous challenge that this Congress must confront and provide assistance to these people and to the government to do what is right.

Sadly, an estimated 200,000 people are forced to flee their homes or places of refuge each year. For these people, Colombia is home, but Colombia has no

home for them. One-third of the internally displaced are from the Afro-Colombian and indigenous peoples communities, a percentage likely to increase this year. This type of ethically based displacement is particularly abhorrent. It is important to note as well that the people continue to be displaced, and they continue to be without a place to go.

Like many refugees around the world, the overwhelming majority of Colombia's internally displaced are also women and children. Few of these millions of people have been able to return to their homes. Tragically, these refugees often are misplaced multiple times. They are poor and more disenfranchised than the general population, and they are more fearful of repercussions should they attempt to identify their attackers. The World Food Programme and the UNHCR estimate that more than 70 percent suffer from food insecurity and inadequate shelter or limited health care services.

I am grateful to acknowledge the Mickey Leland Center, which my friend and colleague, Mr. MCGOVERN, serves on, as do I, and the efforts they have made in providing food for persons like those displaced in Colombia.

With passage of this important measure, the United States Congress will encourage the United States, the international donor community, and the Colombian Government to create coordinated responses that address this humanitarian crisis, provide increased resources and protection for this highly vulnerable population and help them to successfully build their lives.

Bringing attention to the humanitarian crisis of Colombia's internally displaced people and assisting them to live in safety with dignity are priorities that every Member of Congress can and should embrace.

It is a call to our shared humanity, and I urge all Members to support H. Res. 426.

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

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, over the past 20 years, more than 3 million people have been internally displaced in Colombia, and each year 200,000 more are internally displaced.

This massive displacement is a little-known fact about the long and tragic conflict that goes on in Colombia. One of the goals of Plan Colombia was to help end the violence, violence from that conflict and, in turn, stop the ongoing displacement. Plan Colombia has, indeed, reduced the violence, and the numbers of newly displaced people are down.

For example, according to the Colombian Government, from the years 2002 through 2005, incidents of terrorism are down 63 percent; and for the same time frame, homicides are down 37 percent, along with an 80 percent decrease in kidnappings.

In turn, the number of displaced people is down 64 percent from a high of 424,193 in the year 2002 when our aid program of Plan Colombia started to kick in and to help the situation on the ground. Now things are much better. Seventy percent of these displaced people still suffer from food insecurities, from inadequate shelters, and limited health care facilities.

In 1997, the Government of Colombia passed legislation known as Law 387, to guarantee rights and assistance to its internally displaced population. Since then, the Government of Colombia has expanded its ability to assist internally displaced people, but the constitutional court of Colombia has called the government's efforts to meet the basic needs of internally displaced persons insufficient. This resolution commends the United Nations High Commissioner for Refugees, the Colombian Catholic Church, and the Coalition for Human Rights and Internal Displacement for their initiatives in declaring the Year of the Rights of the Internally Displaced People in Colombia.

It also encourages the Government of Colombia and international donor communities to prioritize the discussions of humanitarian assistance and internal displacement with the international donor community, especially within the context of the London-Cartagena Process, which set the scene for an international cooperation, in addition to guidelines and a mandate for working on bringing peace and stability finally to Colombia.

House Resolution 426 also calls on the United States to increase emergency humanitarian assistance and to assist Colombia's internally displaced people in rebuilding their lives in a dignified, safe and sustainable manner.

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield 8 minutes to the distinguished member of the Rules Committee, Mr. MCGOVERN, the author of the legislation, and a strong and dedicated and committed advocate for the displaced persons of Colombia, indigenous Afro-Colombians and others in need.

Mr. MCGOVERN. I want to thank my colleague from Texas (Ms. JACKSON-LEE) for her generous words and for yielding me the time and for all of her work on behalf of human rights.

I want to thank the distinguished chairman of the Foreign Affairs Committee, Mr. LANTOS, for his leadership throughout the years on behalf of those who have lost their homes, their livelihoods, and their land through violence or natural disaster.

I would also like to recognize the ranking member for her work in educating Members of Congress about the suffering of refugees and the internally displaced.

Mr. Speaker, I rise in strong support of H. Res. 426, which shines a light on Colombia's more than 3 million internally displaced people, or IDPs, a number second only to Sudan.

□ 1800

In 2005, the United Nations High Commissioner on Refugees described the IDP situation in Colombia as one of the most invisible humanitarian crises in the world. This is a crisis that the government of Colombia cannot handle alone.

Earlier this year, the UNHCR, the Colombian Catholic Church, and the Consultancy for Human Rights and Internal Displacement jointly declared 2007 as the Year of the Rights of the Internally Displaced People in Colombia. This resolution commends this initiative and encourages the United States and the Colombian governments and other donor nations to place greater priority on providing the necessary resources to aid and protect Colombia's internally displaced so that they might rebuild their lives.

Mr. Speaker, an estimated 3.8 million people have been displaced inside Colombia over the past two decades. This is approximately 8 percent of Colombia's total population. Currently, 200,000 people continue to be internally displaced every year. Almost one-third of these people are Afro-Colombian and indigenous peoples, and with conflict escalating in the regions of Narino and Choco, this number is likely to increase. A large majority, like displaced people all around the world, are women and children. Very few can return to their original homes. Many are displaced multiple times, finding no safety anywhere. It comes as no surprise then that Colombia's IDPs are poorer and more disenfranchised than the general population. Around three-quarters suffer from lack of food, inadequate shelter, and limited health care and other services. And, sadly, the harsh realities of life faced by the internally displaced are invisible even to most Colombians. They are a forgotten people, a marginalized people.

Mr. Speaker, I have traveled to Colombia several times, and on each trip, I have included a trip to internally displaced communities. On my very first trip in 2001, I went to Barrio Kennedy in the slums of Bogota. The majority of these families are from Tolima. They had been violently displaced by attacks mainly from FARC guerillas. They were rural families used to growing their own food and making a living by farming. In the capital, they were lost. They had no jobs. They couldn't grow their own food. They would get up early in the morning and hang around the trucks that brought in produce for the markets and gather up the food that fell off the trucks into the mud. They picked through the garbage looking for food to eat or items to barter. Alcoholism and domestic violence were rising. They lived in horrible conditions with a growing sense of hopelessness.

In 2003, I traveled north to the Department of Sucre. In Sincelejo, I visited the community of Cristo Viene. These families had been violently displaced by paramilitaries from their

communities in the mountains of Maria. They had small shacks for shelter. They had organized their teenagers into a group making bracelets and other items to sell in order to give purpose to the young people and generate some income for their community. All the youngest children had the rusty colored hair indicative of malnutrition. Nearly all the infants and toddlers had serious eye disorders or were already blind from vitamin deficiency. They could get access to rudimentary electricity and water, but only if they sold their vote to a corrupt local politician.

The Colombian Catholic Church and the Mennonite churches had joined together in their first ecumenical initiative to provide schools of basic humanitarian aid for these people.

In 2001 and 2007, I visited IDP communities perched precariously on barren hills next to the municipality of Soacha, on the outskirts of Bogota. On my first visit, I saw a school and a school feeding program, both funded by the United States and carried out by World Vision and the World Food Programme. For these children, these programs were the only stability in an insecure world. Paramilitary and FARC agents roamed freely trying to recruit children into their ranks. A mother came up to me and thanked the United States for supporting the school and free meals. She told me that if these programs didn't exist, her 11-year-old son would have gone into one of the armed groups just so he could get something to eat.

When I returned to Soacha this March, little had changed. If anything, things were worse. Over the past 6 years, violence has forced hundreds of thousands out of the countryside. Many ended up in Bogota, settling in the Soacha slum. They were from all over the country. So-called landlords are charging them outrageous rents when IDPs build themselves a shack. Children can't walk to school without fear of being assaulted, robbed or raped. The price of water was several times higher than that of regular Bogota residents. IDP community leaders working with Colombian and international NGOs were doing their best to address the community's problems but lacked the necessary resources. And the local officials of Soacha were struggling to meet basic needs.

Madam Speaker, I am proud that the United States has always targeted resources for IDP communities, and the recent House-passed Foreign Operations appropriations bill increases that funding.

Madam Speaker, H. Res. 426 is a bipartisan bill, and I want to thank my colleague, Congressman JOE PITTS of Pennsylvania, for joining me in introducing this legislation. It is supported by Refugees International, Catholic Relief Services, the Mennonite Central Committee, Jesuit Refugee Services USA, the Jesuit Conference of the United States, Lutheran World Relief, the International Rescue Committee, Mercy Corps and several other national organizations.

Madam Speaker, I commend the UNHCR, the Colombian Catholic Church and CODHES for bringing attention to this humanitarian crisis facing Colombia's internally displaced. I hope that there will be a renewed effort by the United States and the world community to help these people.

I urge my colleagues to support H. Res. 426.

JULY 10, 2007.

DEAR HONORABLE MEMBERS OF CONGRESS: As organizations concerned with refugees and internally displaced persons around the globe, we write to express our support for House Resolution 426 regarding the situation of internally displaced persons in Colombia.

More than 3.8 million people have been internally displaced over the past twenty years, and high levels of displacement continue to occur. Despite efforts by the international community and the Colombian government, internally displaced persons lack access to basic health care, shelter, adequate nutrition, secure employment, and educational opportunities. In many cases, they also lack basic protection from human rights violations and continued displacement.

The Colombian Catholic Church, United Nations High Commissioner for Refugees, and Colombian nongovernmental organization established an initiative to declare 2007 the Year of the Rights of Internally Displaced Persons in Colombia in order to call attention to a dire humanitarian situation which has been largely invisible both internationally and within Colombia. This resolution expresses support for this initiative and recognizes certain advances by the Colombian government such as establishing landmark legislation. The resolution calls for the international community, U.S. and Colombian governments to prioritize attention to help Colombia's internally displaced persons to ''rebuild their lives in a dignified, safe, and sustainable manner.''

We encourage you to help bring attention to this pressing problem of internal displacement in Colombia by supporting House Resolution 426.

Kenneth H. Bacon, President, Refugees International; Rev. Kenneth Gavin, S.J., National Director, Jesuit Refugee Service/USA; Sean Callahan, Executive Vice President, Overseas Operations, Catholic Relief Services; Gimena Sánchez-Garzoli, Senior Associate for Colombia and Haiti, Washington Office on Latin America; Rebecca Phares, Director, Public Policy and Advocacy Lutheran World Relief; Adam Isacson, Director of Programs, Center for International Policy.

Marino Córdoba, Charo Mina Rojas, AFRODES USA; Theo Sitther, Legislative Associate for International Affairs, Mennonite Central Committee, U.S., Washington Office; Lisa Haugaard, Executive Director, Latin America Working Group; Kimberly Stanton, Country Representative, Colombia, Project Counselling Services; Barbara Gerlach, Colombia Liaison, United Church of Christ, Justice and Witness Ministries.

COLOMBIA: INCREASING VIOLENCE REQUIRES MORE SECURITY, HUMANITARIAN SERVICES

Refugees International (RI) teams visited Nariño and Chocó departments in June 2006 and February 2007 and found that security conditions have seriously worsened. As a result, increased civilian displacement in the coming months is likely and Government authorities are unprepared to respond adequately.

GROWING VIOLENCE INCREASES DISPLACEMENT

Civilians continue to flee their homes due to newly formed narco-paramilitary groups entering their lands and ordering people to leave. The displaced are also subject to violence upon return. Since the June 2006 displacement from the Remolino demonstration in Nariño (see: http://www.refugeesinternational.org/content/article/detail/8952/), and the subsequent return of these communities to areas north of the provincial capital, Pasto, 70 people have been assassinated and 17 have disappeared, confirming threats made by paramilitaries in the area to those accompanying the returning convoys. In February 2007, the RI team visited the municipality of Samaniego, south of Pasto, and found that 8 people had been killed over the course of one weekend. These deaths were attributed to a new paramilitary group, 80 members strong, who are in the process of establishing themselves in the town.

In addition to conflict due to resurgent paramilitary groups, fighting has intensified for control of strategic territory used for cultivating, harvesting, processing and transporting coca to international markets. Samaniego, Nariño is the site of fighting between two left-wing guerilla groups—the FARC (Revolutionary Armed Force of Colombia) and the ELN (National Liberation Army) over drug resources. The Bajo Baudó region of Chocó is the scene of drug-related fighting between the FARC and the ERG (Guevarista Revolutionary Army). Fighting for similar reasons is also occurring between the FARC and paramilitary groups throughout Nariño and Chocó. Multiple reports indicate that combatants are driving entire indigenous and Afro-descendant communities out of contested areas, a tactic that crowds nearby villages and towns. In these contested areas used for growing coca, the national army has also begun to bomb and fumigate as part of its eradication program. These actions are also causing displacement as farmers are driven from spoiled lands.

According to official figures, violent crimes increased 13% in Nariño in 2006 in comparison to 2005. Multiple officials reported to RI that these are very conservative figures, and they estimate that the real death toll could be up to six times higher. Additionally, the alarming spread of new paramilitary groups seems to have benefited from army and police complacency, both of which are avoiding confrontation. Crimes committed by these new armed actors remain uninvestigated and the perpetrators impugn.

''A TIME BOMB ABOUT TO EXPLODE''

Humanitarian aid workers in Colombia are now referring to multiple crises in the country as time bombs. Contrary to official government statements, multiple conflicts are raging throughout the country. The roots of these conflicts are expanding, and do not represent only battle between government forces and guerrilla rebel groups. Rather, there is growing violence among left-wing guerrilla groups, additional fighting between guerrilla groups and resurgent paramilitary groups, and additional conflict involving the army. As a result, civilians are being caught between quickly changing actors—and being put at increasing risk as different armed groups enter and leave their communities.

In Nariño, 30 massive displacements [massive meaning displacement of more than 50 people] happened last year with additional 8 massive displacements in the first two months of 2007, bringing the total number of registered IDPs in the department to more than 54.000.

On February 15 fighting between FARC and ELN affected communities of around 2.000 people living in rural areas northwest of the municipality of Samaniego. ''This is the second time we have been displaced this year. People are terrorized by the fighting and some 46 families have fled their homes to seek sanctuary in school buildings in a nearby town'' said an indigenous leader. During their stay in schools, the local municipality and the church provided food and essential items. However, five days later, assistance from Acción Social, the government agency mandated to coordinate humanitarian response to the needs of displaced people, had not arrived, and reports indicated that many families had decided to return home for lack of assistance. These returnees found that landmines were laid down around their village and that fighting could erupt at any time. In the two weeks that proceeded RI's visit to Samaniego, 7 people had been injured or killed by a landmine or unexploded ordinance.

A similar situation of mounting tensions and violence also afflict communities in the San Juan and Baudó River Valleys, and along the tributaries of the Atrato River in the department of Chocó.

On April 6, 2006 more than 700 members of 5 Wounan indigenous communities from the Medio San Juan river basin fled their villages to seek security in the town of Istmina. The FARC accused 14 community leaders and teachers of being informants for the army and killed three people. The remaining people under threat, along with their families, were evacuated by United Nations agencies to Panama. In this instance, both local authorities and Acción Social failed to provide minimum levels of assistance, forcing the Church and international agencies to intervene in order to avert a humanitarian disaster. ''Four children died during those two months because of epidemic diseases. We had to live crammed into four small makeshift shelters, and were forced to bathe in and cook with the polluted water of the river'' said an indigenous leader. The group finally decided that living conditions were intolerable and opted to return to their villages. Since returning, the FARC has enforced tight social control over the group, and access to them has been cut off.

Throughout the month of February, more displacement to Istmina occurred from the Sipí river basin, caused by new paramilitary group activity, which has included multiple orders to villagers that they leave their houses within 8 hours. One family that was part of a group of more than 300 Afro-Colombians who arrived in Istmina on January 4, 2007 told RI: ''We received some food, but only after 11 days, and it is not enough. No housing has been provided for us, and we don't feel like we have access to medical services, education or any way to support ourselves.''

Based on solid evidence of increasing violence throughout Colombia, Refugees International recommends that:

The government of Colombia:

Increase its efforts to protect civilians from attacks from, and displacement caused by, illegal armed groups. Its security forces should do so in full respect of international humanitarian law.

Investigate the lack of criminal proceedings in Nariño and hold those who commit crimes against civilians accountable. Alleged links between the Colombian army, the police and paramilitary groups should be investigated immediately, and arrest and prosecution should follow where investigation warrant.

Provide additional resources to departmental and municipal authorities to strengthen their capacity to respond to the housing, health and education needs of displaced families.

Acción Social:

Preposition food and non-food items in the cities of Istmina and Pasto in order to allow for a quickly accessible supply of goods for newly displaced groups. Closely monitor the provision of basic services to beneficiaries by its partners and local authorities.

Departmental and municipal authorities:

Prepare contingency plans to respond to new displacement. Plans should include the creation of dignified temporary housing, identification of cultivable lands for displaced households, and increase the response capability of local providers of basic services.

Create safety networks for particularly vulnerable displaced households such as women-headed households, orphans and the elderly, including sustained psychological services.

Allocate resources for the implementation of these plans and execute them when needed.

COLOMBIA: FLAWS IN REGISTERING DISPLACED PEOPLE LEADS TO DENIAL OF SERVICES

The government of Colombia should take immediate steps to ensure that people displaced as the result of the internal conflict are included in the Registry and provided the services guaranteed by law.

Colombian Law 387, which defines the government's obligations to IDPs, sets forth the following criteria for inclusion in the Registry: a person must be displaced because of violence or the threat of violence due to internal conflict, generalized violence, massive violations of human rights, or violations of International Humanitarian Law. Once people are forcibly displaced they must declare what happened to the Public Ministry, which then remits the declarations to the Presidential Agency for Social Action and International Cooperation (known as Acción Social) for review.

The Colombian non-governmental organization Consultoria para los Derechos Humanos y el Desplazamiento (CODHES) and the Catholic Church keep independent databases of displaced people. The CODHES figures suggest that the government is greatly under-estimating the scale of displacement in the country. It gives a figure of 2.9 million people internally displaced from 1995 to 2006, while the government of Colombia cites 1.9 million for the same time period. Differences over cumulative statistic-keeping aside, displacement continues throughout Colombia on a massive scale; government figures indicate that more than 200,000 people are still displaced annually.

Refugees International is concerned that a very narrow interpretation of the law governing IDP registration results in the failure to recognize many of the causes of displacement, leading directly to undercounting and lack of response to the needs of the displaced. The restrictiveness of the law is evident in 2006 statistics from Nariño, where only 43% of applications were accepted into the Register. In speaking with IDPs, RI identified a number of problems with the criteria used to add individuals to the Register:

Displacement must be caused by conflict, but operations conducted by the army or police against civilian populations that do not involve other armed actors are not defined as conflict. For example, people displaced by police suppression of demonstrations in Remolino, Nariño in June of 2006 have not been included in the Register.

Civilians displaced by anti-narcotic fumigations, which are often preceded by military operations, and the subsequent ruining of crops, are not eligible.

Displaced households traumatized by violence often fail to identify perpetrators and detail the circumstances that forced them to flee due to fear of reprisals. These applications are often rejected because they are considered incomplete.

Despite legal clarifications that allow IDPs to register after the first year of displacement and forgo emergency aid, found in Decree 2569/2000, the government continues to reject people who did not register within one year of their displacement.

The Register is used as the definitive list of people eligible for government services. Failure to be included on the Register denies the displaced a long list of services, including access to emergency assistance immediately after displacement, access to health, education and housing services, participation in training and income generation programs, and other forms of social support.

The government claims that once registered every individual remains on the list, but Refugees International documented dozens of cases in which the displaced have found themselves removed from the Register with no explanation. In town hall meetings with IDP communities in the departments of Cordoba, Chocó, and Nariño, RI found that as many as a third of the meeting's participants were told that their names could no longer be found on the registry by service providers. ''Even when I presented the letter the government gave me saying I am in the Register, I was told that if I didn't show up in the computer, my letter was worthless,'' said one Afro-Colombian person displaced in Chocó.

The director of Acción Social in Cordoba told RI that these problems are due to the transfer of data in the Register from one database to another in the course of attempts to improve the system. Every time the data get transferred, names are dropped off by accident. But officials are either unable or unwilling to correct the resulting errors. A community leader from the Tierra Alta region of Cordoba told RI, ''We gathered up all of the documentation from families in our community that had been dropped off the Register. We took these papers to the capital and presented them to Acción Social. That was six months ago, and no one has been put back on the list yet.''

Additional problems with database management have the effect of excluding children and spouses from the Register, leaving some with access to services and others without. Currently, an entire family is put on the Register under the name of the head of household, but sometimes other family members are not included in the documentation. Acción Social staff explained these problems to RI as data entry errors, and maintained that these people could quickly get their family members reinstated. Despite this claim, the families RI spoke with had not succeeded in getting their loved ones on the Register.

Although Acción Social maintains the master Registry of all internally displaced people eligible for social services, this is not necessarily the database used for their actual provision. The database informs all agencies that participate in the Sistema Nacional de Atencion Integral a la Población Desplazada (SNAIPD) or the National System for Unified Attention to the Displaced Population. Many of the agencies that participate in the SNAIPD maintain their own databases to determine who is actually eligible. RI received repeated complaints from displaced people that despite their inclusion on the Acción Social Register, they were not in the database for specific services.

The majority of complaints focused on the health care system. One man recently displaced to Pasto, Nariño told RI, ''I am registered as an IDP and received my emergency food aid. But I am losing vision in one eye. I have not been able to get any treatment or medicine because I am told that I do not appear in the health system's database. I am afraid I will go blind.''

Failure to be registered with Acción Social does not just impede access to government-provided services. Many international service provision agencies are working in partnership with Acción Social to target and implement their projects. Most notable in this category are contractors that use U.S. government funds, such as the Pan-American Development Foundation (PADF). Staff from a local partner of PADF in Chocó told RI of a project under development to improve or rebuild 200 houses for IDP and other local poor households. In the selection of displaced recipients, they were required to limit eligibility only to people included on the Register. In the first round of applications for participation in the project, almost half of the families had to be turned away because they were not on the Register, despite valid claims of need. Similarly, in Monteria, Cordoba, a community-based organization that received funds from the Cooperative Housing Foundation (CHF), which in turn received its funding from the U.S. government, had to limit its emergency assistance to individuals that were referred by Acción Social.

Refugees International Recommends:

The Government of Colombia:

Amend regulatory Decree 2567/2000 of Law 387 in order to expand the eligibility criteria for IDP status.

Acción Social:

Instruct regional offices to validate incomplete declarations from displaced people whenever there is a lack of contradictory information regarding the cause of displacement.

Instruct regional offices to allow IDPs who did not register within the first year of their displacement to be included in the Register and provide them access to the full range of services offered to long-term IDPs.

Fix database problems that cause people to be deleted from the Register, and choose one final database program that can manage Acción Social's needs.

Institute a transparent process to allow individuals who have been dropped from the Register to apply for reinstitution. Implement reasonable deadlines for placing a dropped individual back into the system.

Revise the operating procedures of the SNAIPD to require that all governmental service provision agencies have access to the Acción Social Register, and that the Register be the only database used to determine eligibility for services.

Donor governments:

Use independent means of determining IDP eligibility other than the Acción Social Register when providing services to displaced beneficiaries.

Ms. ROS-LEHTINEN. Madam Speaker, I recognize Mr. PITTS of Pennsylvania for such time as he may consume, the cosponsor of this resolution.

Mr. PITTS. Madam Speaker, I would like to thank the gentleman for his leadership on this issue, and I would like to thank the gentlelady for yielding time and thank her for her leadership in bringing this issue to the attention of the House.

Madam Speaker, I urge my colleagues to support H. Res. 426, which recognizes 2007 as the Year of the Rights of Internally Displaced Persons in Colombia, and offer support for efforts to ensure that the internally displaced people of Colombia receive the assistance and protection they need to rebuild their lives successfully.

I have worked with internally displaced persons around the world. These people are not refugees. They do not flee or leave their country; they are within their country displaced internally. And their stories are similar. People love their countries. They do not want to flee. But, because of circumstances, they are forced to leave their homes or their towns.

According to the United Nations, at the beginning of the year 2006, there were estimated to be 23.7 million IDPs, internally displaced people, around the world. That is a little over the size of the population of the entire State of Texas.

IDPs in Colombia frequently get caught in the conflict between the guerillas, the paramilitaries, and government troops. It is important that this body support and encourage IDPs around the world and today, in particular, in Colombia. IDPs deserve recognition. They deserve the assistance and resources as they seek to rebuild their lives.

If you travel to these countries and meet with IDPs, many times you will find them despondent, despairing, saying, ''Why don't we get the assistance that the U.N. and the U.S. give to refugees''? We need to recognize their plights, and I commend my colleagues, Mr. LANTOS and Ms. ROS-LEHTINEN, for their leadership on bringing this issue to the attention of the House. I urge my colleagues to vote in favor of the resolution.

Ms. JACKSON-LEE of Texas. Madam Speaker, it is my pleasure to yield 2 minutes to the distinguished gentlelady from California, Congresswoman BARBARA LEE, a member of the Committee on Appropriations and a Member with a long history of advocating for those unempowered persons around the world.

Ms. LEE. Madam Speaker, let me first thank the gentlelady for yielding and for her leadership on this issue and on so many issues that affect those who have no voice in our own country and throughout the world.

I rise in strong support of this resolution, which calls on the United States, the United Nations and the government of Colombia to recognize 2007 as the Year of the Rights of the Internally Displaced Persons in Colombia.

And let me thank my colleague, Mr. MCGOVERN of Massachusetts, for being such a leader on this issue and on his tireless work to end human rights abuses around the world, particularly in Latin America, now as a Member of Congress but also in his prior life as a staff member. He is truly committed to ending human rights abuses, and his life's work is about that. So I thank him, and congratulations on this resolution.

Madam Speaker, after Sudan, Colombia has the largest number of internally displaced persons. Estimates range from 2 million to 3.6 million persons. Less than one-third of IDPs receive emergency assistance, and many have to wait months to receive that emergency aid.

Of those IDPs, traditionally marginalized, and I mean marginalized, Afro-Colombian and indigenous communities have been disproportionately affected.

In 1993, the National Development Plan for the Afro-Colombian population awarded land titles to protect ancestral property rights. Madam Speaker, in recent years Afro-Colombians have been forcibly displaced from more than half of their land. The April 2001 massacre of Afro-Colombians in the Naya region brought international attention to the plight of these communities. This resolution takes a very important step towards ending the violence and terror that Colombia's internally displaced persons have faced.

I hope all of us support this resolution. I am very delighted that this is a bipartisan resolution. I want to commend again Mr. MCGOVERN for this. We must end this grave injustice.

Ms. ROS-LEHTINEN. Madam Speaker, I yield back the balance of my time.

Ms. JACKSON-LEE of Texas. Madam Speaker, I thank the ranking member for her leadership on this issue and the chairman of the full committee, Mr. LANTOS. Again, my appreciation and the committee's appreciation to Mr. MCGOVERN and Mr. PITTS for their joint collaboration on a very instructive and important lifesaving measure.

As someone who has recently returned, let me again say that the voices of these individuals have to be heard through the humanitarian efforts of this Congress.

Mr. ENGEL. Madam Speaker, as Chairman of the Western Hemisphere Subcommittee, I rise in strong support of House Resolution 426 and I want to thank my colleagues, Congressmen JIM MCGOVERN and JOE PITTS for introducing this important resolution.

As my colleagues have said, Colombia's internally displaced population represents one of the worst humanitarian crises in the hemisphere, and the second largest population of internally displaced in the world.

Many estimate that Colombia has the highest number of displaced persons in the world after only Sudan—up to 3 million people.

According to Amnesty International, over 60 percent of these displaced persons have been forced off areas of mineral, agricultural or other economic importance.

In fact, the United Nations High Commissioner for Refugees has deemed it the "greatest hidden humanitarian crisis in the world."

This problem is particularly severe among Afro-Colombians and the indigenous. I hope that Colombian President Alvaro Uribe and the Bush administration can concentrate on this during the next phase of Plan Colombia.

The Colombian government's proposal for the second phase of Plan Colombia—the Strategy for Strengthening Democracy and Social Development—focuses greater attention on socioeconomic aid. However, the President's FY 2008 budget for Colombia did not reflect this change.

Therefore, I was particularly pleased that my friend and colleague from the neighboring district to my own Chairwoman NITA LOWEY made welcome changes to our foreign assistance to Colombia in the FY 2008 House State and Foreign Operations Appropriations bill.

In particular, I appreciate Chairwoman LOWEY's report language that indicates that U.S. foreign assistance to Colombia should be increased for organizations working with internally displaced persons (IDPs) and municipalities and departments with high IDP populations.

I was also pleased that funds in the FY 2008 Foreign Ops bill were targeted specifically towards Afro-Colombians who as I noted are among the chief victims in Colombia's civil conflict.

I would be remiss not to mention that I have been impressed by the significant progress made by President Uribe in reducing kidnappings, homicides and massacres in his country. No one can deny these results.

But I believe that we must now build on this success by working together in improving social conditions in Colombia, chief among them the plight of Colombia's internally displaced.

Mr. HONDA. Madam Speaker, I rise today in support of H. Res. 426, recognizing 2007 as the Year of the Rights of Internally Displaced Persons in Colombia, and offering support for efforts to ensure that the internally displaced people of Colombia receive the assistance and protection they need to rebuild their lives successfully.

This resolution recognizes the UN High Commissioner for Refugees' finding that Colombia's estimated 2–3 million internally displaced persons (IDP) ranks only second to Sudan as the world's largest internally displaced population. As a close ally and strategic partner in Latin America, it is in the deep interest of the United States to assist Colombia's IDPs in rebuilding their lives in a dignified, safe, and sustainable manner.

The violence and poor economic situation in the country has disproportionately affected the Afro-Colombian community. Between 1995 and 2005, an estimated 61 percent of Afro-Colombians who received land titles through "Law 70" were forcibly displaced from their homes in a deliberate strategy of war by armed groups, many of whom are paramilitaries. In April of this year, my colleagues and I sent a letter to Secretary Rice urging her to ensure that the needs of Afro-Colombians and IDPs are a prime focus of American policy and assistance. It remains our recommendation that initiatives that help develop the capacity of Afro-Colombian communities, including technology transfers, management expertise, global distribution, and economic growth opportunities, and foreign investment that respects the collective land rights of Afro-Colombian communities, would best stabilize the living condition for the impoverished communities.

Furthermore, there must be a concerted effort to provide diplomatic and technical support to help secure the return of land to Afro-Colombians and indigenous communities internally displaced by violence, and to increase aid to protection programs. As a newly appointed member of the House Appropriations Committee, I am very pleased to report that the recent State and Foreign Operations Appropriations Bill for FY2008 includes important language in assisting Colombian IDPs through stronger economic aid. It is our hope that the leadership of the United States through the implementation of progressive programs will finally help heal this open wound on universal human rights.

Madam Speaker, I urge my colleagues to support H. Res. 426 as we help internally displaced persons of our close ally Colombia rebuild their lives safely and swiftly.

Ms. JACKSON-LEE of Texas. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Ms. DEGETTE). The question is on the motion offered by the gentlewoman from Texas (Ms. JACKSON-LEE) that the House suspend the rules and agree to the resolution, H. Res. 426, as amended.

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

A motion to reconsider was laid on the table.

CONDEMNING THE DECISION BY THE UNIVERSITY AND COLLEGE UNION OF THE UNITED KINGDOM TO SUPPORT A BOYCOTT OF ISRAELI ACADEMIA

Ms. JACKSON-LEE of Texas. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 467) condemning the decision by the University and College Union of the United Kingdom to support a boycott of Israeli academia, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 467

Whereas, on May 30, 2007, the leadership of the University and College Union (UCU) of the United Kingdom voted in favor of a motion to consider at the branch level a boycott of Israeli faculty and academic institutions;

Whereas the UCU was created in 2006 out of a merger of the Association of University Teachers (AUT) and the National Association of Teachers in Further and Higher Education (NATFHE);

Whereas both AUT (in 2005) and NATFHE (in 2006) have passed resolutions supporting a boycott of Israeli academics and academic institutions;

Whereas, however, the AUT boycott resolution was overturned after one month in a revote, and the NATFHE boycott resolution was voided when the two organizations merged into the UCU;

Whereas Britain's National Union of Journalists called for a boycott of Israeli goods in April 2007;

Whereas the UCU boycott motion appears to have spawned similar movements in Britain to boycott Israel economically and culturally, and the country's largest labor union, UNISON, said it would follow the union of university instructors in weighing punitive measures against Israel;

Whereas these unions have a hypocritical double standard in condemning Israel, a free and democratic state, while completely ignoring gross human rights abuses occurring throughout the Middle East and around the world;

Whereas Article 19, section 2, of the United Nations Covenant on Civil and Political Rights states that, "Everyone shall have the right to . . . receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice";

Whereas these and other attempts to stifle intellectual freedom through the imposition of an academic boycott are morally offensive and contrary to the values of freedom of speech and freedom of inquiry;

Whereas American Nobel laureate Prof. Steven Weinberg refused to participate in a British academic conference due to the National Union of Journalist's boycott and stated that he perceived "a widespread anti-Israel and anti-Semitic current in British opinion"; and

Whereas the senseless boycotting of Israeli academics contributes to the demonization and attempted delegitimization of the State of Israel: Now, therefore, be it

Resolved, That the House of Representatives—

(1) condemns the vote by the leadership of the University and College Union of May 30, 2007, to consider at the branch level a boycott of Israeli academics and academic institutions;

(2) urges the international scholarly community, the European Union, and individual governments, to reject, or continue to oppose vigorously, calls for an academic boycott of Israel;

(3) urges educators and governments throughout the world, especially democratically-elected governments, to reaffirm the importance of academic freedom;

(4) urges other unions and organizations to reject the troubling and disturbing actions of the UCU leadership; and

(5) urges the general members of the UCU to reject the call of the union's leadership to boycott Israel.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Texas (Ms. JACKSON-LEE) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Texas.

GENERAL LEAVE

Ms. JACKSON-LEE of Texas. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on the resolution under consideration.

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

There was no objection.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise in strong support of this resolution and yield myself such time as I may consume.

Let me first express our great appreciation to our colleague from Pennsylvania, Representative PATRICK MURPHY, for introducing this important and timely measure.

Madam Speaker, on May 30, the University and College Union of the United Kingdom voted to urge its membership to boycott Israeli faculty in academic institutions, an extraordinary action by men and women of letters in a free society and the belief in academic freedom.

Mr. MURPHY's resolution today voices the extreme disapproval of the United States Congress of the Union's short-sighted, simpleminded and singularly

offensive action. What the University and College Union has done flies in the face of the very values that define democracies and are critical to their success, freedom of inquiry and freedom of speech, or freedom to disagree.

If the University and College Union follows through with this boycott, it will also spark numerous individual and institutional boycotts against British academics and others who likewise have similar values. An academic boycott is a blatant effort to stifle free thinking and debate, the hallmarks of a democratic society. From any point of view, it is wrong. Only in the most extreme moral exigencies would I find the need to take such an action and for such an action to be acceptable.

□ 1815

In this particular instance, however, it seems outright wrong. By singling out the conduct of Israel, which is a democratic and pluralistic society surrounded by states with many charges of human rights violations against them, the union's leadership has revealed its true purpose, to demonize Israel. It is simply inexplicable how the union has turned a blind eye to the world's worst violators of human rights and targeted Israel only.

If anything, Israeli universities are one of the few places in the world where one will find Jews and Arabs learning side by side. The union's selective sympathy demonstrates a profound ignorance of Israel's academic community and the threats that the country faces.

Having personally visited Israel and its academic institutions, I can tell you that Jews and Arabs do study side by side, and the good news is that they learn, and they learn from each other, and out of that comes positive reaction to the conflicts of the region.

The events of this past month in the Gaza Strip in which Hamas lay waste to the legitimate institutions of the Palestinian Authority in Gaza further underscore the profound misjudgment of union leaders to narrowly condemn Israel.

The University and College Union of the United Kingdom has thus far chosen to ignore these developments and instead focused its wrath on Israel's ongoing efforts to defend itself against Hamas and other terrorists. If the union truly cared about helping Palestinians, it would help nurture dialogue among Israeli and Palestinian academics and come to the resolution that the two states must live side by side, and Israel has a right to exist. It would support institutions that help to develop, not stunt the educational sector for Israelis and Palestinians. And most importantly, it would condemn Hamas and others that repeatedly hijack and sabotage any possibility of a lasting two-state solution to the conflict.

By blaming the victims for the terrorists' crimes, the union's actions represent a bizarre inversion of the most fundamental principles of human rights. People of conscience have no choice but to speak out against this hypocrisy. In the face of terror and those who are morally blind to it, we must stand up for the values we cherish: openness, dialogue, democracy and freedom.

That is why Mr. MURPHY's legislation is so important, and that is why I call upon all of my colleagues to support this resolution.

Madam Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in strong support of House Resolution 467, which condemns the decision by the leadership of the University and College Union of the United Kingdom to support a boycott of Israeli academia.

This is not the first time, Madam Speaker, that we have faced such a challenge from the fringes of this academic establishment. In fact, on May 29, 2006, the British National Association of Teachers in Further and Higher Education falsely accused Israel and the Government of Israel of practicing what they said was ''apartheid policies'' and adopted a resolution to boycott the faculty of Israel and its academic institutions that do not denounce these nonexistent policies.

A similar resolution in favor again of an academic boycott of Israel was passed by the British Association of University Teachers, AUT, in April 2005, and then rescinded 1 month later by a special council of the AUT.

Fortunately, Madam Speaker, mainstream academics within the United Kingdom and internationally rejected these tragic and derisive attempts to undermine the principles of academic freedom and the free State of Israel.

Make no mistake, Madam Speaker, Israel is the strongest ally of the United States and a true democratic partner in the Middle East, one which upholds the principles and values of academic freedoms.

The boycotting of Israeli academics only serves to demonize the State of Israel. Moreover, the boycott of academic institutions from democratic countries represents a dangerous assault on the principles of academic freedom and open exchanges.

Representatives of the British Government, as well as many university presidents, academic bodies and leading scholars in the United States and Great Britain, have repeatedly spoken out against such campaigns.

I especially wish to highlight the strong voice of support from Donna Shalala, the President of the University of Miami in my congressional district, in favor of this resolution. Let us aid the efforts of these distinguished scholars and officials by passing this critical resolution before us tonight and demonstrating to the world that the United States Congress believes in free minds and free countries.

Madam Speaker, I commend my distinguished colleagues and friends, Mr. MURPHY of Pennsylvania and Mr. BURTON of Indiana, for introducing this important resolution.

Madam Speaker, I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. Madam Speaker, it gives me particular pleasure to introduce and to yield 6 minutes to the distinguished gentleman from the Eighth District of Pennsylvania, Representative PATRICK J. MURPHY, a member of the Permanent Select Committee on Intelligence and a veteran of the Iraq war. I believe this may be his first legislative initiative, and we yield to him 6 minutes as we congratulate him for his leadership.

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Speaker, I thank the gentlelady from Texas for her leadership on this issue and the gentlelady from Florida.

Madam Speaker, I rise today to offer a resolution to let the world know that this House stands opposed to anti-Semitism and reaffirms our support for academic freedom. It is sad that in this day and age I would have to offer such a resolution, but the actions of a misguided group thousands of miles away have forced this body to act.

Madam Speaker, in May the leadership of the University and College Union, or UCU, the main union representing 120,000 British college teachers, called for a boycott of Israeli academic institutions. As a former professor myself at the United States Military Academy at West Point, I know how wrong this action is from an academic and diplomatic perspective.

This boycott will sever academic contacts and exchanges of personnel between British and Israeli academic institutions, as well as have a significant economic impact, given that the union enjoys significant influence in Britain.

The reasons given by the leadership of the UCU for endorsing a boycott consist of the same tired propaganda and inflammatory rhetoric typically used by the enemies of Israel and do not deserve to be repeated on the floor of this distinguished body. This call for a boycott by the UCU is even more disturbing, given that Britain's National Union of Journalists called for a similar boycott this past April.

It should come as no surprise that these boycotts have drawn harsh criticism. In a recent editorial entitled ''Malicious Boycotts,'' the New York Times called them nonsense, writing, and I quote, ''Who would respect the judgment of a scholar who selects or rejects colleagues on political grounds? Who would trust the dispatches of a reporter who has openly engaged against one side of a conflict? Critical thinking and well thought-out criticism are intrinsic to good scholarship and good journalism. These boycotts represent neither.''

The criticism, though, does not end there. Now former Prime Minister

Tony Blair has criticized the boycott saying, ''I hope very much that decision is overturned because it does absolutely no good for the peace process or for relations in that part of the world.''

Madam Speaker, the former Prime Minister is right. We need to build dialogue and trust in the Middle East and we cannot do that without our greatest ally there, the State of Israel. Israel is a stable democracy that shares our values. This is rare in a region of the world where few nations have democracy, rule of law and religious freedom.

As an Iraq war veteran, I know firsthand just how dangerous that part of the world truly is. That's why when Israel comes under attack from hatemongers, it's the American values that are also under such attack. Today, by passing this bipartisan resolution, we're stating with one voice that this Congress will stand up and defend our friend, the State of Israel.

Specifically, my resolution condemns the decision by the UCU leadership to boycott Israeli academia and urges the general membership to reject the boycott. It also urges the academic community and individual governments to reject any call for a boycott of Israel and to reaffirm the importance of academic freedom.

Limiting academic exchange and shrinking the marketplace of ideas only hinders our ability to bring peace to the Middle East and to help solve the Israeli-Palestinian conflict.

Madam Speaker, in closing, I want to make sure that I thank some of my distinguished colleagues who were instrumental in bringing this resolution to the floor today; the chairman of the Subcommittee on Europe, ROBERT WEXLER; and the chairman and ranking member of the Foreign Affairs Committee, TOM LANTOS; and Ms. ROS-LEHTINEN. These three distinguished Members have proven themselves to be leaders in standing up for Israel, and I thank them for all their work in bringing this resolution to the floor.

With that, Madam Speaker, I will conclude by urging swift passage of this critical resolution.

Ms. ROS-LEHTINEN. Madam Speaker, I have no further requests for time. I'd like to congratulate the gentleman from Pennsylvania for this very important resolution, and I yield back the balance of our time.

Ms. JACKSON-LEE of Texas. Madam Speaker, let me add my appreciation to Congressman MURPHY for a powerful statement on the floor in affirmation of the sense of responsibility involving academic freedom and the important responsibility in opposition to anti-Semitism that seems to plague this world on many occasions. Let me thank him for his leadership, thank Mr. BURTON and thank the ranking member and the chairman of the full committee.

With that, I ask my colleagues, with great enthusiasm, to support this resolution.

Mr. WAXMAN. Madam Speaker, Anti-Israel propaganda has reached a new low, with a renewed campaign by a group of British academics to boycott Israeli academics and universities.

Spearheaded by the British University and College Union, the initiative calls on British academics to refrain from collaborating on research with Israeli counterparts or working with journals published by Israeli companies.

It is incumbent upon the United States to oppose this assault on academic freedom and stand against efforts to isolate Israeli institutions. While I am encouraged that there is little support for this initiative beyond a vocal and extreme minority, it appears that similar undertakings have been attempted by British unions representing journalists and government workers.

I welcome the bold statements by the UK Education Minister and university presidents across the United States condemning this misguided crusade. Those who sincerely believe in the cause of peace should encourage dialogue, cooperation, and the free exchange of ideas. It is disappointing that the Palestinian trade unions promoting these kinds of boycotts are more interested in promoting prejudice than in building a future of coexistence.

With this resolution, let us raise our voices in solidarity with Israel and reaffirm the fundamental values of academic freedom.

Mr. ENGEL. Madam Speaker, academic freedom is one of the bedrocks of a free society. This is known in the United Kingdom, just as it is known in the United States and other democratic nations.

Among the nations with an open academic climate is the democratic state of Israel. The views expressed on its campuses span the spectrum from left to right and liberal to conservative. Its students are of all ethnicities, speaking many different languages. But, on May 30, the University and College Union of the United Kingdom voted to urge its membership to consider boycotting Israeli faculty and academic institutions. This deplorable action by men and women of letters runs against the very tenets of free academic exploration. How can people of learning expect to share the studies of the great questions of our time if they are not speaking to one another?

Moreover, I fear that the reason behind this extraordinary step is much more dark and ominous. I believe that underlying this attack on Israel's academia is a not-so-well-veiled anti-Semitism. By singling out the conduct of Israel, a democratic and pluralistic country surrounded by a sea of dictatorships, the Union's leadership has taken absurdity and hypocrisy to new heights.

The legislation on the floor of the House today voices Congress's extreme disapproval of the Union's short-sighted, bigoted, and offensive action. I urge my colleagues to support H. Res. 467 and tell the nations of the world that academic societies are no places for closed-minded, hate-filled efforts to stifle free exchange.

Ms. WASSERMAN. Madam Speaker, I rise in support of H.R. 467, condemning the appalling and frightful decision by the University and College Union of the United Kingdom to support a boycott of Israel academia. I commend my colleague from Pennsylvania, Representative PATRICK MURPHY, for his leadership in this critical issue.

The University and College Union of the United States made the determination to boycott Israel based on a biased, ignorant, and destructive targeting of the State of Israel, the only free and democratic country in the Middle East.

The UCU's vote to freeze European funding for Israeli academic institutions, as well as condemning ''the complicity of Israeli academia in the occupation,'' is disgraceful. The Union's discriminatory actions echo the anti-Semitic rhetoric that has reverberated throughout history and alarmingly, as the UCU vote attests, is still with us today.

Furthermore, the UCU boycott strips the principle of academic freedom from one of the world's most established democracies, undermining the academic dialogue and exchange of ideas that foster and sustain intellectual pursuit. These senseless initiatives only defame the reputation of British academics as they violate fundamental standards of academic freedom by censuring the only country in the Middle East where open scholarship and debate are not only allowed, but encouraged.

As a Member of Congress, serving a nation founded on the ideals of democracy and freedom, I urge my fellow Members to support H.R. 467, condemning the decision by the University and College Union of the United Kingdom to support a boycott of Israeli academia.

Mr. PAUL. Madam Speaker, I rise with serious concerns over this legislation. Let me first state that I am personally not in favor of the University and College Union of the United Kingdom boycott against Israeli academia. I oppose all such refusals to engage and interact even where strong disagreement exists. I believe such blockades, be they against countries or academic groups, to be counterproductive. I strongly encourage academic and cultural exchanges, as they are the best way to foster international understanding and prevent wars.

My concerns are about this particular piece of legislation, however. I simply do not understand why it is the business of the United States Congress—particularly considering the many problems we have at home and with U.S. policy abroad—to bring the weight of the U.S. government down on an academic disagreement half a world away. Do we really believe that the U.S. Government should be sticking its nose into a dispute between British and Israeli academics? Is there no dispute in no remote corner of the globe in which we don't feel the need to become involved?

Ms. JACKSON-LEE of Texas. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. JACKSON-LEE) that the House suspend the rules and agree to the resolution, H. Res. 467, as amended.

The question was taken.

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

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

EXPRESSING SUPPORT FOR THE NEW POWER-SHARING GOVERNMENT IN NORTHERN IRELAND

Ms. JACKSON-LEE of Texas. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 482) expressing support for the new power-sharing government in Northern Ireland, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 482

Whereas the Good Friday Agreement, signed on April 10, 1998, in Belfast, and endorsed in a referendum by the overwhelming majority of people in Northern Ireland and the Republic of Ireland, set forth a blueprint for lasting peace in Northern Ireland;

Whereas on May 8, 2007, leaders from the major political parties in Northern Ireland took office as part of an agreement to share power in accordance with the democratic mandate of the Good Friday Agreement;

Whereas on May 8, 2007, Ian Paisley and Martin McGuinness became Northern Ireland's first minister and deputy first minister, marking the beginning of a new era of power-sharing;

Whereas Dr. Paisley, the Democratic Unionist leader, and Mr. McGuinness, the Sinn Fein negotiator, have put aside decades of conflict and moved toward historic reconciliation and unity in Northern Ireland;

Whereas on May 8, 2007, Dr. Paisley declared, ''I believe that Northern Ireland has come to a time of peace, a time when hate will no longer rule.'';

Whereas Mr. McGuinness declared this new government to be ''a fundamental change of approach, with parties moving forward together to build a better future for the people that we represent'';

Whereas former British Prime Minister Tony Blair declared that ''[T]oday marks not just the completion of the transition from conflict to peace, but also gives the most visible expression to the fundamental principle on which the peace process has been based. The acceptance that the future of Northern Ireland can only be governed successfully by both communities working together, equal before the law, equal in the mutual respect shown by all and equally committed both to sharing power and to securing peace. That is the only basis upon which true democracy can function and by which normal politics can at last after decades of violence and suffering come to this beautiful but troubled land.'';

Whereas the Taoiseach of Ireland, Bertie Ahern, declared that ''[O]n this day, we mark the historic beginning of a new era for Northern Ireland. An era founded on peace and partnership. An era of new politics and new realities.'';

Whereas both communities have worked together in a spirit of cooperation and mutual respect to solve the problems of concern to all the people of Northern Ireland, including the decision by all the major political parties to join the Northern Ireland Police Board and support the Police Service of Northern Ireland; and

Whereas President George W. Bush, like his predecessor President William J. Clinton, has worked tirelessly to bring the parties in Northern Ireland together in support of fulfilling the promises of the Good Friday Agreement: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that—

(1) the United States stands strongly in support of the new power-sharing government in Northern Ireland;

(2) political leaders of Northern Ireland, former Prime Minister Tony Blair, and Taoiseach Bertie Ahern should be commended for acting in the best interest of the people of Northern Ireland by forming the new power-sharing government;

(3) May 8, 2007, will be remembered as an historic day and an important milestone in cementing peace and unity for Northern Ireland and a shining example for nations around the world plagued by internal conflict and violence; and

(4) the United States stands ready to support this new government and to work with the people of Northern Ireland as they strive for lasting peace for the people of Northern Ireland.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Texas (Ms. JACKSON-LEE) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Texas.

GENERAL LEAVE

Ms. JACKSON-LEE of Texas. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous materials on the resolution under consideration.

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

There was no objection.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise in strong support of this resolution and yield myself such time as I may consume.

I would like, first of all, to commend our distinguished colleague, Mr. GALLEGLY of California, for introducing an important resolution that commemorates a historic occasion in the quest for lasting peace in Northern Ireland.

□ 1830

On May 8, Irish Prime Minister Bertie Ahern pronounced ''the historic beginning of a new era for Northern Ireland, an era founded on peace and partnership, an era of new politics and new realities.''

That day indeed marked a new era as age-old rivals Ian Paisley of the Democratic Unionist Party and Martin McGuinness of Sinn Fein became Northern Ireland's First Minister and Deputy First Minister, respectively, taking their places in the new power-sharing government at Stormont.

May 8 also marked the end of direct rule from London and the end of guns and bombs as a form of political expression. These developments provide an opportunity for the people of Northern Ireland to govern themselves.

Finally, that day marked the end of decades of conflict and gave hope to the spirit of reconciliation, hope that may inspire those in other communities ravaged by sectarian conflict to keep striving to find peace. We think in particular today of the conflicts of Iraq, Lebanon, Israel and Palestine, Cyprus, and Kashmir. The end to civil wars can bring true peace. Ireland is a true example. And since, of course, the war in Iraq is raging as a civil war, this is a most potent model of success for peace and reconciliation.

We know it will not be easy for these dividing societies to achieve lasting peace, but it was not an easy road for Northern Ireland's war-weary politicians. The prospect of reconciliation was tantalizingly close in April, 1998, when political leaders signed the Good Friday Agreement and voters endorsed its provisions in a referendum. I am reminded of traveling to Ireland with then chairman of the Foreign Relations Committee, Ben Gilman, as we went from area to area talking with the disparate groups addressing the question of peace in Ireland. In December, 1999, the new Northern Ireland Executive finally met for the first time after repeated failures to agree upon its membership.

During the next 3 years, the assembly operated in fits and starts as political leaders sought to reach agreement on outstanding issues, such as the decommissioning of weapons and reform of the police service. Trust between the two communities deteriorated to such a point that devolution was suspended in October, 2002, and not restored until this past May. It is due in large part to the tireless efforts of Northern Ireland's political representatives as well as the constant encouragement of Ireland and Britain's long-serving leaders, Bertie Ahern and Tony Blair, that solutions were eventually found to the most vexing problems. And may we be reminded that there were those who were willing to lay down their weapons.

I would also like to pay tribute to the efforts of Presidents Bush and Clinton as well as former Senator George Mitchell, who worked together with British and Irish leaders to fulfill the promises of the Good Friday Agreement. Senator George Mitchell worked without ceasing and worked with passion and heart.

It is, of course, the people of Northern Ireland who are the biggest winners, as we in this House hope the establishment of the new power-sharing government heralds the dawn of a truly new era characterized by peace, prosperity and mutual respect for all races and religions.

Madam Speaker, I strongly support this resolution, and I urge my colleagues to do the same.

Madam Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Madam Speaker, I yield myself such time as I may consume.

I am pleased to take this opportunity to rise in strong support of House Resolution 482, expressing support for the new power-sharing arrangement for the government in Northern Ireland.

Madam Speaker, on May 8, longstanding enemies in the violent conflicts in Northern Ireland came together in a historic agreement to put down violence and instead sit together in Parliament. With the formation of a

new Northern Irish government based upon a power-sharing agreement between the unionists and the nationalists, an important component of the 1998 peace accord known as the Good Friday Agreement has been fulfilled, and a further step forward toward a peaceful political settlement in the region has been taken.

Progress toward peace in Northern Ireland has been dangerously unsteady, and it gives us all hope that perhaps at long last the paramilitary organizations in Northern Ireland have lost favor with the public and that people are now looking forward to a legitimate political party process that leads them into the future.

While tensions may not have been completely erased and the differences of opinion will no doubt persist, it is remarkable to contemplate that now, hopefully, such differences will play out in the political arena rather than in the arena of bombs and guns.

Madam Speaker, this legislation rightfully commends the collaboration of former Prime Minister Tony Blair and Irish Prime Minister Bertie Ahern, whose patience and perseverance through the years even in the face of great odds has resulted in this step forward in the peace process. Prime Minister Blair eloquently outlined his fondest hopes for Northern Ireland in a 2002 statement regarding the peace process where he stated: '' . . . enemies would become not just partners in progress but sit together in government'' and '' . . . paramilitaries who used to murder each other as a matter of routine would talk to each other and learn to live with each other.''

The commitments of Mr. Blair, Mr. Ahern and others appears to have transformed those noble goals into doable outcomes.

Madam Speaker, we all hope for a Northern Ireland that is a safer place to live and that those benefits turn into a prosperous economy for all. These recent developments are positive steps forward, but there is still much work to be done. We should seek to encourage continuing momentum and goodwill and support the new power-sharing agreement in whatever way is appropriate and possible to do.

I, therefore, ask my colleagues to join me in voting for this measure to show our support for this new government and to express our hope that the people of Northern Ireland will at long last achieve their goal of peace.

Madam Speaker, I now yield such time as he may consume to Mr. GALLEGLY, the ranking member on the Subcommittee on Europe.

Mr. GALLEGLY. I thank the gentlewoman for yielding.

Madam Speaker, House Resolution 482, which I introduced on June 12, expresses the support of the House of Representatives for one of the most successful efforts in peacemaking in modern European history.

The resolution recognizes the success of the Northern Irish peace process that had its first major breakthrough with the signing of the Good Friday Agreement in 1998. While the Good Friday Agreement provided the blueprint for lasting peace, it took years of negotiation and compromise by both communities in Northern Ireland for the agreement to be fully implemented.

This occurred on May 8 with the formation of a government based on a power-sharing arrangement involving the largest unionist and nationalist parties in Northern Ireland. The May 8 accord translated the general principles of the Good Friday Agreement into a concrete political settlement with important powers being transferred from London to Belfast.

Madam Speaker, House Resolution 482 expresses the sense of the House of Representatives that the United States should strongly support the new power-sharing government in Northern Ireland. The legislation also commends the Northern Irish political leaders, both of those who represent the Catholic and Protestant communities, as well as former British Prime Minister Tony Blair and Irish leader Bertie Ahern for their leadership in the formation of this new government.

Lastly, House Resolution 482 states that the U.S. stands ready to support the new government and to work with the people of Northern Ireland to achieve their goal of a long-lasting peace.

Madam Speaker, the restoration of power-sharing institutions, the Northern Ireland Assembly and Executive Committee, will not ensure lasting peace in Northern Ireland. Much work remains to be done in terms of bringing the two communities even closer together. And Congress must stay engaged with Northern Ireland as an honest broker in the years to come.

However, the May 8 agreement represents major progress in resolving a sectarian conflict that has plagued Northern Ireland for over 400 years and has claimed over 3,200 lives just since 1969.

Madam Speaker, this legislation is cosponsored, I believe, by every one of my colleagues that have taken a legislative or leadership role in the Congress in resolving sectarian conflict in Northern Ireland.

I urge the passage of House Resolution 482.

Ms. JACKSON-LEE of Texas. Madam Speaker, I continue to reserve the balance of my time.

Ms. ROS-LEHTINEN. Madam Speaker, at this time I would like to yield such time as he may consume to Mr. TIM MURPHY, a member of the Friends of Ireland Caucus and a leader on this peace process.

Mr. TIM MURPHY of Pennsylvania. Madam Speaker, I thank the gentlewoman for yielding to me on this important part that other colleagues and I have traveled to Ireland to work on this issue. And I am pleased today to speak in support of the power-sharing agreement reached in Northern Ireland.

Since my own youth, I have followed the conflicts in Northern Ireland and, like many Americans, hoped and prayed for the day when there would be peace throughout all the island of Ireland. As of a few weeks ago, with the power-sharing agreement, it would seem that peace has finally come. Now DUP, Sinn Fein, the UUP and the SDLP all share in the governance of Northern Ireland. Now men and women who once gave fiery speeches in opposition to one another sit at the same table working with one another.

When I visited Northern Ireland a few months ago with other Members of Congress, we were witnessing history, perhaps the end to centuries of conflict, the beginning of a new dawn. It was not too long ago, beginning in the 1960s, that marches for civil rights in Northern Ireland were followed by decades of riots, assassinations, bombings and warfare carried out by paramilitary groups. Thousands of British troops occupied the north to stop the violence. Ceasefires temporarily stopped the attacks, but the ''Troubles,'' as they came to be known, continued. In the end, over 3,200 or more were killed and thousands more were wounded.

Phil Coulter from Northern Ireland wrote in the song a few years ago, ''The Town I Loved So Well,'' about his return to the area, where he wrote in the final verse:

''Now the music's gone, but they carry on for their spirit's been bruised, never broken. They will not forget, but their hearts are set on tomorrow and peace once again. For what's done is done, and what's won is won, and what's lost is lost and gone forever. I can only pray for a bright, brand new day in the town I loved so well.''

Perhaps those prayers have been answered. The troops are gone. The bombings have stopped. And there is hope for all of the towns that are loved by the citizens of Northern Ireland.

Eight years ago, the Northern Ireland political parties signed the Good Friday Agreement, which established a blueprint for self-rule. But reconciliation faced continued difficulties. New deadlines to start self-government were set. The ceasefires continued to hold, and another election occurred in March of this year. Then, for the first time, men who were enemies, the likes of Ian Paisley, Martin McGuinness and Gerry Adams, sat at the same tables to establish self-government. It was nothing short of remarkable that left all on the island with a palpable sense of awe and hope.

How did they do it?

First, there was hope for prosperity. The south of Ireland is in the midst of the greatest economic boom in the European Union. Families in Northern Ireland want to be part of that prosperity rather than the poverty and dependence on government jobs and the dole. They are putting tremendous pressure on their leaders to settle the differences and create jobs.

Number two, international diplomacy. The prime ministers of the United Kingdom, such as Tony Blair, and Ireland's Bertie Ahern, Presidents Clinton and Bush, and Members of Congress from the United States, in particular Mr. WALSH and KING of New York and Mr. NEAL of Massachusetts, have all maintained pressure for resolution. At the same time, programs supported by the International Fund for Ireland brought Catholics and Protestants together to build positive relations.

Third, the disarmament of paramilitary groups. The IRA says it has given up its weapons, and outside observers agree. And even though other paramilitary groups say they are not yet ready to disarm, there is still a discernible belief that the days of terrorism are a thing of the past.

□ 1845

Each day without violence builds trust.

Number four: integration of the police force. To overcome the fears that the police will be used as weapons by or against either side, they have been working towards a goal of 50 percent Catholic and 50 percent Protestant. Respect for law enforcement is growing on both sides; and after 30 years of occupation, the last British troops quietly left only a few weeks ago.

In the midst of this hope, there are many challenges that lie ahead. Ninety-five percent of schools are still segregated. Thirty-foot high ''peace'' walls still divide Catholic and Protestant neighborhoods. Huge murals still cover the sides of buildings declaring loyalty to the Crown or to Ireland, or showing one or other masked paramilitary members looking down the barrel of a gun declaring who controls the neighborhood, or depicting an atrocity blamed on either the Catholics or the Protestants. Some neighborhoods fly the Union Jack of the United Kingdom, and others the green, white and orange flag of Ireland.

Perhaps these challenges and choices facing the people of Northern Ireland are best characterized by one of the murals we saw in a Belfast neighborhood. It depicts a large black and white photograph of a youth lying wounded on a street while a riot looms behind in the neighborhood. Another youth stands in the foreground throwing a bomb. But encircling this picture are the words, ''Can It Change?'' And at the bottom is the word ''Believe.''

While the original meaning of the mural was meant to show that this Protestant neighborhood believed it could rise up and defend itself against what it considered to be ethnic cleansing, perhaps this mural can take on a new meaning today. Perhaps it can be a beacon of hope to believe in an end to violence and a lasting peace. Indeed, keeping the peace will demand that many believe. And if they do, perhaps this time, in our time, there will be an end to several centuries of warfare. Perhaps this time the elected government shared by the parties will not just be one more temporary fix, but the dawn of a bright brand new day in the towns that we all love so well.

Ms. ROS-LEHTINEN. Madam Speaker, I am pleased to yield such time as he may consume to Mr. WALSH of New York, a cosponsor of this resolution, and a long-time champion of the peace process in Northern Ireland.

Mr. WALSH of New York. I thank my good friend and colleague from Florida for giving me time to speak on this issue, and to my colleague from California, who brought this resolution to the floor, and my colleague from Texas.

This is a wonderful celebration of a great success for mankind, not just for the Irish, but for all of mankind. And it's an important and significant foreign policy success for the United States of America.

About 12 years ago, then-Speaker Gingrich asked me if I would be willing to chair the Friends of Ireland, an ad hoc organization within the Congress that had been begun by Tip O'Neill, and the tradition continued through Speaker Wright and Foley and then Gingrich. Historically it had been a Democratic Congress, and I was the first Republican to chair it. But we never missed a beat. The Democrats and the Republicans worked side by side. Both Houses, Senators KENNEDY and DODD, MCCONNELL and CONNIE MACK worked hand in hand with RICH NEAL, PETE KING, myself, Ben Gilman, and so many others.

There is a real paradigm here for American foreign policy. If we can get everybody working together, we can solve I think pretty much anything in the world. But we played a part in this. The significant players were the British, beginning with John Major, and certainly Tony Blair, who focused on this all through his entire career. And also on the other island of Ireland, going all the way back to Elbert Reynolds and John Bruton, and then Bertie Ahern for the last 10 years. Every one of them, and again, different parties, different leaders, different philosophies, the same with the United States at the White House with President Clinton and then President Bush. Regardless of party, regardless of nationality, people all focused on what needed to be done.

I remember when I first took on this assignment, and what a labor of love for me, as an Irish-American, son of an Irish mother and an Irish father, when I first met David Tremble and I asked him, what do you expect to get from all of this? He said one word, Peace. And then subsequently, a day or so later, I had the chance to meet Gerry Adams and I asked Gerry Adams, what do you expect from all this? He said in three words, Peace with justice. And so I think both men showed remarkable patience and persistence through this process. And certainly now we have a government that combines the republican forces of Northern Ireland, Adams, McGuinness and others, and the loyalist forces led by Ian Paisley, Peter Robinson, Jeffrey Donaldson and others. It's a remarkable achievement. It's almost like having Sunnis and Shia working together in Iraq. Imagine that. It's possible.

But we should celebrate this victory as Americans, and as members of the family of man, because it is a great victory. We have taken a very, very dangerous place on the Earth and made it a peaceful place. We have seen the people of Northern Ireland, loyalists, nationalists, Catholic and Protestant, come together in one exercise, a democratic legislation. And it was that election, the election this spring, that really provided the coup de grace to violence and established democracy because all the parties participated and the people provided ultimately the leadership that was required to make this happen and gave their leaders the strength and the political capital to form this government.

So TIM MURPHY and I and a number of others, RICH NEAL, were in Ireland to watch Ian Paisley walk across the sidewalk in Dublin and shake hands with Bertie Ahern, say, I've got to grip this man's hand, give him a good grip. It was astounding. And the pictures of Gerry Adams and Martin McGuinness and Peter Robinson and Ian Paisley meeting together was an astounding picture that sent hope out to the entire world. So credit everyone. Victory has a thousand fathers and mothers. And we should all celebrate that.

Ms. ROS-LEHTINEN. Madam Speaker, I yield back the balance of my time.

Ms. JACKSON-LEE of Texas. Let me thank the sponsors of this legislation. This was an important discussion on the floor.

And I might just conclude in my thanks to the ranking member and the chairman of the full committee, and remind my colleagues that the message of this legislation is the point of individuals in conflict willing to lay their guns and weapons down in what has been a long-standing civil war, and their ability to share power; important lessons for countries or nations like Iraq, Lebanon, and many, many others.

With that, I ask my colleagues to support this legislation.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. JACKSON-LEE) that the House suspend the rules and agree to the resolution, H. Res. 482, as amended.

The question was taken.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further

proceedings on this question will be postponed.

OPPOSING EFFORTS BY NATURAL GAS EXPORTING COUNTRIES TO ESTABLISH A CARTEL

Ms. JACKSON-LEE of Texas. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 500) expressing the sense of the House of Representatives in opposition to efforts by major natural gas exporting countries to establish a cartel or other mechanism to manipulate the supply of natural gas to the world market for the purpose of setting an arbitrary and nonmarket price or as an instrument of political pressure, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 500

Whereas the United States currently is largely self-sufficient in natural gas but is projected to greatly increase its usage over time, which could create a growing dependence on world supply;

Whereas the cost of natural gas has approximately tripled since 2000 and has had a significant negative impact on United States manufacturers and on employment in manufacturing;

Whereas in 2004 alone the rising cost of natural gas was responsible for the closure of scores of chemical companies in the United States and the loss of over 100,000 jobs;

Whereas chemicals, plastics, and advanced composite materials are used extensively for military and commercial applications and are crucial components of the United States defense industrial base, which is the foundation of United States national security;

Whereas Europe, as well as Japan, South Korea, and other United States allies, are heavily dependent on imported natural gas, and countries such as China and India are rapidly increasing their reliance on foreign suppliers;

Whereas the supply of natural gas is controlled by a relatively small number of countries, including Iran, Russia, Venezuela, Bolivia, Algeria, and Qatar, among others;

Whereas these and other countries have established an organization known as the Gas Exporting Countries Forum (GECF) to promote coordination on policies regarding natural gas;

Whereas the members of the GECF are estimated to possess over 70 percent of global gas reserves and over 40 percent of global production;

Whereas several of these countries have governments hostile to the United States;

Whereas on January 29, 2007, Iranian Supreme Leader Ayatollah Khamenei proposed that Russia and Iran cooperate to establish a cartel for natural gas, which has been termed a ''gas OPEC'';

Whereas Russian President Putin has expressed great interest in the formation of a cartel of this type;

Whereas Venezuelan President Hugo Chavez has declared his strong support for the proposed cartel and described it as an expansion of his efforts to establish a similar cartel in the Western Hemisphere;

Whereas Iranian officials have made clear their interest in using this ''gas OPEC'' as an instrument for political purposes;

Whereas Russia has repeatedly demonstrated its willingness to use its role as supplier of oil and gas to exert political pressure on other countries, such as Georgia, Ukraine, and Belarus, among others;

Whereas Europe currently relies on Russia for almost half of its imports of natural gas and is likely to increase its dependence on this source over the next decade;

Whereas North Atlantic Treaty Organization officials have warned of the danger of Europe's increasing dependence on Russian energy and of the prospect of alternative suppliers, such as Algeria, cooperating with Russia;

Whereas at the GECF meeting in Doha on April 9, 2007, of senior officials from Iran, Russia, Venezuela, Bolivia, Algeria, Qatar, and other countries, an agreement was reached to establish a committee chaired by the Russian Government to study proposals for greater coordination of policies, including pricing, that participants stated would be necessary for the creation of a cartel; and

Whereas the creation of an international cartel for natural gas similar to that of the Organization of Petroleum Exporting Countries (OPEC) would pose a major threat to the price and supply of energy, to the economy of the Unites States and of the world, and to their security: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that—

(1) the United States should make clear to the governments of major natural gas exporting countries that it regards efforts to establish a cartel or other mechanism to manipulate the supply of natural gas to the world market for the purpose of setting an arbitrary and nonmarket price, or as an instrument of political pressure, to be prejudicial to the security of the United States and of the world as a whole;

(2) the United States should develop a joint strategy with its allies and all countries that are importers of natural gas, as well as with cooperative exporting countries, to prevent the establishment of a cartel or other mechanism of this type, including by diversifying sources and alternative means of access by exporters and importers to international markets, such as by pipeline; and

(3) in order to mitigate potential economic and other threats to our security, the United States should work with our allies to reduce our dependence on natural gas and to increase and promote the utilization of clean energy sources.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Texas (Ms. JACKSON-LEE) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Texas.

GENERAL LEAVE

Ms. JACKSON-LEE of Texas. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

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

There was no objection.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise in support of this resolution and yield myself as much time as I may consume.

I would like to thank our distinguished colleague, Ms. ROS-LEHTINEN of Florida, for introducing this important resolution.

Madam Speaker, one of the most confusing inventions over the past century was the Organization of Petroleum Exporting Countries. Some call it a cartel, some call it a monopoly, and some just call it what it is, that is, price-gouging by a few countries that have managed to challenge the international security in the process.

Recently, several leaders of the major exporters of natural gas, including Iran, have publicly advocated the establishment of an international cartel similar to that of OPEC , thus proposing to create a ''gas OPEC.''

The Iranian supreme leader has been very clear in his interest to use his cartel as an instrument for political purposes.

Although the United States currently is largely self-sufficient in natural gas, our usage is projected to increase over time, which could result in a growing dependence on world supply. Our European and Asian allies are heavily dependent on imported natural gas. Therefore, we believe a debate should begin on how we can use the world's resources fairly to avoid penalizing those dependent on such resources, and to avoid the crisis that has generated the utilization of energy from Sudan by many of our allies like those in Europe and Asia while genocide is occurring in that country.

The creation of this cartel would pose a major and long-term disruption to the world's energy supply and convene a potential crisis that would significantly undermine America's interests. We cannot stand by and let yet another global oligopoly in the form of a gas OPEC to be established which would ultimately raise the cost of energy globally in an unfair manner; nor can we allow the major natural gas exporters, some of whom are current or potential adversaries of the United States, to develop a powerful political weapon to be used against us and our allies. I can only imagine what policy ends such a body would aim to achieve with its natural gas leverage.

Not only the United States would be impacted, but many of the developing nations and many of our friends and foes around the world. The world's natural resources belong to the world's people, and the fact that such a potential organization could deny that would be a catastrophe, particularly for those emerging developing nations.

This resolution puts on notice those countries seeking to establish a cartel in natural gas that the United States regards such efforts as a threat to the security of the entire world. This proposed cartel would, I believe, be part of a dangerous throwback through authoritarianism. It would create instability in the respective regions and, in Iran's case, to the world. No one wishes to see them commence an axis that would embolden their respective nations and their respective regimes.

I strongly support this resolution, and I urge my colleagues to do the same.

Madam Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, for several decades, the world's supply of petroleum has been held hostage to the whims of the Organization of Petroleum Exporting Countries, also known as OPEC.

Over the past decades, OPEC has manipulated production to bring about enormous price increases. It has repeatedly manufactured energy crises and imposed embargoes against individual countries for political purposes, including right here in the United States. As a result of its policies, several of its members, and especially their elites, have grown enormously wealthy at the expense of the global economy, which has suffered severe disruption and slower growth.

Envying the success of this greedy model, many of the world's exporters of natural gas have begun taking steps to create a similar cartel in natural gas which has been termed as a ''gas OPEC.''

There are some in the West who dismiss the feasibility of a new OPEC for natural gas, citing differences in the structure of the oil and gas industries. However, Madam Speaker, the leaders of many of these gas-exporting countries do not share those doubts, and several have been publicly enthusiastic about the prospects of this new project.

In January of this year, the supreme leader of Iran, Ayatollah Khamenei, proposed that Russia and Iran cooperate to establish a cartel for natural gas, prompting the President of Russia, Vladimir Putin, to state his great interest in this project. And Venezuelan strongman Hugo Chavez has announced his eager support for the proposed cartel, which he describes as an expansion of his efforts to establish a similar structure in our own Western Hemisphere.

These are not empty statements. As the gas-exporting countries formed in Doha on April 9, 2007, a committee chaired by the Russian Government was established to study the proposals for greater coordination of policies, including pricing that participants confirmed would be necessary for the creation of such a cartel.

□ 1900

The threat is not only economic, but strategic. Officials from Iran have made clear their interest in using this gas OPEC as an instrument for political purposes. Russia has repeatedly demonstrated its willingness to use its role as a supplier of oil and gas to exert political pressure on other countries, such as Georgia, Ukraine and Belarus, among others.

NATO officials have warned of the danger of Europe's increasing dependence on Russian energy. But plans by the Europeans to diversify their sources of supply with countries such as Algeria have been called into question as Moscow has actively courted these to secure greater coordination of policies, including pricing.

Beyond Europe, U.S. allies, such as Japan and South Korea, are heavily dependent on imported natural gas. Countries such as China and India are rapidly increasing their reliance on foreign suppliers.

Currently, the United States is largely self-sufficient in natural gas. However, we are projected to greatly increase our usage over the next decades, which could produce a growing reliance on world supply.

If we are to prevent the rise of this new threat, the United States must make clear to these governments who are contemplating the establishment of this new organization that we will regard the establishment of a natural gas cartel as prejudicial to our Nation's security and global security.

We must also develop a joint strategy with our allies and all countries that are importers of natural gas, including by diversifying sources and access to international markets, such as pipelines.

As we proceed, Madam Speaker, we must keep in mind that several gas-exporting countries, such as Canada, Trinidad and Qatar, are friends of the United States. We must seek to enlist their assistance in stopping this menace before it becomes a reality that, once established, may be with us forever.

The creation of a ''gas OPEC'' world constitutes a major new threat to the security and to the economic well-being of the United States, our allies and the world. We must not stand back and let yet another global extortion racket be established. I strongly urge my colleagues to support this resolution.

Madam Speaker, I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. Madam Speaker, I reserve the balance of my time.

MS. ROS-LEHTINEN. Madam Speaker, I am pleased to yield such time as he may consume to the gentleman from Illinois (Mr. MANZULLO), the ranking member of the Subcommittee on Asia, the Pacific, and the Global Environment, and a cosponsor of this resolution.

Mr. MANZULLO. Madam Speaker, I rise in very strong support of H. Res. 500, which condemns the establishment of a natural gas cartel. On April 9 of 2007, several gas-exporting countries agreed to form a natural gas cartel similar to OPEC. The cartel would be initially composed of countries that have nearly 70 percent of the world's reserves. Those countries include Russia and Iran.

Though the U.S. currently is largely self-sufficient in natural gas, we are projected to greatly increase usage over time. That could result in a growing dependence on world supply.

At that point, minor disruptions can lead to rapid price increases that could have grave consequences for the United States' manufacturing base. This could be particularly disastrous for the chemical and plastics industry and advanced composite manufacturers because they use natural gas as their feedstock. Soaring prices today in this country have already challenged their competitiveness. Unfortunately, in 2004 alone, increases in natural gas prices forced the closure of scores of chemical companies and cost roughly 100,000 well-paying jobs.

If the United States loses our advantage in chemical manufacturing companies, that will be the demise of manufacturing as a whole. Because without chemicals, you cannot have a strong manufacturing base. With the chemical industry on a particular siege by the high cost of natural gas now, one can only imagine what would happen if an OPEC-type group got together and decided to gouge America and increase greatly the cost of natural gas.

Natural gas materials are used broadly for defense products. Disruptions in the supply are detrimental to America's defense industrial base and therefore our ability to defend ourselves. We must not stand by and let yet another global extortion group, such as OPEC, take over and command the world's supply of natural gas.

The purpose of this resolution is to send a strong message to the people involved in these international conspiracies to back off, that the United States will do whatever is necessary to make sure that the people who control the world's supply of natural gas do no harm to this country.

Ms. ROS-LEHTINEN. Madam Speaker, I am pleased to yield such time as he may consume to my good friend from Louisiana (Mr. BOUSTANY), a Member from a major oil- and gas-producing district.

Mr. BOUSTANY. Madam Speaker, I thank the gentlewoman, the ranking member on the Foreign Affairs Committee, for yielding time.

Madam Speaker, energy security is a critical issue with far-ranging implications for the United States and our allies. The United States is dependent on foreign oil and currently self-sufficient with regard to natural gas. However, in coming years, the U.S. will become increasingly an importer of natural gas as demand continues to increase to fuel our power plants, to provide feedstock to manufacturing processes and to heat our homes.

Over the course of the past decade, we have seen the evolution of the natural gas markets from a very localized market to a regional market and now international markets with international pipelines and the advent of liquefied natural gas imports.

Natural-gas-producing countries now, many who are not friendly to the U.S., are proposing the formation of a gas cartel. Another OPEC-style cartel that artificially manipulates supply and prices will clearly pose harm to the U.S. economy as well as to that of our allies.

My district, the Seventh Congressional District of Louisiana, is a major

producer of oil and gas. In fact, over the next few years, about 25 percent of all natural gas being consumed in this country will come from my district, either through pipelines, production or through liquefied natural gas imports.

I currently have one facility, a liquefied natural gas facility, that is undergoing expansion, and three others that are undergoing construction as we speak. I will say that if we see a reduction or problem with price fixing and limitations in this global market for liquefied natural gas, clearly it could have an impact not only with regard to jobs in Louisiana, but it will affect the gas distribution to the Midwest of this country, as well as to the Northeast, because I have a confluence of pipelines where the pricing mechanism for natural gas is set in my district as well as a major distribution hub.

This resolution recognizes the looming problem, and I support passage of this resolution to express the sense of Congress, but also support a joint and coordinated strategy with our allies to stabilize global markets for natural gas and to consider how we move forward on new energy exploration, alternative modes of transportation, and also to develop new technologies for new alternative energy sources.

The responsibility for energy security in this country doesn't lie solely with the Energy Department. It is also a component of our vigorous diplomatic efforts at the State Department to ensure that we have open markets and our intelligence services to assess threats. Furthermore, it needs to be part of research funding, and Congress must consider legislative changes to promote private investment and to encourage private research and development.

Our energy supply should not be influenced by the whims of our enemies. Energy independence is a matter of economic and national security. Over the next 20 to 25 years, we need to manage our dependence on fossil fuels in a strategic way while we develop alternative measures that are sustainable, diverse and friendly to our environment.

I wholeheartedly support this resolution and will closely monitor the formation of any potential cartel for natural gas, and will continue to press my colleagues for progress and sincere work on energy security measures, so that we can all work towards less dependency on foreign sources.

Ms. JACKSON-LEE of Texas. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, let me join in the debate that has taken somewhat of a slightly different turn that I think is enormously important.

This resolution speaks to the confusion that we have experienced when there is an organization that blocks others from benefiting from the world's natural resources. I am reminded that my colleague, Congressman NICK LAMPSON, and myself offered a few years ago an amendment to ask the Department of Interior to do an inventory of the resources that were in the gulf. We know that the gulf offers many different geographic regions. The exploration in those areas is somewhat controversial. But in the areas of Louisiana and Texas, it has been accepted and, frankly, has been one of the most safe approaches to the question of exploration of natural resources.

But I raised that question, having listened to a number of my colleagues, to say that a component to the idea of ensuring that the world's resources are spread fairly and are not held to penalize or punish is the acceptance of the resources in the region, in the gulf region. As we speak, there are a number of explorations and finds that are going on safely and environmentally safely, if you will, that are utilizing new finds in natural gas.

The idea of a cartel or an organization on natural gas again to penalize and punish unfairly those who don't have the resources certainly should be spoken to by this Congress. I also believe that the issue has to be one that is addressed by the respective heads of the agencies, the Secretary of Interior, the Secretary of Energy, the Secretary of State, to be able to address these questions on a diplomatic basis, so that, in essence, we can move this resolution and be able to stop this at its start.

I am glad that the names of Qatar, Trinidad and Canada were mentioned, because there are positive relationships that have been engendered. Nigeria has been a country that has been friendly to the United States and should be mentioned as well.

So we have a long way to go on disestablishing, of providing some break in the idea that when you organize, you organize to punish and to penalize; you organize to take away resources; you organize to gouge; you organize to undermine. I frankly believe that there are many ways of looking at this question of natural resources to be spread, and one of them, of course, is to improve the utilization of natural resources here in the United States and particularly the utilization of those in the gulf region.

Madam Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Madam Speaker, I yield the balance of my time to the gentleman from Pennsylvania (Mr. PETERSON), who has been a congressional leader and has been very engaged on the issue of energy independence.

Mr. PETERSON of Pennsylvania. Madam Speaker, I thank the gentlewoman from Florida and those cosponsoring this legislation.

I couldn't agree more that we must prevent or do everything we can to make sure there is not a cartel. There is some hard evidence though. Dow Chemical recently shared with me their natural gas cost. In 2002, they spent $8 billion for natural gas. In 2006, that same bill cost them $22 billion. And it is rising. It is the reason they are now investing $32 billion in Qatar and Saudi Arabia and Libya, because natural gas is dirt cheap there. New chemical plants are going to replace us.

Mill Hall Clay Products was in my district for 83 years making clay pipe. They went out of business this year, and the sole reason was natural gas cost prices. When it would reach a certain level, they no longer could be profitable, and they are history.

Natural gas, clean, green natural gas, is our bridge to the future, and we must have it affordable.

□ 1915

Currently, it is in high usage to make ethanol. We use a lot of it to make biodiesel. When the wind and solar, the sun doesn't shine, we turn on a natural gas power plant. Natural gas is our bridge to the future. We could displace a third of our auto fleet, short-haul vehicles with natural gas, and remove the need for 2.5 million barrels of oil a day.

But folks, it is great to urge that we don't have a cartel formed, but Russia is working hard at this. We just hope and pray that they are not successful because we know what they want to do; they want to control the price.

I had this debate with the President some time ago on Air Force One that LNG was going to be the answer to our future natural gas needs, and 2 years later we are not importing much more natural gas than then because we can't buy it. When a ship gets filled with natural gas, it is a commodity. Spain outbids us routinely. Japan outbids us routinely. Our ports, we have been trying to build ports and have not been able to get them permitted. They are only at 40-some percent of capacity. Why, because we can't buy it because of the demand in the world marketplace for it, countries who don't have any.

Our fortunate part is America can be self-sufficient on natural gas. We could not import one cmf if we chose to produce it. Canada currently furnishes about 15 percent of our gas. We get about 2 percent with LNG. The rest we produce ourselves, but we have locked up much of our mainland. We have locked up our Outer Continental Shelf. We can go out of sight where it isn't in sight. There has never been a natural gas well that has ever polluted a beach. And if it is out of sight, nobody knows it is there.

Since 1913, Canada has produced natural gas in our Great Lakes, and they sell that gas to us. We don't even know it is there. The ship moves in, they drill their well, and the underground guys go down and put the piping in. Then they sell the gas to us. If they are slant drilling, they are probably selling us our own gas.

Clean, green natural gas should never be a long-term problem for America. All we need is the will to produce it. Clean, green natural gas, it is the best

fuel we have. No NO_X, no SO_X, a third of the CO_2. The whole climate change issue, natural gas is the biggest, most significant change we can make. And we don't need to lose the Dow Chemicals in the future. We don't need to lose the Mill Hall Clay products in the future. We just have to get out of our minds that a gas well is not something that pollutes. It is a hole in the ground with a pipe in it that lets clean, green natural gas out.

We need to make sure that we never have a cartel setting our prices like we do in oil. Today the oil prices are in the $70s, because the cartel is in control. They have been in control for a couple of years now. They lost control for a while. They are back in control today, and they control the price of energy. We must not let that happen with natural gas. We have had the highest natural gas prices in the world for 6 years because it is not a world market. And we must change that so that we can compete. We will lose our chemical plants, our fertilizer plants, our polymer plants, our plastic plants. We will lose aluminum and steel that we have left. And I predict, because gas is only a buck and a quarter in Trinidad, just a short distance from here, one day on a ship, we will be making glass and bricks there and bringing them here, and the working people of America will not have a job because of high natural gas prices.

That is an issue that this Congress needs to deal with. It is important that we do not let a cartel form. We can't stop that, we can only sell, and we must continue to sell, but we can prevent it by producing the clean natural gas that is abundant in this country.

Ms. ROS-LEHTINEN. Madam Speaker, I yield back the balance of my time.

Ms. JACKSON-LEE of Texas. Madam Speaker, let me close by simply indicating we have many solutions that have been offered on the floor, including the full addressing of this resolution, but likely the recognition of natural gas resources right here in the United States of America. With that, I ask my colleagues to support H. Res. 500.

Ms. JACKSON-LEE of Texas. Madam Speaker, I would first like to commend our distinguished colleague, Ms. ROS-LEHTINEN of Florida, for introducing this important resolution.

Madam Speaker, the majority of our fellow Americans first learned about the Organization of Petroleum Exporting Countries, OPEC, during the energy crisis in the 1970s and came to associate the organization with it. According to many, the cartel involved in controlling petroleum prices has not served the interests of America and its allies well.

Recently, several leaders of the major exporters of natural gas have publicly advocated the establishment of an international cartel similar to that of OPEC, thus proposing to create a 'Gas OPEC.'

Although the United States currently is largely self-sufficient in natural gas, our usage is projected to increase over time, which could result in a growing dependence on world supply. Our European and Asian allies are already heavily dependent on imported natural gas.

The creation of this cartel could pose a challenge to the balance in the world's energy supply which will require a strong diplomatic response by America.

It is not in America's interest to have control of the world's natural gas supply in the hands of a few countries. Nor can we allow the major natural gas exporters, some of whom are current or potential adversaries of the United States, to develop a powerful political weapon to be used against us and our allies.

The U.S. should vigorously use diplomatic means to cultivate a constructive dialogue with countries like Russia, Venezuela, Canada and Trinidad & Tobago, to name a few, to find a solution which will best serve the interest of America and its allies.

This resolution puts on notice those countries seeking to establish a cartel in natural gas that the United States will be vigilant in protecting our economic and political interests.

I strongly support this resolution and urge my colleagues to do the same.

Ms. JACKSON-LEE of Texas. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. JACKSON-LEE) that the House suspend the rules and agree to the resolution, H. Res. 500, as amended.

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

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 989

Mr. JACKSON of Illinois. Madam Speaker, I rise to ask for unanimous consent to have my name removed as a cosponsor of H.R. 989.

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

There was no objection.

RECOGNIZING 100TH ANNIVERSARY OF THE UNIVERSITY OF CENTRAL ARKANSAS

Mr. YARMUTH. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 436) recognizing the 100th anniversary of the University of Central Arkansas.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 436

Whereas the University of Central Arkansas strives to maintain the highest academic standards and ensure that its programs remain current and responsive to the diverse needs of those it serves;

Whereas the University of Central Arkansas now has more than 100 undergraduate courses of study, 33 masters degree programs, and 3 doctoral programs;

Whereas the University of Central Arkansas serves over 12,300 students, and recognized 1,008 graduates in the spring of 2007;

Whereas the University of Central Arkansas serves students from all 75 counties in Arkansas, more than 35 States, and 55 foreign countries;

Whereas the University of Central Arkansas has produced many successful alumni, including government officials, business and community leaders, and professional athletes;

Whereas the University of Central Arkansas has graduated over 52,000 students in its history;

Whereas many buildings at the University of Central Arkansas were constructed during the Great Depression, thus allowing the institution to play a pivotal role during World War II as it served as a temporary military base;

Whereas the first Arkansas educational television station, now the Arkansas Educational Television Network, was established on the campus of the University of Central Arkansas in 1966;

Whereas the University of Central Arkansas established one of the first honors colleges in the United States;

Whereas State Senator Otis Wingo sponsored legislation to establish the Arkansas State Normal School, which was signed into law on May 14, 1907;

Whereas the Arkansas State Normal School started as a teacher-training school with 105 students, and the first commencement ceremony recognized 10 graduates in 1909; and

Whereas, in 1975, the Arkansas State Normal School was granted university status and renamed the University of Central Arkansas: Now, therefore, be it

Resolved, That the House of Representatives recognizes the 100th anniversary of the University of Central Arkansas.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Kentucky (Mr. YARMUTH) and the gentlewoman from North Carolina (Ms. FOXX) each will control 20 minutes.

The Chair recognizes the gentleman from Kentucky.

GENERAL LEAVE

Mr. YARMUTH. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and insert material relevant to H. Res. 436 into the RECORD.

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

There was no objection.

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

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

Mr. YARMUTH. Madam Speaker, I rise today in recognition of the 100th anniversary of the University of Central Arkansas.

The University of Central Arkansas has gone by a handful of different names over the years, but its strong commitment to higher education has remained consistent. The University of Central Arkansas had its humble beginnings in 1907 as the Arkansas State Normal School with only 105 students. The school started as an entity only to train teachers, but now that school has diversified in a way that its founders would be proud of. The University of

Central Arkansas now has 100 undergraduate courses of study, 33 master's degrees programs, and three doctoral programs.

The University of Central Arkansas enrolls students from each county in Arkansas, students from 35 States, and students from 55 foreign countries. With current enrollment of over 12,000, the University of Central Arkansas has conferred more than 52,000 degrees in its 100-year history.

Madam Speaker, I am glad to see another outstanding educational institution continuing to serve those who wish to advance their education. I would like to thank my colleagues from Arkansas for bringing this resolution to the attention of the House of Representatives. I urge my colleagues to resoundingly pass this resolution.

Madam Speaker, I reserve the balance of my time.

Ms. FOXX. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of H. Res. 436, a resolution congratulating the University of Central Arkansas as it celebrates the 100th anniversary of its founding on May 14. I would like to thank the gentleman from Arkansas (Mr. SNYDER) for introducing this resolution in recognition of the contributions the University of Central Arkansas has made to the education of citizens of our Nation and around the globe.

The university enrolls over 12,000 undergraduate and graduate students, 90 percent of whom are full-time students, and 54 percent of whom receive financial aid. With more than 100 degrees to choose from, students have a wide range of academic opportunities. In the 2005–2006 academic year, the university awarded 1,286 undergraduate and 324 master's degrees to its students. The university's faculty of over 600 full- and part-time professors ensures an average student-to-faculty ratio of 19 to one.

Enrollment has continued to grow at the University of Central Arkansas. Total enrollment increased 8.9 percent in the spring of 2006 due in part to a 26.6 percent increase in total first-time entering freshmen. Graduate enrollment has also made impressive gains, increasing 51.5 percent over the past 5 years.

The University of Central Arkansas is nationally recognized for its strong academic programming. This year, the magazine U.S. News and World Report ranked the College of Business Administration at the University of Central Arkansas as one of the best graduate schools in the country. Its undergraduate honors college, established in 1982, has been perceived by the State and Nation as a highly innovative, model program. In fact, numerous universities throughout the country have sought the University of Central Arkansas' guidance in the creation of similar programs to challenge students to read, write and analyze more critically in preparation for excellence upon graduation.

The university's theater program is also nationally recognized by the National Association of Schools of Theater for meeting professional standards of quality in theater education and training, as set forth by the association.

The University of Central Arkansas proudly participates in 15 NCAA Division I varsity sports and is a member of the Southland Conference. More than 300 dedicated male and female student athletes participate in the conference, which competes against schools in Texas and Louisiana.

I would like to congratulate all of the students, alumni, and past and present employees on all they have accomplished over the last 100 years at the University of Central Arkansas. I urge my colleagues to support this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. YARMUTH. Madam Speaker, I yield such time as he may consume to the gentleman from Arkansas (Mr. SYNDER).

Mr. SNYDER. Madam Speaker, pending before the House today is H. Res. 436, recognizing the 100th anniversary of the University of Central Arkansas.

Every citizen of Conway, Arkansas, and Faulkner County, Arkansas, takes great pride in the long history of contribution of UCA to our Nation. Noteworthy in this year of celebration is the fact that UCA currently has more than 100 undergraduate courses of study, 33 master degree programs, and three doctoral programs.

Noteworthy also is the fact that UCA currently serves over 12,300 students from all 75 counties in Arkansas, from 35 States, and over 55 countries. Over 52,000 students have graduated from UCA throughout its history, including 1,008 in the spring of 2007. UCA established one of the Nation's first honors colleges.

The history of UCA is an interesting one. On May 14, 1907, State Senator Otis sponsored legislation establishing the Arkansas State Normal School. Many of UCA's buildings were built during the Great Depression. After the United States entered World War II, the administration of UCA offered the military its physical plant to assist in the training of military personnel. The president of UCA, Dr. Nolen Irby, and chairman of the UCA board visited Washington and made the offer, and the military agreed. Soon after the offer was accepted, UCA, at that time being called the Arkansas State Teachers College, became home to temporary branches of the Army Reserves, the Naval Cadets, and the Army Air Reserve. And for a short time, the headquarters of the Arkansas National Guard Unit, the 153rd Infantry, was housed on its campus. The Naval cadets and Army Air Reservists were trained in courses related to aviation and took their flying instruction at the local airport.

The largest contingent on campus was the Women's Army Corps Branch No. 3. WAC Branch No. 3 was home to 1,800 women between March of 1943 and March 1944. It was one of seven temporary WAC branches in the Nation. The WACs were trained to take the place of a male who was in a noncombat position. They were housed in Bernard Hall and would arrive in classes every 6 to 8 weeks in groups of varying numbers. The first classes were the largest and numbered close to 300. Toward the end of their training in the winter of 1943 and 1944, each class numbered less than 100.

There were so many military personnel on the campus of Arkansas State Teachers College in 1943 and 1944 that the Governor of the State, Homer Adkins, wanted to change the name of Arkansas State Teachers College to MacArthur Military College. However, the president of the campus, Dr. Nolen Irby, convinced Governor Adkins that the military personnel on campus would be temporary and the college would return to normal when the war was over.

While all of the military units mentioned above were training on the Arkansas State Teachers College campus, the college continued to serve as an institution of higher education and educate those students enrolled in classes.

Apparently, Arkansas State Teachers College did its job well in educating military personnel. Out of 85 colleges in the Nation engaged in war-training programs, Arkansas State Teachers College ranked seventh overall. In aviation, aerology and ship recognition, ASTC was first in the Nation, and third in the Nation in navigation.

Some of the distinguished alumni that have graduated from UCA: Dr. Wesley Burks was the 2005 UCA Distinguished Alumnus. He is now professor and head of the Division of Allergy and Immunology in the Department of Pediatrics at Duke University Medical School;

Ray Simon, the 2006 UCA Distinguished Alumnus, is the current Deputy Secretary of Education and plays a pivotal role overseeing and managing the development of policies, recommendations and initiatives that help define a broad, coherent vision for achieving the President's educational priorities, especially No Child Left Behind;

Bill Stiritz, the 2004 Distinguished Alumnus, was the CEO of Ralston Purina Company from 1982 to 1997 and is still on their board;

Monte Coleman, the Distinguished Alumnus of 1999, was a football walk-on in 1975 because of very little high school ball due to an injury and went on to play 16 seasons with the Washington Redskins and was a pivotal part of three of the Redskins' Super Bowl victories.

□ 1930

In 1996, a distinguished alumnus was Scotty Pippin. He actually graduated in December 2001. He was one of the most versatile and talented players in

basketball and was a big part of the Chicago Bulls' six NBA championship teams in the 1990s.

I also want to recognize the current president, Lu Hardin, for all the work that he is currently doing to make UCA one of the great, great institutions currently in higher education in the United States, and we all look forward to the 200th anniversary, 100 years from now.

Ms. FOXX. Madam Speaker, I yield back the balance of my time.

Mr. YARMUTH. Madam Speaker, I yield as much time as he may consume to my colleague from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Madam Speaker, I want to thank the gentleman from Kentucky for yielding, and although I'm from Illinois, it's via Arkansas, and so I'm pleased to be here this evening to join with my colleagues to recognize the tremendous accomplishments achieved and, even more importantly, the tremendous legacy created by the University of Central Arkansas. Founded as a Normal School in 1907, it has since fervently and continuously striven towards greatness.

The University of Central Arkansas is a place where knowledge is not just about completing assignments or attending classes but, rather, a place where knowledge comes to light. With a tradition of exceptional administration, faculty and students, Central Arkansas manages to simultaneously create the nurturing environment for its over 10,000 students, all the while challenging them to achieve and maintain excellence.

The University of Central Arkansas enrolls students from every county in Arkansas, from 35 States and from 55 foreign countries. With a current enrollment that exceeds 12,000 students, the University of Central Arkansas has conferred over 52,000 degrees in its 100 years.

My colleague from Arkansas, Representative SNYDER, mentioned many of the accomplished individuals who have attended and graduated from the University of Central Arkansas, and the one that I happen to know best is Scotty Pippin, who grew up 12 miles from where I grew up, and where, at the time that I was growing up, there wasn't a high school for Scotty Pippin in his small town of Hamburg, Arkansas. But Scotty was able to go to the University of Central Arkansas, distinguish himself as an outstanding athlete, and then, like many others, made their way from the Arkansas delta, and places similar to it, to Chicago, where he helped to make the Chicago Bulls a namesake, not only throughout America but throughout the world.

The thing about Central Arkansas that many people don't know is that it has a strong program of recruiting and helping to nurture minority students and to try and make absolutely certain that they achieve and excel. And so it is for this reason that I'm pleased to commend my colleague, Representative SNYDER, for introducing this resolution, commend the University of Central Arkansas, and like VIC, I would hope that they have another 100 years of great achievement and accomplishment.

Mr. YARMUTH. Madam Speaker, I want to once again congratulate the University of Central Arkansas on its 100th birthday, commend my colleague, the distinguished gentleman from Illinois (Mr. DAVIS), the distinguished gentleman from Arkansas (Mr. SNYDER) and thank the distinguished gentlewoman from North Carolina (Ms. FOXX).

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky (Mr. YARMUTH) that the House suspend the rules and agree to the resolution, H. Res. 436.

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

A motion to reconsider was laid on the table.

COMMENDING THE APPALACHIAN STATE UNIVERSITY FOOTBALL TEAM FOR WINNING THE 2006 NCAA DIVISION I–AA FOOTBALL CHAMPIONSHIP

Mr. YARMUTH. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 210) commending the Appalachian State University football team for winning the 2006 National Collegiate Athletic Association Division I–AA Football Championship, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 210

Whereas on December 15, 2006, the Appalachian State University football team (referred to in this preamble as the ''Mountaineers'') defeated the University of Massachusetts football team by a score of 28–17, to win the 2006 National Collegiate Athletic Association (NCAA) Division I-AA Football Championship;

Whereas the Mountaineers were successful due to the leadership of Coach Jerry Moore, and in great part to the spectacular play of Most Valuable Player Kevin Richardson, who scored all 4 touchdowns, and to Corey Lynch, whose fourth quarter interception helped seal the victory;

Whereas the championship victory was the pinnacle of a remarkable season for the Mountaineers, who ended the season with a 14–1 record;

Whereas the Mountaineers' offense was led by Southern Conference Freshman of the Year Armanti Edwards, who rushed for over 1,000 yards and passed for over 2,000 yards, and accounted for 30 touchdowns in his first season;

Whereas the success of the Mountaineers' offense is attributed to Kevin Richardson, who rushed for over 1,000 yards, William Mayfield, who had over 1,000 yards receiving, and the impenetrable offensive line, who made it possible for those amazing statistics to occur;

Whereas the Mountaineers' intimidating defense was led by Marques Murell, Jeremy Wiggins, Monte Smith, and Corey Lynch;

Whereas the Mountaineers were undefeated in conference games through the 2006 season and are the champions of the Southern Conference for the second year in a row;

Whereas Appalachian State University affirmed its position as a dominant football program by securing its second consecutive national championship;

Whereas in 2005, Appalachian State University became the first team from North Carolina to win an NCAA football championship with a 21–16 victory over Northern Iowa;

Whereas the members of the 2006 Appalachian State University football team are excellent representatives of a fine university that is a leader in higher education, producing many fine student-athletes and other leaders;

Whereas the Mountaineers showed tremendous dedication to each other, appreciation to their fans, sportsmanship to their opponents, and respect for the game of football throughout the 2006 season; and

Whereas residents of the Old North State and Appalachian State University fans everywhere are to be commended for their long-standing support, perseverance, and pride in the team: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends the champion Appalachian State University football team for their historic win in the 2006 National Collegiate Athletic Association Division I–AA Football Championship;

(2) recognizes the achievements of the players, coaches, students, alumni, and support staff who were instrumental in helping Appalachian State University win the championship; and

(3) directs the Clerk of the House to transmit copies of this resolution to Appalachian State University Chancellor Kenneth Peacock and head coach Jerry Moore for appropriate display.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Kentucky (Mr. YARMUTH) and the gentlewoman from North Carolina (Ms. FOXX) each will control 20 minutes.

The Chair recognizes the gentleman from Kentucky.

GENERAL LEAVE

Mr. YARMUTH. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days during which to insert material relevant to H. Res. 210 into the RECORD.

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

There was no objection.

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

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

Mr. YARMUTH. Madam Speaker, I rise today to congratulate Appalachian State University for winning the 2006 NCAA Division I-AA Football National Championship.

On December 15, 2006, the Appalachian State University Mountaineers captured their second consecutive NCAA Division I-AA Football National Championship by defeating the University of Massachusetts Minutemen by a score of 28–17.

I want to extend my congratulations to Mountaineer head coach Jerry Moore, Chancellor Kenneth Peacock, the student athletes and fans for a national championship and a 14–1 season.

I also want to extend my congratulations to the University of Massachusetts and their student athletes for a great season. The Minutemen finished their season with a record of 13 wins with only two losses for the year.

The Mountaineers achieved some amazing accomplishments in 2006. The team won the Southern Conference for the second year in a row; six players were named Associated Press All Americans; Armanti Edwards was named Southern Conference Freshman of the Year; and Coach Jerry Moore was named the Eddie Robinson Coach of the Year.

Madam Speaker, I once again commend and congratulate the Appalachian State University Mountaineers for their dedication and success.

Madam Speaker, I reserve the balance of my time.

Ms. FOXX. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of House Resolution 210, congratulating the Appalachian State University football team for winning the 2006 NCAA Division I-AA National Collegiate Athletic Association Championship.

It's my honor today to recognize the tenacity, sportsmanship and national championship victory of the Appalachian State University football team. The ASU Mountaineers won their second straight NCAA Division I Football National Championship in a 28–17 victory over Massachusetts this past season. Powered by the record-breaking, four touchdown performance of junior running back Kevin Richardson, and the stellar leadership of Head Coach Jerry Moore, ASU has solidified its place among the best of America's college football teams.

In their championship performance, the Mountaineers rushed for 285 yards, with Richardson racking up 179 of those yards. His four-touchdown performance also broke the NCAA Division I Football Championship Subdivision single season record with 30 rushing touchdowns in 15 games. Richardson, who is the Southern Conference Offensive Player of the Year, finished the season with 1,676 yards rushing, a new ASU record.

In a testament to ASU's remarkable championship season, Head Coach Jerry Moore was named the American Football Coaches' Association Division I-AA Coach of the Year. Moore was also named the Southern Conference Coach of the Year for a record fifth time.

Coach Moore's been at ASU for 18 years, and last year may have been his best year yet. Despite a 23–10 loss in the season opener at NC State, he led ASU to a 14-game winning streak crowned by their national championship win. Their record-breaking winning streak found the Mountaineers dominating opponents by an average margin of victory of 22.6 points.

During his time at Appalachian, Moore has amassed an impressive 154–68 record, which sets him apart as the winningest coach in Southern Conference history.

The 2006 season was a remarkable time for the Mountaineers, and not surprisingly, the team is overflowing with accomplishments. Eight ASU players were named All Americans, and 19 were All Conference selections.

ASU players also made a clean sweep of the Southern Conference's post-season awards. Offensive Player of the Year went to Kevin Richardson. Marques Murrell took home Defensive Player of the Year. Kerry Brown won the Jacobs Blocking Trophy, and Armanti Edwards captured the Freshman of the Year honor.

Edwards led the Mountaineers to 13 victories as a freshman quarterback and was the second freshman and fifth player overall in Division I history to tally 2,000 passing yards and 1,000 rushing yards in a season.

ASU's 14-game winning streak and 14–1 overall record set school records for wins in a season and consecutive victories. ASU now holds the Nation's longest Division I football winning streak at 14 games. In addition to having the longest overall winning streak in Division I, the Mountaineers also hold the longest home winning streak in the football championship subdivision at 27 straight games.

I'm so proud to be an alumnus and to represent Appalachian State University in Congress and to once again recognize its accomplishments on and off the playing field. It was just over a year ago that I had the honor of recognizing the Mountaineers as the 2005 NCAA Division I-AA football national champions. Their repeat national championship performance this past season is a clear instance of the value of hard work and integrity.

I applaud the players and coaches who are receiving their due recognition for another fantastic season. I especially want to compliment Coach Moore for his strong faith and his open expression of his faith. He and his assistant coaches are excellent role models for the players and students they lead.

Two national championships in as many years is reason to celebrate. I'm pulling for a third championship in 2007 and a third opportunity to honor these fine players and coaches on the floor of the House of Representatives.

Madam Speaker, I reserve the balance of my time.

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

Ms. FOXX. Madam Speaker, I yield as much time as he may consume to the gentleman from North Carolina (Mr. COBLE).

Mr. COBLE. Madam Speaker, I thank the gentlewoman for yielding, and in December of 2005, the day after Appalachian was crowned I-AA champs of intercollegiate football, I spoke on this House floor and said, The frigid and unforgiving winds that normally blow across the Blue Ridge Mountains during the months of winter are blowing less brutally and less severely today for, on this day, I said, these winds sweep across the campus of Appalachian State University, home of the National I-AA champs of intercollegiate football.

That speech, Madam Speaker, is applicable today because as my friend, Ms. FOXX, indicated, the Mountaineers repeated as national champs last December, and those same Blue Ridge winds were as refreshing in 2006 as they were in 2005, and hopefully, as Ms. FOXX said, they will be equally refreshing in December of 2007.

Over a century ago, Madam Speaker, a small teachers' college was founded in rural Appalachia. Then, Boone was a sleepy Blue Ridge hamlet; the Appalachian campus equally sleepy.

□ 1945

Now this campus has awakened.

Appalachian State University is recognized as one of the sterling jewels in North Carolina's higher education crown. It is recognized as well as the home of America's reigning I–AA champions of intercollegiate football, the Appalachian State Mountaineers.

Best wishes to Chancellor Peacock, Coach Moore and the entire Appalachian family.

Again, I thank the gentlelady from North Carolina for handling this resolution.

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

Ms. FOXX. Madam Speaker, I yield as much time as he may consume to the gentleman from North Carolina (Mr. HAYES).

Mr. HAYES. I thank the gentlelady.

Let me just simply say that Congresswoman FOXX and Congressman COBLE have done a fine job of outlining the accomplishments, which are absolutely remarkable, of the Appalachian Mountaineers.

As a point of personal privilege, since my son-in-law is the wide receivers coach there, I want to add my congratulations, that my son-in-law, daughter and grandchildren are very much part of the Appalachian theme in Boone, which is a tribute to athletics and scholarship. People should gather, do things that we really care about and make a difference in peoples' lives.

The seniors on this team never lost a home game the whole time, the 4 years that they were at Appalachian. Again it's about scholarship, it's about participation, it's about sportsmanship and these men and women, because a lot of men and women involved were a true tribute to the type of sportsmanship and scholarship that we all aspire to.

My congratulations to the twice champions and soon-to-be three-time champion Appalachian Mountaineers.

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

Ms. FOXX. Madam Speaker, I simply want to end by saying congratulations to Appalachian State University. Go Mountaineers.

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

Mr. YARMUTH. Madam Speaker, I also want to close by congratulating the entire Appalachian State University family.

I urge my colleagues to pass H. Res. 210.

Mr. SHULER. Madam Speaker, I rise today to sincerely congratulate the Appalachian State University football team for winning the 2006 National Collegiate for the second year in a row, Athletic Association Division I–AA Football championship.

December 15, 2006, marked a historic day for this university as the Appalachian State University football team defeated the University of Massachusetts 28–17 to win the championship.

Most Valuable Player Kevin Richardson's four touchdowns and Corey Lynch's fourth-quarter interception, all under the direction of Coach Jerry Moore, secured the road to victory crowning the remarkable season for the Mountaineers. An intimidating defense led by Marques Murell, Jeremy Wiggins, Monte Smith, and Corey Lynch, complemented by a high-powered offense led by Richardson, who rushed for over 1,000 yards, and William Mayfield, who had over 1,000 yards receiving, and an impenetrable offensive line, made it possible for this championship to occur.

Undefeated in conference games and champions of the Southern Conference for the second year in a row, Appalachian State University affirmed its position as a dominant football program by securing its second consecutive national championship. Not only have they become great sportsmen, but they have consistently showed great dedication to each other, continued sportsmanship to their opponents, gratitude to their unwavering fans and respect for the sport itself.

I am proud of the 2006 Appalachian State University football team for bringing the championship home to western North Carolina. These student athletes are excellent representatives of a fine university and have contributed to its long history of excellence and achievement.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky (Mr. YARMUTH) that the House suspend the rules and agree to the resolution, H. Res. 210, as amended.

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

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Votes will be taken in the following order:

H.R. 986, by the yeas and nays;
H.R. 1337, by the yeas and nays;
H.R. 2900, by the yeas and nays;
H. Res. 467, by the yeas and nays;
H. Res. 482, by the yeas and nays.

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

EIGHTMILE WILD AND SCENIC RIVER ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 986, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. SARBANES) that the House suspend the rules and pass the bill, H.R. 986, as amended.

The vote was taken by electronic device, and there were—yeas 239, nays 173, not voting 19, as follows:

[Roll No. 615]

YEAS—239

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

NAYS—173

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

NOT VOTING—19

Ackerman
Berkley
Carson
Conyers
Costa
Cubin
Davis, Jo Ann
Dicks
Engel
English (PA)
Hastert
Hinojosa
Jones (NC)
Kucinich
McMorris Rodgers
Porter
Rogers (MI)
Tancredo
Young (AK)

□ 2010

Mrs. MYRICK and Ms. FALLIN changed their vote from ''yea'' to ''nay.''

Mr. SAXTON, Mr. CARNEY and Mrs. BONO changed their vote from ''nay'' to ''yea.''

So (two-thirds not being in the affirmative) the motion was rejected.

The result of the vote was announced as above recorded.

CENTRAL OKLAHOMA MASTER CONSERVANCY DISTRICT FEASIBILITY STUDY

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 1337, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. SARBANES) that the House suspend the rules and pass the bill, H.R. 1337, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 208, nays 211, not voting 12, as follows:

[Roll No. 616]

YEAS—208

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

NAYS—211

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

NOT VOTING—12

Berkley
Boehner
Coble
Cubin
Davis, Jo Ann
Dicks
Hastert
Hinojosa
Kucinich
Porter
Tancredo
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 2018

Ms. CARSON changed her vote from ''yea'' to ''nay.''

Mrs. BOYDA of Kansas and Mr. ENGLISH of Pennsylvania changed their vote from ''nay'' to ''yea.''

So (two-thirds not being in the affirmative) the motion was rejected.

The result of the vote was announced as above recorded.

IN MEMORY OF THE LATE LADY BIRD JOHNSON

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

Mr. ORTIZ. Madam Speaker, I rise with a heavy heart to announce the passing of a great Texan, Lady Bird Johnson. Lady Bird Johnson was the essence of a lady so much that it was literally her name. She brought grace and light to the State of Texas and in Washington, D.C. She was a partner to President Lyndon Johnson in the home, on the campaign trail and in the White House. She made things around her prettier, around the environment, and she brought light and beauty to Washington, D.C., to politics and to our Nation.

She was so proud of the Department of Education bearing the name of her husband, LBJ, to illustrate her dedication to education. Her legacy will live on in their beautiful family and in the flowers and beauty of the many parks that were inspired by her all over the Nation.

At this moment I would like to yield to my good friend, LLOYD DOGGETT.

Mr. DOGGETT. Madam Speaker, Lady Bird Johnson cared for all that is beautiful and vulnerable in the world. I think every child in a Head Start program, every wild flower gracing our highways is testament to her service.

In Austin we think of her years as well as after the White House, the Lady Bird Johnson Wildflower Center, our Town Lake Trail, which families enjoy as a result of her concern.

Our thoughts and prayers are particularly with her daughters, Lucy Baines Johnson and Lynda Bird Robb, their children, who are themselves a testament to her tradition and public service. And at an appropriate time we would like to ask that the House observe a moment of silence.

Mr. ORTIZ. Madam Speaker, I yield to my good friend, Mr. BARTON.

Mr. BARTON of Texas. I thank the dean of the delegation for yielding to me.

On behalf of the minority Republicans from Texas, simply let us say that we join in our best wishes to Lady Bird's family. I knew Lady Bird through the White House Fellows program. For those of us that were privileged to know her as an individual, she was gracious and charming and an absolute delight to know.

We hope we will do a Special Order tomorrow, but we all join our colleagues wishing the Lyndon Johnson

and Lady Bird Johnson family our sincerest sympathies.

Mr. ORTIZ. Madam Speaker, let me yield for a few seconds to my good friend, Mr. GENE GREEN of Texas.

Mr. GENE GREEN of Texas. Madam Speaker, I thank my colleague from Texas for yielding to me. And I want to thank this House, Madam Speaker, because earlier this year we passed a bill and it has been signed by the President naming the Department of Education building for Lyndon Baines Johnson. A lot of our goal was to make sure that Lady Bird was alive when that was done. And it was. When President Bush signed the bill, she actually heard; because of her illness she couldn't be in Washington, but she heard the bill signing and the great things said about the legacy of President Johnson and the Johnson family.

And all of us share the loss of the Johnson family and the loss of Lady Bird. She literally defined the term ''lady'' for those of us who knew her.

Mr. ORTIZ. Madam Speaker, I ask for a moment of silence in Lady Bird Johnson's honor.

The SPEAKER pro tempore. Will all the Members and visitors in the gallery please rise and observe a moment of silence.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

FOOD AND DRUG ADMINISTRATION AMENDMENTS ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 2900, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. DINGELL) that the House suspend the rules and pass the bill, H.R. 2900, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 403, nays 16, not voting 12, as follows:

[Roll No. 617]

YEAS—403

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeGette
Delahunt
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Wu
Wynn
Yarmuth
Young (FL)

NAYS—16

Berry
Blumenauer
DeFazio
DeLauro
Emerson
Flake
Goode
Hinchey
Lee
McDermott
Miller (FL)
Miller, George
Mitchell
Moran (KS)
Paul
Woolsey

NOT VOTING—12

Berkley
Coble
Cubin
Davis, Jo Ann
Dicks
Hastert
Hinojosa
Kucinich
Marchant
Porter
Tancredo
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 2029

Mrs. EMERSON changed her vote from ''yea'' to ''nay.''

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONDEMNING THE DECISION BY THE UNIVERSITY AND COLLEGE UNION OF THE UNITED KINGDOM TO SUPPORT A BOYCOTT OF ISRAELI ACADEMIA

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 467, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. JACKSON-LEE) that the House suspend the rules and agree to the resolution, H. Res. 467, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 414, nays 0, answered ''present'' 2, not voting 15, as follows:

[Roll No. 618]

YEAS—414

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)

Barton (TX)
Bean
Becerra
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

ANSWERED ''PRESENT''—2

Paul
Thornberry

NOT VOTING—15

Berkley
Coble
Cubin
Davis, Jo Ann
Davis, Tom
Dicks
Hastert
Hinojosa
Kucinich
McCrery
Porter
Rangel
Tancredo
Tierney
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 2037

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

The result of the vote was announced as above recorded.

The title was amended so as to read: ''A resolution condemning the decision by the leadership of the University and College Union of the United Kingdom to support a boycott of Israeli academia.''.

A motion to reconsider was laid on the table.

EXPRESSING SUPPORT FOR THE NEW POWER-SHARING GOVERNMENT IN NORTHERN IRELAND

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 482, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. JACKSON-LEE) that the House suspend the rules and agree to the resolution, H. Res. 482, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 413, nays 1, answered ''present'' 1, not voting 16, as follows:

[Roll No. 619]

YEAS—413

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver

Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NAYS—1

Paul

ANSWERED ''PRESENT''—1

Thornberry

NOT VOTING—16

Berkley
Brady (TX)
Butterfield
Coble
Cubin
Davis, Jo Ann
Dicks
Hastert
Hinojosa
Kucinich
McCrery
Murtha
Porter
Rangel
Tancredo
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 2044

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. COBLE. Madam Speaker, on rollcall Nos. 616, 617, 618 and 619, I was unavoidably detained. Had I been present, I would have voted ''yea'' on all 4 rollcalls.

REAPPOINTMENT AS MEMBERS TO COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

The SPEAKER pro tempore (Mr. BRALEY of Iowa). Pursuant to section 201(b) of the International Religious Freedom Act of 1998 (22 USC 6431 note), amended by section 681(b) of the Foreign Relations Authorization Act, Fiscal Year 2003 (22 USC 2651 note), and the order of the House of January 4, 2007, the Chair announces the Speaker's reappointment of the following members on the part of the House to the Commission on International Religious Freedom:

Ms. Felice Gaer, Paramus, New Jersey, for a 2-year term ending May 14, 2009, to succeed herself and upon the recommendation of the minority leader:

Ms. Nina Shea, Washington, D.C., for a 2-year term ending May 14, 2009, to succeed herself

HONORING KATJA MARTIN

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

Mr. PRICE of Georgia. Mr. Speaker, I rise today to congratulate and honor Miss Katja Martin, a sixth grade student from my district, who is an inspired writer and gifted reader and writer.

This year, the Library of Congress has selected Miss Katja Martin of Appharetta, Georgia as one of only six national winners in their annual ''Letters About Literature'' program. With more than 56,000 adolescent and young adult readers in fourth through 12th grades participating, this program encourages students to read and be inspired and to write a letter that might have been sent to an author who has changed the student's view of the world and of themselves.

For her entry, Miss Martin wrote about the Robert Frost poem, ''Stopping by Woods on a Snowy Evening.'' Because of her talented efforts, she and the other five national winners will be honored at the National Book Festival on September 29 here in Washington, DC, where they will have the opportunity to read their letters to the gathered audience.

I am pleased to have the House recognize this accomplishment. It's a great honor for me to be able to represent and recognize Katja Martin, clearly a dedicated and intelligent young lady.

IN SUPPORT OF THE COLLEGE COST REDUCTION ACT

(Ms. LEE asked and was given permission to address the House for 1 minute.)

Ms. LEE. Mr. Speaker, earlier today we passed the College Cost Reduction Act of 2007, and I just want to take a minute to thank Congressman GEORGE MILLER for his tremendous leadership in achieving bipartisan support for a bill that will have a positive and lasting impact on the future of education in our Nation.

We raised the maximum Pell Grant, reaching $5,200 by 2011. In my home State of California, this will benefit over 645,000 students.

Another important part of this bill is the increase to the Upward Bound program, effective for the current fiscal year, allowing several program sites that had to shut their doors a few weeks ago to reopen, including one in my district.

This bill also makes landmark investments in our Historically Black Colleges and Universities, our Hispanic-serving institutions, and will raise the number of students obtaining degrees in science, technology and math, and increase the capacity of these institutions to teach in these fields.

Today's vote was a vote for the future of our children and for the future of our Nation.

PRO-GROWTH POLICIES ARE WORKING

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

Mr. MCHENRY. Mr. Speaker, tax receipts are up, and the deficit is down. Pro-growth policies are working. The President's tax cuts of 2001 and 2003 have had an enormous impact on our economy and on government revenue.

The Office of Management and Budget announced today that the Federal deficit is actually $205 billion, the lowest since 2002, the lowest since the tax cuts went into effect. What this shows is that with pro-growth policies, the economy grows. And when the economy grows, tax receipts to the government go up as well. When that happens, we can balance this budget if we have the reasonable approach of restraining spending and keeping in place the tax cuts that were put in place in 2001 and 2003.

I urge my colleagues to continue this pro-growth policy of keeping taxes low and helping the American economy grow and prosper.

A TRIBUTE TO DAVID RAY RITCHESON

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, this evening I rise to introduce H. Res. 535 in tribute to David Ray Ritcheson, a survivor of one of the most horrific hate crimes in the history of Texas, and recognizing his efforts in promoting Federal legislation to combat hate crimes.

David Ray Ritcheson, a Mexican American, was a friendly and cheerful student at Klein Collins High School in the Houston suburb of Spring, Texas and a popular and talented football athlete who was loved and admired by his family and friends. However, on April 23, 2006, at the age of 16, David Ray Ritcheson was severely assaulted while attending a party in Spring, Texas by skinheads who assaulted and violated him because of his race.

It was through his suffering of this enormous tragedy, having gone through more than 30 surgeries to restore his appearance and regain the

normal use of his body, that this young man stayed steadfast and came to the Judiciary Committee in 2007 and gave the most passionate plea for the passage of the Law Enforcement Hate Crimes Prevention Act of 2007.

This resolution, Mr. Speaker, is a resolution in tribute to Mr. David Ray Ritcheson, after having lost his life in July of 2007. We look forward to the debate of this resolution on the floor of the House, and we pay tribute to David Ray Ritcheson for his courage and for the tragedy that took his life.

CONGRATULATING U.S. CONSULATE IN BERMUDA

(Ms. WATSON asked and was given permission to address the House for 1 minute.)

Ms. WATSON. Mr. Speaker, I rise to congratulate the Consulate General of the United States in Bermuda on their events to celebrate the 231st anniversary of American independence, of which G.K. BUTTERFIELD and myself acted as cosponsors.

The American Society of Bermuda and the United States Consulate skillfully joined together in such an exemplary manner that it deserves to be noted here in Congress. These events are powerful examples of how we can partner with our host countries around the world to the benefit of America's sound principles and democratic values.

At a time when we need the strongest promotion of what is truly the American way, the staff of the United States Consulate General in Bermuda provided the activities and the outreach that immediately impacted on all those present and portrayed the richness of our American philanthropy and caring.

SPECIAL ORDERS

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

THE COLONIZATION OF AMERICA

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

Mr. POE. Mr. Speaker, I asked a question tonight, whether or not the United States of America is becoming a colony. A colony is made up of people from one country owing allegiance to their home country, not the country that they're in. And a colony serves the purpose of supporting the home country and exploits the new land. And has this happened to the United States? Have people illegally entered the United States with the purpose of colonizing this country for the benefit of another nation?

I think the question is a valid question when it comes to Mexico. We know that the previous President of Mexico, Vicente Fox, actually encouraged illegal entry of his citizens into the United States. His government provided maps and documents so that people could enter illegally into this land.

At the border of Texas and Mexico on the Mexican side, you can find numerous markets where an individual can buy documents of identification that are sold so that people can use them when they come into the United States to pretend to be here legally.

And when we talk about the issue of immigration and what to do with the people here in this country that are illegally here, we must ask the question, why did they choose to be here illegally as opposed to coming the legal way? The reason may be that many of the illegals don't want to become Americans. Of course this country has a great number of individuals who are legally here that want to be loyal to this country and do the proper thing according to this Nation, but there are many that are here illegally and they're here illegally on purpose. They pledge allegiance to another flag, many to the Mexican flag, not to the American flag. And that is the current problem with many illegals in this Nation; they want to be colonists, not citizens.

Part of being an American means that individuals pledge loyalty, wherever they come from, to this Nation, not some other nation. Many of them living in America want to accept the benefits of being in this country, but they don't want to accept the conditions of being an American. They want to remain colonists, not Americans. They refuse to learn the language, they refuse to assimilate, and most importantly, they refuse to be loyal to this Nation.

And the effects of the colonization of our land means that the money that these illegals make does not stay in this Nation. Like colonies in the past, the money is returned to their home country. Many statistics report that over $22 billion a year is sent back to Mexico in the form of money sent from this Nation, from Mexican citizens in this Nation returning their money to their home country. They are feeding the Mexican economy at the expense of the American economy.

Since many of them deal in a cash economy, they don't pay taxes the way legals do and American citizens. In fact, there is an organized system in this Nation where money is shipped back to Mexico through a complicit alliance of the banking industry in this country. And many of them do not contribute to the social programs provided for Americans and legal immigrants. They don't pay into the health care system, the education, and many of them don't pay into Social Security, but they receive those benefits at a drain to the American economy. It sounds like colonization of this Nation; they reap the benefits without the responsibility of being American. And the American taxpayer is stuck with the bill.

We have heard that illegals do contribute to the economy, that they pay their taxes, and we've heard the other extreme that they don't pay anything. If we're to believe the Heritage Foundation, they say that for every dollar that an illegal pays into the American tax system, they get in return from benefits $3. So yet that extra $2 the American taxpayer is caught with.

And of course this has happened before in history. If we use the example of the African continent, the African nations were raided by the Europeans in the last several centuries. They became colonies of Europe. Those colonies ended up, the minerals, the diamonds, the ivory and the gold were all taken from those nations and returned to the mother countries; sent it back to Europe so their country, the mother country, could benefit and the colonies were bankrupt. The results are known; they left many of those African nations in ruins, and many of these nations are still struggling to recover because of the colonization of their nation.

So, the United States, Mr. Speaker, should not be a colony of Mexico. Imperialism of Mexico is not welcomed in this Nation. And this country needs to get back to some basics of securing both of our borders, the northern and southern border. We should not grant amnesty to people who don't want to be Americans, and I'm referring to those illegals that are in the United States. We should strengthen requirements to enter this country. And we should end the good deal for illegals and the bad deal for American citizens and American legal immigrants. I suggest that the colonization by third world countries of the United States must end.

And that's just the way it is.

□ 2100

WAR IN IRAQ

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

Ms. WATERS. Mr. Speaker, I am compelled to come to the floor this evening to talk about the war in Iraq one more time. I know that this is the focus of this Congress, whether we want it to be or not. No matter what we do or what we try to do, we are met head-on with the fact of the matter that Iraq stands before us as an issue, as something that must be solved.

The fact of the matter is we have now over 3,600 soldiers who have been killed in Iraq. Over 27,000 soldiers have been seriously injured; wounded. I am talking about the kinds of injuries such as brain injuries, loss of limbs, eyes gouged out, the kind of injuries that certainly will interfere with these soldiers' ability to have a good quality of life, to be able to be employed, to

pursue the kinds of careers that many of them perhaps dreamed of because, unfortunately, they have found themselves in this war in Iraq.

Many of these soldiers are very patriotic. When their President told them that we were in danger, that we were at risk, that somehow Saddam Hussein was responsible for weapons of mass destruction and 9/11, they eagerly and gladly signed up to go to war to defend their country, only to learn that there were no weapons of mass destruction.

We say this over and over again. But the American people and we all must be reminded that many folks supported the President. Many of the Members of Congress supported the President because they believed the President. They believed him when he said that he had to wage this war on terrorism because we were at risk and Saddam Hussein was responsible for 9/11.

So here we are. No weapons of mass destruction. We have destabilized Iraq. There is a civil war that is going on. Many of us were in denial about the civil war even though we watched it developing. We watched the Sunnis and the Shias and the Kurds begin to turn on each other and to fight each other. We watched the militias grow. We watched as this country has simply been torn apart.

Mr. Speaker and Members, we are now at a point in time where the American people are sick and tired of this war. The polls show it. They are not happy, certainly, with the President of the United States. But they are even less happy with the Congress of the United States.

I am a Democrat. The people of my party thought they voted for us to come here in November and end this war. While many of us would like very much to end the war, we still have some Members who are not so sure. They don't quite have the courage yet. They don't want to be thought of as unpatriotic. They don't want to be thought of as pulling the rug out from under the soldiers. But the American people will not tolerate this war much longer. They have said so in so many ways.

I am just hopeful, I am just hopeful that we will gather the courage that is needed and step up to the plate and let this President know there will be no more dollars, no more dollars appropriated by this Congress to continue this war in Iraq.

Now, I know a lot of people, and a lot of Members of this House don't want to go there yet. They are trying to say everything that they can possibly say in so many ways to let the President know that we should get out, that there should be a time certain. But they are not yet ready to talk about defunding this war.

Well, I stand here proudly this evening as one person, one Member of Congress, elected by the people of the 35th Congressional District. I am prepared to defund this war. I do not think we should spend another dime on this war that has destabilized Iraq. We have those who talk about the fact that, and the President of the United States has said, we must stay there until we train the soldiers in Iraq to provide the security for Iraq. That is laughable. Not only have we misled the people about the numbers that we were training in Iraq, the soldiers, many of whom that we have trained, have turned on our soldiers, have undermined them at the point of contact and confrontation. So I simply say this evening, we have to get out of this war.

STATEMENT ON LIBBY COMMUTATION AND PARDON FOR FORMER BORDER PATROL AGENTS RAMOS AND COMPEAN

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

Mr. JONES of North Carolina. Mr. Speaker, many Americans are outraged by the President's decision to commute the sentence of White House aide Scooter Libby, while at the same time, he refuses to pardon former Border Agents Ramos and Compean.

Scooter Libby, an attorney who understands the laws of this country and should know right from wrong, was convicted of perjury, obstruction of justice, and lying to investigators. Mr. Libby, who should have served his sentence, did not spend 1 day in prison. Yet, two Border Patrol agents with exemplary records, who tried their best to do their duty to protect the American people from an illegal alien drug smuggler, are serving 11 and 12 years in prison today.

Today is the agents' 176th day in Federal prison. Two heroes sit behind bars while a guilty man walks free. Again, I say, where is the justice? By attempting to apprehend a Mexican drug smuggler who brought 743 pounds of marijuana across our borders, these agents were enforcing our laws, not breaking them. For almost a year, thousands of American citizens and dozens of Members of Congress have asked President Bush to pardon these agents. The President repeatedly responds that there is a pardon ''process'' and ''a series of steps'' to be taken by the Justice Department, ''to make a recommendation as to whether or not a President grants a pardon.'' Yet, Mr. Speaker, the President did not consult the Justice Department in Mr. Libby's case.

Mr. President, if there is a process, why did this process not matter when you commuted Mr. Libby's sentence?

The President has the power to immediately pardon agents Ramos and Compean, two heroes who were unjustly prosecuted for doing their job to protect our border. I have written the President and called on him to correct a true injustice by using his executive authority to immediately pardon these men.

Mr. Speaker, I will submit for the RECORD the entire text of the letter that I have written to the President.

Mr. Speaker, I want to thank Chairman JOHN CONYERS, who I am sure at some point in time will hold a hearing to thoroughly review the prosecution of these agents. Tonight, I especially want to thank Senator DIANNE FEINSTEIN, who has shared my concerns about the unfairness of this prosecution. I am extremely pleased that she will be presiding over a Senate hearing next Tuesday to examine the details of this case. There are many questions and concerns about the actions of the U.S. Attorney in this case that need to be answered. I am hopeful that justice will soon prevail for these two men.

Mr. Speaker, before I close, I want to say to the families of Border Patrol Agents Ramos and Compean that this House of Representatives will not forget your loved ones. We will not forget that an injustice has prevailed. We will seek justice for your husbands and your fathers and your relatives. I hope and pray that the President himself will pray about this and grant to these two men justice instead of injustice.

Mr. Speaker, I include for the RECORD the letter referred to earlier.

JULY 3, 2007.

Hon. GEORGE W. BUSH,
The White House, Pennsylvania Avenue, NW., Washington, DC

DEAR MR. PRESIDENT: In light of your recent commutation of I. Lewis ''Scooter'' Libby's prison sentence, I am writing to express my deep disappointment that U.S. Border Patrol agents Ignacio Ramos and Jose Compean remain unjustly incarcerated for wounding a Mexican drug smuggler who brought 743 pounds of marijuana across our border.

While you have spared Mr. Libby from serving even one day of his ''excessive'' 30-month prison term, agents Ramos and Compean have already served 167 days of their 11- and 12-year prison sentences. By attempting to apprehend an illegal alien drug smuggler, these agents were enforcing our laws, not breaking them.

Mr. President, it is now time to listen to the American people and Members of Congress who have called upon you to pardon these agents. By granting immunity and free health care to an illegal alien drug trafficker and allowing our law enforcement officers to languish in prison—our government has told its citizens, and the world, that it does not care about protecting our borders or enforcing our laws.

I urge you to correct a true injustice by immediately pardoning these two law enforcement officers.

Sincerely,

WALTER B. JONES,
Member of Congress.

STOP THE OCCUPATION OF IRAQ NOW

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

Ms. WOOLSEY. Mr. Speaker, President Bush delivered a speech in Cleveland yesterday in which he said that ''Congress ought to wait.'' That is what he said; Congress ought to wait for

General Petraeus and his report on the surge in September before deciding what to do about Iraq.

When I heard that remark, I thought to myself, I wonder what the President would like us to do while we are waiting? Does he think we should take up knitting? Should we empty out our committee rooms and use them for ballroom dancing lessons? Should we have a sign on the door of the House of Representatives that says, ''Gone Fishin' ''?

The President's remark was, of course, outrageous. The American people did not send us to Washington to wait and to do nothing. They sent us here to take action, to end the occupation of Iraq, and that is what we must do.

We cannot wait, because American troops continue to die. More than 600 have died since the troop surge began last winter.

We cannot wait, because at least 13,500 Iraqi civilians have died since the escalation began, and that is according to very conservative estimates.

We cannot wait, because the war is costing a staggering $10 billion every single month, more than $60 billion since the escalation began.

We cannot wait, because the violence in Iraq is forcing tens of thousands of new refugees to flee their homes every single month.

And we cannot wait, because the escalation has only escalated the violence. April, May and June produced more American military deaths than any other 3-month period since the war began in Iraq.

Instead of telling the Congress to wait, the administration should be saying to the Iraqi government, stop waiting. Stop waiting, and start working on the political solutions to Iraq's problems. Our troops have done their part, but the Iraqi government has been either unwilling or unable to do its part, and our leaders seem to refuse to hold them accountable.

So we cannot allow the administration to sing that old tune, ''See You in September,'' because the American people have made it clear: They want this occupation to end, and since the administration won't do it, then Congress must.

The House will consider a troop redeployment bill this week. I introduced a bill, H.R. 508, way back in January when the escalation first began, to end the occupation. H.R. 508 calls for fully funding the safe, orderly and responsible withdrawal and redeployment of our troops within 6 months, and it guarantees full funding for the healthcare needs of our veterans.

The bill also includes provisions to help the Iraqi people get back on their feet, maintain stability and prevent a worsening of the civil war. It would accelerate multinational assistance to Iraq for reconstruction and reconciliation in that shattered land. And because our involvement in Iraq has taught us that we must take a new approach to foreign policy, my bill absolutely rejects preemptive war, which clearly doesn't work. Instead, it calls for diplomatic efforts to help Iraq and help its neighbors to achieve political, not military, solutions to regional problems.

Mr. Speaker, the administration has abrogated its responsibilities, and Congress has waited in the wings too long. Now it is time for us to take the stage of history and put America on a new and better course. It is past time to bring our troops home.

□ 2115

MEETING THE ENERGY NEEDS OF AMERICA IN A COMPREHENSIVE WAY

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

Mr. MORAN of Kansas. Mr. Speaker, I rise tonight to call the House of Representatives, the Congress, the administration, this country, to action.

Just this month, the price of oil hit $75 per barrel, and it seems that the proverbial, ''While Nero fiddles, Rome burns,'' in this case it is, ''While Congress fiddles, prices at the pump continue to escalate,'' with a tremendous consequence to the consumers across America.

Mr. Speaker, I ask that we address the energy policy, the energy needs of this country, in a comprehensive way. And although we have tried that on a number of occasions, it seems to me that our efforts have been less than what is required and need dramatic attention.

In fact, Mr. Speaker, tonight I call for a broad approach for what we do to reduce the price at the pump, and clearly conservation is a component of that. We need as a country to make certain that we have policies in place that encourage conservation, that we do not waste energy. And in fact this week I will cosponsor legislation that establishes CAFE standards to try to improve the efficiency of our automobile fleet done in a way, Mr. Speaker, that is satisfactory, provides common sense and good scientific basis for the direction we need to go, something that is not unreasonable but is workable for the automobile industry and for the consumer.

Clearly, renewable fuels is an important component. We in Kansas have a lot to offer when it comes to renewable fuels, particularly as we have moved in the direction of ethanol and biodiesel. But I call for greater action, particularly in the area of cellulosic renewable fuels, cellulosic ethanol in which we can utilize the waste product of agriculture to meet our country's energy needs and not compete with the food supply and the use of corn, for example, to feed livestock.

Renewable fuels matter greatly to rural America, but they matter greatly across the country. It is about jobs in rural communities and about utilization of our agricultural production, and it is about the environment, and it is about trying to do something about the tremendous burden we face in importing oil.

Mr. Speaker, I also propose that we encourage greater exploration and production. Too often in this country we have an attitude that says we cannot drill and explore in our backyard, and yet we complain about the price of fuel. The opportunity continues to exist in this country to explore and find greater oil and natural gas and utilize our reserves. It also is an opportunity for us to pursue other sources of energy such as clean coal technologies and nuclear power. Again, we take so many things off the table and then complain that we can't afford the price.

Finally, I ask that we pursue once again increasing our refining capacity. The last refinery in this country was built in 1976. In Kansas in the 1980s we had 14 refineries in our State. Today we have three, and one of those three was closed because of flood waters. The consequence was a 14–15 cent increase in the price of gasoline per gallon.

It is time that we develop the capacity to meet the consumers' needs. Mr. Speaker, just last year in 2006 we spent $218 billion in purchasing oil from countries abroad, countries whose political circumstances are volatile, countries who have joined together to make certain that they control the supply and increase the price, and yet it seems we do nothing to reduce our dependence on foreign oil.

It is clear to me that our national security is harmed by our policy, or lack of policy. It is clear to me that the economic consequences of our failure, of our fiddling while Rome burns is dramatic.

Mr. Speaker, again I ask the leadership of this House to pursue policies of a broad, comprehensive approach to reducing our dependence upon foreign oil and making a difference for the consumer in the United States, improving our economy, and increasing our national security.

WHITEWASH FROM THE WHITE HOUSE

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

Mr. MCDERMOTT. Mr. Speaker, the President intends to stay the course in Iraq. His latest quote is we might be able to bring soldiers home ''in awhile,'' and the White House is circulating a memo that they see progress. This is another whitewash from the White House.

When they talk about progress in Iraq, remember they misled us before. CNN Larry King Live, May 30, 2005, the vice president said: I think they're in

the last throes, if you will, of the insurgency.

By then, 1,000 U.S. soldiers were dead.

USA Today, November 24, 2005, the headline is: Officials more hopeful on Iraq drawdown. Secretary of State Condoleezza Rice told Fox News on Tuesday that the U.S. would probably not need to maintain its current troop levels in Iraq ''very much longer.''

By then, there were 2,000 Americans dead.

USA Today, January 4, 2006, the headline is: Bush, Cheney stump seeking public support. Bush met with military leaders at the Pentagon and reiterated previously announced plans to cut U.S. troop strength in Iraq. ''The adjustment is underway,'' he said, suggesting further cuts would come if Iraqi security forces improved.

By then, 2,200 Americans were dead.

USA Today March 26, 2006, the headline is, Rice speaks of possible troop drawdown. ''I think it is entirely probable that we will see a significant drawdown of American forces over the next year. It's all dependent on events on the ground,'' the chief American diplomat said.

By then, 2,300 Americans were dead.

The Washington Post, June 15, 2006, the headline is: Bush Sees Progress in Iraq. In a Rose Garden news conference just over 6 hours after his surprise whirlwind visit to Baghdad, Bush said, ''I sense something different happening in Iraq,'' and predicted that ''progress will be steady'' towards achieving the U.S. mission there.

By then, 2,500 Americans were dead.

USA Today, October 1, 2006, the headline: Bush Sees Progress in Iraq War Effort. President Bush said Saturday he is encouraged by the increasing size and capacity of the Iraq security forces, touting progress on a key measure for when U.S. troops can come home.

By then, 2,800 U.S. soldiers had died.

Fox News, Sunday, January 11, 2007, Chris Wallace interviewed the vice president:

Mr. Vice President, why should we believe you this time that you have it right?

Mr. CHENEY responded, Well, if you look at what has transpired in Iraq, Chris, we have in fact made enormous progress.

By then, 3,000 Americans were dead.

In the months since the Vice President saw enormous progress, another 600 U.S. soldiers had died in Iraq. Over 3,600 U.S. soldiers are dead, 26,000 seriously wounded, and 40,000 will suffer with post-traumatic stress disorder, and the White House keeps telling the American people that we are making progress.

There is no credibility left whatsoever in the White House. None. The White House cannot whitewash the truth any longer. The American people are exasperated by a Commander in Chief who is blind to what is happening in Iraq.

U.S. soldiers have not failed, but this President has. U.S. commanders have not failed, but this administration has. The American people know it and they want only one new order given: Get U.S. soldiers out of Iraq. That means by early spring next year. It would be a travesty of justice if it takes until the general election of 2008 for the American people to throw every Republican out in order to stop the war. We are 17 months away from a new President being sworn into office. That is another 2,000 U.S. casualties if we follow this President. Ten soldiers are dying every day. Ninety soldiers are gravely wounded every day. A hundred civilian Iraqis die. How many more must die before we stand up for our soldiers? Before we stand up for our national interests and get our soldiers out of Iraq? Bring them home.

Mr. Speaker, we have got to get the President to bring them home. We also ought to think about how many Iraqis have died in this whole thing.

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

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

HONORING DR. BILL McGAVRAN

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

Mr. CONAWAY. Mr. Speaker, I rise today to recognize Dr. Bill McGavran for his 30 years of service as a neurosurgeon in Midland, Texas.

Thousands of citizens in West Texas owe Dr. McGavran a debt of gratitude for his tireless work. Nearly every night for 25 years Dr. McGavran served as the on-call neurosurgeon in the ER, saving countless lives.

Dr. McGavran's commitment to helping others reaches beyond Texas. He has shared his skills with colleagues and patients half a world away in impoverished communities in South America.

Prior to his residency, he served in the United States Navy off the coast of Vietnam and Japan. Dr. McGavran is also an active member of the Midland community as deacon of the First Presbyterian Church and member of the symphony and chorale board of directors.

He is devoted husband to Gloria McGavran and father of two daughters, Catherine and Melissa.

The 11th District of Texas owes great thanks to Dr. McGavran for his exemplary service to the community and his patients, and I am proud to represent him in the Congress of the United States.

IRAQ POLICY

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

Mr. SESTAK. Mr. Speaker, even for those convinced the surge in Iraq is a mistake, or at a point where our goals cannot realistically be attained, the manner in which we implement a decision to leave that country is critical to our Nation. How the United States manages its transition from a major war to the aftermath of our withdrawal is crucial for our strategic security.

And therefore, a Congress mandating a new security policy through the force of law owes a careful explanation to the country why and how it is to be done, including dealing with what would occur in the aftermath.

Americans may be tired of this war, but as a group they still expect it to be brought to an end that salvages as much as possible from the situation and protects our broader interests in the region and the world.

This strategic approach is not just about ''getting the troops home.'' Rather, the important concept to pursue is a strategic redeployment from Iraq that enhances our security by giving us the leverage to begin to unify Iraqis and bring about a regional accommodation that works toward that nation's stability.

However much Americans may desire to reduce forces in Iraq quickly, this Nation must still face the aftermath of what will happen in the region after redeployment by the force of law. And while some may try to characterize this as President Bush's war, it is the whole country's war in terms of how its consequences will affect us. For example, a careless redeployment due to haste most endangers our 160,000 troops and estimated over 100,000 civilian contractors in Iraq.

Withdrawal is when military forces are at their most vulnerable, something our Nation paid heed to when it took the 6 months necessary to redeploy less than 10,000 troops safely from Somalia in the 1990s. In Iraq, there is one road to Kuwait for thousands of convoys and much planning left to do for such a redeployment to occur safely.

And some ideas for a drawdown will prove less viable than some assume. For instance, maintaining residual forces to train Iraqis may well not work for the safety of U.S. troops embedded in an Iraqi military whose loyalty is suspect at best and fighting motivation questionable. Would we then need to retain large combat forces for their protection, and if so, how many?

Let's therefore understand the full limitations of such ideas before supporting them without careful strategic thought.

Such strategic considerations suggest that the precise shape of a strategy to redeploy matters a great deal. Responsibility should be assigned: To the Iraqis to assume accountability for their country; to regional nations to demonstrate accommodations towards

stability; and to Congress for the consequences of the aftermath which it will have dictated.

A realistic timeline of a year that is needed for a safe redeployment of our troops also serves well to protect our regional interests. It provides the time needed for a strategy of regional accommodation to take effect with Iran, Syria and Saudi Arabia, a strategy that rightly relies upon their long-term interest in a stable aftermath.

But in the end, we most importantly must make it clear that we will not be made hostage to the permission of our Iraqi friends. This is the crux of the strategic approach to enhancing our global strategic security: That while Iraqis will have ultimate say over their country, we as a Nation need to send a strong message that we are no longer willing to support it in a futile pursuit.

Only by a date that defines the end of our open-ended commitment can we force the Iraqis and regional nations to assume responsibility in working towards a stable Iraq. We will then, in the eyes of the world, leave with the Iraqis and regional nations having clearly helped choose the aftermath by their decisions or indecision.

We cannot afford an inconclusive, open-ended involvement within a country where the long-term security benefits do not match what we need to reap, and where the trade-off in benefits of not focusing elsewhere is harming our strategic security, including a significant negative impact on the readiness of our Armed Forces here at home. Nor can we afford a nonstrategic approach to the end to our involvement in this war, also undermining our future strategic security. Rather than leading to a spiral of violence, redeploying from Iraq under a strategic timeline of a year will serve as the necessary catalyst for the Iraqis to assume responsibility for their country, with regional nations then interested in ensuring stability when the United States is outside that nation, but remaining with strength in the region.

The needed accommodation will only come about when the Iraqi political leaders are forced to take the difficult political steps required to cease the violence in their country, such as building cooperation among competing sects and sharing oil revenues among all regions in Iraq. And regional nations' incentives, particularly Syria's and Iran's, change toward stability when the United States is no longer there in the midst of a civil war. And these nations will have to bear the consequences of further strife, with refugee flows to their countries and the possibility that these relatively allied nations could then be joined in a proxy battle to their detriment.

Ending this war is necessary but insufficient, and Mr. Speaker, how we end it and by what means is of even greater importance for the troop's safety and our own security.

□ 2130

CELEBRATING THE ACHIEVEMENTS OF RICHARD L. AYNES, DEAN OF THE UNIVERSITY OF AKRON SCHOOL OF LAW

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

Ms. SUTTON. Mr. Speaker, today it's my honor to rise to recognize Richard L. Aynes.

On June 30, Richard Aynes concluded his term as dean of the University of Akron School of Law after 12 complete years, the longest tenure of any current law dean in the great State of Ohio and longer than 184 of the 196 deans at ABA accredited schools. His dedicated service is especially gratifying to me, as I earned my juris doctorate from the University of Akron School of Law.

Since 1921, I and more than 6,000 people have selected the University of Akron for law school. With Richard Aynes serving as dean, newspaper headlines acclaimed our law school as ''on the move'' and as having ''raised the bar.'' Today, as Richard ends his service as dean, he leaves the University of Akron School of Law as one of the top 50 law schools in the Nation. That is a great accomplishment.

Under Dean Aynes' leadership, applicants to the School of Law increased from 1,621 in 1995 to 2,230 in 2006, while the student-to-faculty ratio decreased. Those of us fortunate enough to live near Akron have always known and recognized the greatness of our law school, but Dean Aynes successfully spread that appeal throughout the Nation.

The 2006 student body is composed of students from 37 States. He also oversaw the expansion of innovative programs to deal with our changing world. The School of Law now boasts the world-renowned Center for Intellectual Property Law and Technology, and I'm proud that my alma mater is the first school in the State of Ohio to offer a master of law in intellectual property law and one of only 17 such programs across the country.

In a true testament to his devotion to both law and education, I'm pleased to report that Dean Aynes will return to the law faculty in the spring semester of 2008 to teach and publish. In this role, he will continue his tireless efforts towards the progress of the school and will profoundly touch the lives of future lawyers and our community. It is in recognition and gratitude that I rise today to honor this great man.

And finally, Mr. Speaker, on a personal note, I want to express my deep personal appreciation for the compassion he extended to me during a challenging time that I faced during my experience at the University of Akron School of Law. You see, Mr. Speaker, during the first year of my legal studies, we received the sad, sad news that my father was suffering from lung cancer, and I shall always appreciate the compassion and the help that Dean Aynes and other caring professional faculty at the law school extended to me. It was that compassion and encouragement that made it possible for me to spend precious time with my dad in those precious final days of his life while continuing on with my legal studies and on a path that would lead me here to the United States House of Representatives, where I have the extraordinary honor to put that education to work in service to the fine people of the 13th District of Ohio.

Thank you, Dean Aynes, and may your commitment and achievements continue to inspire and motivate countless generations.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

(Ms. JACKSON-LEE of Texas addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

THE ASSURED FOOD SAFETY ACT OF 2007

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

Ms. KAPTUR. Mr. Speaker, today, I'm introducing legislation to bring our food safety system into the 21st century by stopping the influx of unsafe food from countries like China.

Mr. Speaker, over the last several months, the American public has begun to tune in on an issue which should have every American at the edge of their seats, the danger of tainted food from abroad. Food imports are constituting a larger and larger share of what we eat and what is sold at stores across our Nation.

In 1996, our Nation had a huge positive agricultural trade balance of over $27 billion more exports going out than imports coming in. Today, that balance has dropped to only $8 billion, and we have wracked up enormous trade deficits of nearly $800 billion around the world, $230 billion with China.

With China constantly engaging in practices like unfairly manipulating their currency, the yuan, our agricultural trade policy is in dire need of change. For instance, individual shipments of food from China have recently been quoted as going from 82,000 shipments in 2002 to 199,000 in 2006. This is a staggering increase. Unless we act to protect our consumers, the United States will become dangerously dependent on foreign agricultural imports while our domestic market falters.

Take Chinese seafood imports. While they account for 22 percent of the domestic import market, Chinese goods account for 63 percent of seafood refused by inspectors at the border. Overall, Chinese food imports have quadrupled in 10 years, increasing from $880

million in 1996 to $4.2 billion in 2006. This increase of Chinese food imports over the last 10 years has not been followed by an equal increase of inspector activity. Therein lies the problem. Less than 2 percent of what comes over our border for human consumption is inspected. Yes, you heard me right, less than 2 percent.

As the Chinese share of American agricultural imports continues to grow, our domestic markets are impacted. For instance, unlike closely regulated domestic food additives, products like wheat gluten and vitamin C from China continue to flood our market. The last American vitamin C producer recently closed its doors, unable to compete against the flood of poorly regulated Chinese additives. So, when you take your vitamin pills, ask where the ingredients came from.

Earlier this year, Europe narrowly avoided disaster when a batch of vitamin A was contaminated with an additive which has caused infant deaths. Luckily, the additive was removed before it contaminated infant formula.

In a matter of weeks, the Chinese government went from denying the problems with their food chain to executing their lead food regulator and closing down almost 200 food factories. Estimates indicate that it will cost up to $100 billion over the next 10 years to build an infrastructure capable of certifying and protecting against Chinese agricultural goods. This should cause any American sitting down at the dinner table to think about drawing arms. We simply must do better.

And that is what my bill, the Assured Food Safety Act of 2007, does. It uses a simple approach and puts the burden of keeping food safe on the producers and the country of origin. The bill will require countries exporting food products to the United States to provide a certificate of assured safety for each class of items. If safe certified food is found to cause consumer illnesses or deaths, producers can be held liable through our Federal courts. Producers liable for damage they cause? What a sensible idea.

As a condition to accessing the American market, a producer must be willing to stand behind the quality of their product. Instead of relying on an inconsistent patchwork of international food standards, our consumers will be given the power to manage abuses directly through our legal system.

The United States government has a duty not only to protect the American population from the bad apples of the world but to restore the American people's confidence in the food we eat. Next time you go to the grocery store to buy pet food or pick up onions, remember our bill.

Mr. Speaker, the Assured Food Safety Act closes a serious loophole in our food safety regimen. I urge my colleagues to cosponsor our bill and help the American people regain confidence in our system.

[From the Washington Post, April 23, 2007]

IT'S NOT JUST PET FOOD

(By Peter Kovacs)

Lost amid the anxiety surrounding the tainted U.S. pet food supply is this sobering reality: It's not just pet owners who should be worried. The uncontrolled distribution of low-quality imported food ingredients, mainly from China, poses a grave threat to public health worldwide.

Essential ingredients, such as vitamins used in many packaged foods, arrive at U.S. ports from China and, as recent news reports have underscored, are shipped without inspection to food and beverage distributors and manufacturers. Although they are used in relatively small quantities, these ingredients carry enormous risks for American consumers. One pound of tainted wheat gluten could, if undetected, contaminate as much as a thousand pounds of food.

Unlike imported beef, which is inspected at the point of processing by the U.S. Agriculture Department, few practical safeguards have been established to ensure the quality of food ingredients from China.

Often, U.S. officials don't know where or how such ingredients were produced. We know, however, that alarms have been raised about hygiene and labor standards at many Chinese manufacturing facilities. In China, municipal water used in the manufacturing process is often contaminated with heavy metals, pesticides and other chemicals. Food ingredient production is particularly susceptible to environmental contamination.

Equally worrisome, U.S. officials often lack the capability to trace foreign-produced food ingredients to their source of manufacture. In theory, the Bioterrorism Prevention Act of 2001 provides some measure of traceability. In practice, the act is ineffective and was not designed for this challenge. Its enforcement is also shrouded in secrecy by the Department of Homeland Security.

Even if Food and Drug Administration regulators wanted to crack down on products emanating from the riskiest foreign facilities, they couldn't, because they have no way of knowing which ingredients come from which plant. This is why officials have spent weeks searching for the original Chinese source of the contaminated wheat gluten that triggered the pet food crisis.

That it was pet food that got tainted—and that relatively few pets were harmed—is pure happenstance. Earlier this spring, Europe narrowly averted disaster when a batch of vitamin A from China was found to be contaminated with Enterobacter sakazakii, which has been proved to cause infant deaths. Thankfully, the defective vitamin A had not yet been incorporated into infant formula. Next time we may not be so fortunate.

Currently, most of the world's vitamins are manufactured in China. Unable to compete, the last U.S. plant making vitamin C closed a year ago. One of Europe's largest citric acid plants shut last winter, and only one vitamin C manufacturer operates in the West. Given China's cheap labor, artificially low prices and the unfair competitive climate it has foisted on the industry, few Western producers of food ingredients can survive much longer.

Western companies have had to invest heavily in Chinese facilities. These Western-owned plants follow strict standards and are generally better managed than their locally owned counterparts. Nevertheless, 80 percent of the world's vitamin C is now manufactured in China—much of it unregulated and some of it of questionable quality.

Europe is ahead of the United States in seeking greater accountability and traceability in food safety and importation. But even the European Union's ''rapid alert system'' is imperfect. Additional action is required if the continent is to avoid catastrophes.

To protect consumers here, we must revise our regulatory approaches. The first option is to institute regulations, based on the European model, to ensure that all food ingredients are thoroughly traceable. We should impose strict liability on manufacturers that fail to enforce traceability standards.

A draconian alternative is to mount a program modeled on USDA beef inspection for all food ingredients coming into the country. This regimen would require a significant commitment of resources and intensive training for hundreds of inspectors.

Food safety is a bipartisan issue: Congress and the administration must work together and move aggressively to devise stricter standards. Rep. Henry Waxman (D-Calif.), chairman of the House Government Reform Committee, has deplored dangerous levels of lead in vitamin products originating in China. We must get to the bottom of this pressing public health issue, without self-defeating finger-pointing.

The United States is sitting on a powder keg with uncontrolled importation and the distribution of low-quality food ingredients. Before it explodes—putting more animals and people at risk—corrective steps must be taken.

The writer was president of NutraSweet Kelco Co. from 1994 to 1997. He is a management consultant to many large food ingredient companies.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MCCARTHY) is recognized for 5 minutes.

(Mrs. MCCARTHY of New York addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

ARMENIAN GENOCIDE—HENRY MORGENTHAU

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

Mr. PALLONE. Mr. Speaker, the Armenian genocide that was orchestrated by the Ottoman Empire from 1915 to 1918 is an irrefutable fact. Looking at the history of this catastrophic event, it is impossible to deny that this was genocide on all accounts.

Now, one way to bear witness to the truth is to make reference to firsthand accounts which were made at the time that the Armenian genocide occurred. Henry Morgenthau served with dignity as U.S. ambassador to the Ottoman Empire from 1913 to 1916. In the wake of surging nationalism in Turkey and alarmed at reports of the Armenian genocide, he repeatedly appealed to the U.S. Government to intervene, without success. Morgenthau addressed the genocide of the Armenians in a 1915 dispatch to the State Department in which he warned that ''a campaign of race extermination is in progress.''

He then appealed to Ottoman rulers, also without result, and finally, he published his opinions in his 1918 book of memoirs, ''Ambassador

Morgenthau's Story,'' which documented his experiences while in Turkey, including his vivid views of the Armenian genocide.

Morgenthau wrote, ''When the Turkish authorities gave the orders for these deportations, they were merely giving the death warrant to the whole race; they understood this well, and, in their conversations with me, they made no particular attempt to conceal the fact. I am confident that the whole history of the human race contains no terrible episode as this.''

In one of his addresses, Morgenthau commented on the U.S. efforts during the Armenian genocide. ''If America is to condone these offenses, if she is going to permit to continue conditions that threaten and permit their repetition, she is party to the crime. These people must be freed from the agony and danger of such horrors. They must not only be saved for the present but they must be given assurance that they will be free in peace and that no harm can come to them.''

At great personal risk and sacrifice, Ambassador Morgenthau chose to intervene on behalf of the Armenians and even managed to help rescue an unknown number of Armenians. Of course, in the end, his efforts were unsuccessful. Drained by his efforts to avert this disaster, Morgenthau returned to the United States in 1916 and, for the remainder of World War I, dedicated himself to raising funds for the surviving Armenians. He is considered a hero in Armenia and an American man of courage and character.

Mr. Speaker, if America is going to live up to the standards we have set for ourselves and continue to lead the world in affirming human rights everywhere, we need to follow Ambassador Morgenthau's example. We must stand up and recognize the tragic events that began in 1915 for what they were, the systematic elimination of a people. By recognizing these actions as genocide, we can renew our commitment to prevent such atrocities from occurring again.

I'm here this evening because I want to give a firsthand account that the Armenian genocide occurred. I wish to express my support for swift passage of H. Res. 106, which reaffirms the Armenian genocide. We now have a majority of the House of Representatives, both Democrats and Republicans, as cosponsors of this bill. It's time that it was brought to floor. As the first genocide of the 20th century, it is morally imperative that we remember this atrocity and collectively demand reaffirmation of this crime against humanity.

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

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

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

(Ms. WATSON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

APPOINTMENT OF MEMBERS TO BRITISH-AMERICAN INTERPARLIAMENTARY GROUP

The SPEAKER pro tempore. Pursuant to 22 U.S.C. 2761, clause 10 of rule I, and the order of the House of January 4, 2007, the Chair announces the Speaker's appointment of the following Members of the House to the British-American Interparliamentary Group, in addition to Mr. CHANDLER of Kentucky, Chairman, appointed on March 30, 2007:

Mr. WU, Oregon, Vice Chairman
Mr. POMEROY, North Dakota
Mr. CLYBURN, South Carolina
Mr. ETHERIDGE, North Carolina
Mrs. DAVIS, California
Mr. BISHOP, New York
Mr. PETRI, Wisconsin
Mr. BOOZMAN, Arkansas
Mr. BOUSTANY, Louisiana
Mr. CRENSHAW, Florida
Mr. WILSON, South Carolina

□ 2145

THE OFFICIAL TRUTH SQUAD

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

Mr. PRICE of Georgia. Mr. Speaker, I want to thank the leadership for allowing me to come to the floor of the House this evening and spend another hour of The Official Truth Squad, a group of individuals who come to the floor at least once a week, we try to, at least, to try to shed a little light, a little correct view on the situations that occur here in our Nation's Capital and especially here on the House floor.

This group grew out of some frustration by Members on the Republican side of the aisle who felt that there was less light and less truthfulness being spoken here on the floor of the House, and that so often, because of the constrained rules on the floor of the House, we and others were prevented from bringing those instances to light. So we started what we call The Official Truth Squad, and the leadership has been very kind in allowing us to shed that light, bring that truth to the Members of the House and hopefully set the record straight so often.

We have many favorite sayings. One of them that I enjoy most is one from Senator Daniel Patrick Moynihan, who said that everyone is entitled to their own opinion, but they are not entitle to their own facts.

When you think about it, it's so very true here that if we were to deal more in fact that we would have a much better debate, a much better discussion, a discussion that would be much more appropriate for the American people, and live up to the charge that we have all been given, that is, to represent our constituents to the best ability that we have.

But facts oftentimes don't hold the day here. But, hopefully, during this hour we will be able to bring some light to some very interesting matters that have been brought before the House and some that are yet to come in the days and the weeks ahead.

It has been a curious time here in Washington since the beginning of the year. It's a time of what I have called and dubbed Orwellian democracy, Orwellian democracy, because so often what we see is the party in charge, the majority party, says one thing and then does something completely different. So it harkens back to the author, George Orwell, and the double speak that he highlighted.

It's, sadly, distressing that the leadership on the other side of the aisle seems to be all politics all the time. It's a shame, because we both have just gotten back in town from a week of district work period, and I know that you likely heard what I heard at home, and that is that folks are frustrated and oftentimes disgusted with the kind of activity that goes on here in Washington, the kind of lack of debate, the lack of open and honest discussion. The all politics all the time is very frustrating to my constituents, and, I suspect, to those of yours as well.

Tomorrow is one of those days that will be a classic example of all politics all the time. The majority party has seen fit to bring forth, and you have heard a lot of folks talk about the issue this evening on the other side of the aisle, but they have seen fit to bring forth another resolution on the war in Iraq. It's curious that it comes literally just hours after the Speaker of the House had an individual stand up, who is known to folks far and wide across this Nation, and say that she was going to challenge the Speaker in the next election. So it appears that the timeliness of this resolution may be, again, all politics all the time in response to an electoral challenge that may be coming upon the Speaker of the House.

But the sad part about all of this, as it relates to the war in Iraq, and we are going to talk about a number of issues tonight, but the sad part about the resolution that's coming up tomorrow is that it is all just politics. It's not anything about real policy debates for the American people; it's not about real action. This Congress, this House and the Senate, said relatively recently that we were going to allow the reinforcements to run their course in Iraq, that we are going to allow General David Petraeus, who is on the ground there, along with credible fortitude and gallantry on the part of the American men and women, that we were going to allow the increase in the reenforcements of the American troops to run their course and see whether or not there was progress being made.

Now, just a few short weeks after the number of individuals have increased in Iraq, the majority party says, oh, no, we really didn't mean that, we need a new bumper sticker, we need a new headline, so they are going to bring a resolution on Iraq tomorrow. It is really a shame and very sad, because it, again, doesn't add anything to the debate, doesn't do anything other than highlight the politics of this majority party and the fact that they are having extreme difficulty getting any real accomplishments. So they bring another very politically motivated resolution on the war in Iraq, Orwellian democracy, saying one thing and doing another.

We have been told this is going to be the most open and honest Congress, most open and honest Congress ever. Well, the facts of the matter, the facts of the matter are that this is one of the most closed and clandestine Congresses ever to grace the American public. It is really a shame, again, really a shame, because issues aren't being debated the way that they should. We will talk very specifically about one of those issues tonight.

I want to highlight a couple areas where Orwellian democracy is holding forth and living and surviving well with this new majority. As you know well, this new majority came to power, and they said we are going to cut spending, we are going to decrease spending; we are going to be more responsible with spending hard-earned taxpayer money out there.

What does this new majority do? They increase spending. They couldn't wait to criticize all the spending that went on under the charge of the Republican Party when we were in the majority. So what they said, in essence, you spent so much, and it was so awful, that we are going to spend more. That's what they have done. They have increased spending by over $25 billion, $25 billion in the appropriations bills so far, and we are barely halfway through, if that, of the appropriations bills.

I would suggest to the American people that it's time to put your hands squarely on your wallet, because the true tax-and-spend majority is back in charge, and it's of great concern, I know, to my constituents and, I suspect, if you talk to yours as well.

When they adopted their budget, they adopted a budget that includes the largest tax increase in the history of our Nation, nearly $400 billion tax increase. Again, not what they said they were going to do, and not what they said they have done, as a matter of fact. That's why it's Orwellian democracy, because they won't even fess up and own up to the fact, the fact that they have passed a budget that includes the largest tax increase in the history of our Nation.

Then they go on and they talk about fiscal responsibility. In fact, many Members have posters outside their offices up here in Washington. Some constituents may have come by the Halls of Congress and seen the posters. The posters look wonderful. They talk about the need for fiscal responsibility, and the amount of the debt, the amount of the deficit. But, in fact, when given the opportunity to decrease the debt, and to decrease the deficit, what happens is that they continually say no. Orwellian democracy is alive and well.

Just today, just today we passed a bill that was the reauthorization of the higher education act for our Nation. But it didn't just reauthorize the act and provide more money for students of low-income, and ''low'' means to be able to attend colleges and universities. No, it didn't just do that. What it did in addition to that was to create nine new entitlement programs, nine new entitlement programs.

Now, entitlement programs are really a misnomer. They are programs that are on automatic pilot here. They are mandatory spending. They are programs that get started, and they never, ever end, because they are not able to be touched by the kind of discretionary spending that Congress has more control over. They just spend on and on and on, year after year.

Yes, this majority created nine new entitlement programs that will spend upwards of $18 billion in just a few short years, a new $18 billion. So there are nine new entitlements, no reform, no reform listed for the entitlement programs, which brings me to this issue of mandatory spending growth that we have seen in our Nation.

It's comprised of all sorts of mandatory spending programs, entitlement programs; but there are three that kind of highlight the major problem that we have. Of the nine new ones that they passed today, however, they may grow into being as important as these three, but the three are Social Security, Medicare and Medicaid. Those three programs, in and of themselves, comprise about 54 percent of our Federal budget right now, about 54 percent of our Federal budget. Our mandatory programs are mainly Social Security, Medicare and Medicaid.

The reason that's important is because these programs are mandatory, because they are on kind of automatic pilot, the amount of money, hard-earned American taxpayer money that comes to Washington that is spent on those programs increases gradually every single year.

So what this chart here shows, these pie charts here show is that in 1995, those three programs comprised about 48.7 percent of the Federal budget, about half of the Federal budget just 12 short years ago. Now, as I mentioned, about 54, 55 percent of the Federal budget is comprised of these mandatory, automatic-spending programs.

In a few short years, 2017, it will be about 62, 63 percent of the Federal budget. That's important because one would think that if you looked at that slope of increase in spending, slope of increase in total spending of the mandatory programs, as it relates to the Federal budget, in a relatively short period of time, it's true, as you know, that those three programs will comprise the entire Federal budget, the entire Federal budget, about 2030, 2035, somewhere in that range, which is within the lifetime of most of us here in this Chamber and certainly the vast majority of the citizens in our districts.

That's important because something has got to change. You can't have these programs continue as they are without appropriate and responsible reform.

So one would think that the party in charge would say, well, we have got to look at these, and we have got to make certain that we reform these programs, otherwise we are going to have all of the Federal money going to these three programs.

When our party, my party, was in charge, what we attempted to do was to appropriately reform these programs and work diligently to make that happen.

So in 1997, with the Balanced Budget Act, we passed entitlement reform. We decreased the slope of that line. Now, we didn't end it, because of the difficulty in doing that, there are ways to do that, but it's extremely difficult both politically and financially to do that.

But in the Balanced Budget Act of 1997, we increased by about $137 billion the entitlement mandatory spending over a period of time. In fact, in the Deficit Reduction Act of 2 years ago, of 2005, it was about $40 billion in reform, reform spending in those entitlement programs. It makes it so that the hard-earned taxpayer money is more responsibly spent, that it makes it so that we work diligently to decrease the deficit and to decrease the debt.

One would again believe that looking at the previous charts, and realizing that these programs are expanding exponentially, and that they are very, very soon to comprise a much greater portion of the Federal budget, one would say, well, the party in charge probably, when they adopted a budget, they would bring about some appropriate reform to mandatory programs. That's what I expected. It's what my constituents expected.

Frankly, I think it's what the American people expected when they went to the polls and voted last November. They expected a more bold process for reform of automatic mandatory spending. Many of us on our side of the aisle would have been in support of that.

But what happened? You see over on the far right of this chart, it shows the amount of entitlement reform under this new leadership. Do you remember Orwellian democracy, the talk about fiscal responsibility, the talk about importance for entitlement reform, the talk about reforming the Federal Government, making it run more efficiently?

Well, what happened is that the budget was adopted by this new majority that had no entitlement reform, none. In fact, as I mentioned earlier today, nine new entitlement programs adopted, put into place, one could make an argument that that not ought to be zero, that ought to be minus, that this new majority is going in the wrong direction. When they talk about a new direction for America, there is a new direction for America, but it's the wrong direction. It's the direction of greater debt and greater deficit and greater fiscal irresponsibility.

□ 2200

That is not what the American people bargained for. I have no doubt about it. Which brings us to the issue that I would like to spend a fair amount of time on this evening.

There is a proposal coming forward later this month, within maybe just a few short days, that will address the SCHIP program, the State Children's Health Insurance program. This is a program that is near and dear to my heart. Mr. Speaker, as you may remember, before I came to Congress, I was a physician. I was an orthopedic surgeon. I spent over 20 years practicing orthopedic surgery in Atlanta. And one of the things that drove me in to politics, to stand up and say, I would like to serve my constituents in the public in this way, was a belief that there were individuals both in my State capital and in Washington that thought they had a better idea, about almost anything, but especially a better idea about health care; that they thought that they could make better decisions about health care than the people involved; that is, patients.

So the SCHIP program, the State Children's Health Insurance Program, is one of those that I think highlights one of the fundamental differences, one of the fundamental flaws in this Orwellian Democratic leadership, which is that they say one thing and then do something completely different. Because what they will say is that they are interested in reforming the system and bringing greater health care, more health care for more children across our Nation, and, Mr. Speaker, what they will do and what they will propose is in fact a program that will move us one step closer, one step further down the road to a nationalized health insurance program and also one step closer to a program that will make it so that patients, parents, doctors are unable to make health care decisions. It is not what the American people bargained for, there is no doubt about it.

This new majority is obviously driven by the left in our Nation, driven by, I think, a small minority of individuals who firmly believe, again, that the government knows best; that the government knows best how to make all sorts of decisions. But in this instance it is personal. It is personal for every single American. Certainly it is personal for the children in these programs; because what this program is saying and what is being proposed is that the government, that Washington knows better what kind of health care you need, and we make better decisions. We, politicians, bureaucrats here in Washington, make better decisions than individuals, than individuals, than children and their parents together.

I think it is helpful that we are having this debate because I think it provides that great contrast, that wonderful contrast between the party of individual responsibility, and the party that believes that patients and parents and their doctors ought to be able to make medical decisions, and the party that believes that the government ought to be making those decisions.

So I am looking forward to the debate. It is a difficult issue because the consequences are so great and the consequences are so personal to each and every American. I don't know anybody that believes truly that the government can make better health care decisions for themselves. I don't know anybody that believes the government can do that. So I am looking forward to the debate as we move forward on the SCHIP program, the State Children's Health Insurance Program.

I am going to talk a little bit more about that as we go on, but I am pleased to be joined by my good friend from Tennessee, Congresswoman MARSHA BLACKBURN, who is a leader in so many areas, but especially in the area of health care, and serves on the Energy and Commerce Committee. I am so pleased to have you join us this evening and share your concerns and your knowledge and information about the State Children's Health Insurance Program.

Mrs. BLACKBURN. It is a pleasure to join you. And I appreciate the opportunity to come and talk with our constituents about this program.

It is amazing to me as we are looking at this and looking at the reauthorization of it and looking at what has been a very successful program when it has worked as a block grant program, and then look at the problems that would arise as it moves to being an entitlement program. And this is something, though, that, unfortunately, it seems to be more or less the method that the Democrat majority is using as they move forward.

This is the ''Hold on to Your Wallet'' Congress, and they are expanding programs. Today we have done the college cost of savings. It sounds good, but, my goodness, nine new entitlement programs that they have voted to establish today, nine. And it is not going to have an effect with making certain that people have the ability to get into college and then stay in college. You have got all these different programs that appeal to special interest groups but not to the average family that is sitting down at the table and taking out a pencil and a piece of paper and saying, How do we make all of this fit?

I have just been amazed listening to the debate today as it pertained to education. And, of course, we are seeing this as we are working through our appropriations bills. They are spending more money. They are spending above the President's request. They are proving Ronald Reagan right at every turn. He has said, ''There is nothing so close to eternal life on earth as a Federal Government program.'' And certainly we see that. They are given the opportunity, and what are they doing? They are starting new programs. They are starting the bureaucracy; certainly not the kind of change that the American people thought that they were going to get. And we see that as we look at the SCHIP program.

Now, those of us who have watched health care and worked on health care issues at both the State and the Federal level know the value of having this program and having it work and States having the flexibility that is there. But what we are seeing is the SCHIP program being hijacked to help the liberal left move their agenda of socialized medicine a little bit further toward the finish line. And when they talk about Medicare for everybody, when they talk about expanding Medicaid, and when they talk about moving SCHIP from a block grant to an entitlement and then expanding the reach of that program, that is what they are doing.

SCHIP is to be for children. We have States that are using it to pay for adult health care. SCHIP was originally capped at $40 billion over a 10-year period of time for block grants, for children's care. What has happened, Congress has granted an additional $676 million in new Federal spending for State bailouts through 2026. So, there again, we hear accountability and we hear our constituents talk to us about accountability and the importance of accountability, but what we see is our colleagues on the left who will say, ''Well, if somebody gets in trouble, let's pay for it. Let's pay for it. Let's let the Federal Government pay for it.'' But the problem here is we forget, this is not Congress's money. It is not the bureaucracy's money. It is not SCHIP's money. It is not CMS's money. It is the hardworking family that goes to work every day, that earns that money, that sends it to the Federal Government. This is taxpayer money.

Mr. PRICE of Georgia. If the gentlelady will yield. I appreciate your comments. And I appreciate especially concentrating in that last statement about whose money this is, because so often we lose sight here with the incredible number of zeroes that we deal with here in Washington, billions and billions of dollars, truly. And all of those dollars take hardworking Americans waking up every single day, making certain that they have cared for themselves and their family, and getting to work and being generous enough to entrust to us their hardearned money, and it is incumbent upon us to spend that money wisely. And the challenge that I see with every government program, but especially

this State Children's Health Insurance Program; it is a noble cause. It is a noble cause without a doubt. Who can object to providing health care for needy children? So it is a noble cause, but it is a government program that is clearly being morphed into something else. And I think that is what you were alluding to.

Mrs. BLACKBURN. And I thank the gentleman for yielding. Today we have 6 million children that are covered in SCHIP. We also have 600,000 adults that are covered in SCHIP.

Mr. PRICE of Georgia. Let me get this straight. In the Children's Health Insurance Program, there are hundreds of thousands of adults who are being covered? How is that possible?

Mrs. BLACKBURN. I thank the gentleman for yielding. That is happening because States are deciding that they are going to take the money and then use it for some things other than the children. Maybe they don't have enough children that fall below that poverty level or the 100, 200, 300 percent of poverty, wherever those levels may be for those specific State programs, so you have part of that money being used for adults.

Now, the problem that has come before us is SCHIP has to be reauthorized before September 30th, and the funding will expire. Now, this is a program we don't want to expire. We would like to see it continue as it was originally set up to continue. We do not want it to morph into other things and be a program that also covers adults, be a program that covers those that are not falling into the category of being needy children. We want to make certain that it remains a block grant, that States are given flexibility, and that the money is used to cover the children, the population for which it is intended. That is how accountabilities should work with these programs.

Now, our colleagues across the aisle want to make it permanent. They are not interested in addressing how the money is being spent or whether a less costly, more efficient system could end up serving children better and meeting the needs of those children in the appropriate way.

One of the things that they are also wanting to do is to change the income levels and include those that are at 400 percent of poverty. So what we would have is families that are making $60,000 to $84,000 a year would end up being eligible for SCHIP for their children. So what we would have is the IRS looking at a family's tax return and saying, ''You are rich. You are going to pay the AMT.'' And then the SCHIP program looking and saying, ''Well, you fall within the guidelines of 400 percent above poverty, and you qualify for this wonderful entitlement called SCHIP.'' So that is the kind of frustration that we see in the bureaucracy that causes frustration and a lot of questions from our constituents and causes them to say, ''Wait a minute. How is this money being used?''

Now, we also hear from our constituents that they don't want more of this control centered with the bureaucrat. They want to be able to preserve the doctor-patient relationship. They want to be able to make choices for themselves. And they sure don't want socialized medicine and government-run health care.

We have heard one of our colleagues say, do you really want the bureaucracy that can't seem to straighten out Katrina, that can't seem to handle homeland security, that can't seem to get their hands around passports, to then manage health care from cradle to grave? And those are the right questions for our constituents to ask. And as they bring those questions forward, we say: And one of the ways that we need to address this is through making certain that SCHIP stays as it was intended to be, a block grant program that was put in place to assist the States in providing health care for children at low-income levels, those needy children.

And I yield to the gentleman from Georgia.

Mr. PRICE of Georgia. I thank the gentlelady again for that perspective. And I just want to highlight something that you mentioned, and that is that there are proposals here in the House and in Congress to make this program mandatory, part of that entitlement mentality that exists on the other side of the aisle, and to increase the eligibility for this mandatory program up to 400 percent of the poverty level; you mentioned that is about $82,000 for a family of four.

This chart demonstrates that the percent of children who would be covered up to 200 percent, which is what has been the original guidelines for the SCHIP program and what we believe ought to be appropriate at this point, is 50 percent of the kids will be covered in a Federal-State program.

□ 2215

If you go up to 300 percent, then it gets to 77 percent of the children. If you go up to 400 percent of the poverty level, you get nearly 90 percent of children in a Federal health care program. And that's what sheds light on the real issue here, the real issue being who ought to be in charge of health care for our Nation's children and for our Nation's families, and for individual people all across this Nation. We believe it ought not be the Federal Government, I think that that's fair to say. And the other side clearly believes that this is the next step, to allow them to have the Federal Government control health care. And I'm happy to yield.

Mrs. BLACKBURN. I thank the gentleman. And yes indeed. You know, one of the things that one of my constituents is fond of saying when they come to town hall meetings and gatherings is, Marsha, whatever the government giveth, the government sure can take away. And we need to keep our attention to as we talk about this health care. Do we really want to put a bureaucrat behind a desk making a decision for the type health care that our child is going to receive? Or do we want to make certain that we, as parents, and as patients, with a physician, have the opportunity to make those decisions about health care, and do we want to make certain that we are moving toward a market-driven health care system? Or do we want to move toward socialized medicine system? And those are questions that the American people are certainly asking.

You know, one of the things, as we've looked at this, and you hear the discussion about what it's going to cost, and generally, as with so many programs that come from the left, they will say, oh, but it's only going to cost this amount. And it's not going to be that much more expensive to pick up those extra 45 percent of the children to move us to 95 percent. It's not going to cost us that much. And it's going to pay dividends in the long run.

Well, you know, the interesting thing about that is the way government structures its budget. We're not looking at the 10-year, 20-year, 30-year cost. We're looking at a 5-year snapshot. Many of our States, when they construct their budgets, they're doing cost accounting, which is a 1-year view into what is taking place.

And even at this, you know, CBO has scored this bill at $50 billion, and we're finding out that the cost is more like a $108 billion to cover the cost between adding an additional 1 to 2 million extra children. And that doesn't even get into considering some of the income requirements for recipients. And this is going to be an interesting issue of debate.

And I yield to the gentleman.

Mr. PRICE of Georgia. I appreciate that because you triggered in my mind something about cost-of-government programs. And I'm reminded of the fact that when Medicaid itself was instituted in the mid-1960s that there was a wonderful estimate that said that Medicaid, at the turn of the century, when 2000 rolled around, would only cost about $8 billion. In fact, it cost about $80 billion.

So the Federal Government is always off by a significant factor, and so when you hear an estimate that this will only cost $108 billion, in fact, we can say with relative certainty that that is a lesser amount than it would actually cost, and it would be much greater burden on the American taxpayer.

And I'm pleased to yield back.

Mrs. BLACKBURN. Yes. And one of the points that I would make in this debate is that in fiscal year 2007 alone, SCHIP will cost the American taxpayer $11.5 billion. Now, under the plan that the Democrat leadership is pushing forward for expansion of this program, that cost would increase fivefold. That would increase fivefold. This is what it would cost turning it from a block grant with flexibility to the State and moving it to an entitlement where you're going to put it on auto pilot.

And people say, what are entitlements? What's the difference here? When you're talking about Medicare, when you're talking about Medicaid, when you're talking about some of our Social Service programs that are entitlements that every year they just grow right along. There's not a check and balance. You're not working on outcomes. You're not working on making certain that you're achieving efficiencies. You've got it on auto pilot.

Now we've established nine new today, nine new entitlement programs in education. That is what the Democrat leadership wanted. It's not what the American people wanted. That's what they wanted, entitlement programs. And what we know is they would increase the cost fivefold on this plan.

Another thing we need to keep in mind is that the SCHIP expansion would generate a real shift away from private health insurance and that private health insurance market for children. And for every 100 children who get public coverage as a result of SCHIP, there is a corresponding reduction in private coverage of between 25 and 50 children. So you change the way that market is going to work. And it is of concern to us. We know that this is something that will cause a lot of questions.

We are very concerned with what we hear they are pushing to do to try to make this palatable so that they can pull in votes to pass this SCHIP program. We know that our physicians have a problem with the payment system for Medicare reimbursement, and certainly, the gentleman from Georgia, being a physician, understands this so very well. And we've seen reductions in payments for Medicare payments to those physicians. And so they're going to include this in the SCHIP bill.

Well, the Medicare payments don't have anything to do with the SCHIP block grant. But in order to try to pull together those votes and pull together something that they think the Republicans can't afford to block, they're going to put that in there.

Now, if I were a practicing physician dealing with the SGR and with Medicare reimbursement, I would be highly offended that I'm going to be used as a bargaining chip in the Children's Health Care Insurance Program.

Now, they're also going to look for ways to improve programs that provide financial assistance to low income Medicare beneficiaries for premiums, cost sharing and prescription drugs. So they're going to set up a generational battle and say, well, we'll do this on SCHIP, but we're going to take away some of the benefits from the Medicare part D and the Medicare Advantage. So they're going to take away a little bit from the seniors and then try to put that into the children's health care.

Now, if I were a senior citizen, there again, if I liked my part D and my Medicare Advantage, I wouldn't like the fact that they're going to use me as a bargaining chip.

And then we find that they're going to provide a special focus on addressing the health care needs of those living in rural areas. Well, if I lived in a rural area, and if I had a community health center in my area, and of course, in my seventh District of Tennessee, I have plenty of rural areas and plenty of rural health centers. I wouldn't like the fact that I'm going to be a bargaining chip.

And it is unfortunate that this seems to be the path that they are going to choose to travel. Rather than addressing the issue straight up, rather than addressing the needs of the States, rather than addressing how do we best meet the needs of children, they're going to pull all these different things and pull them into one bill and try to make something they think that there are plenty of people that they can't vote against it.

So I find that, indeed, unfortunate and something that, when we talk about health care, preserving access to health care for all of our constituents, it is, indeed, unfortunate that that bargaining chip-type mentality, that let's make a deal with the hold on to your wallet Congress, is the way they want to operate and do business.

And I yield to the gentleman from Georgia.

Mr. PRICE of Georgia. I thank you so much for you comments. And I think the issues that you point out most recently there on the bargaining chips really speaks to the cynicism with which this leadership leads this Congress because it is, it's purchasing votes. It's purchasing numbers of votes in order to pass a bill. And then to have the, again, the all politics all the time, the bumper sticker politics that goes on by this leadership. And it is, frankly, what the American people are tired of. It's not what they voted for in November. And they are clearly telling each other and telling any individual who will ask that that has decreased their opinion of Congress.

And I'm pleased to yield.

Mrs. BLACKBURN. You know, as you were saying that, I'm reminded of what we in Tennessee went through in 1994 and 1995 as we saw the advent of TenCare in our State, which was the test case for Hillary Clinton health care. And we know what has happened in our State of Tennessee, and the fact that TenCare now is consuming about two-thirds of our State's budgets. It is a very, very difficult program.

And somebody always is going to pay. Somebody always has to pay the bill. And what we are seeing with the American public is, they know that it is the taxpayer that is going to pay; that there are not things that are free. Someone pays for that, and they, the taxpayer, going to work every day, American families holding American jobs, earning a pay check that, unfortunately, the Federal Government has first right of refusal on that pay check, they take their share before you get your share. And it happens every single pay period.

And so many people are tired of it. They're tired of government not being accountable, and they are tired of Congress having an insatiable appetite for their hard-earned money. And it's what causes them to contact us when they hear about how these appropriations bills are being handled, when they hear about the increase in Federal programs, when they hear about the increase in spending. And, yes, indeed, as I've told my constituents this weekend, I'm not surprised that the numbers for Congress are as low as they are. People wanted things done differently. And this is not the kind of change they wanted. What they're saying, this is exactly what we didn't want. It's exactly what we didn't want.

I yield to the gentleman from Georgia.

Mr. PRICE of Georgia. I thank you so much. I appreciate your perspective this evening so much on the program about which you know a lot and your perspective from the committee, and especially your perspective about representing constituents, real Americans, real Americans who are working just as hard as they can to make ends meet and being so very, very frustrated with a Federal Government and a leadership now in Congress that appears absolutely more interested in dividing and conquering, as opposed to putting in place appropriate policies. So I appreciate your comments.

I just want to make a few more comments about the specifics of the State Children's Health Insurance Program, because I think that there are a number of issues that need to be pointed out as we move forward with this debate. The current program, as we've talked about, was meant to cover, was scheduled and meant to cover children up to 200 percent of the poverty level. And as we've heard, many of the States covered to a higher degree than that. Some 235, some 250, some went up to 350 percent of the poverty level. And although that is, I think, a move in a direction that's not consistent, certainly with the intent of Congress, it probably is a move away from where the American people thought that program was going, without a doubt.

But, Mr. Speaker, it definitely is a move away from the intent when you look at the programs and realize that even those States that went up to 300 and 350 percent of the poverty level, some even up to 250 percent of the poverty level weren't even covering all of the children under 200 percent of the poverty level. And they were covering adults.

□ 2230

So it just was a flawed program.

And it is so often what happens here in Washington: Federal programs are enacted. Noble cause is outlined. Wonderful banner headlines provided. Great speeches given about how this will save this, that or the other thing. And then the implementation is so terribly and woefully flawed. And that has indeed happened in this case.

This reauthorization, as has been mentioned, is up because the program is about to be 10 years old. It expires on September 30 of this year. As a physician, I joined many of my colleagues before I came to Congress and before I was in the State legislature early in the 1990s, and many of us believed we were at a crossroads at that time as it related to health care. There were many on the other side of the aisle, on the Democrat side of the aisle, who believed that the government ought to take over health care at that point in the early 1990s. And, Mr. Speaker, as you will remember and as many folks will remember, if they think back to that time, there was a huge battle and a lot of expose about what the consequences of that would be. And thank goodness we didn't march down that road.

But we are now back at that crossroads. We backed up. We went down another road a little bit, and some of the direction was correct. Some of the direction was putting us further toward government-run health care. But we are now at that crossroads where we have a group of individuals in charge in the United States House of Representatives now, with a Democrat leadership, who believe that a Washington-controlled bureaucratic health care model is what America wants.

I don't believe that is what America wants. It certainly isn't what my constituents want. It wasn't what my patients wanted when I was practicing medicine.

I think it is important, as we look at this program, the State Children's Health Insurance Program, and as we look at the fact that it is up for reauthorization, that we ought to ask some questions. What have the consequences of the program been to date? Indeed, we have covered a number of children who would not possibly have had health insurance. One of the consequences of raising the Federal poverty level eligibility for the Children's Health Insurance Program is that we crowd out children who might otherwise be obtaining insurance through a private plan where their mom or their dad work. But there are other consequences, and some of those consequences are grave. One of them is, I believe, an increased dependence on government for the provision of health care. There is no doubt about that. I believe also that it undermines parental responsibility. And there is no doubt that it increases the burden on the hard-working American taxpayer.

I would like to touch on a few specifics on each of those. Increasing dependency on government, where does that come from? Well, when you look at the year 1998 and the percent of American children who were on either Medicaid or the State Children's Health Insurance Program, in 1998 it was about 28 percent. Twenty-eight percent of American children were enrolled in 1998 in either Medicaid or the State Children's Health Insurance Program, SCHIP. In 2005, that number had jumped to 45 percent or 6.2 million children. So it went in 1998 from 28 percent to 45 percent in 2005. So there is no doubt that there is an increased dependency on the government for the provision of health care. Again, I don't think that is what the American people had in mind.

State policies also have increased and encouraged the trend of adult enrollees. A couple of examples which just boggle my mind, Mr. Speaker, in Minnesota, for example, 87 percent of those enrolled in the State Children's Health Insurance Program in 2005 were adults. Eighty-seven percent were adults. That is not what Congress voted on in 1997. That is not what the American people thought was going to be the program to provide health insurance, health access, health care for the neediest children in our Nation. In Wisconsin, the number was 66 percent. So, in Wisconsin, 66 percent, and in Minnesota, 87 percent in 2005 were adults on the Children's Health Insurance Program. That is not what this program was to be about. And State officials, as we have mentioned, didn't stick to the 200 percent. So in New Jersey, for example, the amount went up to 350 percent of the poverty level. Mr. Speaker, that is an income of about $72,000. Now, that may or may not seem to be a lot of money to some folks, but the problem that we get in this doublespeak in Washington, in this Orwellian democracy model that we have by the leadership right now is that, as Congresswoman BLACKBURN mentioned, on the one hand, $72,000 is deemed to be ''rich'' by the other side of the aisle when it comes to the alternative minimum tax, but $72,000 for a given State under this program is deemed to be needy so that the State has to cover children in their health insurance program. Clearly it is doublespeak. Clearly it is Orwellian democracy. It has become increasingly clear that there are many Members of Congress who believe that expansion into higher income levels for families is exactly what they want because they at their core desire government health insurance over private health insurance. They desire a Washington-controlled bureaucratic model for the provision of health care and medicine in our Nation. So it is clear that the program has increased dependency on the government for the provision of health care.

How about transferring family responsibilities, taking the place of parents, transferring family responsibilities to the government? There is no doubt that that has occurred and in a variety of ways. In many cases, for example, the SCHIP program means that children's health coverage will be totally separate than their parents. So they go to different offices. They go to different office locations. There are different office hours. There are different doctors that care for them, different paperwork, all of which makes life more difficult. It makes the Federal Government and the State government the determiners. It makes them making the decisions for parents and for families.

I believe that the goal should be to help unite families, to help unite their coverage under one private plan that they select, that they own, not to spread the coverage out through a hodgepodge that increases dependency on the government.

Some in Congress suggest that private coverage is unattainable for lower-income families or working families. But the facts tell a different story. Remember, Mr. Speaker, facts are stubborn things and everyone is entitled to their own opinion, but they are not entitled to their own facts? Well, the facts tell a different story. According to the Congressional Budget Office, 50 percent of children whose families earn between 100 and 200 percent of the Federal poverty level have private health insurance coverage. Remember the other 50 percent covered by this program, 50 percent are covered by private health insurance. That number skyrocketed to 77 percent for those families that earn 200 to 300 percent of the Federal poverty level. In fact, 60 percent of people covered by SCHIP expansions already had private coverage available to them. Let me repeat that, Mr. Speaker, because that is a startling statement. It is a startling fact, and it is something that we ought to pay attention to. Sixty percent of the people covered by SCHIP expansions were already covered by private insurance before the program was instituted.

Mr. Speaker, what that means is that we are making decisions here in Washington that are providing financial incentives for individuals and businesses and people to move their health care coverage to government, and when we do that, it is incumbent upon us to ask the question, should we be doing that? What are the consequences of doing that? What are the unintended consequences of doing that? In 2012, if we continue down this road, 71 percent of the American children will be in a government-run health care system.

Now, what does that mean? What are the consequences of that? As a physician, I am here to tell you, Mr. Speaker, the consequences of that are that more health care decisions are made by bureaucrats and are made by individuals here in Washington than are made by doctors and their patients and children's parents. That is what it means. It means that more personal health care decisions move away from being made by patients and their doctors. That is not what we ought to be about. That is not increasing choice for individuals in the health care system. That is not increasing freedom for individuals in the health care system. That is creating a system that is Washington-controlled bureaucratic health care, and I don't believe that that is what the American people desire.

This program definitely has burdened the taxpayer. There is no doubt about

that. You couldn't reach any other conclusion regardless of where you come down on the program. As was mentioned, this will cost hundreds of billions of dollars. And if it is made into an automatic or mandatory or entitlement program, it will increase even greater than that.

Now, Mr. Speaker, I have just a few short minutes, but I do want to touch on what we believe, what I believe we ought to do because there are positive solutions. There are positive answers to how we ought to move in a direction that provides patient-centered health care, patient-centered health care, something that I believe is wanted by the American people. It is something that I have termed American values and American vision. And one of those American values and one of those American visions is to have a health care system that is patient centered, that allows patients and their doctors to make decisions, not government officials. Not government officials. That is not where the American people want us to be. So if we are going to have a Children's Health Insurance Program, then we ought to live up to the premise for which it was brought about, and that is to target it to low-income families, low-income, uninsured families. And there is an easy way to do that. There is an easy way to do that.

You can empower families to make health care decisions that directly affect their own children. The way that you do that is through a robust system of premium assistance. You can provide and allow parents to utilize the SCHIP funds to be able to purchase private health care coverage without government micromanagement. It is a system that results, in essence, in a defined contribution program so that the Federal Government would, when needed for low-income uninsured children, provide assistance that would allow for the purchase of a private health insurance policy so that the family owns the policy. And when that happens, what that means is that it becomes patient-centered because the individuals, the parents, will select the best program for their child. And that is all that anybody is truly wanting. They want a system that responds to the health care needs of their family and their children; not a system where the Federal Government is making those decisions.

It is easy to also provide for a program that would expand the options for individuals and families beyond the narrow confines of the SCHIP program. It is important that the perceived need is for a system that provides appropriate health care, indeed, but the appropriate need is for one that is responsive to patients.

I have a few other items that I just want to point out, Mr. Speaker, before I close. And that is, again, that if we move toward the system that is being proposed by the folks who are interested in Washington-controlled bureaucratic health care, 71 percent of America's children will be on Medicaid or SCHIP in the year 2012. Over the next 4 years, if nothing has changed with this program and others, we will move from $11,000 per year, per household, Federal money, $11,000 per household to $13,000 per household spent on health care.

And there is a wonderful article that I would like to point out to my colleagues, Mr. Speaker, that was published on June 28 by Robert Novak called, ''Socialized Medicine for 'Kids.''' And I will include that in the RECORD. I urge my colleagues to avail themselves of this article. This talks about removing the ability of parents to make personal health care decisions for their children.

SOCIALIZED MEDICINE FOR ''KIDS''

(By Robert D. Novak)

WASHINGTON—There is no need to wait until a new president is elected next year for the great national health care debate. It is underway right now, disguised as a routine extension of an immensely popular, non-controversial 10-year-old program of providing coverage to poor children. In fact, this proposal is the thin edge of the wedge to achieve the longtime goal of government-supplied universal health insurance and the suffocation of the private system.

The Senate Finance Committee was scheduled to mark up this portentous legislation expanding the State Children's Health Insurance Program (SCHIP) today [Thursday], but disagreement over the size of the program and how to pay for it forced postponement. Democratic Sen. Jay Rockefeller's version would triple SCHIP's current five-year cost of $25 billion to a level of $75 billion. That would grant federal largesse to more than just poor ''kids'' (as politicians endearingly call children). An estimated 71 percent of all American children in families of four making as much as $82,000 a year would become eligible, with states also continuing present coverage of adults under SCHIP.

But where to find money to cover the massive cost? Senators of both parties want to raise tobacco taxes, but that well is not bottomless, as existing taxes have reduced cigarette smoking. Instead, House Democrats want to take money from private elements of Medicare instituted by the Bush administration. The overall effect would make three out of four American children accustomed to relying on government care no matter what course their parents take. In sum, SCHIP turns out to be socialized medicine for ''kids'' (and many adults).

A principal sponsor of the $75 billion program is Sen. Hillary Rodham Clinton, whose hand is detected in health care struggles the past 15 years. After the Clinton administration's sweeping ''Hillarycare'' failed in 1994 and contributed to that year's Republican takeover of Congress, the first lady miniaturized her goals by limiting coverage to poor children. Republicans, led by Sen. Orrin Hatch in one of his several collaborations with Sen. Edward M. Kennedy, had lost their revolutionary zeal after the government shutdown of 1995 and accepted SCHIP as a fallback position at a beginning outlay of $4 billion a year. It was the bargaining chip given President Bill Clinton in return for him signing the Deficit Reduction Act of 1997.

SCHIP over the past decade has been a beloved ''kids'' program whose faults were overlooked, much like the Head Start school program. The federal government has consistently granted waivers to permit 14 states to cover adults under SCHIP, which now cost $5 billion a year. Minnesota led the way, with 92 percent of money spent under the program going to adults.

The massive expansion was proposed by Sen. Clinton this year, furthering her promise of ''step by step'' advancement toward universal health care. Her proposal extends SCHIP to families at 400 percent of poverty (or $82,000 annually). Hatch after 10 years is back again supporting a Democratic program along with Sen. Chuck Grassley, the Finance Committee's ranking Republican. But they want a mere $55 billion (a $30 billion increase), compared with Rockefeller's $75 billion, causing the postponement of today's markup.

The Democratic congressional majority now faces the consequence of its ''paygo'' mandate to account for higher spending. The Senate's preference for tobacco taxes runs into present overall cigarette taxes of more than one dollar a pack, lower legal cigarette purchases and reduced smoking typified by a 19 percent decline in New York City. More creative funding comes with Rep. Pete Stark's scheme in the House Ways and Means Committee for slashing the popular private Medicare program. That not only would fund an expanded SCHIP but move toward government monopoly over all health insurance.

An indirect but pervasive impact of Sen. Clinton's grand design would be the impact in the same family of children who are insured by the government while their parents are covered privately. Would the children become accustomed to Washington taking care of them? Would the adults drop private insurance? The future is now for universal health care coverage, and President George W. Bush may soon face the decision of whether or not to veto it going into the election year.

Mr. Speaker, in closing, I just want to urge my colleagues to make certain that we remember why we were elected. We were elected to represent honestly and hopefully and responsibly our constituents, especially in the area of health care, an area that I knew very well as a physician and about which I became very frustrated because of governmental intervention. We are responsible to make certain that we set in place programs and policies that allow for the most personal decisions of our lives and of our children's lives to be made by individuals and their parents and their families, not by government.

So I urge my colleagues to make certain that as we move forward with this debate and with this discussion that we act responsibly and allow patients, their parents, and physicians to make health care decisions.

□ 2245

30-SOMETHING WORKING GROUP

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

Mr. MEEK of Florida. Mr. Speaker, it's an honor to address the House. And I hope the Members of the House had a great 4th of July break as we celebrate another birthday of this great country. And the great thing about it is you're allowed to say what you want to say

and feel what you want to feel and express yourself in any way that you would like to.

Mr. Speaker, as you know, the 30-Something Working Group, we come to the floor to share with not only the Members of Congress, but also with the American people, the importance of good policymaking, and also making sure that we're factual in what we say and what we do here.

It was quite interesting. I was sitting here reading my notes from the information that we pulled together to come to the floor. We're going to talk about Iraq tonight, but I'm going to talk a little bit about SCHIP because we spent a lot of time and many hours on this floor fixing what the Republican Congress left for dead, really. We had to come in, the Democratic majority, with the leadership of Speaker NANCY PELOSI, and save the SCHIP program in many States.

A number of Republican Governors wrote that were in a crisis mode of their program being shut down in the State of Florida, health care for children. In Washington, many people talk about SCHIP. I'm so glad to have the chairman here of the subcommittee that deals with this particular issue. And it goes to show you, here on the Democratic side we have great responsibility when it comes down to fixing and cleaning up the mess that was left from the 109th Congress and the Republican-controlled Congress and special interests got what they wanted.

I think it's also important to note that a supermajority of Republicans voted against the continuing resolution to be able to save the SCHIP program in many States to provide health care for children. And now we're going through the policy move that we have to take to be able to make sure that SCHIP is here for every child and to make sure that they have the kind of health care that they deserve.

So I'm so glad Mr. PALLONE from the Garden State is here because he is the chairman that's dealing with this very issue. I'm a member of the Ways and Means Committee that is also going to be having a discussion on this issue. And I can tell you, as we start to move forth and uncovering and unearthing some of the injustices that have taken place in the past, and we have Governors on our side, we have children advocates on our side, we have those that believe in true health care on our side in saying that this is not a last-day-at-school kind of syndrome that we see the President and others going through. And I think something is about to happen that is really great and is going to secure and make sure the children have the kind of health care they deserve.

Mr. PALLONE, I would be more than happy to yield to you at this time because I know without notes that you can talk about this because you and your staff have been working on this issue and members of your committee have been working on this issue.

Mr. PALLONE. I want to thank my colleague from Florida, first of all, for being here tonight and for being here for so many nights for so many years now. I know they call them the ''30-Something,'' but it's several years now that you've been doing this on a regular basis, and drawing attention to what the Democrats are doing, and of course when we were in the minority, pointing out the contrasts between ourselves and the Republican majority.

I don't want to give a course in history here tonight, but I have to take issue with what my colleagues from Tennessee and Georgia just said with regard to the children's health initiative.

First of all, I think it's really important, and I know you say this all the time, that we're not here as ideologues. I'm not here because I'm a liberal or a conservative or because I want a government-run program or a privately run program. As far as I'm concerned, if everybody could get health care under some kind of privately run insurance program and it was all affordable and we could cover everybody, that would be fine with me. The only reason that the SCHIP or the children's health program was set up about 10 years ago, and I was there and I was part of it at the time, and it was done on a bipartisan basis, Republicans and Democrats supported it, was because we realized that there were more and more children in this country that were going without health care.

And we did not set up an entitlement. I heard my colleagues from Tennessee and Georgia on the Republican side repeatedly refer to this as an entitlement program. It is not an entitlement program. It is a program that simply gives money in a block grant. I mean, nothing could be less of an entitlement than a block grant, to States like Georgia and Tennessee that they match to try to cover children that don't have health insurance.

Now, let me stress this is for parents who work who have children. We have a Medicaid program for people who are very low income. But what we found 10 years ago, and again, on a bipartisan basis, just as many Republicans as Democrats, what we found 10 years ago was there are a lot of people who work for a living, but they don't get health insurance on the job and they cannot afford to go out in the individual market privately and buy it. I mean, that could cost you $12,000–$15,000 a year if you have to go out for a family of four and buy health insurance. If you're making 20, 30, $40,000 a year, you can't afford to pay $12,000–$15,000 a year for health insurance for yourself and your children.

So the Federal Government decided, let's give some money to the States. They will match it, and they can help cover these children of working parents whose income is a little too high so they don't qualify for Medicaid, but they can't get health care on the job because their employer doesn't offer it, and they can't afford to go out and buy it on the individual market.

Now, what is wrong with that? There is nothing wrong with that. I cannot understand how anyone on the other side of the aisle, including my two Republican colleagues that just spoke, would come out and say that we don't want kids to have health insurance. I mean, what are they talking about? There is no alternative for these people other than to go to the emergency room or the hospital. They can't get it on their job. They can't afford to buy it privately on the individual market. They have no alternative. And that is simply all we offer to do.

And now my colleagues on the Republican side are talking about entitlements, raising socialism. I mean, this is not an ideological issue. This is just a practical way of trying to deal with a problem.

Now, let me tell you something. You already made reference, my colleague, to the fact that some States this year ran out of money to pay for this children's health initiative very earlier, and the State that came here crying first was the State of Georgia.

Mr. MEEK of Florida. Mr. Speaker, if you would yield for a second.

You know, I was sitting here. And the great thing about being a Member of Congress, and I thank the people from the 17th Congressional District in Florida for sending me here, it's almost like, coach, get me the ball. I wanted to say, will the gentleman yield? Because it's interesting that Georgia was on their knees with hands clasped saying, please help us. Children are about to run out of health care insurance, and we're about to have a crisis. And it was the leadership of this Congress, the Democratic Congress, that brought about that kind of change. That's why people wake up at 7 a.m. in the morning to go vote for representation.

So now we're down to politics, Mr. Speaker. And it's very unfortunate, politics is playing a role in the lives of our children, grandchildren, nieces and nephews that need health care. And this is for working folks. These are for folks who punch in and punch out every day, individuals that are struggling every day that are hoping that the government will stand for them.

So, Mr. Chairman, continue. I yield back. But I'm just saying if Florida was in the situation, I couldn't come down here to the floor and start knocking something that this Congress ran to the savior. And what we had to do, Mr. Chairman, was to couple it with a number of other things to get it to pass for the President not to veto it. And we're going to talk about that a little later, but I think that's very, very important.

I yield back, sir.

Mr. PALLONE. Well, I just want to follow up on what you said. You know, this money that we give to States to help cover these kids in the last few years has run out very early for a lot of States. And, again, it was the gentleman from Georgia's own State, it

was State representatives, Secretary of Health and Human Services, whatever they call that person in the State, came down here in February. And they were over in the Speaker's office, and I was asked to come. And there were Republicans and Democratic Congressmen in that room. Now, I can't say for sure that the gentleman who spoke tonight was there, but there were other Republicans. He may have been, but I don't want to say for sure because I don't remember. But there definitely were Republican Congressmen from the State of Georgia in that room over in the Speaker's office, along with Democrats. And they said, you've got to pass an emergency supplemental bill to give us more money for SCHIP because we're going to run out of our yearly allotment on March 1; two months into the year. So they said, please, do something. Well, what we did is we attached that to the emergency supplemental bill. Some people know that as the Iraq supplemental, but it really covered a lot of different things.

And as you say, we put $750 million just to cover Georgia and other States to the end of this year. And you know how difficult it was. The President threatened to veto it three or four times. We finally got it passed. And every month I would get calls or letters from the Georgia delegation saying, when are you going to pass this money because we're going to have to tell these kids that they don't have any health insurance.

So I don't understand how they come down here on the Republican side and complain about this program that they helped start, that their State is asking for money. Most of the people in that room from the State of Georgia were Republican, not Democrats, okay. And we're just practically saying, okay, look, we don't want to have to run out of this money every year because obviously this program is growing because the number of uninsured kids, again, from working families, keeps getting bigger every year. It's up to something like nine million children nationally that don't have any health insurance. Okay. And what we're saying is, let's come up with a larger pot of money over the next 5 years to pay for these kids so that, there is about six million of those nine million that are eligible for the children's health SCHIP program right now, eligible under the current law. There is about 6.7 that are covered, there are another 6 million that are eligible under the current law that President Bush and the Republicans have been supporting for the last 10 years, and there just isn't enough money to cover them.

So all we're saying is, let's take some money, in this case over 5 years it would cost about maybe $50 billion to cover these kids that are already eligible for this SCHIP program.

Now, how in the world the Democratic initiative to simply pay for kids that are already eligible for this program that's already on the books becomes socialism or entitlements or some kind of radical procedure here. For the life of me, I simply do not understand. I mean, there is nothing here that's new. There is nothing new here.

I yield back to the gentleman.

Mr. MEEK of Florida. Mr. Chairman, you said $5 billion over the next 5 years?

Mr. PALLONE. We're talking about $50 billion over the next 5 years, about $10 billion more per year, to cover the rest of the kids that are currently eligible for this program.

Mr. MEEK of Florida. That's $50 billion.

Mr. PALLONE. Right. And we're not talking about anything new here.

Mr. MEEK of Florida. Over the next 5 years.

Mr. PALLONE. Right, additional money.

Mr. MEEK of Florida. Well, let me tell you, per year in Iraq we spend $120 billion.

Mr. PALLONE. Exactly. And where do these kids go? They have no place to go. The only place they go is if they get sick or they need attention, they have to go to the hospital emergency room. And what kind of a way is that to operate a health care system where you have to take your kid to the hospital emergency room because they can't see a doctor on a regular basis.

Now, one of them said community health centers. I'm all for community health centers. I think it would be wonderful if every town in the country had a community health center and you could go there and get free care, but that's not the reality. In my district, we have maybe three or four of these community health centers. I represent about 650,000 people, and we have maybe three or four of these federally sponsored community health centers. There is no way in the world that these parents that take their kids, all who are uninsured, to these community health centers. There is absolutely no way that that's going to happen.

Mr. MEEK of Florida. Imagine the line. Imagine a rural county. Imagine an urban county that I represent, everyone kind of diving into one or two locations to make it all happen. Why should we inconvenience those that are counting on their government to respond, especially on behalf of our children.

I'm glad you came down here tonight to have you here, the person that has the gavel in their hand, heard testimony from the States. I know you know what I'm saying. This is what you're doing and this is why we're here. And Americans voted for a new direction, and we're heading in that new direction. There are those that are Members of Congress that don't want to move in that new direction. And, Mr. Speaker, like I said, the great thing about our country is that we can disagree and you can voice your opinion and other ideas, but I think it's important also for the American people to get fact and not fiction. And that's what we're here about, and that's what it's all about.

You are always welcome, Mr. Chairman, to come down. I am a part of the ''something'' part of the 30-something. So you can join, and that caucus is growing. And the good thing about what we do here on the floor from those new Members of Congress, we call them ''majority makers,'' to those that have been here as long as you have been here, to see this process go full circle, 360 degrees, to be able to come to the floor at 11-something at night, to be able to set the record straight I think is important not only for Members of Congress, but also for the CONGRESSIONAL RECORD and for those individuals that are listening to the statements that are being made here on the floor that know better.

□ 2300

Mr. PALLONE. I appreciate it, and I know you want to get back to the Iraq war, as I think you should. I want to thank you again, and just say in conclusion from my part of this tonight, what I really don't like is trying to make this into an ideological debate.

When I hear my colleagues on the Republican side, instead of being practical and looking at what is going to accomplish something, to start making it ideological and talk about entitlements and socialism and the whole thing, we don't need that. We don't need that rhetoric here. We as Democrats are trying to accomplish things in a practical way, without ideology, without right or left and all this jargon that we are hearing from the other side.

I just hope that it doesn't continue, because otherwise I am going to come down here every night and talk about why practically speaking the children's health initiative is a good program.

Mr. MURPHY of Connecticut. If the gentleman would yield, just to make one last point on this, and I thank the gentleman from New Jersey for coming down, before I came here, I was the chairman of the Public Health Committee in the Connecticut State Legislature. What we figured out over time, because we were a State that submitted waivers to the Federal Government to expand our children's healthcare program, so we actually ended up with one of the more generous SCHIP programs in the country. We had more kids as a percentage of children who were eligible for children's healthcare, sponsored and subsidized by the State and Federal Government, than most other States, and what we found was that was actually reducing the cost of healthcare over time.

I got to listen to a little bit of the rhetoric on the other side of the aisle earlier, and they act as if we have existing today a fiscally responsible system of healthcare. We don't. We have the most expensive healthcare system in the world.

You may have covered this earlier before I got on to the floor. But we

have the most expensive healthcare system in the world for outcomes that are lucky if they rival those of countries that spend 50 percent less on their healthcare, 16 percent of GDP in this country compared to 10 or 11 percent in other countries that insure everybody and get basically the same or better outcomes.

So what we found in Connecticut was as we expanded the reach of our SCHIP program and got more kids eligible and enrolled, we were actually cutting the cost of care for those kids because, guess what? Preventative care, as I am sure has been said on the Floor, is much less expensive, much more fiscally responsible than crisis care, when these kids show up in the emergency room with much more complicating, debilitating illnesses that require much more expensive care.

So, for my money, investing in children's healthcare insurance is the right thing for taxpayer dollars. We certainly know it is the humane thing to do, it is the moral thing to do, to insure children who have no healthcare through no fault of their own. But it is certainly the right thing to do if we are going to be responsible stewards of taxpayer dollars.

If I were sent here, as the folks on the other side of the aisle believe they have been, to be stewards of taxpayer dollars, I would be investing in preventative healthcare every single day I was here, and that is what the SCHIP program does.

Mr. MEEK of Florida. Mr. MURPHY, I just want to thank you, definitely fresh out of the State legislature, for coming to this floor. I served in the legislature myself, and I can tell you that in Florida we enjoy the Federal assistance that is there.

Some folks, Mr. Speaker, speak of Medicare as socialized medicine. If you try to do away with Medicare right now and have new and great ideas that would limit access to clinics and what have you, I think you would have an uprising in this country as we look at providing better healthcare.

If I can, we came to the floor tonight, and I have my Iraq notebook with me, and I want to thank not only staff but the Democratic leadership for taking a forward lean, as we have done since we have been here in the control of the House, and the American people provided us with an opportunity to lead, to move this country in a new direction, and also move this issue of Iraq in a new direction. I just want to talk a little bit about the numbers, and I want this to sink in, because I want Members to know exactly what we are doing.

We have to create and we have to be about a major paradigm shift, I would say slash ''new direction,'' as it relates to Iraq. We know that the President has executive authority and he can veto. We know that the legislature, and when we say legislature, I started talking about States, I started talking about legislature, I would say the Congress, the legislative branch of government has the responsibility of policy and making sure that we pass legislation that will be helpful.

During the 4th of July break, which was a wonderful thing, you have an opportunity to go back to your districts and you have an opportunity to go to places where you can learn more, I actually went to Norfolk, Virginia, to the Naval facility there and spoke to a number of sailors and some marines and others that have been deployed before. I was there on a destroyer and also a submarine and also an amphibious vessel that moved marines into a forward area and had an opportunity to talk to a number of individuals over that weekend.

I left with the impression, Mr. MURPHY, of them saying, if you want to help the troops, then stand up for us in the Congress and making sure we bring some sense to what we are doing.

Now, some of the bloodiest weekends in Iraq took place during the 4th of July break, and a number of Iraqis have lost their lives and they have a number of civil war conflicts that are going on there. Also a number of marines, soldiers and others, even civilians, lost their lives.

I think it is important as we look at this and we go through a forward lean, I just want to capture this moment from the Congressional Research Service, Mr. Speaker, the nonpartisan Congressional Research Service, which is a nonpartisan organization within the Congress. These are individuals that are Ph.D.'s and those that count the numbers and really give the Americans an objective view of what the real picture is.

Let's talk about cost here for a minute. You heard Mr. PALLONE, the Chair of a subcommittee dealing with the children's health program, say over 5 years it would take $50 billion to be able to provide healthcare for children. Let's look at these numbers.

Per year in Iraq, and this is the chart that I have here, $120 billion a year. I am going to even further break that down to $10 billion a month and change. These are not my numbers. This is the Congressional Research Service numbers. Per week, $2.3 billion a week in Iraq. $2.3 billion. This is just Iraq. We are not talking about Afghanistan. Per day, $329 million and change. I am not even giving you the change. Per hour, $13 million. That is every hour in Iraq, $13 million.

Think about what we can do here domestically. I am talking to the mayors of our cities and our towns. I am talking to commissioners that would like to resolve some issues and want some sort of Federal assistance in doing that. I am talking to the citizen that is wondering why something is shut down in their community for a lack of funding.

Per minute, $228,000. That is per minute. $228,000. That is more than many Americans make in 5 years, Mr. MURPHY, a minute. That is what is happening in Iraq right now. Per second, $3,816. Some may say $4,000 a second.

You look at the Forbes' richest, most wealthy Americans, they are not even doing that. You have companies that wish they could make $3,816 a second. This makes Oprah, her income, look very small. This makes some of the new people that are there, the President or the used-to-be chairman of Microsoft, look very small when you look at these numbers. But you have to look at this issue for what it is. These are the dollars that we are spending.

Now, who is standing in front of us and making new policy changes here? I think it is important, and I think we are going to have a gut check here, and I want to make sure that Americans know exactly and the Members know. Because many Members, they go back home and they say, I did not quite understand that. I am sorry. It went over my head. I didn't understand what happened, when a constituent may walk up to them.

This week in the House we will have an opportunity to reaffirm our support and move this Iraq debate in a new direction. Responsible redeployment of our troops. We talk about responsible redeployment. We are talking about a bill that Chairman IKE SKELTON is going to bring to this floor tomorrow, or sometime this week, where Democrats and Republicans will have an opportunity on the record to vote once again as it relates to redeployment.

The Responsible Redeployment Act, H.R. 2956. It requires the responsible redeployment of U.S. troops beginning within 120 days of enacting and ending by April 1st, 2008. I think it is important that everyone understands that a supermajority, 70 percent, a supermajority of Americans believe that we should be out of Iraq.

It requires the President to publicly justify the post-deployment missions for the U.S. military in Iraq with a minimum number of troops necessary to carry out those missions. This is not saying that we are going to take all of the troops out of Iraq, but what it is saying is those troops that are in harm's way, doing the door-to-door, doing all of these things in the middle of a civil war that Iraqi troops should be responsible for, there are a number of people that are saying, you know, they are not quite ready.

But, meanwhile, back at the ranch, I know every Sunday on CNN they have a report talking about what happened in Iraq that week. I think I have seen too many flag-draped coffins. I think I have talked to too many spouses and family members that are saying, what are you going to do and how are you going to do it and how are you going to stand up?

Chairman IKE SKELTON is beyond this. He is what one may say is an individual that solely has the troops in his heart and in his mind. And this will be a product of not only him, but many Members of Congress. So Members will get an opportunity to vote.

Now, Mr. MURPHY, before I yield to you, I think it is important that we show who is standing in the schoolhouse door here. I would ask for not only the Members, but also the American people to go to the White House website if you want some information.

Members of the Republican minority, thanks to the American people, on March 29 of 2007, stood with the President after we moved the bill through this Congress that would move the policy as it relates to Iraq in a new direction. It would bring more accountability as it relates to profiteering, more accountability as it relates to how our troops are being deployed based on what the President says that he thinks is right. It is bringing democracy to it.

When we passed that bill, it passed both the House and Senate, I can say that the Democratic majority voted in the affirmative with a few Republicans, and it went to the White House. And before that bill could be carried to the White House, the President said that he would veto it.

I want you to take a look at this picture here, because I think it is very very important. Pictures speak 1,000 words. You have all Republicans, the minority, that are standing behind the President saying stand with the President and we will not allow the President to be overridden, for there to be an override of his veto.

I think it is important for us to pay very close attention to it, because my message to those that were on the steps of the White House, who met with the President, who had some sort of discussion with the President, that have said ''we are going to make sure that the President's will is not overridden,'' well, I want to ask, how many times will the Republican minority go down and stand with the President in front of the will of the American people?

That is going to happen this week, Mr. Speaker, and I am glad that Speaker NANCY PELOSI has said we are willing to take the fight on behalf of the American people to the executive branch and to those Members of Congress who believe that we should be ''staying the course'' or continuing to do the same thing expecting different results.

There are a lot of things that are going on in Iraq that are not in the control of the American Congress and executive branch and those that they elected to represent them here in Washington, DC. But what we do have control over as it relates to the policy and as it relates to the will of the American people and the troops. One person said if you want to help the troops, get us out of Iraq. If you want to help the troops.

Mr. RYAN and I in the 108th and 109th Congress heard all kinds of speeches here on this floor, Mr. MURPHY, Members saying ''I support the troops.'' ''No, I support the troops more than you.'' ''No, let me take my shirt. Let me show you a tattoo I have on my shoulder saying I support the troops.''

That is not what it is about. It is about policy. It is about manning up and womaning up and leadering up and standing up on behalf of these men and women that are in harm's way.

□ 2315

These are real families. We have to treat this issue as it relates to redeployment of troops in Iraq as though our children or our nephew or our cousin or our husband or wife, what have you, are in harm's way as we speak. Those that have a dot.mil address behind their e-mail address that are e-mailing us and are asking us to be leaders, I am glad that this House is moving in the direction, and the Senate is moving in the direction, and I commend those Senators that have come to the side of the American people saying enough is enough. The President can burn all kind of Federal jet fuel and fly throughout the country. He was in Cleveland talking about what we need to do. Enough is enough. The bottom line is that folks have to come to grips that this is a democracy.

The White House is under some sort of impression, I want to say impression. They believe if they were to come out at a press conference, if the President were to say the rain doesn't fall from the sky, it comes up from the ground to the sky, they believe many Americans would actually look outside to see if that is true. We know what is right and what is wrong. What is wrong is the fact that we can no longer stand idly by and let this happen.

The Democratic Congress has tried to make this happen. We need Republican support. We need the American people to call their Republican representative and say enough with this partisan stuff, let's move for our young men and women in harm's way.

I yield to Mr. RYAN.

Mr. RYAN of Ohio. The bottom line is that this is not just us, or the Democrats or the American people. Mr. MEEK, Mr. MURPHY, these are the soldiers who are coming back.

I don't know what your personal experiences have been, but the soldiers in my district who have come back, and I meet them for a cup of coffee at the coffee shop and they talk off the record, they say, Get us out because this is insane. It is ridiculous. The only thing we all hear from the soldiers who say I want to go back, they say they want to go back because their buddies are over there. They are not going back because there is some great cause that the President has outlined for them. They are so far beyond that. They go back because their buddies are there, and God bless them. Those are the kind of buddies that we all want.

I think it is important that that picture that you showed, Mr. MEEK, and what the minority party is trying to do here by not giving us enough votes to override a Presidential veto in the House and in the Senate is they are complicit in following President George W. Bush's foreign policy that has taken this country right off the cliff. Mr. MEEK, Mr. MURPHY, Mr. Speaker, $600 billion, thousands of lives lost, innocent people in Iraq getting bombed.

And here's the bottom line that I think the country needs to know and completely understand. This President has made the country less safe. There are more terrorists today that are gunning at the United States than ever before. Even pre-9/11, and now al Qaeda is coming out and saying we are stronger than we have ever been. We are as strong as we were on 9/11.

We have thousands and thousands of more terrorists who want a gun to come at the United States. There are sleeper cells I am sure in the United States, but when we try to pass a Homeland Security bill that funds 3,000 more Border Patrol agents, that puts the proper equipment and the proper technology on the borders to make sure that when the cargo is coming into the ports that those are checked, that our first responders have the proper equipment that they need, the Republican minority basically filibustered in the House and tried to stop that from happening.

So what we are saying here is that if we don't quickly rectify this problem and start making investments that we can go after Osama bin Laden and al Qaeda instead of this mess that we are in in Iraq, then we are more vulnerable as a country. And if something happens in this country, it lays right at the footsteps of the White House because we have been fighting this war. It has been ridiculous. The whole concept has been ridiculous. George Herbert Walker Bush said it was crazy to go into Iraq. This has not made any sense since the beginning. And now we are wasting $600 billion fighting a war in some country that we don't know a whole lot about instead of focusing that money on making sure that we get Osama bin Laden, making sure that we destroy al Qaeda. That's the war.

And so if al Qaeda hits the United States of America, it is because George Bush led us into a war in a country that didn't have any al Qaeda members in it.

Mr. MEEK of Florida. Mr. RYAN, the bottom line is that the President, and we have to talk about the student loan issue that he talked about earlier today, and I think it is important that we talk about that because again we had Members here talking about SCHIP and we were all once representatives in our States on the legislative end on the State level. But I think it is important for us to, and where is my red chart to talk about the debt.

We just had Mr. PALLONE as the chairman of the subcommittee down here, and we have a proposal talking about $50 billion over the next 5 years. Let me say real quick, per year it is $120 billion in Iraq and climbing. I say that to a mayor or to a Governor, I

would like to have my hands on $120 billion that the Federal commitment has made.

Mr. RYAN, it is not the President, that is all too easy. The President is in his last leg of a swim meet here. He has the last day of school kind of syndrome. All of us know what the last day or last week of school felt like. I am about to leave the institution, and I don't have to worry about what is happening.

But guess what, it is not the last day of school for the American people and those that are in harm's way. We have a responsibility to stand for them. I am not going to just leave the President. I am going to say that those individuals on the Republican side of the aisle, not all of them, but a majority of them, are willing to stand with the President that ran this record debt up that we have now. A $1.19 trillion debt and climbing, done by the Republican majority in the 108th and 109th Congress and beyond, of rubber stamping what the President has done.

We all live the same kind of lives. We all understand our responsibility up here. But I tell you, to be able to move in a new direction in Iraq, it is going to take more than just Democratic majority Members, especially in the Senate, to be able to bring some real sense to this new direction in Iraq. The real issue is that there is a choice to be made.

Mr. RYAN, some of the Members on the Republican side used to laugh at us when we were on the floor. I see them in the hall and they are like, ''You all are funny. Do you really believe people are going to follow what you all are talking about if you are given the opportunity to lead?''

Well, guess what, how do you like us now? People believe. Democrats, Republicans, Independents. And you know something, some people who voted for the first time in their lives who had given up on the political system, and I will be doggone if their vote goes in vain. I am telling you right now, we need Republican Members of this Congress to vote on behalf of our troops.

Want to help the troops? Vote for redeployment. You want to help the troops, vote for antiprofiteering legislation. You want to help the troops, when Mr. MURTHA comes to this floor with an appropriations bill that is going to bring major sense as it relates to the appropriations in this war, then support that if you want to support the troops.

Mr. RYAN, I am going to yield to Mr. MURPHY by saying this: As of July 11, today, the deaths in Iraq as it relates to U.S. military personnel, and this is not even counting those clandestine agents that are out there, those civilian folks, 3,609. That is as of 10 a.m. this morning.

Total number of wounded in action, returned to duty, 14,681.

Number of wounded that did not return to duty, 12,014 and climbing.

I want to say this is real. This is above and beyond Democrat-Republican politics, Independent politics, whatever the case may be. We are moving in the direction of redeployment of our troops and a new policy. The President can stand in the schoolhouse door all he wants to, but the bottom line is he is empowered by the Republican minority that are saying that we are not going to allow you to have enough votes to be able to override what the President is saying. That is where it comes down to it.

I can tell you, like I shared with some of my colleagues, you continue to follow the President on the old way, and I guarantee you, just like I said in the 108th Congress and 109th Congress, and I don't have a whole lot of say in what goes on in some of these districts because people have their own heart and mind. They read and they see. They see the people that are not coming back. People are being deployed.

They are not glad they are going. They are crying when people are going. Will I see my husband? Will I see my father again? What are we doing? What does this mean? We are in the middle of a civil war; what does that mean? Will my husband or wife be knocking down some door as we speak here on this floor, having Iraqis huddle in the middle of a room on a security mission that is necessary because the Iraqi government is not doing it, and those individuals will never forget that. And they are not doing it just because they feel like doing it; they are doing it because it is the mission. We support them in that mission, but the bottom line is we have to have a new attitude and new direction.

There are Iraqi troops that should be doing those house checks and taking that responsibility, and an Iraqi parliament that should be coming to work every day to make sure that they do what they do. It shouldn't be our people, and people know it. So the bottom line is, when you are in a place where you don't understand exactly where you should be, fall on the side of commonsense. That is all that I am saying.

Mr. MURPHY.

Mr. MURPHY of Connecticut. Thank you.

We know because we have talked to these families. When they are crying about their loved ones injured in the field of battle or, God forbid, have not come back, there is also a sense from military families that their despair is because they realize they are the only ones that are being asked to sacrifice for this war.

Mr. MEEK of Florida. What happened to the coalition, Mr. MURPHY?

Mr. MURPHY of Connecticut. The coalition of the willing is no more, Mr. MEEK. What is left are the military family, and their friends and families have been asked to shoulder almost the entire burden of this war.

When we talk about where we are going to spend the taxpayer dollars, you have to talk about what we are getting for that investment.

You gave the statistics on the casualties since the beginning of the war, but it is even more terrifying when you talk about what has happened simply since the surge has begun: 593 soldiers have died since January 10; 3,500 have been wounded; 1,600 wounded so badly they cannot return to battle. We are talking about 13,000 Iraqi civilians and members of the military police who have been killed or wounded since the surge took place.

So you have to ask what we are getting for this investment. It has gone from $8 billion a month to $10 billion a month since the surge has gone into effect. What we have gotten is an Iraqi political institution or Iraqi political infrastructure which is even less willing to take responsibility for its own actions, even less able to take control of their own country.

It was reported in the Associated Press of the President's report on progress in Iraq that the Iraqi government has not ''met any of its targets for political, economic and other reform.'' Has not met any of the targets we have given them for economic, political reform.

Parliament is going home for the summer. There is a parliament where the biggest Sunni group has pulled out. You have an inability for the Iraqis to deal with their own shop. As someone said, right now the Iraqis are paying wholesale for their politics because we are subsidizing every decision that is being made there. It is time they start paying retail for their political decisions, and that is only going to happen when they have a sense of when the crutch is going to be taken away from them.

So, Mr. MEEK and Mr. RYAN, I think to myself when we talk about how we are going to spend money, whether we are going to spend $120 billion a year in Iraq or whether we are going to spend $40 or $50 billion on children's health care insurance, and I think, as Mr. RYAN said, that $120 billion investment is getting more and more Americans killed every day and is making this country less safe and less safe every day, and is making it less and less likely that the Iraqis will ever be able to take control of their country.

□ 2330

That's a terrible investment. That's a bad investment. When I think about $50 billion in children's health care, by doing the right thing, the moral thing for kids, and at the same time, probably making our health care system more affordable and less costly in the end, because we're hooking kids up with preventative health care, that's a great investment. That's a worthwhile investment.

Mr. RYAN of Ohio. We're slingshotting the kids then for 5 months.

Mr. MURPHY of Connecticut. At some point, we've got to talk about what results we're getting for our money, and if you can turn around even a portion of the money that we're using over there to make this country

less safe, turn it around and college age, children's health care, I mean meat and potatoes things that matter to middle-class families, those are the investments that I came to Congress to work on. Those are the investments that millions of Americans around this country sent a new class of Democrats here to work on, and if we can get some Republicans to stand up with us this week, as we have seen happening in the Senate over the last week and a half, we'll start to make good on those promises.

Mr. RYAN of Ohio. Well, $50 million for children's health care or 5 months more in Iraq, let the American people make that decision. Poll that, get the focus group out and figure that one out, where the American people are going to be. They're going to be with the leadership. They're going to be with the Speaker. They're going to be with the majority leader in the Senate. They're going to be for making these investments.

And I just love, Mr. Speaker, how our Republican counterparts went way back to 1992, they went into the deep parts of the Republican library, the CATO Institute and everywhere else, and they pulled out the 1992 talking points, and they've dusted them off and everything's socialism and union bosses. And it's typical of why they're not in power.

Mr. MURPHY of Connecticut. I guess I wonder whether the water is different in the Republican cloakroom down here than it is in the Senate cloakroom, because what we've seen in the last couple of weeks, and I've got a list here of all of the people who have changed their opinion on the war in the last several weeks and all the quotes from Republicans in the United States Capitol regarding their new opinion of this war, which is that we should set a date for withdrawal, and it is Senate Republican after Senate Republican after Senate Republican after Senate Republican, DICK LUGAR, GEORGE VOINOVICH, PETE DOMENICI, LAMAR ALEXANDER, OLYMPIA SNOWE, SUSAN COLLINS.

What's missing from that list, for some reason, are members of the Republican minority here in the House. This is the body that's supposed to actually be more responsive to the American people, not less responsive. So I haven't been here long enough to understand what the difference is, but some Republicans are waking up to the notion that it's time for a change. It just hasn't happened here yet.

Mr. RYAN of Ohio. That's the God's honest truth of where we are. The force of the American people broke through in the election, but it is yet to penetrate the ideology of the Republican leadership and the Republicans in the House, many of them, and everything is coming down to priorities. It's all coming down to priorities.

And when Mr. MURPHY and Mr. PALLONE and yourself are talking about making this investment in the children's health care, poor kids getting health care, our friends on the other side are so void of any ideas on how to make America competitive in the 21st century that they have got to scream socialism, and I urge all of our colleagues, Mr. Speaker, to go back to the 1930s and 1940s and 1950s and 1960s. The only argument our friends on the extreme right have is socialism.

We're talking about a bill that passed out of the Appropriations Committee with bipartisan support. The Members who are coming down here are extremists. They are the extreme neoconservatives who have implemented their policy over the last 6 years and have run this country domestically into the ground, have run our foreign policy into the ground, and now all they have is names to call us.

Well, go out, and when these millions of kids have health care, go to them and say, you know what, you really shouldn't get that health care because it's socialism, okay? When you go to college and you have an extra 700 bucks in a Pell grant or over the next few years it will be an increase of over $1,000 by 2011, from $4,050 to over $5,000, go to that college family, the parents that are struggling to pay for that, and let our friends on the other side say we have no business helping you with college; that's not the role of government, Mr. Speaker, that's socialism. And when we cut student interest rates from 6.8 percent to 3.4 percent, I urge all of our friends on the other side, go to all the millions of families across this country and say we don't want to do that, that's socialism; let the free market work.

These banks have been sucking off the government for years. We didn't raise taxes to do this. All we did was say the banks aren't going to make a big profit on the student loans. We're going to give it to the kids and give them a nice 3.4 percent rate so they can go get an education and go get a job and go create wealth and go start a business and hire people that are going to pay taxes to keep tax rates low for everybody.

They're void of ideas, and this is the best investment. I mean, this is great. We get to go, over the course of the next year, and campaign on this? This is good stuff.

Mr. MEEK of Florida. The thing about it and the thing about what we work on and what we meet on, and after we leave the floor I need to talk to you even further about this issue, because, Mr. Speaker, the President was on the road and saying, well, I'm going to veto the interest rate cut that the Democratic Congress passed because it doesn't help enough needy kids that are presently in college.

Well, this is the same President who said we're going to be treated as liberators when we were in Iraq.

This is the same President that has said that investing in big oil will be able to assist us to be energy independent when big oil made nothing but profits after the White House meeting.

This is the same President that said he was going to treat anyone in the White House that outed an CIA agent in a way that they should be treated, and then later let that person off the hook through his executive power.

This is the same President that has said that we need to send an escalation of troops to Iraq and we'll see a safer Iraq; that we've seen otherwise, some 500-plus men and women in uniform that have lost their lives since that surge.

This is the same President that goes on and on and on talking about how he's going to increase Pell Grants when he hasn't done that.

This is the same President that said that 9/11, that we are going to implement this Department of Homeland Security and said there was no need to pass all of the 9/11 recommendations. That still hasn't made it to his desk yet, that we want to get passed, that this Democratic Congress passed.

This is the same President that told folks to go shopping after 9/11 when he had the opportunity to move this country in a new direction, bring us together, help our economy, and the Americans were ready to do what they needed to do.

And this is the same President saying I'm going to veto a bill that's going to cut student loan rates not only for students, I will go further as a parent to say, for parents and grandparents that are helping children that are now coming out of college that are more in debt now than ever because the Federal Government is not there for them. If we're not there for them, then the State government can't be there for them because they have to cut, and guess where the first place is they go. They go to students and cut back.

So I'm about full right now of the American spirit and say that I hope that our leadership here in the House, with the President, you spoke of politics saying it's a great thing to run on. I always said this whole Iraq issue, if we see more and more pictures like this, Republican leadership leading their caucus down to the White House saying we stand with the President and making sure that the Congress doesn't override his original thoughts or what he feels should be, the White House is not to be used as the Republican National Committee instrument or the Republican Congressional Campaign Committee. This is about the American people and what we do.

So, the President, this is his last day of school. This is the last month of school. He's about to move on. He's about to become a private citizen. Those of us that are in Congress, if the American people that allow us to come back after 2008, will be here to govern this country, and guess what, this is not the last day of school for Americans.

So, when we talk about cutting student loan rates in half and the President starts using all kinds of, I start to go back to the big oil argument. What,

did the banks have a special meeting at the White House, saying we can't allow this to happen; you got to stand in the schoolhouse door; and will they be able to motivate these Members to go back to the White House and say we stand with the President? How many times?

So, Mr. Speaker, I know that the bold leadership we have here in the House, if he vetoes this bill, which I don't want him to do, I hope he signs it, and we're able to provide the assistance to these individuals that are in all of our districts, Republican and Democrats. This is not for Democratic kids. This is for all kids, for all families, for all working people. If he does it, I hope that within the hour that he does it that we have something here on this floor, and we'll separate the Members from the followers here on both sides of the aisle.

And when we passed this bill, I know you brought this issue up, but when we passed this bill, there was 143 Republicans that voted against it, just enough to withstand. One, one over to be able to hold off a presidential override. That's a gut check there, Mr. Speaker. I wonder how many of those 143 are going to be with the President in not allowing American families to have a cut in financial aid.

I want their constituents to pay very close attention on whose side you're on. Are you on the bank's side or are you on the American people side?

Mr. RYAN of Ohio. Can I make a point because I think this is so important. There's not been a tax increase here. This is not where the President can say, I'm going to veto this bill because the Democrats increased taxes on someone.

What we did is we shifted this money that was going to the banks and allowed them to charge students 6.8 percent. It was basically corporate welfare, and we're saying that that same amount of money that went to them is going to go to more students for cheaper loans, less interest rates, 3.4 percent instead of 6.8 percent, just a shift in the money, shift in priorities.

So what the President's basically saying is I would rather have the banks make the profit than expand student loans to more kids and more parents. Now, that's just reading the facts. Ignore our rhetoric.

Mr. MURPHY of Connecticut. To go deeper than that, let's explain exactly what the deal is. Let's delve one layer deeper into this, explain exactly what the deal is for banks here.

We already guarantee all of these loans for the banks. That's a great deal. You tell me that I'm going to lend money to somebody and if they don't pay it back, somebody else is going to pay me back? Well, guess what, I'll probably make that loan.

But then what we did on top of it, on top of it was we gave them a cut of the loan, too. You know what we figured out? They're still going to make the loans even if you don't give them a cut of the loan. They're guaranteed loans. They're essentially guaranteed loans. That's just commonsense.

And so as Mr. RYAN said, this becomes sort of a socialist welfare program for just a different set of people, people that are doing pretty well already. So, to me, this is just commonsense. So to a lot of people it's commonsense.

When we go back in our districts, we're hearing a lot of people talking about Iraq. People are behind the Democrats' plan to reorder our priorities there and start going after the real bad guys, but there are a lot of people struggling just with getting by every day and every week, and there are a lot of young parents who are raising young kids and looking at college costs, thinking to themselves how on earth am I going to do this.

And to think that one of the things that stands in their way is a system now that subsidizes some pretty well-off banks, at the expense of those parents and their kids, is ludicrous. I mean, frankly, I could probably sit there, even coming from a pretty fiscally conservative State like Connecticut, I could probably sit here and justify bringing in new revenue somehow in order to increase money for student aid. I think I could sell people back in Connecticut, and say, listen, we've got to put a little more into the pot and we're going take care of students who need help, I mean truly meritorious students.

We don't even have to do that here. We don't even have to make that argument. All we have to do is say listen, we've just got to shift moneys from the haves to the have-nots. That's the brilliance of this program.

Mr. MEEK of Florida. I know that we're running out of time, and I think Mr. RYAN is going to move us to a few more minutes here.

30-SOMETHING WORKING GROUP CONTINUED

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Ohio (Mr. RYAN) is recognized for 16 minutes.

Mr. RYAN of Ohio. Mr. Speaker, I would be happy to share some of those minutes with my good friends who are here, and I just want to kind of go on the point that Mr. MURPHY was making.

We have a situation now where everything that we've done I think is going to help average folks, middle-class folks, lower middle-class folks, poor folks, upper middle-class folks. Think about a family who in July is going to get an increase in the minimum wage, struggling to get by, looking to get a little boost, and they get the boost because of a new Democratic Congress and the priorities of the Speaker that we're going to implement.

And then you have a kid in school or you have young kids that need health care, and you're going to now be able to access the SCHIP program. You're going to be able to go to more community health clinics because there's been an increase of hundreds of millions of dollars. Some more people are able to be covered.

□ 2345

Then, if you are in a State like Ohio, where the Governor, Governor Strickland, used to be a Member of this body, signed a budget that has a zero percent increase in tuition costs this year and next year, that used to be 9 percent on average in Ohio.

Now this same family has an increase in the minimum wage; they have a $500 increase in the Pell Grant. They have student loans they are taking out that will be cut in half from 6.8 to 3.4 percent. If they have young toddlers, they will be covered under SCHIP. This family now will be a healthy, educated productive family in the United States of America, so that the 300 million people we have in this country can all be on the field competing against China for us, competing against 1.3 billion people in China for the United States, competing against 1.2 billion people in India for the United States.

Now, isn't that a good thing? Aren't these good, smart, targeted investments? I would say they are, and the benefits that we are going to yield from these investments are going to serve us for generations to come. We did a study in Ohio years ago; I think the University of Akron did the study. For every dollar the State of Ohio invested in higher education, they got $2 back in tax money, because those people made $40,000 a year instead of $20,000 a year.

Now, this is a good investment. These are good investments for us to make. Long term, they are going to make us more competitive. When you look at what we are doing, what we are trying to do with stem cell research, what we are trying to do with alternative energy research, this is good stuff.

Mr. MURPHY of Connecticut. Just a quick point. During the May break, I went back and spent most of the week visiting with manufacturers and businesses in northwestern Connecticut. I could imagine what I heard was the same thing from what anybody who makes that trip will hear. It's all about workforce, workforce, workforce, that our economic salvation as a region in the Northeast, but also as a country, is not going to necessarily be, in terms of how cheap we can turn out the rubber balls, it's going to be about the quality of our product, and the quality of our production capacity.

That's all about training the new generation of workers. I mean, this money that we are talking about, it doesn't just go for students who are going to a 4-year Ivy League school. This is also money for kids that are going to community technology colleges that are being trained to be tool-

and-die makers, that are being trained to be computer technicians at the shops and the manufacturing centers of the next decade and the decade beyond.

If we are going to compete as a Nation, as you say, against China and everyone else who is undercutting us, it is going to be because we have the best trained and the most productive workforce in the country. That's what our manufacturers are screaming for, and that's what you address when you talk about putting money into higher education.

Mr. RYAN of Ohio. We are trying to compete with 1.3 billion people in China, 1.2 billion people in India. We only have 300 million people in the country.

So it seems to me that these investments that we are making are very wise, targeted investments. There is no tax increase. But what we are saying is, is it better to make sure that the banks have an increased inflated profit margin, or is it better for us as a country, the public, to make those investments in the families and basically give these families a tax cut? These middle-class families are getting a tax cut.

If you are taking out a loan, and you have two, three, four people in your family, you have a couple of kids going to school, both parents work, you are making 60 or $70,000 a year, and you are taking out a student loan, and last year if you took it out it was 6.8 percent and if you take it out this year and it's 3.4 percent, that's a tax cut for that family. When you go to file for the Pell Grant next year, and there is an increase of 4 or 5 or $600, that is a tax cut for a middle-class family.

What we are saying is we have a totally different philosophy from the Republican Party. They are cutting taxes in half over the past 6 or 7 years for the top 1 percent of income earners in the country.

We are saying, and the American people will make a judgment on this in the next election, would they rather have their Congress give a tax cut to someone who makes $1 million a year, or would they rather have us make the investments in the Pell Grant, in SCHIP, in community health clinics, reduce and cutting student loan interest rates in half and investing in alternative energy? Because that's what we are saying.

We would rather make these investments. We haven't raised taxes on anybody at all. That's the beauty of this whole thing, is we are just shifting our priorities. Instead of $14 billion going to the oil companies and corporate welfare, we are investing that money in alternative energy research. Instead of having billions of dollars go to the banks, we are investing that money into kids and giving them more access to college education, raising the minimum wage.

The American people, and many people are seeing, we all are seeing the numbers of Congress right now. We are not good, we understand that. But when these budgets hit, and the American people file their taxes next year, and they see there has been no increase, but yet they go to file for a Pell Grant and they see an increase in that and they see the student loan rate has been cut in half for the loan last year they had to take out for their kids and they get a boost in the minimum wage, and we are hiring thousands of scientists to do research and development through the energy bill that we passed last week, or that we will pass this week, these are the things that the American people will recognize, will understand and will see and these are going to yield long-term benefits.

One final point, the Republican Party has had their opportunity over the past 6 years to fully implement their whole agenda. They had a Republican House, huge majority, Republican Senate, Republican White House. They implemented the extreme neoconservative domestic agenda and foreign policy agenda, and the country has never been in worse shape.

Their philosophy, there is no more debate, what are we going to debate? They have had the chance to do it. They have done it. It's over. They have implemented it.

We have got the chart you showed, all the money borrowed from China, you know, all the money borrowed from foreign interests, the wages stagnant for 30 years, a foreign policy that's an atrocity right now, not a friend in the world.

So they have had a chance, and the American people have been kind enough to give us a chance, and they are going to be very proud. I understand that they may not all have felt yet what is going to come their way, but I believe that early next year, when our budget is implemented and they are having a chance to actually experience what we have done, they are going to say they are the Democrats again, and we are glad they are back in power.

Mr. MEEK of Florida. I started off the last hour talking about the fact that tomorrow or the next day that Democrats, Republicans would be able to show their true colors as it relates to the redeployment of troops, something we have already voted on and the President vetoed.

I think it's important that Members point to H.R. 2956 that will be on this floor in the next 48 hours, that will say responsible redeployment of troops. Embodied in that bill will be recommendations made not only by military advisers and those that are not longer a part of this, because as you know in the Pentagon, you say something different than what the Secretary under old Secretary Rumsfeld, back in the days, when all of those things took place and you made a career decision, if you had an idea that makes sense, and said, excuse me, sir, I know you think you have all the ideas.

Mr. RYAN of Ohio. That seems like 10 years ago.

Mr. MEEK of Florida. But it's alive and well. What we are learning more than ever now, having hearings on Iraq, people coming forth with some of the things that have us in the situation where we are now, mounting evidence of failed policy is the justification for this redeployment of troops.

Also, the issue, as it relates to the surge again, the Democratic Congress passed a nonbinding resolution saying that we disagree with the escalation of troops, that we need an escalation in diplomacy. We needed to think smarter.

We talked about the lack of coalition just a few minutes ago. We used to hear about the coalition. It got down to the single digits. It got outright embarrassing for the administration, so they stopped talking about it.

The mounting criticism of the failed Iraq policy, not only by Members of the military, but also the American people and Members of this Congress and some Republicans in the Senate and some Republicans here in the House and definitely a number of Democrats and retired general after retired general calling for a new direction. So this is what it's going to come down to.

It's going to come down to Members taking out their card that we vote with, and they are going to have to take it out. They are going to have to find one of these meters or machines here, and they are going to have to put it in there. They are going to have to vote ''yes'' or ''no.'' Do they want to vote for staying the course with the President and all of the slogans that they come up with and that they poll, or are they going to vote for a new direction and doing exactly what the American people wanted us to do? That's the question.

I look forward to coming back to the floor, not only with Mr. MURPHY, but also with Mr. RYAN, talking about the issues that we are facing. The good thing about being in the majority, and I can tell you from someone that has been in the minority before in this House, is that we can bring ideas to the floor and actually see them voted on that we have not had before.

Mr. RYAN came up with a very important point, the fact that Republicans had a number of years to do what they said that they want to do. No one stood in their way. They could have done it. They didn't do it. They had the opportunity to do it. We have asked them to be a part of that opportunity that we are working on.

I am glad we had 16 additional minutes so we would have an opportunity to get this information out.

Mr. MURPHY of Connecticut. If I was one of those high-priced political consultants and a prospective candidate came to me and said, listen, this is what I want to be for, this is what I want to be known for, I want to stand with the President every turn, make sure we stay in Iraq for as long as we can. I think I am also going to be against children's health care insurance. I am going to try to defend the

status quo on our health care system. I think it's about right, I think we got it right.

Also, I think I also want to be against affordable college. I think I also want to fight against increases in Pell Grants and Stafford loans and all the rest. If I was that political consultant I might sort of look at my watch, look at my date book, and, you know, take a pass on that one.

You know why? It's not about Republicans or Democrats. It's what the American people are asking for; it's what the American people have been crying for. They want a new direction in Iraq. They want help with the cost of getting by every day, which certainly includes the cost of health care and college affordability. They want a place that is listening to them again instead of listening to the White House and the banks and everyone else that has had the run of this place for a while.

It will be another good week here, and I hope sooner rather than later some of our friends across the aisle join us in standing up for what the American people have been crying for for a real long time.

Mr. RYAN of Ohio. I think that is such a poignant argument to make. Our friends on the other side are basically saying we are against the minimum wage, we are against increases in the Pell Grants, we are for higher interest rates for students to take out loans to go to school, we are against stem cell research. We are against research in alternative energy. They were for offering amendments to cut the budget for all the increases we were making, instead of giving the money to the oil companies to put in alternative energy. They were offering amendments to cut that.

When we offered earlier on to strip the oil companies of the $14 billion in corporate welfare they were getting, our friends voted against it, the extremists in their party. So you are exactly right. What are you for? What are you for?

I think we are quite clear as to what we are for on this side: lower student interest rates, more money for grants to go to college, higher minimum wage, focus on alternative energy, secure the country, 3,000 more Border Patrol agents in this country, technology to monitor biological chemical weapons on our ports, more funds for police and fire interoperability through the walkie-talkies, and able to talk and communicate with each other.

I mean, we have got a real agenda here.

Mr. MEEK of Florida. I am done. I just want to thank you and Mr. MURPHY for coming down tonight. I look forward to the next 48 hours, what kind of leadership will be shown on the minority side of the ball. We need them to be a part of this change in the new direction that we are moving in. But as the Democrats, with the slim majority that we do have, we are going to give the American people what they want, and that is leadership.

Mr. RYAN of Ohio. I appreciate it, Mr. MURPHY, Mr. MEEK, Mr. PALLONE who was here earlier, any emails from our colleagues who may be up right now, at www.30somethingdems@mail.house.gov or www.speaker.gov/30something.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. BERKLEY (at the request of Mr. HOYER) for today and the balance of the week.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Ms. WATERS, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. SESTAK, for 5 minutes, today.

Ms. SUTTON, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mrs. MCCARTHY of New York, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. WATSON, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

(The following Members (at the request of Mr. POE) to revise and extend their remarks and include extraneous material:)

Mr. MCCOTTER, for 5 minutes, July 13.

Mr. POE, for 5 minutes, July 17 and 18.

Mr. JONES of North Carolina, for 5 minutes, July 17 and 18.

Mr. BURTON of Indiana, for 5 minutes, today and July 12 and 13.

Mr. CONAWAY, for 5 minutes, today.

ADJOURNMENT

Mr. RYAN of Ohio. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at midnight), the House adjourned until today, Thursday, July 12, 2007, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2400. A letter from the Deputy Secretary, Department of Defense, transmitting the Department's report for the second quarter of fiscal year 2007 as required by the Joint Improvised Explosive Device Defeat Fund provision in Title IX of the Department of Defense Appropriations Act of 2007, Pub. L. 109-289; to the Committee on Armed Services.

2401. A letter from the Interim Director, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits — received June 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

2402. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; State of Iowa [EPA-R07-OAR-2007-0124; FRL-8320-3] received June 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2403. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Virginia; Redesignation of the Richmond-Petersburg 8-Hour Ozone Nonattainment Area to Attainment and Approval of the Area's Maintenance Plan and 2002 Base-Year Inventory [EPA-R03-OAR-2006-0917; FRL-8320-8] received June 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2404. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Virginia; Redesignation of the Hampton Roads 8-Hour Ozone Nonattainment Area to Attainment and Approval of the Area's Maintenance Plan and 2002 Base-Year Inventory [EPA-R03-OAR-2006-0919; FRL-8320-9] received June 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2405. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Texas; Revision to the Texas State Implementation Plan Regarding a Negative Declaration for the Synthetic Organic Chemical Manufacturing Industry Batch Processing Source Category in El Paso County [EPA-R06-OAR-2007-0386; FRL-8321-7] received June 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2406. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; South Carolina: Revisions to State Implementation Plan; Clarification [EPA-R04-OAR-2005-SC-0003, EPA-R04-OAR-2005-SC-0005-200620c; FRL-8321-4] received June 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2407. A letter from the Management Analyst, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Amendment of the Schedule of Application Fees Set Forth In Sections 1.1102 through 1.1107 of the Commission's Rules [GEN Docket No. 86-285] received May 8, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2408. A letter from the General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Applicability of Federal Power Act Section 215 to Qualifiying Small Power Production and Cogeneration Facilities [Docket No. RM07-11-000] received June 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2409. A letter from the Acting Assistant Director for Licensing, OFAC, Department of

the Treasury, transmitting the Department's final rule — Alphabetical Listing of Blocked Persons, Specially Designated Nationals, Specially Designated Terrorists, Specially Designated Global Terrorists, Foreign Terrorist Organizations, and Specifically Designated Narcotics Traffickers — received July 3, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

2410. A letter from the Director, Office of Personnel Management, transmitting a report on the Physicians' Comparability Allowance Program for fiscal year 2007, pursuant to 5 U.S.C. 5948(j)(1); to the Committee on Oversight and Government Reform.

2411. A letter from the Secretary, Department of Health and Human Services, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2006 through March 31, 2007, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

2412. A letter from the Assistant Inspector General, Communications and Congressional Liaison, Department of Defense, transmitting in compliance with the ''Federal Activities Inventory Reform Act of 1998,'' (Pub. L. 105-270, the FAIR Act), the inventory of commercial and inherently government activities for FY 2006; to the Committee on Oversight and Government Reform.

2413. A letter from the Assistant Secretary for Administration, Department of Transportation, transmitting the Department's 2006 annual report on the use of the Category Rating System, pursuant to 5 U.S.C. 3319; to the Committee on Oversight and Government Reform.

2414. A letter from the Secretary, Department of Veterans Affairs, transmitting the semiannual report on activities of the Inspector General for the period October 1, 2006, through March 31, 2007, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

2415. A letter from the Associate Deputy Secretary, Department of the Interior, transmitting the Department's FY 2006 inventory of commercial and inherently governmental activities prepared in accordance with the Federal Activities Reform (FAIR) Act of 1998 (P.L. 105-270) and the Office of Management and Budget (OMB) Circular No. A-76; to the Committee on Oversight and Government Reform.

2416. A letter from the Chair, Equal Employment Opportunity Commission, transmitting the semiannual report on the activities of the Inspector General and management's report for the period ending March 31, 2007, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

2417. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting the Corporation's annual report required by Section 203 of the Notification and Federal Antidiscrimination and Retaliation Act of 2002, Pub. L. 107-174, for Fiscal Years 2004 and 2005; to the Committee on Oversight and Government Reform.

2418. A letter from the Interim Chief Financial Officer, Federal Home Loan Bank of Atlanta, transmitting the 2006 management report and statements on system of internal controls of the Federal Home Loan Bank of Atlanta, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

2419. A letter from the First Vice President and Controller, Federal Home Loan Bank of Boston, transmitting the 2006 management report and statements of internal controls of the Federal Home Loan Bank of Boston, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

2420. A letter from the Executive Vice President, Financial Information Group, Federal Home Loan Bank of Chicago, transmitting the 2006 management report and statements on system of internal controls of the Federal Home Loan Bank of Chicago, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

2421. A letter from the Senior Vice President and Chief Accounting Officer, Federal Home Loan Bank of Dallas, transmitting the 2006 management report of the Federal Home Loan Bank of Dallas, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

2422. A letter from the Controller, Federal Home Loan Bank of Des Moines, transmitting the 2006 management report and statements on system of internal controls of the Federal Home Loan Bank of Des Moines, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

2423. A letter from the President and Chief Executive Officer, Federal Home Loan Bank of Pittsburgh, transmitting the 2006 Statements on System of Internal Controls of the Federal Home Loan Bank of Pittsburgh, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

2424. A letter from the President and Chief Executive Officer, Federal Home Loan Bank of Topeka, transmitting the 2006 Statements on System of Internal Controls of the Federal Home Loan Bank of Topeka, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

2425. A letter from the Comptroller General, Government Accountability Office, transmitting a copy of the Office's report entitled, ''Forces That Will Shape America's Future: Themes from GAO's Strategic Plan''; to the Committee on Oversight and Government Reform.

2426. A letter from the Chairman, International Trade Commission, transmitting in accordance with Section 645 of Division F, Title VI, of the Consolidated Appropriations Act, FY 2004, Pub. L. 108–199, the Commission's report covering fiscal year 2006; to the Committee on Oversight and Government Reform.

2427. A letter from the Administrator, Small Business Administration, transmitting the semiannual report of the Office of Inspector General for the period October 1, 2006 through March 31, 2007, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

2428. A letter from the Inspector General, Small Business Administration, transmitting the semiannual report of the Office of Inspector General for the period October 1, 2006 through March 31, 2007, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

2429. A letter from the Commissioner, Social Security Administration, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2006 through March 31, 2007, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

2430. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; a Temporary Rule [Docket No. 070510101-7101-01] (RIN: 0648-AV57) received June 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2431. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Rollovers to Prototype Roth IRAs [Announcement 2007-55] received June 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2432. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Covered Employees under section 162(m)(3) [Notice 2007-49] received June 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2433. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — 26 CFR 601.201: Rulings and determination letters. (Also Part 1, 102.) (Rev. Proc. 2007-39) received June 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2434. A letter from the Branch Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Guidance regarding deductions by individuals for qualified conservation contributions [Notice 2007-50] received June 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DINGELL: Committee on Energy and Commerce. H.R. 2900. A bill to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and for medical devices, to enhance the postmarket authorities of the Food and Drug Administration with respect to the safety of drugs, and for other purposes. (Rept. 110–225). Referred to the Committee of the Whole House on the State of the Union.

Ms. SLAUGHTER: Committee on Rules. House Resolution 533. Resolution providing for consideration of the bill (H.R. 2956) to require the Secretary of Defense to commence the reduction of the number of United States Armed Forces in Iraq to a limited presence by April 1, 2008, and for other purposes. (Rept. 110–226). Referred to the House Calendar.

Ms. CASTOR: Committee on Rules. House Resolution 534. Resolution providing for consideration of the bill (H.R. 1851) to reform the housing choice voucher program under section 8 of the United States Housing Act of 1937. (Rept. 110–227). Referred to the House Calendar.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 1144. A bill to waive the non-Federal share of the cost of certain disaster assistance provided in connection with Hurricanes Katrina and Rita, and for other purposes; with amendments. (Rept. 110–228). Referred to the Committee of the Whole House on the State of the Union.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 781. A bill to redesignate Lock and Dam No. 5 of the McClellan-Kerr Arkansas River Navigation System near Redfield, Arkansas, authorized by the Rivers and Harbors Act approved July 24, 1946, as the ''Colonel Charles D. Maynard Lock and Dam''. (Rept. 110–229). Referred to the House Calendar.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 735. A bill to designate the Federal building under construction at 799 First Avenue in New York, New York, as the ''Ronald H. Brown United States Mission to the United Nations Building''. (Rept. 110–230). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. DOGGETT (for himself and Mr. LEWIS of Georgia):

H.R. 2989. A bill to amend provisions of title 46, United States Code, popularly known as the Death on the High Seas Act to limit application of those provisions to maritime accidents, and for other purposes; to the Committee on the Judiciary.

By Mr. DOGGETT (for himself and Mr. GORDON):

H.R. 2990. A bill to amend the Internal Revenue Code of 1986 to make geothermal heat pump systems eligible for the energy credit and the residential energy efficient property credit; to the Committee on Ways and Means.

By Mr. MOORE of Kansas (for himself, Mr. RYAN of Wisconsin, Mr. BARROW, Mrs. BLACKBURN, Mr. BOUSTANY, Mr. BOYD of Florida, Mrs. BOYDA of Kansas, Mr. CLAY, Mr. CLEAVER, Mr. COOPER, Mr. CROWLEY, Mr. DAVIS of Alabama, Mr. LINCOLN DAVIS of Tennessee, Mr. DELAHUNT, Mr. DICKS, Mrs. EMERSON, Mr. ETHERIDGE, Mr. GRAVES, Mr. HELLER, Mr. HERGER, Mr. HILL, Mr. HOLDEN, Mr. HOLT, Mrs. JONES of Ohio, Mr. LARSON of Connecticut, Mrs. MCCARTHY of New York, Mr. MITCHELL, Mr. MORAN of Kansas, Mr. PUTNAM, Mrs. MCMORRIS RODGERS, Mr. SENSENBRENNER, Mr. SESSIONS, Mr. SMITH of Washington, Mrs. TAUSCHER, Mr. TIAHRT, and Mr. BAIRD):

H.R. 2991. A bill to improve the availability of health information and the provision of health care by encouraging the creation, use, and maintenance of lifetime electronic health records of individuals in independent health record trusts and by providing a secure and privacy-protected framework in which such records are made available only by the affirmative consent of such individuals and are used to build a nationwide health information technology infrastructure; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HALL of New York (for himself, Mr. SESTAK, Ms. VELÁZQUEZ, Mr. LIPINSKI, Mr. CUELLAR, and Ms. CLARKE):

H.R. 2992. A bill to amend the Small Business Act to improve trade programs, and for other purposes; to the Committee on Small Business.

By Mr. BOREN:

H.R. 2993. A bill to prohibit the importation for sale of foreign-made flags of the United States of America; to the Committee on Ways and Means.

By Mrs. CAPPS (for herself and Mr. ROGERS of Michigan):

H.R. 2994. A bill to amend the Public Health Service Act with respect to pain care; to the Committee on Energy and Commerce.

By Mr. CHABOT (for himself, Mr. AKIN, Mr. BARTLETT of Maryland, Mr. BOREN, Ms. GINNY BROWN-WAITE of Florida, Mr. CONAWAY, Mr. FEENEY, Mr. FRANKS of Arizona, Mr. GINGREY, Mr. MILLER of Florida, Mrs. MUSGRAVE, Mr. PITTS, Mr. WALBERG, and Mr. WELDON of Florida):

H.R. 2995. A bill to provide small businesses certain protections from litigation excesses; to the Committee on the Judiciary.

By Mrs. DRAKE:

H.R. 2996. A bill to amend title 37, United States Code, to provide a dislocation allowance under section 407 of such title to retired members of the uniformed services, including members placed on the temporary disability retired list, moving from their last duty station to their designated home; to the Committee on Armed Services.

By Ms. KAPTUR (for herself and Mr. LANGEVIN):

H.R. 2997. A bill to require the Secretary of Agriculture and the Commissioner of Food and Drugs to establish a program requiring a certificate of assured safety for imported food items; to the Committee on Energy and Commerce, and in addition to the Committees on Agriculture, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MARSHALL:

H.R. 2998. A bill to establish the Ocmulgee National Heritage Corridor in the State of Georgia, and for other purposes; to the Committee on Natural Resources.

By Ms. NORTON:

H.R. 2999. A bill to amend title XIX of the Social Security Act to increase the Federal medical assistance percentage for the District of Columbia under the Medicaid Program to 75 percent; to the Committee on Energy and Commerce.

By Ms. LEE (for herself, Mr. PAYNE, Mr. KUCINICH, and Mrs. CHRISTENSEN):

H.R. 3000. A bill to establish a United States Health Service to provide high quality comprehensive health care for all Americans and to overcome the deficiencies in the present system of health care delivery; to the Committee on Energy and Commerce, and in addition to the Committees on Education and Labor, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PALLONE (for himself and Mr. DINGELL):

H.R. 3001. A bill to amend the Public Health Service Act to help individuals with functional impairments and their families pay for services and supports that they need to maximize their functionality and independence and have choices about community participation, education, and employment, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PEARCE (for himself, Mr. BOREN, Mr. FRANK of Massachusetts, Mr. KILDEE, and Mr. RENZI):

H.R. 3002. A bill to establish a demonstration program to authorize the Secretary of Housing and Urban Development to guarantee obligations issued by Indian tribes to finance community and economic development activities; to the Committee on Financial Services.

By Mr. RANGEL:

H.R. 3003. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives to encourage diversity of ownership of telecommunications businesses, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SALAZAR (for himself and Mr. PETERSON of Pennsylvania):

H.R. 3004. A bill to reform the essential air service program, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. SERRANO:

H.R. 3005. A bill to establish a grant program to provide screenings for glaucoma to individuals determined to be at high risk for glaucoma, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SIMPSON (for himself and Mr. SALI):

H.R. 3006. A bill to improve the use of a grant of a parcel of land to the State of Idaho for use as an agricultural college, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THOMPSON of California (for himself, Mr. SAM JOHNSON of Texas, Mr. STARK, Mr. HERGER, Mr. MCDERMOTT, Mr. RAMSTAD, Mr. TANNER, Mr. KIND, Mr. FOSSELLA, Mr. GORDON, Mrs. MCMORRIS RODGERS, Mr. SCHIFF, Mr. TERRY, Mr. SHULER, Mr. POE, Mr. CARNEY, Mr. CONAWAY, Mr. SESTAK, Mr. FORTUÑO, Mrs. CHRISTENSEN, Mr. WELDON of Florida, Ms. MATSUI, Mr. SMITH of New Jersey, Mr. COHEN, Mrs. EMERSON, Mr. HINOJOSA, Mr. CALVERT, and Mr. MILLER of Florida):

H.R. 3007. A bill 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; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WU (for himself, Mr. BRADY of Pennsylvania, Mr. HILL, Mr. PETERSON of Minnesota, and Mr. KAGEN):

H.R. 3008. A bill to amend title 38, United States Code, to improve services for veterans residing in rural areas; to the Committee on Veterans' Affairs.

By Ms. JACKSON-LEE of Texas (for herself, Ms. ROS-LEHTINEN, Ms. BALDWIN, Mr. COHEN, Mr. CUMMINGS, Mr. AL GREEN of Texas, Mr. GENE GREEN of Texas, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. ISRAEL, Ms. KILPATRICK, Ms. LEE, Ms. MOORE of Wisconsin, Mr. NADLER, Mr. DELAHUNT, Mrs. NAPOLITANO, Ms. LINDA T. SÁNCHEZ of California, Mr. SCOTT of Virginia, Ms. WOOLSEY, Mr. WYNN, Ms. WATSON, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. CLARKE, Mr. LEWIS of Georgia, Ms. WATERS, Mrs. BIGGERT, Mr. CONYERS, and Mr. ELLISON):

H. Res. 535. A resolution commending David Ray Ritcheson, a survivor of one of the most horrific hate crimes in the history of Texas, and recognizing his efforts in promoting Federal legislation to combat hate crimes; to the Committee on the Judiciary.

By Mr. CUMMINGS:

H. Res. 536. A resolution recognizing the Johns Hopkins Men's Lacrosse Team as the 2007 National Collegiate Athletic Association Division I Men's Lacrosse Champions; to the Committee on Education and Labor.

By Ms. ESHOO (for herself, Mr. SHIMKUS, Ms. BORDALLO, Mr. DAVIS of Illinois, Mr. COSTELLO, Mr. MCINTYRE, Mr. MILLER of North Carolina, Mr. WELLER, Mr. TERRY, Mr. CHABOT, Mr. GILLMOR, Mr. GORDON, Mrs. MYRICK, Ms. ZOE LOFGREN of California, Mr. COBLE, Mr. TURNER, Mr. KENNEDY, and Mr. PRICE of North Carolina):

H. Res. 537. A resolution expressing support for the designation and goals of ''National 9-1-1 Education Month'', and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. MEEKS of New York:

H. Res. 538. A resolution recognizing Mukhtar Mai for her courage and her humanitarian work; to the Committee on Foreign Affairs.

By Mr. STUPAK (for himself, Mr. RAMSTAD, Ms. CARSON, Mr. MEEK of Florida, Ms. MCCOLLUM of Minnesota, Ms. JACKSON-LEE of Texas, Mr. REYES, Mr. CANTOR, Mrs. MCMORRIS RODGERS, Mr. WU, Mr. SCHIFF, Mr. ELLISON, Mr. GENE GREEN of Texas, Mr. FARR, Mr. GERLACH, Ms. BORDALLO, and Mr. POE):

H. Res. 539. A resolution requesting that the President focus appropriate attention on neighborhood crime prevention and community policing, and coordinate certain Federal efforts to participate in ''National Night Out'', which occurs the first Tuesday of August each year, including by supporting local efforts and community watch groups and by supporting local officials, to promote community safety and help provide homeland security; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 23: Mr. FORBES, Mr. ROSS, Mr. MOLLOHAN, Mr. BERMAN, Mr. TOWNS, Mr. WATT, Mr. LIPINSKI, Mr. HOLDEN, and Mr. KIND.

H.R. 39: Ms. CORRINE BROWN of Florida.

H.R. 45: Ms. CLARKE and Ms. SOLIS.

H.R. 111: Mr. DONNELLY.

H.R. 211: Mr. TURNER.

H.R. 333: Mr. CRAMER and Mr. WEXLER.

H.R. 406: Mr. BRADY of Pennsylvania.

H.R. 436: Mr. BUCHANAN.

H.R. 507: Mr. FATTAH, Mr. WILSON of Ohio, Mr. JINDAL, Ms. MCCOLLUM of Minnesota, and Mr. RYAN of Ohio.

H.R. 508: Mr. WATT.

H.R. 513: Mr. REYES, Mr. SPRATT, Mr. LEWIS of Georgia, and Mr. PATRICK MURPHY of Pennsylvania.

H.R. 539: Mr. ALTMIRE.

H.R. 549: Mr. YOUNG of Alaska.

H.R. 551: Mr. GEORGE MILLER of California.

H.R. 558: Mr. ROSS.

H.R. 583: Mr. GONZALEZ, Ms. ESHOO, and Mr. COBLE.

H.R. 601: Mrs. JONES of Ohio.

H.R. 631: Mr. RYAN of Wisconsin and Ms. BEAN.

H.R. 677: Mr. BOUCHER.

H.R. 690: Mr. COURTNEY and Mr. LYNCH.

H.R. 695: Mr. ACKERMAN.

H.R. 718: Mr. WU.

H.R. 743: Mrs. MALONEY of New York, Mr. ALTMIRE, and Ms. FALLIN.

H.R. 758: Mr. HASTINGS of Florida, Mr. CUMMINGS, and Mr. RUPPERSBERGER.

H.R. 760: Ms. WATSON.

H.R. 784: Mr. LYNCH and Mr. MITCHELL.

H.R. 882: Mr. CONAWAY, Ms. CASTOR, and Mr. KILDEE.

H.R. 894: Ms. SHEA-PORTER.

H.R. 900: Ms. FALLIN and Mr. SHULER.

H.R. 917: Mr. SHULER.

H.R. 920: Ms. LORETTA SANCHEZ of California and Mr. COHEN.

H.R. 943: Mr. KILDEE.

H.R. 946: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 969: Mr. THOMPSON of Mississippi.

H.R. 1004: Ms. LEE, Mr. BRADY of Pennsylvania, Mr. RUPPERSBERGER, and Mr. AL GREEN of Texas.

H.R. 1014: Mrs. BIGGERT, Mr. BARROW, Mr. EMANUEL, and Mr. WELDON of Florida.

H.R. 1023: Mrs. NAPOLITANO, Mr. RUSH, Mrs. MYRICK, Mr. SMITH of Nebraska, Mr. REYES, and Mr. HELLER.

H.R. 1030: Mr. MARKEY.

H.R. 1043: Mr. TOM DAVIS of Virginia.

H.R. 1064: Mr. WELCH of Vermont, Mr. LAMPSON, Mr. BOOZMAN, and Mr. COHEN.

H.R. 1069: Mr. ENGEL.

H.R. 1070: Ms. CLARKE and Mr. BRADY of Pennsylvania.

H.R. 1073: Mr. ALTMIRE.

H.R. 1078: Mr. ALEXANDER, Mr. MARSHALL, Mr. HINOJOSA, Mr. WAXMAN, and Mr. FRANK of Massachusetts.

H.R. 1091: Mr. DEFAZIO.

H.R. 1105: Mr. RENZI and Mr. CHANDLER.

H.R. 1108: Mr. ALTMIRE and Ms. CORRINE BROWN of Florida.

H.R. 1117: Mr. KUCINICH.

H.R. 1125: Mr. BRALEY of Iowa, Mr. LARSEN of Washington, Mr. PERLMUTTER, Mr. DAVIS of Illinois, Ms. VELÁZQUEZ, Mr. DAVIS of Kentucky, Mr. HOEKSTRA, Mr. HODES, Mrs. BIGGERT, Mr. DONNELLY, Mr. THOMPSON of California, and Mr. BARRETT of South Carolina.

H.R. 1134: Ms. HERSETH SANDLIN, Mr. SHAYS, and Mr. RUPPERSBERGER.

H.R. 1188: Mr. FRANK of Massachusetts.

H.R. 1198: Ms. BERKLEY and Mr. JINDAL.

H.R. 1223: Mr. FRANK of Massachusetts.

H.R. 1228: Mrs. TAUSCHER and Mr. SMITH of Washington.

H.R. 1229: Mr. BURTON of Indiana and Mr. YARMUTH.

H.R. 1237: Mrs. BONO, Mr. RENZI, Mr. ABERCROMBIE, Mr. PLATTS, Mr. ALLEN, and Mr. HILL.

H.R. 1240: Mr. DOYLE.

H.R. 1275: Mr. SCHIFF.

H.R. 1279: Mr. BLUMENAUER, Mr. HALL of New York, Mrs. LOWEY, Mr. HARE, Mr. HIGGINS, Mr. GRIJALVA, Ms. HERSETH SANDLIN, Mrs. GILLIBRAND, Mr. JINDAL, and Mr. CHANDLER.

H.R. 1303: Mr. SNYDER and Mr. DINGELL.

H.R. 1304: Mrs. MYRICK.

H.R. 1343: Mr. FATTAH, Mr. HOLDEN, Mr. MOORE of Kansas, and Mr. MEEKS of New York.

H.R. 1363: Ms. CARSON, Mr. LANTOS, Mr. DOYLE, Ms. MOORE of Wisconsin, Mr. HASTINGS of Florida, Mr. AL GREEN of Texas, Mr. ELLISON, and Mrs. MALONEY of New York.

H.R. 1396: Mr. WELCH of Vermont.

H.R. 1399: Mr. TURNER, Mr. HULSHOF, Mrs. EMERSON, and Mr. TERRY.

H.R. 1400: Mr. SCOTT of Virginia, Mr. ALTMIRE, and Mr. HASTERT.

H.R. 1409: Mr. BARTLETT of Maryland.

H.R. 1415: Mr. COSTELLO and Ms. WASSERMAN SCHULTZ.

H.R. 1416: Mr. COSTELLO, Ms. WASSERMAN SCHULTZ, and Mr. SALAZAR.

H.R. 1418: Mr. DONNELLY, Mr. HOLDEN, and Mr. ABERCROMBIE.

H.R. 1421: Mr. SIMPSON and Mr. FORBES.

H.R. 1422: Ms. MCCOLLUM of Minnesota, Ms. SCHAKOWSKY, Mr. GUTIERREZ, Mr. DANIEL E. LUNGREN of California, Mr. DINGELL, and Mr. GARRETT of New Jersey.

H.R. 1430: Mr. SHULER.

H.R. 1459: Mrs. BIGGERT, Mr. SMITH of Texas, Mr. COSTELLO, Mr. GUTIERREZ, and Mr. JINDAL.

H.R. 1461: Ms. LINDA T. SÁNCHEZ of California, and Ms. ZOE LOFGREN of California.

H.R. 1474: Mr. UPTON, Mr. DOYLE, Ms. SUTTON, Mr. LINCOLN DAVIS of Tennessee, Mr. WAXMAN, and Mr. OBERSTAR.

H.R. 1498: Mr. BRALEY of Iowa and Mrs. MUSGRAVE.

H.R. 1514: Mr. WEXLER, Mr. FORBES, and Mr. KILDEE.

H.R. 1524: Mr. KUHL of New York, Mr. SERRANO, and Mr. ABERCROMBIE.

H.R. 1532: Mrs. GILLIBRAND and Mr. KUCINICH.

H.R. 1537: Mr. BISHOP of Utah and Mr. DOOLITTLE.

H.R. 1540: Mr. LANTOS.

H.R. 1553: Mr. ORTIZ, Mrs. JONES of Ohio, Mr. CUMMINGS, Mr. RUSH, Mr. NEAL of Massachusetts, Mr. BISHOP of Georgia, Ms. LORETTA SANCHEZ of California, Mr. HOLT, Mr. BRALEY of Iowa, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LYNCH, Mr. WAMP, Mr. MCDERMOTT, Mr. TIBERI, Mr. PRICE of North Carolina, Mr. JINDAL, Mr. BARROW, Mr. DAVIS of Illinois, and Mr. FATTAH.

H.R. 1560: Ms. SUTTON, Mr. HINOJOSA, Mr. RYAN of Ohio, Mrs. GILLIBRAND, Mr. CARNAHAN, and Mr. PRICE of North Carolina.

H.R. 1567: Mr. FARR, Mr. BERMAN, Mr. ANDREWS, Mr. LEVIN, Ms. SOLIS, Mr. KUCINICH, Mr. ROTHMAN, Mr. SIRES, Ms. NORTON, and Ms. HARMAN.

H.R. 1589: Mr. BOYD of Florida and Mrs. BOYDA of Kansas.

H.R. 1632: Mr. ENGLISH of Pennsylvania, Mr. HINCHEY, and Ms. CARSON.

H.R. 1643: Mr. KILDEE.

H.R. 1644: Ms. MCCOLLUM of Minnesota, Mr. FARR, Mr. ROTHMAN, Mr. BISHOP of New York, and Mr. VISCLOSKY.

H.R. 1663: Mr. WAXMAN and Mr. FATTAH.

H.R. 1671: Mr. WEINER.

H.R. 1687: Mr. FATTAH and Mr. REHBERG.

H.R. 1688: Mr. FRANK of Massachusetts, Ms. SUTTON, and Mr. KUCINICH.

H.R. 1721: Mr. WEINER, Mr. RAMSTAD, and Mr. PAYNE.

H.R. 1742: Mrs. EMERSON and Mr. KILDEE.

H.R. 1755: Mr. GRIJALVA and Mr. TOM DAVIS of Virginia.

H.R. 1767: Mr. NUNES.

H.R. 1774: Mr. CASTLE, Mr. PICKERING, Mr. KIND, and Mr. ISRAEL.

H.R. 1809: Mr. ALLEN, Mr. BOUCHER, and Mr. KUCINICH.

H.R. 1813: Mr. JINDAL and Mr. MEEK of Florida.

H.R. 1818: Mr. HERGER.

H.R. 1823: Mr. BUCHANAN, Mr. COHEN, Mr. CALVERT, and Mr. MANZULLO.

H.R. 1838: Mr. SCOTT of Georgia and Mr. FOSSELLA.

H.R. 1845: Mr. LEWIS of Georgia, Mr. BARROW, Mr. COHEN, Mr. HASTINGS of Florida, Mr. CALVERT, Mr. JINDAL, Mrs. JONES of Ohio, Mr. WEINER, Mr. HOLDEN, Mr. ACKERMAN, and Mr. KENNEDY.

H.R. 1872: Mr. WELCH of Vermont.

H.R. 1878: Mr. WAXMAN, Mr. FARR, Mr. CUMMINGS, Mr. WYNN, Mr. CLAY, Ms. WATSON, Mr. THOMPSON of Mississippi, Mr. BUTTERFIELD, Mr. SCOTT of Georgia, Mr. CLYBURN, Ms. MOORE of Wisconsin, and Mrs. JONES of Ohio.

H.R. 1881: Mr. HOLDEN, Mr. JINDAL, Ms. WOOLSEY, and Mr. MCNRNEY.

H.R. 1884: Mr. RYAN of Ohio, Mr. BOOZMAN, Mr. GERLACH, Ms. SCHAKOWSKY, and Mr. BOYD of Florida.

H.R. 1937: Mr. RAMSTAD, Mr. WILSON of South Carolina, and Mr. BAKER.

H.R. 1964: Mr. BAIRD and Ms. DELAURO.

H.R. 1971: Mr. FATTAH.

H.R. 1975: Mr. BISHOP of New York and Ms. BEAN.

H.R. 1981: Mr. AL GREEN of Texas.

H.R. 1983: Mr. RYAN of Ohio and Mr. BOYD of Florida.

H.R. 2001: Mr. NUNES.

H.R. 2015: Mr. SARBANES, Ms. ESHOO, Ms. MOORE of Wisconsin, Mr. LEWIS of Georgia, and Mr. MCNERNEY.

H.R. 2017: Mr. FATTAH.

H.R. 2045: Mr. ALEXANDER, Mr. JEFFERSON, Mrs. GILLIBRAND, Mrs. MYRICK, Mr. CHANDLER, and Mr. GENE GREEN of Texas.

H.R. 2049: Mr. WELCH of Vermont, Ms. MOORE of Wisconsin, Mr. FILNER, Mr. KUCINICH, and Mr. WEXLER.

H.R. 2060: Mr. MCGOVERN and Mr. SARBANES.

H.R. 2066: Mr. MCNERNEY.

H.R. 2075: Mr. SPACE.

H.R. 2102: Ms. SCHAKOWSKY, Mrs. NAPOLITANO, Ms. FALLIN, Mr. ENGLISH of Pennsylvania, Mr. DOYLE, Ms. WASSERMAN SCHULTZ, and Mr. GARRETT of New Jersey.

H.R. 2116: Mr. ADERHOLT, Mr. BACHUS, Mr. WALDEN of Oregon, Mr. CLAY, and Mr. BOOZMAN.

H.R. 2122: Mr. DOYLE, Mr. WAXMAN, Ms. JACKSON-LEE of Texas, Ms. LORETTA SANCHEZ of California, Mr. EMANUEL, Mr. WEXLER, Mrs. NAPOLITANO, and Mr. BAIRD.

H.R. 2131: Mr. MITCHELL and Mr. HINOJOSA.

H.R. 2138: Mr. PITTS, Mr. SMITH of Washington, and Mr. CAMPBELL of California.

H.R. 2167: Mr. FORTUÑO.

H.R. 2183: Mr. GOODLATTE.

H.R. 2188: Mr. WELCH of Vermont and Ms. BERKLEY.

H.R. 2192: Mr. HINOJOSA.

H.R. 2205: Ms. ZOE LOFGREN of California and Mr. RAHALL.

H.R. 2208: Mr. NUNES and Mr. DAVIS of Kentucky.

H.R. 2211: Mr. ALLEN, Ms. SCHAKOWSKY, Ms. NORTON, Ms. CARSON, Mr. GUTIERREZ, Mr. ABERCROMBIE, Mr. FILNER, and Mr. MEEKS of New York.

H.R. 2215: Ms. MCCOLLUM of Minnesota.

H.R. 2221: Ms. JACKSON-LEE of Texas.

H.R. 2244: Mr. BLUMENAUER.

H.R. 2265: Mr. TOM DAVIS of Virginia and Mr. SNYDER.

H.R. 2284: Mr. DAVIS of Illinois.

H.R. 2289: Mr. WELCH of Vermont and Mr. SCOTT of Virginia.

H.R. 2295: Mr. HOLDEN, Mr. CANNON, Mr. CLEAVER, Mr. KILDEE, Mr. LATHAM, and Mr. REYES.

H.R. 2335: Mr. LATHAM.

H.R. 2343: Mr. MICHAUD, Ms. DELAURO, and Mr. ABERCROMBIE.

H.R. 2353: Mr. YARMUTH, Mr. WALZ of Minnesota, Mr. BOOZMAN, and Mr. COHEN.

H.R. 2364: Ms. KAPTUR and Ms. ESHOO.

H.R. 2367: Ms. WOOLSEY.

H.R. 2380: Mr. LEWIS of Georgia, Mr. BOOZMAN, Mr. ADERHOLT, Mr. EHLERS, and Mr. CONAWAY.

H.R. 2390: Mr. TERRY.

H.R. 2392: Mrs. NAPOLITANO.

H.R. 2398: Ms. PRYCE of Ohio.

H.R. 2407: Mr. TOWNS, Mr. HINOJOSA, and Ms. CLARKE.

H.R. 2449: Mr. MARSHALL.

H.R. 2452: Mr. FILNER, Mr. PALLONE, Ms. JACKSON-LEE of Texas, Mr. MCNULTY, and Mr. GILCHREST.

H.R. 2453: Mr. AKIN.

H.R. 2478, Mrs. DAVIS of California.

H.R. 2484: Ms. MATSUI.

H.R. 2508: Mr. PICKERING.

H.R. 2518: Ms. BERKLEY.

H.R. 2566: Mr. RANGEL.

H.R. 2567: Mr. GORDON, Mr. HOLDEN, and Mrs. EMERSON.

H.R. 2574: Mr. GONZALEZ and Mr. RAMSTAD.

H.R. 2577: Mr. BLUNT, Mr. PLATTS, and Mrs. MUSGRAVE.

H.R. 2578: Mr. ENGEL, Mr. THOMPSON of Mississippi, Mr. MCHUGH, and Mr. DAVID DAVIS of Tennessee.

H.R. 2587: Mr. WAMP.

H.R. 2592: Mr. VAN HOLLEN.

H.R. 2599: Mr. DAVIS of Illinois.

H.R. 2606: Mrs. MCMORRIS RODGERS, Mr. HINCHEY, and Mr. GENE GREEN of Texas.

H.R. 2608: Mr. NADLER.

H.R. 2609: Ms. KILPATRICK, Mr. MCGOVERN, Mr. PAYNE, Mr. TOM DAVIS of Virginia, and Ms. JACKSON-LEE of Texas.

H.R. 2612: Mr. RAHALL.

H.R. 2634: Ms. DELAURA, Mr. FILNER, Ms. ZOE LOFGREN of California, Mr. SERRANO, Mr. LEWIS of Georgia, Ms. MOORE of Wisconsin, Mr. WEXLER, Mr. AL GREEN of Texas, Mr. JACKSON of Illinois, Mr. GEORGE MILLER of California, Mr. BISHOP of Georgia, Mr. OBERSTAR, Mr. BRADY of Pennsylvania, Ms. WOOLSEY, and Mr. WATT.

H.R. 2639, Mr. SOUDER, Mr. PAUL, Mr: Platts, and Mrs. MCMORRIS RODGERS.

H.R. 2677, Mr. PRICE of North Carolina, Mr. CLAY, Mr. PAYNE, Mr. CHANDLER, and Mr. GENE GREEN of Texas.

H.R. 2693: Mr. WAXMAN.

H.R. 2702: Ms. HOOLEY.

H.R. 2706: Mr. FEENEY.

H.R. 2708: Ms. MATSUI, Mr. HINOJOSA, and Mr. HOLDEN.

H.R. 2711: Mr. WAXMAN and Mrs. TAUSCHER.

H.R. 2715: Ms. SOLIS.

H.R. 2726: Mr. ENGLISH of Pennsylvania, Mr. TIM MURPHY of Pennsylvania, Mr. SESSIONS, and Mr. GARRETT of New Jersey.

H.R. 2729: Mr. FERGUSON.

H.R. 2736: Ms. LINDA T. SÁNCHEZ of California.

H.R. 2743: Mr. ENGLISH of Pennsylvania.

H.R. 2744: Mr. MCDERMOTT, Mr. PRICE of North Carolina, Mr. FRANK of Massachusetts, Ms. ZOE LOFGREN of California, and Mr. LANTOS.

H.R. 2749: Mr. GERLACH.

H.R. 2758: Mr. HINCHEY and Mr. CAMPBELL of California.

H.R. 2787: Ms. GINNY BROWN-WAITE of Florida and Mr. VISCLOSKY.

H.R. 2809: Ms. SCHAKOWSKY and Mr. MCDERMOTT.

H.R. 2813: Mr. WALSH of New York.

H.R. 2818: Mr. DAVIS of Illinois and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 2832: Mr. GORDON.

H.R. 2834: Mr. SHERMAN.

H.R. 2842: Mr. EMANUEL.

H.R. 2851: Mr. HINOJOSA, Mr. PAYNE, Mr. WAXMAN, Mrs. CAPPS, and Mr. ABERCROMBIE.

H.R. 2861: Ms. JACKSON-LEE of Texas and Ms. CARSON.

H.R. 2865: Mr. RANGEL.

H.R. 2880: Ms. GIFFORDS, Mr. KUHL of New York, and Mr. LINDER.

H.R. 2884: Mr. JEFFERSON, Mr. RANGEL, Ms. HARMAN, Mr. BUTTERFIELD, Mr. HONDA, Ms. SCHAKOWSKY, Mr. DAVIS of Illinois, and Mr. KLINE of Minnesota.

H.R. 2892: Mr. DAVIS of Illinois.

H.R. 2895: Mr. PAYNE.

H.R. 2902: Mr. SARBANES, Mr. LAMPSON, and Mr. DAVIS of Illinois.

H.R. 2905: Mr. TANCREDO, Mr. FERGUSON, Mr. MORAN of Kansas, Mr. SULLIVAN, Mr. LEWIS of Kentucky, Mr. SALI, Mr. MCCOTTER, Mr. LINDER, Mrs. CUBIN, and Mr. HELLER.

H.R. 2928: Mr. GRIJALVA, Mrs. CHRISTENSEN, Ms. KILPATRICK, Mr. PAYNE, and Mr. RANGEL.

H.R. 2929: Mr. RUSH, Mr. STARK, Mr. BRADY of Pennsylvania, Mr. FRANK of Massachusetts, Mr. RANGEL, Ms. WATSON, Mr. LEWIS of Georgia, Mr. MCGOVERN, Mr. INSLEE, and Ms. HIRONO.

H.R. 2933: Mr. LINCOLN DAVIS of Tennessee, and Mr. PLATTS.

H.R. 2934: Mr. ALTMIRE and Ms. GIFFORDS.

H.R. 2936: Mr. PAUL.

H.R. 2946: Mr. PAYNE.

H.R. 2955: Ms. JACKSON-LEE of Texas, Mr. PAYNE, and Ms. CLARKE.

H.R. 2962: Mr. DAVIS of Illinois.

H. Con. Res. 28: Mr. KLINE of Minnesota.

H. Con. Res. 85: Mr. NADLER, Mr. GONZALEZ, Ms. BALDWIN, Mr. MITCHELL, Mr. BRADY of Pennsylvania, Mr. DELAHUNT, and Mr. EDWARDS.

H. Con. Res. 108: Mrs. CAPPS.

H. Con. Res. 136: Mr. TERRY.

H. Con. Res. 138: Mr. SIRES, Mr. FATTAH, Mr. AL GREEN of Texas, and Mr. GOODE.

H. Con. Res. 160: Mr. LEWIS of California.

H. Con. Res. 176: Ms. CORRINE BROWN of Florida, Mr. ENGLISH of Pennsylvania, and Mr. BRADY of Pennsylvania.

H. Res. 121: Mr. GUTIERREZ and Mr. STUPAK.

H. Res. 143: Mr. FILNER.

H. Res. 194: Mr. ROTHMAN.

H. Res. 241: Mr. HOLT, Mr. LEWIS of Georgia, Mr. CUMMINGS, Mr. TOWNS, Ms. WASSERMAN SCHULTZ, and Mr. JACKSON of Illinois.

H. Res. 282: Mr. DENT.

H. Res. 326: Mr. HAYES, Mr. HUNTER, Mrs. JO ANN DAVIS of Virginia, Mrs. BLACKBURN, Mr. GINGREY, Mr. UPTON, Mr. HALL of Texas, and Ms. GIFFORDS.

H. Res. 415: Mr. ABERCROMBIE.

H. Res. 427: Mr. BERMAN, Mr. WAXMAN, Mr. MCGOVERN, Mr. GRIJALVA, and Ms. SCHAKOWSKY.

H. Res. 433: Mr. BERRY.

H. Res. 444: Mr. ABERCROMBIE.

H. Res. 447: Mr. TOM DAVIS of Virginia.

H. Res. 457: Mr. WEXLER.

H. Res. 467: Mr. VAN HOLLEN, Mr. RAMSTAD, and Ms. LINDA T. SÁNCHEZ of California.

H. Res. 471: Mrs. NAPOLITANO, Ms. HARMAN, Mr. LANTOS, Mr. ISSA, Ms. CLARKE, Mr. SCOTT of Virginia, Mr. BISHOP of New York, Mr. MILLER of North Carolina, Mr. CROWLEY, Mr. ELLSWORTH, Mr. MURTHA, Mr. MICHAUD, Mr. DOYLE, Ms. SCHWARTZ, Mr. PALLONE, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. PAYNE, Mr. RANGEL, Mr. ISRAEL, Mr. BRADY of Texas, Mr. SULLIVAN, Mr. THOMPSON of Mississippi, Mr. PASCRELL, Ms. KILPATRICK, Mr. CLYBURN, Mr. BUTTERFIELD, Mr. DAVIS of Illinois, Mr. MEEKS of New York, Mr. ROTHMAN, Mr. WYNN, Mr. SCOTT of Georgia, Mr. ORTIZ, Mr. REYES, Mr. CARNAHAN, Mrs. BOYDA of Kansas, Mrs. TAUSCHER, Mr. ABERCROMBIE, Mr. NEAL of Massachusetts, Mr. COSTELLO, Mr. MOORE of Kansas, Mr. GINGREY, Mr. MATHESON, Mr. BOREN, Mr. SHULER, Mr. EMANUEL, Mr. BOSWELL, Mr. BERRY, Ms. LINDA T. SÁNCHEZ of California, Mr. PATRICK MURPHY of Pennsylvania, Mr. COHEN, and Ms. VELÁZQUEZ.

H. Res. 489: Mr. CAPUANO.

H. Res. 501: Mr. BAIRD.

H. Res. 509: Mr. RANGEL, Mr. MARIO DIAZ-BALART of Florida, and Mr. BRADY of Pennsylvania.

H. Res. 527: Mrs. MCCARTHY of New York.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

H.R. 2956, the Responsible Redeployment from Iraq Act, by Representative SKELTON does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9 (f) of Rule XXI.

The amendment to be offered by Representative WATERS or a designee to H.R. 1851, the Section 8 Voucher Reform Act, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 989: Mr. JACKSON of Illinois.

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Congressional Record

PROCEEDINGS AND DEBATES OF THE 110th CONGRESS, FIRST SESSION

Vol. 153 WASHINGTON, WEDNESDAY, JULY 11, 2007 No. 110

Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland.

PRAYER

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

Let us pray.

Eternal Lord God, thank You for Your mercies. You bless us with Your presence and inspire us with new opportunities. You strengthen us with the gift of friends and protect us from the pitfalls of temptation. You have given us clean hearts and renewed right spirits within us.

Today, bless the Members of this body as they seek to live with gratitude. Use them to open new doors of possibility for the discouraged and to bolster the courage of those sorely tested by life. Make them a force that will unify and not divide, that will heal and not hurt. Give them a sense of partnership with You in seeking Your best for all of life's seasons.

We pray in Your powerful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BENJAMIN L. CARDIN led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 11, 2007.

To the Senate:

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

ROBERT C. BYRD,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President, the Senate will be in a period of morning business for 1 hour. The majority will control the first half, the Republicans the second half. At 10:30 this morning, the Senate will resume the Department of Defense authorization bill. There will be 1 hour of debate on the motion to invoke cloture on the Webb amendment. That debate time will be divided and controlled between Chairman LEVIN and Senator MCCAIN. The minority leader will have 10 minutes under his control at 11:10. I will control the final 10 minutes starting at 11:20. The vote on cloture will occur at 11:30 this morning. As a reminder to Members, they have until 10:30 this morning to file any second-degree amendments regarding the Webb amendment.

RESERVATION OF LEADER TIME

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

RECOGNITION OF THE MINORITY LEADER

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

60-VOTE THRESHOLD

Mr. MCCONNELL. Mr. President, let me add to the comments of my good friend, the majority leader. I think we would have a better chance of moving this bill along if we could do what we have done on every other Iraq debate we have had this year, which is to simply enter into an agreement for a series of votes. If we end up in the position of filing cloture on every amendment, it is going to be quite a lengthy process and considerably inconvenient to both sides.

I hope after the vote this morning, we will get back to the way we have dealt with these issues in the past, which is through concurrence and agreement. A series of votes, obviously, with a 60-vote threshold—this is the Senate; that is the way we have done it all year—would be fair to both sides and give both sides an opportunity to express themselves on the most important issue of our national defense.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Democratic leader.

WEBB AMENDMENT 2012

Mr. REID. Mr. President, I say through the Chair to my good friend, the distinguished Republican leader, a 60-vote threshold on everything is something that is new as a result of a minority that is forcing us to have cloture on virtually everything we do. If we go back and look at the Defense bill last year, there were no cloture votes except on final passage of the bill. All amendments were simple majorities, and a significant number of them dealt with Iraq. The 60-vote requirement is something that is new and has been brought about by this new minority. It is something we didn't do last year. We shouldn't do it this year.

The Webb amendment is a simple amendment. It says that if you are in country—let's say a soldier is in Iraq for 15 months. He has to come home

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

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and rest for 15 months, train for 15 months. The way it is happening now, they are being rotated very quickly. This isn't the first time this has happened.

The Senate has constitutional authority to act. Take for example the Korean war. We were rushing people over to Korea with inadequate training. Congress stepped in and passed a law saying they needed 120 days of training before they could go to Korea. The Webb amendment is in keeping with what the American people want; that is, to change course in Iraq. This helps do that by dictating that our Guard and Reserve and our Active military have time to come home and retrain and relax before being sent into battle. Statistics show that the second and third and fourth tours of duty are literally deadly. People are getting killed more regularly on the second and third and fourth tours of duty than they are on the first tour for obvious reasons.

The obvious reason, first, is fighting is becoming more fierce, and it is more dangerous in Iraq, but also the soldiers are tired. I called a family in Las Vegas whose son was killed. He went back for his fourth tour of duty and he told everyone there: I won't come back. He didn't. He was killed. That is what this amendment is all about. A simple majority of the Senate should be able to respond to that.

The ACTING PRESIDENT pro tempore. The Republican leader.

Mr. MCCONNELL. I am sure the majority leader and I will debate the substance of this later this morning. The Webb amendment is a clear interference with the President's authority to deploy troops, the authority of the Secretary of Defense, and the authority of the generals. Suffice it to say, getting 60 votes for a measure is not unusual in the Senate. It certainly has been the case with regard to controversial issues like Iraq all year long. That will continue to be the case on this bill throughout its consideration.

Mr. DURBIN. Will the Republican leader yield for a question?

Mr. MCCONNELL. Mr. President, I won't, only because I have a meeting in my office. But I look forward to engaging the majority whip later in the morning.

MORNING BUSINESS

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

The Senator from Illinois.

RESTING THE TROOPS

Mr. DURBIN. Mr. President, I am sorry the Republican leader would not yield for a question. My question would have been, the 60-vote requirement for this amendment so that our troops have time to rest before they are redeployed into combat, this 60-vote requirement which the Republican leader says is routine and normal, I was going to ask the Republican leader, in the two previous Defense authorization bills brought to the floor of the Senate, how many times did we impose a 60-vote requirement on amendments to that bill? The answer is none, never. It was always a majority vote. Now the Republican side has said: We insist on 60 votes for every amendment to the Defense authorization bill. Those following this debate, watching it either in the galleries or on C–SPAN, may wonder what is the big deal. Why? What is the difference?

The difference is obvious. We are about to consider a debate on the war in Iraq. This Senate is evenly divided. With Senator JOHNSON recuperating, it is a 50/49 Senate with 50 Democrats and 49 Republicans on the issue of Iraq. One of the Democratic Senators votes on the other side. So on any given issue, it is 49 to 50, closely divided. Now the ranks on the Republican side are breaking and changing. We now have Republican Senators who are stepping out and publicly saying they disagree with the President. At least five of them have publicly said we need to change the direction of our policy in Iraq. Do the math. If we start with 49 and pick up 5 Republicans, we have 54. That is a majority. We could start carrying amendments to change the policy of the war in Iraq. The Republican leader knows that. So how does he protect the President's position? How does he stop the will of the Senate? By imposing a new standard of 60 votes. Now it takes 60 votes, not just a majority. For the last 2 years, a majority was good enough when it came to every amendment on the Defense authorization bill, including amendments about the war policy in Iraq. But not this time. This time, Senator MCCONNELL has come up with a new McConnell standard when it comes to the Iraq war policy, that it takes 60 votes in the Senate.

The Republican leader can come up with procedural obstacles also. He can make it more difficult. He can continue to slow down the debate on ethics reform. He can slow down the debate when it comes to the war in Iraq. But there are a lot of Senators on this floor on both sides who are going to stick to this task. We are not going to give up that easily. We understand what is at stake. We have lost over 3,600 of our best and bravest American soldiers. For us to prolong this debate, to set up these artificial obstacles in order to perpetuate a policy which is taking the lives of our men and women in uniform, is unacceptable.

The Senator from Kentucky, of course, has his rights under Senate rules. I respect that. But to impose this new standard of 60 votes and then to say on the floor that this is routine and normal is not a fact. That is why I wanted to ask him that question. In the last 2 years, a majority vote was what was used on the Senate floor over and over again when it came to these important issues. We should return to that same majority standard.

I would say to the Senator from Kentucky who tried to defend the President's position, he should go back to his State, as all of us have, and speak to the families of the soldiers, understand what they are going through. Of course, every family of a soldier overseas is lost in prayer and worry every single day about their loved one in battle. But this administration, this President sends these soldiers over again and over again without rest, without retraining, without the equipment they need in battle. That is unacceptable. That is not a standard we should allow when it comes to our defense of America.

Senator JIM WEBB, who has offered this amendment, is a ground-combat veteran of Vietnam, as is Senator HAGEL, another cosponsor of this amendment. They and Senator INOUYE, a veteran of World War II, know what it is like to put on that uniform and risk your life in battle. What they are asking for is time for these soldiers to come home and have a chance to be with their families, to rebuild their lives, to rest, try to put their lives back together, reassociate themselves with their families, retrain, and be ready if they are called again. What I hear from the Senator from Kentucky is: That is unacceptable. This is the President's call. He can keep sending these men and women over again and again, even though it is more dangerous every time they are sent into battle without appropriate rest and training.

When it comes to the vote, the Senator from Kentucky tells us a majority of the Senate is not enough; we need 60 votes to give our soldiers an opportunity to get the rest and retraining they deserve. That is unfortunate. It is part of the obstructionism we are now seeing every single day from the Republican side of the aisle. That isn't why we were sent to Washington. If five or six Republican Senators want to join the Democrats in trying to change the policy in Iraq, they should be given that chance. Using these procedural obstacles is unfortunate for this country and certainly unfortunate for the soldiers.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, I ask unanimous consent to be recognized for up to 12 minutes.

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

(The remarks of Mr. BINGAMAN pertaining to the introduction of S. 1766

are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. BINGAMAN. I yield the floor.

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

IRAQ

Mr. ISAKSON. Mr. President, I relish this opportunity. We have before us in the Senate this week, and probably next week, Department of Defense reauthorization, a reauthorization that is critically important because our men and women are deployed around the world carrying out critical missions.

The Department of Defense reauthorization does some interesting and some good things: an across-the-board 3.5-percent increase in the pay for our men and women in the Armed Forces; an increase in our manning document for the U.S. Marine Corps and the U.S. Army to increase our authorized levels; an important increase in funding and capital for those bases and those States and those communities affected by the most recent BRAC, which it is critically important to see to it, as we reposition our military domestically, that those communities that are affected have the capital and the resources to improve their infrastructure to meet that pressure. Equally important is legislation included that was introduced by Senator CHAMBLISS of Georgia, cosponsored by myself, to accelerate retirement benefits for Guardsmen and Reservists deployed in combat, to let their deployments, as they increase, accelerate the time in which they become eligible for their retirement. These are all great benefits.

Unfortunately, we have no debate on the benefits, nor the need. We continue to debate a question that was on the floor most of the month of May when we did the Iraq emergency supplemental, a debate that is scheduled following the report of General Petraeus in September. But for a reason not sure to me, except political, we debate today something we have already debated once before and will debate again in 60 days and that is the issue of whether we do a precipitous, dangerous, scheduled withdrawal from the overall battle in Iraq today.

I wish to address the Levin-Reed amendment from two perspectives. First is the role of Iraq and its battle in the overall global war on terror, and secondly, the consequences of a scheduled, timed, precipitous withdrawal from that battle. First of all, in terms of beginning to withdraw in 120 days and being out by April, you send the clear signal to those we are in combat with today, which is al-Qaida and the insurgencies in Iraq—the enemies of freedom and liberty around the world—you have scheduled the fact that we, in fact, are leaving. You have offered them the opportunity, which they will seize, to declare victory. In the end, the danger to America and the free world is far greater following that than it is carrying out the tough battle we have today.

I am reluctant to quote anything Osama bin Laden would ever say, but in one of his speeches following the declared fatwah against freedom in the West and America, he said simply: People will follow the strong horse. That is exactly what they will do if we retreat. We may, in fact, have to change our strategy. We may, in fact, reposition ourselves, but we owe it to ourselves to do it when our generals have reported back on their scheduled time. We do it on our timetable and not as a retreat but as a strategy change. We did it earlier this year and are now in the early stages of its implementation.

From a historical perspective, I wish to remind all of us what happened in the last 50 years of the last century. Two great Presidents, one a Republican and one a Democrat, both were confronted with difficult times that threatened America and democracy as we know it: John Kennedy, when the Soviet Union put missiles on the Cuban island and, secondly, when the Iranians took our people as hostages, communism was flourishing and Ronald Reagan was elected and had the will and the courage to confront both. The results of the Cuban Missile Crisis were we did not blink. President Kennedy blockaded the island of Cuba, Khrushchev threatened, but he blinked and they withdrew and missiles are not 90 miles off our shore today. In the case of Iran, and their taking our hostages, and in the case of the Soviet Union, President Reagan stood before the world and said: ''Mr. Gorbachev, tear down this wall.'' Then he had the intestinal fortitude, through the appropriations, to build up our military and the proposal of a mutually shared defense of the United States of America and the free world to finally get the Soviet Union to back away from communism, back down from the Cold War, and today we have a much safer world.

The enemy we face today in the terrorists is no less a threat; they are greater. The policy change our President made in 2001, 9 days after the attack on 9/11, to change it from a reaction to a preemption was precisely right, and the global war on terror and its central battle in Iraq which has been declared so by al-Qaida is, in fact, a necessary preemption in terms of terrorism.

The second point is the consequences of withdrawing precipitously and on a posted schedule. No. 1, before the Foreign Relations Committee, every expert from a Democrat to a Republican, Colin Powell to Madeleine Albright; every institute, every think tank, every foreign Middle Eastern expert said the following: We don't know if the surge will work or what its success will be, but we will tell you this: if the United States withdraws, there will be an outright civil war in the Middle East, hundreds of thousands may die and, quite frankly, millions could, in an uncontrolled, difficult time. If there is one place in the world where that type of turmoil threatens the security of all freedom and all mankind, it is the Middle East. Withdrawal in that case is absolutely the wrong thing to do.

Secondly, when the Mujahedin and terrorists ran the Russians out of Afghanistan, they created a safe haven for terror from which the ultimate 9/11 attack came at America 20 years later. We should not think for a minute that if we leave Iraq, left to the insurgency and the terrorists, the same would not happen. But it wouldn't be 20 years before the attack came against America; it might be a matter of months. It is important for us to continue to pursue the goals of the surge, give the President the chance to make the report this Thursday, General Petraeus the chance to make the report this September, and then have a debate; not in advance of the facts but after we know the facts as they stand. This is too important. This is too important for America.

September 15 is an important date for us to judge the success of our brave men and women who are carrying out the surge today. To declare a retreat today on a timed, precipitous schedule is wrong for America, it is wrong for our effort in the war on terror, and it strikes a dagger in the heart of our new found policy of preemption.

So I appreciate the time the Senate has afforded me this morning. In closing, I ask unanimous consent that a column on this very issue written by Tony Blankley and appearing around the United States today, being syndicated, be printed in the RECORD.

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

[From MDJOnline.com, Jul. 11, 2007]

SENATE FAILS TO ADDRESS THE REAL QUESTION ABOUT WAR IN IRAQ

The Senate is emitting an embarrassing level of emotional policy twitching on the topic of Iraq. Sen. Harry Reid can't take the war anymore. He ''knows'' it is lost. Sen. Olympia Snowe has just about had it with the Iraqi government. If they don't meet her benchmarks—that's it. Sen. Mitch McConnell thinks ''that the handwriting is on the wall that we are going in a different direction in the fall, and I expect the president to lead it.'' Who authored that wall graffiti, he doesn't say. After talking with grieving family members of one of our fallen warriors, Sen. Pete Domenici ''wants a new strategy for Iraq.''

I haven't seen such uncritical thinking since I hid under my bedsheets to get away from the monsters back when I was 3 years old.

Whether they are talking about war weariness, grief over casualties, fear of their upcoming elections, disappointment with the current Iraqi government or general irritation with the incumbent president: What in the world do such misgivings of U.S. senators have to do with whether we should continue to advance our vital national security interests?

None of these senators have even addressed the question of whether the United States is

safer if we leave Iraq than if we stay. Isn't that the key question? The question is not whether the Iraqi government deserves American sacrifice on their behalf.

Our sons and daughters are not fighting, being grievously wounded and dying for Iraq—but for American vital interests. If this were just about Iraqi democracy, I might join the screaming for a quick exit.

But if al Qaeda can plausibly claim they drove America out of Iraq (just as they drove the Soviet Union out of Afghanistan), they will gain literally millions of new adherents in their struggle to destroy America and the West. We will then pay in blood, treasure and future wars vastly more than we are paying today to manage and eventually win our struggle in Iraq.

Our staying power, unflinching persistence in the face of adversity, muscular capacity to impose order on chaos and eventual slaughtering of terrorists who are trying to drive us out will do more to win the ''hearts and minds'' of potentially radical Islamists around the world than all the little sermons about our belief in Islam as the religion of peace. As bin Laden once famously observed—people follow the strong horse.

We have two choices: Use our vast resources to prove we are the strong horse or get ready to be taken to the glue factory.

Even Bush's war critics who specialize in Middle East affairs (such as the Brookings Institute) believe that the immediate chaos in the Middle East that will follow our premature departure would likely involve not only regional war there, a new base for al Qaeda, but also a nuclear arms race that would quickly result in the world's most unstable region—which possesses the world's oil supply—armed with nuclear weapons on a hair trigger.

But the debate today in Washington is about none of these strategic concerns. It is exclusively about Washington's political timetable and when the president will bend to such political necessity. For self-admitted politics—rather than national security—to be driving decision making in wartime Washington is not only an unpatriotic disgrace—it is a national menace.

Imagine the following fanciful discussion in April 1943:

FDR: ''Ike, you're going to have to get the Normandy Invasion completed by June this year.''

Ike: ''But I need at least another year to assemble troops and materiel, establish logistics and strategy and train the men for the battle.''

FDR: ''Sorry. Several senators are feeling very uncomfortable with the war. Frankly, they have just had it. And several of them are worried about their re-election.''

Ike: ''My men are fighting and dying for yards in Italy right now—and even so, they can't wait to take the war to Hitler next year in France. Tell those pantywaisted senators to unloosen their girdles, take an aspirin and go to bed—and leave the fighting to my men.''

FDR: ''But we could lose the Senate.''

Ike:'' Better to lose the Senate than the war.''

FDR: ''I'm with you, Ike. You beat Hitler, and let me beat the Senate.''

Ike:'' My men thank you, Mr. President.''

Of course, it is an absurdity to imagine such a conversation would have been possible during WWII. And it is a tragedy and disgrace that we are, in fact, having precisely such a conversation today.

But the worm will surely turn. And senators who today proudly call for retreat will then be hiding their faces in shame. And deservedly so. And the public will remember.

Mr. ISAKSON. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire is recognized.

MINORITY RIGHTS

Mr. GREGG. Mr. President, I so greatly admire the Senator from Georgia, and his words are so well spoken, I hope people will take them to heart. I also wish to rise on this issue. Before I do that, I wish to speak briefly on the issue pending, which is the cloture motion on the amendment from the Senator from Virginia, Senator WEBB. I haven't decided how to vote on the amendment of the Senator from Virginia. I have an immense amount of respect for the Senator, the former Secretary of the Navy, whom I greatly admire for his service to this country, but I am deeply concerned by the process which is being used.

It has always been the tradition of this Senate that there would be side-by-side votes. It used to be, when I first arrived, that there were actually second-degree votes, and then we got to a position where everybody knew if you had a second degree, you could always get to the first-degree vote, so you gave people side-by-side votes. Unless the issue is on the fundamental question of an overriding bill, the use of cloture for the purposes of cutting off the debate to that amendment has not occurred around here. This is an attempt to basically make the Senate operate as if it had the autocratic Rules Committee of the House, and it is wrong. It is just plain wrong.

The minority should be afforded the right—and has the right—to assert an amendment to an amendment offered on this floor. It has the right to a second degree if it wishes to, and then the author of the first degree has the right to position himself or herself so he or she can bring that amendment back up. As an alternative to that, the offer of a side by side is the way you resolve the issue. That offer was made to allow a side by side on the amendment of the Senator from Virginia. It was rejected, as I understand it. That is what this cloture vote, for me, is about. It is not about the credibility—not the credibility—it is not about the appropriateness or the correctness of the underlying amendment of the Senator from Virginia; it is about whether the minority has the procedural right to assert its standing as a functioning entity within the body and, therefore, the ability to amend or at least have a side-by-side amendment when amendments are brought to the floor on which there may be other views.

So that is why I intend to vote against cloture. It is not to extend the debate; it is not to, in some way, undermine the bill or even to undermine the amendment; it is to make sure that the rights of the minority are protected in this institution where the rights of the minority are the essence of the way this institution functions.

WITHDRAWAL FROM IRAQ

Mr. GREGG. On the question of Iraq, and specifically as I have my own amendment which I will be offering—it is not my amendment; I have an amendment in which I am joined by other Members, including Senator SALAZAR, on how to proceed in Iraq, and we will be talking about that later—maybe even later today—I wish to speak briefly on an amendment being offered by Senator REID and Senator LEVIN which fixes a timeframe for withdrawal that is arbitrary and which is condensed. That timeframe, as I understand it, would occur within 6 months, when there would be a withdrawal. There are no underlying policy proposals which say that the Government of Iraq has to be a functioning government and has to have the capacity to secure itself and has to have the capacity to maintain stability in order for the withdrawal to occur; the withdrawal simply is going to occur. I think the practical implications for that are pretty staggering and not constructive to the process, quite honestly. I think a precipitous withdrawal from Iraq, which has no underlying policy and which leaves behind a stable government or attempts to leave behind a stable government, will inevitably lead to a desperate government, which will, in turn, lead to chaos, and chaos in Iraq is not in our national interests.

We have to remember what the stakes are. Our purpose of being in Iraq is fundamentally to protect ourselves as a nation. The people who wish to do us harm—and they have made it clear they intend to do us harm and they have done us harm—intend to use their ability to attack the United States as the essence of their war on us. The way you keep them from attacking our Nation is to find them where they are and attack them and to make it very difficult for them to have a safe haven and to disrupt their activities and to find them before they can attack us. That is our philosophy. It is a philosophy which is totally appropriate to the war that we now find ourselves engaged in.

This is not a conventional situation. We are not fighting a nation state. We are fighting individuals who subscribe to a philosophy which says they will have a better afterlife if they destroy Western culture and specifically kill Americans and destroy America. That is their purpose. They have said that and they have done it. Let's not be naive about this. Let's not look at this through rose-colored glasses and say they wish some other outcome and if we are nice to them they will go away; that if we ignore them, they will ignore us. That is not the case.

So we have pursued a policy in Iraq and across the world of finding them before they find us. If Iraq, because of a precipitous withdrawal which leaves no stability behind, is allowed to devolve into chaos, it is very obvious what is going to happen. Besides a civil

war, which is obviously already going on, to some degree, which will be expanded radically with many thousands of people, more thousands of people dying, there will undoubtedly occur within Iraq the creation of a client state for Iran, and Iran has made it very clear what their intentions are. Their intentions are to develop a nuclear weapon and produce hegemony throughout the Islamic world.

Secondly, it will become a safe haven for al-Qaida and give them a base of operation which will represent a clear and present threat to us as a nation.

So that type of course of action, although it obviously looks attractive because it gets our troops out of immediate harm's way, and everybody wants to do that to the fullest extent possible, will have the exact opposite effect on our national security. It will actually put us at greater risk.

There has to be an underscoring of the withdrawal, or the drawdown, which I think is the more appropriate term, because even the most strident people on the other side of the aisle who wish to withdraw recognize there is going to have to be some residual force left for the purpose of protecting American assets, such as our embassies, and training, hopefully, troops of the Iraqi Government. But any process for the drawdown really has to be done in the context of leaving behind as stable a government as we can possibly create, or participate in helping to create. That is why I have become a sponsor of and participating in the effort to put in place the proposals of the Iraq Study Group, which essentially outlines a series of steps that can be taken which will, hopefully, lead us toward a drawdown of American troops which is tied to leaving behind a stable government.

The Reed-Levin amendment abandons all of that. It abandons the Iraq Study Group proposal. It abandons the effort to try to leave in place a stable government. It essentially says: Here is the date; we are going to leave by that date. And it is a date certain.

That has two effects. It means the Government of Iraq will inevitably be in desperate shape and potentially collapse, which will lead to chaos, and, more importantly, it means our troops who are on the ground will, during that period leading up to that date, be under significant stress because their morale will be at serious issue because they will know when they get to that date, they are leaving and they are leaving behind a mess and, more importantly, they will be pursuing a mission, which they will have been told by the other side of the aisle at least, has no viability. And how can you ask somebody to go out and walk the streets of Baghdad and participate in ''the surge and the clear and hold and hopefully pass on stability'' exercise that is going on there if you have the other side of the aisle saying: I am sorry, that mission is irrelevant. You are out there, we don't believe in what you are doing, we have no faith in that effort.

Yes, everyone has total commitment to our troops, but we also have to have a commitment that when we send the troops out on the street, and they put their lives at risk, they know there is a policy behind that effort which is supported. In this case, what is being said is that policy isn't being supported and their efforts on the streets in Baghdad and other places are not going to have support.

It is a very dangerous message to send, first, to our enemies who have a specific date and can ratchet up the violence radically to force that date on us; second, to our troops on the ground; and thirdly, to the long-term stability of a region which is critical to our national interests and which plays a major role in whether we are going to be successful in keeping our homeland, America, from being attacked.

A precipitous withdrawal without a game plan will lead to a dysfunctional and disorganized and possibly collapse of the Government of Iraq, and it will lead to chaos. Therefore, I think it is a very intemperate policy to pursue.

There is also a certain cynicism about it, when you get right down to it, and this bothers me. The people promoting this amendment have constituencies who are truly and sincerely, I am sure, committed to getting us out of Iraq as soon as possible, and they are trying to respond to those constituencies. We see those constituencies all the time, and their intensity is huge; especially in the Democratic Party they have great sway. But the amendment itself is almost a free pass in that everybody knows it cannot pass, and that is the irony. It is a free pass that cannot pass. It cannot pass the Senate because it cannot get 60 votes. If it did pass the Senate, and it did pass the House, it would be vetoed by the President and, clearly, would not go into effect.

So, essentially, what is happening is a policy is being put forward which has serious political implications on the ground and substantive implications on the ground in Iraq but has maybe a political upside in the United States for people who are speaking to that constituency which wants to immediately get us out of Iraq but has no viability behind it, has no expectation of success behind it, and therefore is, to a certain degree—a considerable degree—a rather cynical strategy.

The losers in this effort, quite honestly, are our troops on the ground because they are seeing this debate going forward, and they are scratching their heads saying: Why am I being asked to go out on the streets? Why am I being asked to do this mission when they trying to pass legislation in the Senate which says they don't support the mission, and they know for sure that is not going to become law?

It is not good to pursue this type of an approach on an issue of such importance, of such significance to our Nation, and especially to the men and women who defend us.

I have serious reservations about not only the substance of the proposal but about the politics behind the proposal, knowing that the proposal has no capacity to become law, that it would be put forward in such a way that basically creates false claims, in my opinion, or false opportunities, or alleged opportunities.

This is an immensely serious issue, we all know that. What we need, quite honestly, is some sort of approach that has a little bit of bipartisanship to it, where both sides say: OK, we know we have a difficult situation, an extremely frustrating situation in Iraq. Let's come up with something that is a united policy, a bipartisan policy. That is why the suggestion which is being put forward—to put in place the Iraq Study Group as the blueprint for how we proceed there—is one which I think has some vitality to it.

Is it the perfect answer? Obviously not. There is no perfect answer. In fact, I was interested in hearing Lee Hamilton say there are no good solutions to this situation. It was a very forthright statement that I think resonates strongly.

The fact is, this little gambit—not a little gambit—this significant gambit of putting forward a proposal that speaks to a constituency, but everyone knows is not going to become law, is not constructive for the process.

Mr. President, I yield the floor.

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

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

The ACTING PRESIDENT pro tempore. The Senate is in a period of morning business. Three minutes remains on the majority side, and three minutes remains on the minority side.

Ms. MIKULSKI. Mr. President, I ask that I may speak in morning business on the Democratic side.

The ACTING PRESIDENT pro tempore. The Senator is recognized.

WEBB AMENDMENT 2012

Ms. MIKULSKI. Mr. President, I rise to speak on the Webb amendment. I know there will be many speakers. Like everything I do, I want to seize the day and talk about what I think about the Webb amendment.

It is almost 10:30 in the morning in Washington. It is 6:30 in the evening in Baghdad. Yesterday, in Washington it was 98 degrees, and everybody was complaining about the heat wave. They couldn't wait until they got into air-conditioning. Well, it was 115 degrees in Baghdad and, boy, would I like to get our troops in air-conditioning—in air-conditioning back home.

I check the temperature every single day in Baghdad because I want to think about our troops. I want to try to envision what they are going through. I think about those men and women out there carrying over 100

pounds of body armor in brutal heat, being shot at, being attacked by brutal IEDs. Yes, it is hot in Baghdad, and it is hot in more ways than one.

We need to care about our troops, and we need to care for our troops. We all say we support our troops. Well, let's support them, all 100 of us, all 100 Senators. Regardless of party and how we voted on the war, let's say we support our troops. Then if we really do support them, let's support the Webb amendment.

The Webb amendment does support our troops and our families and also the employers of those in the Guard and Reserve. But it supports our troops. The Webb amendment gives our troops a breather, and if the Pentagon will not do it, Congress needs to do it. That is why I support the Webb amendment.

I salute the Senator from Virginia. Senator WEBB is a freshman Senator, but he is no stranger to war. He is a warrior's warrior, a combat veteran. He also was the Secretary of the Navy. He knows full well the stresses the men and women in our military are facing and their families are facing.

The Webb amendment is simple and straightforward. It supports our troops by giving them more time at home between deployments. It deals with troop fatigue. It deals with troop exhaustion. For our men and women in the military, if you are in the full-time military, the all-volunteer military, your time at home would be at least as long as the length of your last deployment. For the Guard and the Reserve, no one would be redeployed within three times of their previous deployment.

Why is this important? Our military is overstretched, and our troops are exhausted. Their families are also living with tremendous stress. Every time they hear a news report about another attack, they wonder how their loved one is and if they are surviving. They have an unending, agonizing fear of a strange car pulling up to their home with unbearable news. Whether you are a spouse, a mom, or a dad, or children, you are bearing the stress of this war. The Webb amendment gives our troops a breather and some relief to our families.

This current President says the struggle in Iraq will be long and will require continued sacrifice. Sacrifice from whom? There is no shared sacrifice. The sacrifice is falling on our troops now serving in Iraq and Afghanistan. The sacrifice has been made by those who died in Iraq, by the 85 Marylanders who died in Iraq and Afghanistan.

Mr. President, you are from Maryland. You know that some of the men and women who died came from our service academies—West Point, the Naval Academy. Some came from renowned schools and universities. Some of our kids came from the school of hard knocks. One, named Kendall Frederick, only had a green card. He died when a bomb hit his convoy when he was driving to get his fingerprints taken so that he could become an American citizen. Thousands of others are wounded.

Some say we are micromanaging the war. You know what. I am for micromanaging the war. Maybe if we micromanaged the war, it would not be costing us $12 billion a month, and maybe we wouldn't be going it alone. So no matter how one feels about deadlines or benchmarks, we must support our troops. And I believe this is the way to do it.

I conclude by saying this: While our troops are out there every day in 115-degree heat, let's see what the Iraq Parliament is doing. Our guys are fighting for a military solution. Let's see what they are doing for a political solution.

The Iraqi Parliament cannot even reach a quorum. Mr. President, 12 members of the Iraqi 38-Member Parliament no longer attend Cabinet meetings. So one-third of the Cabinet doesn't show up for meetings. Seventy-five Members of the Iraqi Parliament are boycotting, refusing to do any work at all so that the very Parliament cannot get a quorum. While the Iraqi Parliament doesn't show up and stays home in its air-conditioning, our guys and gals are out there patrolling Baghdad in 115-degree heat with 100 pounds of equipment and body armor. Listen, if you support the troops, support Webb.

Mr. President, I yield the floor.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 1558, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 1585) to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Pending:

Nelson of Nebraska (for Levin) amendment No. 2011, in the nature of a substitute.

Webb amendment No. 2012 (to amendment No. 2011), to specify minimum periods between deployment of units and members of the Armed Forces for Operation Iraqi Freedom and Operation Enduring Freedom.

Nelson of Florida amendment No. 2013 (to amendment No. 2012), to change the enactment date.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 11:30 a.m. will be for debate only, with the time equally divided and controlled between the chair and ranking member of the Armed Services Committee or their designees, with the 20 minutes immediately prior to 11:30 a.m. divided equally between the two leaders, with the majority leader controlling the final 10 minutes.

Who yields time?

Mr. MCCAIN. Mr. President, I would ask the sponsor of the amendment if he would like to begin or does he choose to have me discuss this amendment? I am amenable to either course.

Mr. WEBB. Mr. President, I am comfortable with the Senator from Arizona beginning the discussion. We are waiting for the chairman to arrive.

Mr. MCCAIN. Well then, Mr. President, I will go ahead.

I understand there is 20 minutes equally divided; is that correct, Mr. President?

The ACTING PRESIDENT pro tempore. The Senator from Arizona controls 20 minutes.

Mr. MCCAIN. Mr. President, I will yield myself just 4 minutes and then save some of the remaining time.

Mr. President, this amendment calls for a congressionally mandated fence that would surround every soldier, sailor, airman, and marine and every military unit in the Armed Forces. If their days at home don't equal the days deployed, these soldiers, by law, could not be deployed in support of operations in Iraq or Afghanistan. It is quite a restriction.

I have done some research recently, since I heard about this amendment, and it is certainly without precedent in wartime, and we are in wars, both in Iraq and Afghanistan. Rather than get into the debate about the length of the war in Iraq again, I think most people appreciate the fact that the war or the conflict in Afghanistan will be with us for a long time. I mention that because I have yet to see a congressional proposal to end our engagement in Afghanistan where we were successful in ousting the Taliban, but, obviously, there are more challenges we have to meet in the future.

In the Defense authorization bill, we have provisions to increase the size of the Marine Corps and the Army, which I hope will alleviate some of the enormous strain that has been placed on our Guard, Reserve, and Active-Duty Forces. I understand the deep concern of the Senator from Virginia about this issue. Our Guard and Reserve are being stressed in a way that is unprecedented, probably since World War II, when everybody was called to serve, just about, and I certainly understand the concerns raised here. I share them with Guard members and members of the Reserve all the time.

We have called people back to active duty in an almost unprecedented fashion, so I understand the intent of this amendment. But if we put such a requirement into law in wartime, I think it would be bad congressional micromanagement. It would be a precedent that no President could live with and an expression of distrust in military leaders, particularly of the Secretary

of Defense, Mr. Gates, who promptly established dwell-time policies on assuming office and is doing his utmost to enforce them.

Senator WEBB has expressed his belief that this amendment would do no harm. Well, those whom we charge with the responsibilities—both the Department of Defense and the Joint Chiefs of Staff—have indicated that if enacted, the amendment would have immediate adverse effects on their ability to accomplish their military missions.

The Joint Staff told us this amendment would ''eliminate the flexibility of the services to manage and mitigate exceptions to dwell time planning goals'' and that ''future support to IAF/OEF may be severely impacted.''

The Joint Staff went on to say, ''The requirements will result in future capability gaps in combat and combat support forces both in IAF and OEF units.'' For reservists, the requirement will ''exacerbate the stress on the current force, providing sourcing challenges and creating shortfalls.''

The Department of Defense stated, ''In emergency situations, where forces are needed quickly, the waiver process could affect the war fight itself by delaying forces needed in theater.'' And they went on to say, ''The proposed language stipulates minimum periods between deployments in both units and individuals. The requirement to meet both criteria for units and individuals before deployment could severely limit options for sourcing rotations.''

That is the view of the people we entrust with the responsibilities to defend our Nation, and I do not diminish the responsibility of the Congress as well. This amendment could—and according to military planners, would—do harm. And it shouldn't be a surprise.

So the amendment has a Presidential waiver provision, which I am sure will be emphasized in the course of this discussion, but it doesn't make the amendment better. Attempts at using it would only lead to endless delays and bickering about whether deployment ''meets an operational emergency posing a vital threat to national security interests.'' Those kinds of decisions should clearly be made by the President of the United States. That is what the Constitution says when it outlines specifically that the President of the United States shall serve as Commander in Chief.

Now, the Congress, as they have in the past, has the power of the purse, and if we don't like what the President—the Commander in Chief—is doing, then we can cut off those appropriations. Sometimes we have done that, much to our dismay in afterthought. For example, I referred earlier—yesterday—to a decision to cut off any military assistance or any kind of assistance to Cambodia, and we watched helplessly as 3 million people were slaughtered in a genocide of proportions almost unmatched in the 20th century. I say ''almost.'' So I believe this kind of decision should be made by the Commander in Chief.

I wish to assure my colleague from Virginia that I will work with him in every way to get this legislation passed, which increases the size of our Marine Corps and Army, and we should continue, just as quickly as we can, to recruit these brave individuals and to maintain the standards we think are important in order to have this highly qualified All-Volunteer Force.

I would also again point out that there are men and women who want to go back to Iraq. There are men and women who want to serve again in Afghanistan. There are men and women who feel a sense of urgency and a desire to serve. Would the amendment of the Senator from Virginia preclude them from additional service? I don't know.

So I hope we can continue to work together on this issue, and I hope we can turn down this amendment, even though I certainly agree with the sentiments and the concern of the Senator from Virginia.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. PRYOR). The Senator from Michigan.

Mr. LEVIN. Mr. President, I will yield a moment first to Senator WEBB to comment on the question which Senator MCCAIN just raised about whether people can voluntarily go back before the dwell time period is over, and then I will yield myself 8 minutes, after which I will yield the remainder of my time to the control of Senator WEBB.

Mr. WEBB. I thank the Senator for yielding for a factual reference on the one point the Senator from Arizona raised, and I will reserve the remainder of my time for later on.

There is a waiver provision in this amendment that allows anyone who wants to return to duty in Iraq or Afghanistan to do so and without affecting the rights of other people to be deployed, according to the amendment.

Mr. LEVIN. Mr. President, there is ample evidence that 4 years of war has stressed our Armed Forces to the breaking point. Our Army and Marine Corps are stretched dangerously thin. They are wearing out. Earlier this year, we watched as they scrambled and pulled together the personnel, equipment, and training to meet the surge of additional forces to Iraq. They will continue to struggle to sustain this higher surge force level if it extends beyond this fall.

Unit rotations into and out of an overseas mission has been a fixture of U.S. military operations for many years. However, unit-rotation schemes have significant strategic risks, and risks are increased when deployed force levels spike or drop as our military strategy changes in the political or security environment, such as was done for past elections or the recent surge.

Short-notice deployment accelerations and extensions are inherently risky and complicate unit preparation and operations on the ground. Risks increase when we do not have sufficient ground forces overall to accomplish what we are asking them to do and still allow time for nondeployed units and individuals to fully recover from their last or prepare for their next deployment.

Multiple deployments with insufficient dwell time contribute to several problems among our troops: Insufficient dwell time increases operational risk as troops and units deploy without the time necessary to fully man, equip, and train before they leave their home station. Insufficient dwell time between rotations contributes to the retention problems we are seeing, especially among midgrade officers and sergeants. Insufficient time between rotations creates higher rates of mental health issues among troops with multiple and extended deployments. Insufficient dwell time puts much higher stress on our military families, resulting in higher than normal levels of divorce or abuse.

Last January, the Secretary of Defense announced a new approach to unit rotation. Among our Active component forces, he wanted to immediately achieve a minimum 1-to-1 deployed to at home or dwell time, on the way to achieving a goal of 1-to-2 or greater dwell time. Our Guard and Reserve forces would deploy for no longer than 12 months from start to finish, with a goal of no less than 5 years between deployments.

Well, the Webb amendment reflects those policy goals. The Webb amendment mandates that for each day deployed to Iraq or Afghanistan, an Active-Duty servicemember will spend 1 day at home, and it mandates that our Guard and Reserves get a minimum of 3 years between deployments. It is essential that as we vote we understand that the amendment provides waiver authorities to the President and service chiefs to ensure the flexibility to respond to any emergency the Nation may face in the future, and those decisions are left to the President.

Mr. President, there is precedent for the Webb amendment. Congress took action in 1999 to relieve some of the deployment burden our forces were facing at that time and to drive the Department of Defense to a more precise management system that would take better care of troops and their families. It is true that Congress has the power of the purse, but under that same Constitution, we also have the power to regulate the Armed Forces by law, and that is what the Webb amendment seeks to do.

Congress established in law an annual deployment threshold for Active and Reserve forces above which servicemembers are entitled to special pay. We put that in law as part of our constitutional authority to regulate the Army and the Navy. The Secretary of Defense exercised his national security waiver authority of that requirement right after 9/11. It is not unusual to

have a waiver authority in law. It is not unusual for the executive to use that waiver authority, as they have done before.

Due to the deployment management standards of this earlier legislation, the services have in place the systems necessary to plan and execute the requirements of this amendment, and so it has served its purpose, and this one will as well.

It is a very useful amendment. The Defense Department will have to make earlier strategic and operational decisions, which will allow greater precision in planning unit and individual rotations, and that will result in greater predictability and stability for our troops and their families.

The Webb amendment promotes the health of our troops, ensuring time for post-deployment evaluation and recovery. The Webb amendment also promotes readiness, ensuring that units and personnel have the time—the most precious of resources—to man, equip, and train for any future mission.

I hope the Senate will adopt the Webb amendment. It will be a useful contribution to the readiness and well-being of our Armed Forces.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, however the Senator from Michigan wants to handle it—I have 12 minutes remaining. I wish to yield to the Senator from South Carolina for 5 minutes, the Senator from Georgia for 5 minutes, and I will take the remaining 2 minutes. If the Senator from Michigan or the Senator from Virginia wants to intervene between those two, that will be fine.

I yield 5 minutes to the Senator from South Carolina and, following whatever remarks on the other side, the Senator from Georgia for 5 minutes.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. Mr. President, as to the effect of this amendment, whether it is good or bad, I am here to say I think it is a terrible idea. I don't think it is remotely a good idea. The intent of the amendment is to take care of the troops. I don't question anybody's intent or motivation. If you want to take care of the troops, let them win. What we are about to do with this amendment is something we have never done in the history of this country. We are about to go down the road where the Congress steps into military operations and creates congressional mandates that will basically change the relationship between the commander—the executive branch—and the congressional branch in a way that I think is very ill-suited to winning the next war. It is a dangerous precedent to allow troop rotations to be governed by politicians who are looking for the next election.

Commanders do not get elected. They make decisions in the national security interest apart from the next political election. The moment you put politicians in the role of making troop deployments, then you are allowing the political moment to determine what the outcome of the war will be. Not only is this constitutionally ill-advised and unfounded, politically it is a disaster in the making, to allow any Congress during any war to step in and say troops can only go here and they can't go there, they have to stay home this much—it basically destroys the ability of commanders in the field to get the resources they need to fight and win the wars we send them to fight and win.

The easy way to do this, the right way to do it, is to stop the war. The consequences of this amendment are devastating, in terms of a constitutional relationship between the branches. It interjects politics into military decisions in a way that will come back to haunt this country. The effect of this amendment on the surge will be to kill it. Why don't you say you want to kill it? Why create a situation, through troop rotations, that will have the effect of making sure the surge cannot go forward, because the ripple effect of this ever becoming law would be to stop the surge at a time when the additional troops do matter and are making a difference when it comes to defeating al-Qaida.

The waiver provision—the President of the United States is not going to begin to entertain this. No President would. No President could sit on the sidelines and watch the authority of the Commander in Chief be taken over by the political moment. The relationship this amendment would create between future Commanders in Chief and the Congress and the military is a dangerous precedent because it would allow the political moment to take over troop deployments. The needs of the war at the time would become no greater than the poll for the moment. We cannot win a war that way.

In World War II you were in for the duration—and it is tough. My Lord, the troops need to be praised. They need to be paid more. They need to have better benefits. Their families need more services. But the last thing in the world we should do, in the name of helping them, is to put 535 people in charge of where they go and how they go—because we are not exactly visionary. I don't think we have risen to the level in this Congress of being able to say we are visionary leaders for this country. I think what we have done is reinforced at every turn that this is about the political moment.

Congress is at 20-something percent for a reason. What I can't understand is what the 20 percent see and like.

I ask my colleagues not to make a mistake for the ages. Not in the name of taking care of the troops should we fundamentally put politics in military decisions, as we have never done before. In the name of protecting the troops we should not destroy a surge the troops are involved in that is beginning to defeat the most vicious enemy known to the planet, al-Qaida. The effect of this amendment, regardless of its intent, is to destroy a strategy that we sent General Petraeus off to execute, in a back-door way, and to fundamentally put politics in decisions in a way that will haunt this country forever, so I urge a resounding ''no'' vote.

Mr. CHAMBLISS. Mr. President, I rise in opposition to the Webb amendment and urge my colleagues to vote against the cloture motion. This amendment is about restricting the President and his military leaders' ability to prosecute a war that we have asked them to execute, and for which we unanimously confirmed General Petraeus to carry out. It is an unwise and harmful effort to limit the ability of the President and his military leaders and handicap their use of personnel and resources available to them.

Senator WEBB's amendment would preclude ''deployment'' of certain active and reserve forces based on the number of days they have spent at home. Keep in mind these restrictions would apply to the Nation's most experienced and capable troops during a time of war when we face an unpredictable and highly adaptive enemy.

Keep in mind that during World War II and other wars of this country, servicemembers participating in those wars deployed for 3 and 4 years with little or no break. With this in mind the current proposal by Senator WEBB seems out of step with history and what it has taken to win the wars of this country. I can think of no way in which the Webb amendment will help our Nation succeed in Iraq.

This amendment ignores the fact that we are at war and that artificial conditions imposed by Congress on the use of troops are not helpful. Senator WEBB is not alone in worrying about the effects of this war on the readiness of the Armed Forces, on the soldiers and marines and their loved ones, and on the ability of our all volunteer force to continue to perform under this demanding schedule of rotations. Senator WEBB's amendment, however, is not a solution to any of these problems. Senator WEBB stated that his amendment ''does not micromanage the military nor does it tie the hands of our operational commanders in theater.'' The Pentagon disagrees. The Pentagon has said that if the Webb amendment passes, operations and plans would need to be significantly altered. Units or individuals without sufficient ''dwell time'' would need a waiver to deploy based on threat. This waiver process adds time, cost, and uncertainty to deployment planning.

In emergency situations the waiver process could affect the war fight itself by delaying forces needed in theater. Units would need to be selected for deployment based on dwell criteria that may in fact cause significant disruption to needed reset, planned transformation or unit training schedules.

And from the Joint Staff: For fiscal year 2008, four Army brigade combat

teams are projected to incur ''dwell violations;'' gaps in manning would be seen in aviation, intelligence, engineer, medical and military police; gaps would be seen in high demand units, specifically EOD, security forces, forces supporting detainee operations, and mobility aircrews. For individual members: ''anticipate high operational impact due to breakdowns in unit cohesion and problems in filling individual shortfalls in tasked units.''

Public approval ratings for the President and for Congress may be at all time lows, but the admiration of the American people for our military only gets higher. Why? Well, one reason is they take their responsibilities seriously and they train, prepare, and plan to win. And we should let them win—not legislate a recipe for failure which the amendment clearly does.

The power of the Congress under article 1 of the Constitution to ''make rules for the Government and Regulation of the land and naval forces'' is well understood, as is the President's authority under article 2 to command our military forces as Commander in Chief. This amendment, however, is an unprecedented wartime attempt to limit the authority of the President and the military leaders by declaring substantial numbers of troops and units ''unavailable.''

Putting aside all concerns about potential contingencies that might arise, this amendment is unworkable and will make the task of generating cohesive units for rotations impossible. Here is the Joint Staff's bottom line on the Webb amendment: If a 1:1 dwell policy is codified in law, eliminating the flexibility of the services to manage and mitigate exceptions to the dwell planning goals, future support to OIF/OEF may be severely impacted. Specifically, the requirement to provide 15 months of dwell for Army units scheduled to execute forthcoming planned 15 month deployments will result in future capability gaps in both OIF and OEF unless the force requirements are simultaneously reduced to a substantial degree. The same will apply to Marine Corps units.

I am also concerned by the provision in the amendment that would allow individual members to ''volunteer'' to forego their ''dwell time to deployment'' ratio and seek a waiver from the Chief of Staff, CNO or Commandant of the Marine Corps to allow them to—voluntarily—return to the combat zone. I don't think it could be more clear that this provision in the amendment would undermine unit cohesion and readiness by encouraging debate in the ranks about when to deploy next. It would pit one soldier against another, leaders against those led, and encourage the kind of ''cross leveling'' that has been called ''evil and corrosive'' by our Reserve and Guard leaders. This notion in the amendment would introduce a whole new meaning to the concept of an ''All Volunteer'' military force: volunteerism instead of duty. It would drive wedges between soldiers and between marines, and could only hurt discipline and undermine the effectiveness of troops in the field.

I would like to take a step back and talk more generally about our ongoing debate on Iraq and reflect on some of the dialogue that has transpired over the past few days and weeks, both in this body and elsewhere. I am very concerned that so many of my colleagues, and observers elsewhere, are declaring the President's change in strategy for Iraq—which he embarked on this past January—a failure when all the troops to implement that strategy have only been in Iraq for 3 weeks.

In my opinion, leaders—particularly in elected offices—should do what the word implies, and that is ''lead.'' It does not take a leader to follow opinion polls, which is what I am afraid that many of my colleagues are doing.

Our commanders and ambassador do not believe that the war is lost. Asked whether the U.S. could win in Iraq and leave behind a stable government, GEN David Petraeus said, ''If I didn't believe that I wouldn't be here.''

We have seen promising indicators since the President announced the new strategy in January. While al-Qaida and other extremists have conducted a counter-surge resulting in numerous horrific mass-casualty terrorist attacks, and while it is too early to declare the surge a success or failure, we have seen: A substantial drop in sectarian murders in Baghdad since January; arms caches found at more than three times the rate of a year ago; attacks in Anbar at a 2-year low; total car bombings and suicide attacks down in May and June; signs of normalcy in Baghdad, like professional soccer leagues, amusement parks, and vibrant markets; recruiting for Iraqi police forces drawing thousands of candidates; young Sunnis signing up for the army and police and more Shia rejecting militias.

Some believe that setting a timeline and pulling troops out of Iraq regardless of conditions on the ground would be a responsible end to the conflict and/or would put needed pressure on Iraq's government. The collective judgment of our intelligence community is that this would increase, not decrease, the violence and hinder national reconciliation. In fact, a rapid withdrawal would almost certainly lead to a significant increase in the scale and scope of sectarian conflict in Iraq, intensify Sunni resistance to the Iraqi Government, and have adverse consequences for national reconciliation.

Some have said that General Petraeus does not believe the U.S. military can make a difference in Iraq. While General Petraeus has indeed said the ultimate solution to Iraq's problems is a political one, he has consistently argued that such a solution can only come with the improvements in security he is trying to achieve.

I was last in Iraq in early May and learned several things during my trip that have convinced me that the President's plan deserves a chance to work and that a change in strategy now is the wrong course. For example: There has been a significant reduction of sectarian murders and assassinations in Baghdad; attacks in Ramadi have eased by 74 percent in the past 3 months; there have been 263 weapons cache discoveries in the past 3 months, a 192 percent increase; over the past 6 weeks, daily attacks in Ramadi have dropped from an average of 20–25 a day to less then 3 per day. Last year, only two tribal areas were viewed as cooperative with U.S. forces and 17 were uncooperative. Today, all 23 tribal areas in Ramadi are cooperating with U.S. forces to fight al-Qaida militants. There are no uncooperative tribes. Iraqis are now volunteering by the thousands to join local police and army forces. At the end of March, there were over 1,200 army recruits in just 2 days.

Also from my trip to Iraq I learned that there are still issues that we and the Iraqis need to work on and watch closely. There are several political issues the Iraqis need to address, including passing a hydrocarbon law, continuing reconciliation efforts, debaathification, and holding provincial elections. These are keys to political progress.

We need to work to emplace additional provisional reconstruction teams—PRTs—in Iraq to help with reconstruction.

However, the foundation for these political issues being resolved and for the Iraqi Government continuing to mature and take responsibility is improved security throughout the country. That is the approach the President has taken, that General Petraeus is executing, and that is showing signs of progress. We should not abandon it because we live in an impatient society that wants to see results before the President's strategy is even fully implemented. We should stick with the plan, give it a chance to work, and listen to our military and civilian leaders when they report back on the strategies progress in the coming months.

I ask my colleagues to vote against cloture.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Virginia.

Mr. WEBB. Mr. President, I know the Senator from Arizona wanted to have 2 minutes. Does he want to take it now?

Mr. McCAIN. We retain the balance of time, Mr. President. I withhold at this time.

The PRESIDING OFFICER. He will take his time later.

Mr. WEBB. How much time does the Republican side have?

The PRESIDING OFFICER. The Republican side only has 2 minutes remaining.

Mr. WEBB. I wish to reserve 2 minutes for our side.

The PRESIDING OFFICER. I will notify the Senator when 2 minutes remains.

Mr. WEBB. Mr. President, first I say I think there is a lot of misunderstanding and misrepresentation that has been made over the past couple of days with respect to this amendment.

Before I get into the amendment, I wish also to express, again, my admiration for the Senator from Arizona—we have been friends for many years—and my appreciation for his service. I watched his comments yesterday with respect to the end of the time in Southeast Asia. I think he knows I still adamantly support what we attempted to do in Vietnam and I have written about those days with some frequency and clarity over the years. In my view, this is not about the situation in Southeast Asia.

I warned against what I believe is the strategic blundering of going into Iraq in the first place, but I will set that aside today. There was a lot of talk this morning and yesterday, some of it about process—the Senator from New Hampshire mentioning he wanted to see side by side, that he was going to oppose this amendment based on the cloture process itself.

The Senator from South Carolina—I want to address some of the things he said. He keeps talking about the political moment here. I don't think there is a political moment in this issue. There may be on other issues. I approach this issue from the perspective, among others, as someone who served 3 years as Assistant Secretary of Defense, where I was responsible for dealing with mobilization issues and was required to learn with a great deal of detail what they used to call war maps. Those are manpower flow issues.

I also point out, because of the some of the other comments that were just made, that the Commandant of the Marine Corps, when he took office, mentioned that his ultimate goal was to see a 2:1 rotational cycle with respect to deployment of marines. I point that out because this amendment sets out a bare minimum floor for the use of American troops of 1:1. If you have been gone a year, you should get a year back. If you have been gone 7 months, you should get 7 months back. If we were arguing optimal scenarios, I would understand a little bit more the pushback we are getting from the other side. We are not trying to put optimal historical scenarios on the table here. We are trying to get a bare minimum floor that will protect the well-being of our troops.

We have data that has been shown—we don't need to go over it today—about how this is affecting the retention of high-quality people, how it is affecting emotional difficulties people are having. We need to step forward and act responsibly.

Some Republicans have questioned the constitutionality of this amendment. There is no issue here. Article I section 8 says the Congress has the power to make rules for government and regulation of the land and naval forces, and we have done so many times in the past. Some say this is meddling in the President's warmaking authority. To the contrary, the Congress has the power and the duty to place proper restraints on executive authority, particularly when it comes to the well-being of our troops. We did that in Korea in 1951.

It was not, as the Senator from South Carolina might allege, meddling in the Korean war. It was a situation where the Department of Defense was sending soldiers overseas before they had been fully trained. We stepped in, the Congress, our predecessors, stepped in. They put a law into place saying you cannot deploy anybody until they have been in the military at least 120 days. This is what we are doing, only on the other end of it.

We are saying: After 4 years of a ground occupation in Iraq, we have a responsibility to get some stability into the operational tempo. Yesterday my colleague from Alabama, Senator SESSIONS, warned that the amendment would, in his words, alter the traditional power of the President as it relates to all future wars, any war now, or series of wars in the future.

My friend, I hope, will reread my amendment carefully. He will find that this amendment applies to Iraq, Afghanistan, and certain NATO-sponsored activities. Senator SESSIONS also stated his concerns, as he put it, that this is another amendment trying to set another strategy written by a group sitting in air-conditioned offices.

I would like to emphasize a few points. The first is, this amendment does not represent strategy. It is an amendment that protects the well-being of our troops by setting a bare minimum floor on how they are being used no matter what strategy is in place.

Second, the experiences that led some of us to this conclusion did not come from sitting in air-conditioned offices. I would like to point out, as far as I can determine, Senator CHUCK HAGEL is the only ground combat veteran on the other side of the aisle. He certainly is the only ground combat veteran from Vietnam on the other side of the aisle. He is a lead cosponsor of this amendment.

On this side of the aisle, all the ground combat veterans are cosponsors, along with 35 Members of the Senate. I believe, if I may say, we collectively understand a truth acquired the hard way and a truth that transcends politics. We are trying in all good faith to do something about it.

Finally, I would like to point out, again, this amendment has the full support of the Military Officers Association of America. This is the largest association of military officers in the country, 368,000 members. And these are officers who are not restrained from speaking their opinions by having to serve inside today's political process.

VADM Norbert Ryan wrote a letter—I will quote one paragraph of it—a letter supporting the necessity of this amendment. He pointed out his association is very concerned that steps must be taken to protect our most precious military asset, the All-Volunteer Force, from having to bear such a disproportionate share of national wartime sacrifice.

He also said, and I think this is vital to the decision we are making on this amendment:

> If we are not better stewards of our troops and their families in the future than we have been in the recent past, our organization believes strongly that we will be putting the all-volunteer force at unacceptable risk.

These officers, 368,000, are joining us in a very real concern; that under current policy many of our ground forces are actually spending more time in Iraq than they are at home. This is 4 years into an occupation. There is not a strategic justification for this at this point in our commitment in Iraq. And there is no political reason, in my view, to oppose an amendment that places proper restraints on this sort of conduct by the executive branch.

This amendment recognizes that the Congress has a duty to exercise leadership when it comes to the well-being of our men and women in uniform. In the words of Admiral Ryan, it is a recognition that we have a responsibility to become better stewards of our troops and their families than we have been in the recent past.

I will say to my colleagues, as I did yesterday, the American people are watching us. They are watching us closely with the expectation that we will finally take some sort of positive action that might stabilize the operational environment in which our troops are being sent again and again.

They are tired of the posturing that is giving the Congress such a bad reputation. They are tired of the procedural strategies designed to protect politicians from accountability and to protect this administration from accountability. They are looking for concrete action that will protect the well-being of our men and women in uniform.

So the question in this amendment is not whether you support this war or whether you don't, it is not whether you want to wait until July or September to see whether one particular set of opinions or benchmarks or summaries might be coming in. The question is, more than 4 years into the ground operations in Iraq, that we owe stability and a reasonable cycle of deployment to the men and women who are carrying our Nation's burden. That is the question. That is the purpose of this amendment.

I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Arizona.

Mr. MCCAIN. Mr. President, how much time remains on both sides?

The PRESIDING OFFICER. The Republican side has 2 minutes, and the Democratic side has 3 minutes 36 seconds.

Mr. MCCAIN. Mr. President, I ask to be recognized for the remaining time.

Very briefly, I have made my comments about this amendment. America has been engaged in other wars at other times, and we have not put time limitations on the periods that they would be in rotation. I think it is clearly executive branch decisionmaking, which is clearly pointed out in the Constitution.

I just want to add, while my friend from Michigan is on the floor of the Senate, we are probably not going to get cloture on this amendment. Then it will be a decision of the majority leader as to whether we go forward. If there is another amendment that will be brought up, I fully expect to have the same right that has been extended to the minority over the 20 years that I have been here as a Member of Congress; that is, that I be allowed to propose an amendment from our side.

I have managed many bills on the Senate floor. I have never prevented—I have never prevented—an amendment from being proposed. I hope the Senator from Michigan will extend me that same courtesy.

By the way, we now are finding significant criticism about our insistence on the 60 votes in side by sides, something that was a standard procedure when the other side was in the minority. So history clearly indicates that is the way we have been doing business. Whether it is correct or not, and whether it causes gridlock is another subject. But to criticize this side because we are insisting on the same parliamentary procedures as were insisted upon by the other side when they were in the minority, it seems to me, is a bit inconsistent.

I hope I would be able to, if the Webb amendment is disposed of, propose an amendment from my side as has been the custom all of the years that I have been here; otherwise, I think we may spend some time in a parliamentary situation. I am not ready to give up that right of the minority.

I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Virginia.

Mr. WEBB. Mr. President, I would just particularly like to, again, emphasize that there are no constitutional issues here. There is no issue of moving units around or micromanagement in the way that the Senator from South Carolina was alleging. This is a very simple amendment, and I am ready to proceed to a vote.

I yield the floor

Mr. LEVIN. Mr. President, am I correct the leaders have reserved the final 20 minutes before the vote on cloture?

The PRESIDING OFFICER. Their time begins in 1 minute.

Mr. LEVIN. Mr. President, is the Senator from Michigan correct that if cloture is not invoked, the pending amendment would remain the Webb amendment?

The PRESIDING OFFICER. That is correct.

Mr. LEVIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. 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. MCCONNELL. Mr. President, let me first respond to the question earlier in the day of my good friend, the majority whip, about whether votes at the 60-vote level are somehow a new addition to debates of Defense authorization bills. Of course, the answer is emphatically no. The question is, frankly, almost laughable. A quick review of the CONGRESSIONAL RECORD shows, contrary to Senator DURBIN's assertion, the Republican majority agreed to a 60-vote threshold on the Kennedy amendment during last year's Defense authorization debate.

Indeed, the Kennedy amendment was part of a UC agreement that set up side-by-side votes on the Enzi and Kennedy amendments. Both, of course, were given 60-vote thresholds, the same exact format that we offered on the Webb and Graham amendments yesterday.

Senator DURBIN said there was never a 60-vote threshold. He was wrong. What Republicans are asking for is not unprecedented. It is not even uncommon. It is there for the distinguished majority whip to review online. But I certainly appreciate him asking the question.

We are just a couple of days into this debate. But a familiar and troubling pattern is already beginning to emerge. We could have voted on the Webb amendment yesterday. The Republicans were willing to move forward with votes on the side-by-side amendments. We said so at the time. Yet the Democratic majority insisted on a cloture filing instead that had no other effect than to simply slow things down. We are about to have that same vote with the same threshold and the same result that we could have had yesterday, all for no apparent reason.

Two days into this debate, we are already heading down the same fruitless road we went down with the emergency supplemental bill when the Democratic majority delayed the delivery of funds for our troops in Iraq and Afghanistan for more than 3 months.

The bill we finally sent to the President's desk was guaranteed to draw a veto, so the Democratic majority delayed it some more. In the end, they gave the President the bill he asked for. They wasted 3 months of the Senate's time fussing and fighting over the original request and then gave him what he wanted in the first place. It was a total and complete waste of time.

Now, here we go again. Two days into this debate, we are already wasting time on an amendment we know the President will veto. The Webb amendment contains many good things that Republicans strongly support. But it also limits the President's authority as Commander in Chief, and combined with other objectionable provisions in this bill will provoke, of course, a veto.

The President vetoed the emergency supplemental because it carried restrictions on his constitutional authority as Commander in Chief. He will do it on this bill too. We know that for a fact. No one here disagrees with the idea that our forces should be rested, trained, and well-equipped. Republicans showed yesterday that we are committed to giving our soldiers and marines everything they need. That is why the underlying bill begins the expansion of the Army and Marine Corps. That is why Republicans offered a side-by-side amendment yesterday that would have given our men and women in the field all of these things without language that would draw a Presidential veto.

If the Democratic majority would have allowed us a vote on the Graham amendment, we could have stood here today and told the troops that rest, training, and equipment are on the way. But, instead, we are going to dangle all of these things in front of them knowing they won't be delivered. The Democratic majority is trying to force us to make a false choice between these two options, to pit the troops against their Commander in Chief. This is not just foolish, it is wrong. By putting limits on the President's authority to control forces in the field, the Webb amendment also amounts to a back-door effort to hamstring the Petraeus plan. It is the first vote on a strategy that has not been fully manned for just about a month. Every Senator in this Chamber knows we will get a progress report on General Petraeus's strategy in September, 2 months from now. We should wait for that assessment before rushing to judgment.

A Democratic-led Senate sent General Petraeus to Iraq, confirmed his nomination unanimously. He has a plan. He is executing it. We need to let him do his work. Let me say again, the Webb amendment contains a policy objective that Republicans enthusiastically share. What we do not share is the belief that the President's constitutional powers as Commander in Chief should be eroded by politicians in Washington in a time of war as this debate proceeds.

We will debate a number of amendments that seek to limit the President's authority and dictate operational plans for the war in Iraq. I expect that at least some of them will seek to order an immediate withdrawal of our combat forces. These amendments would provide a direct way to end our involvement in Iraq, and the Senate will consider them in due course. But the Webb amendment is

different. It would curtail the deployment of reinforcements to Iraq, denying our military commanders the ability to sustain current force levels in Iraq, especially in Anbar Province, where most agree there has been considerable evidence of success. The Defense Department establishes dwell times through policies that have been developed over time by our commanders and leaders. Those leaders in turn respond to the requests of commanders in the field. The waiver contained in the Webb amendment sets an unreasonably high bar.

Republicans, meanwhile, will insist on amendments that protect the Nation's ability to defeat terrorists and wage war against al-Qaida. Therefore, I urge a ''no'' vote against the Webb amendment as it seeks to limit the President's authority as Commander in Chief and will deny our field commanders operational forces. I urge my colleagues to do the same.

Before yielding the floor, I wish to go back a minute to the 60-vote threshold issue with which I began my remarks. The suggestion has been made from the other side that somehow it is unusual to have a 60-vote threshold. Let's take a look at some of the votes we have had on Iraq proposals this very year. We agreed to a 60-vote threshold on the Gregg and Murray amendments as side by sides which answered the all-important question of whether to fund the troops. We have had 60-vote thresholds on vote No. 43, the Biden resolution; vote No. 44, the Levin resolution; vote No. 51, the Reid resolution; vote No. 74, the Reid resolution; vote No. 117, the supplemental funding bill; vote No. 167, the Feingold amendment; vote No. 168, the Warner amendment; vote No. 169, the Cochran amendment; and vote No. 171, the Reid amendment. On all of these controversial Iraq proposals, we didn't have a simple majority threshold but a 60-vote threshold. So the notion that is being spun on the other side that this is somehow an unusual event is absurd on its face. All you have to do is look at the record this year and, not to mention, be reasonably alert to the way the Senate has operated. For most of the time since I have been here, controversial measures, we know, require 60 votes. Let me explain the reason for that.

Any one of the hundred Senators can object to a time agreement that would allow a matter to be dealt with, with under 60 votes. That is an option frequently exercised in this body on both sides of the aisle. What we have done, as a practical matter in dealing with the Iraq debates this year, is recognize the obvious, which is that it would be difficult on these controversial measures for the leaders of either party to produce an up-or-down vote. Therefore, we have simply agreed to have a 60-vote vote, and it considerably expedites consideration of measures and prevents having to file cloture, running the risk that if cloture is invoked, somebody will require that we use 30 more hours in addition to that. In short, there is a sensible way to move forward on this bill. I hope we will adopt it later this afternoon and move on through with this very important measure for the defense of our country.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I was in college a number of years ago. One of the things we studied was George Orwell's ''1984,'' which is a classic. It is a classic because George Orwell points out a futuristic society as he sees it. One of the things that has become known as Orwellian thought is where someone says something and the opposite is true. That is what George Orwell's book was all about. What we have heard now from my friend, the distinguished Republican leader, is Orwellian. His words were: Democrats are slowing things down. I mean, if there were ever anything in the world that is Orwellian, referring back to the book ''1984,'' it is that Democrats are slowing things down.

As a result of the envy of Republicans for losing the elections last November, they have done everything they can to slow this body down so we would look bad. We have had to file cloture many times, 43 times. Never, ever in the past history of this country has that been done. I have been in the minority, and I have held leadership positions in the minority. For years past, people picked their fights on relatively few issues where cloture would have to be filed. Not with the Republicans—on everything we have done. They are filibustering things they support now. So ladies and gentlemen of the jury, which is America, understand, we have heard Orwellian speak here this morning: Democrats are slowing things down.

Yesterday marked 6 months from the day that President Bush introduced his temporary troop escalation plan to the American people. Six months ago President Bush implicitly acknowledged the Iraq policy he had been pursuing for nearly 4 years had failed. He asked the American people to overlook those 4 years of failure and trust his new plan to place tens of thousands of additional American troops in the middle of an intractable civil war, and it would bring about success. Six months ago, nearly 4 years after taking us into a war based on deception and falsification, including there being no weapons of mass destruction, the President asked us for trust. Despite his failure to convince other countries to share the burden of war with us, forcing our own brave troops to shoulder the burden of war virtually alone, he asked us for trust.

After nearly 4 years of strategic blunders and tragic mismanagement that left our troops without either the equipment they needed or the strategy for success they deserved, he asked us for trust. At a time when more than 3,000 American lives have already been lost, tens of thousands more wounded, and Iraq in flames, President Bush asked us for more trust so he could put tens of thousands of additional American troops in harm's way. Since then, 6 months, 600 more dead Americans, and $60 billion, that is where we are. Sectarian violence has not diminished. Importantly, the Iraq Government has failed to take meaningful steps to begin taking responsibility for its own country's future. Still, President Bush and his Republican allies ask us for more patience, more trust, more time.

They say that after more than 4 years of incompetence and mismanagement, they finally think they are entitled to more trust. I don't think so. That is akin to a quarterback throwing three interceptions—one, two, three interceptions—comes to the coach and says: Coach, trust me. I am not going to change anything, but trust me. Leave me in the game.

There is no evidence that the escalation is working. They refer to Anbar Province, and there are some good things happening there, but everybody knows that the bubble is being squeezed and terrible things are happening in other places. They are no longer bombing police stations only and health clinics and markets. They are now destroying villages. Three days ago they set off a 5-ton bomb and blew up a town. The town is gone.

Conditions are deteriorating and more lives are being lost every day. The days of trust have long since passed. Some would rather wait until September before forcing the President to change course. If there were real signs of progress or real reason for hope, that might make sense. If the real costs being borne by our troops and their families were not so high, perhaps we could afford more patience and more trust. If we wait until September, more Americans will die, more Americans will be wounded; a third of the troops being wounded are wounded grievously; our treasure will be more depleted; and the Middle East will become ever more destabilized. Our efforts to focus on the real war on terror will be impeded.

What do we have in the Middle East now? We have a civil war raging in Lebanon. The Palestinians are fighting among themselves. There is civil war. We have ignored Israel. We have Iran thumbing their nose at us and a conflagration in Iraq.

If the real costs being borne by our troops and their families were not so high, we could afford more patience and more trust. But the costs are high. Waiting until September is not the answer. Holding out hope, blind hope, blind trust that progress will appear out of thin air for reasons no one is able to articulate is not the answer. This Department of Defense authorization bill and the amendments that will be offered to it are the next chance we have to chart a responsible new course

out of Iraq. The American people demand the new course. Democrats demand it. Republicans demand it. Independents demand it. They deserve it.

Our brave men and women in uniform also deserve it. They deserve more than speeches expressing disapproval or dismay with the current course. Our votes, not our voices, will determine whether we heed the call for a new course. Our votes, not our voices, will demonstrate whether we reject President Bush's failed policy. Our votes, not our voices, will prove whether our resolve is firm and whether we are prepared to lead.

We will work hard this week and next week to pass a Defense authorization bill that reflects a resolve to pursue a responsible and binding new policy. That is going to require Republican support. Already we are seeing some Republicans speak out against the President's Iraq policy. We hope that they and other Republicans will put their words into action by not just saying the right things but voting the right way. That can start today. We have an amendment before us that is critical for the strength of our military and the well-being of our troops. Regardless of where we stand on this ill-advised war, I would hope we stand as one in our commitment to keeping our military the strongest in the world. We should all agree we can't sustain that strength if our men and women in uniform are not being given the protection and care they need.

That is not a Democratic talking point or a Republican talking point. It is common sense. That is why I rise to support the amendment offered by my friend and colleague, Senator JIM WEBB of Virginia, and cosponsored by dozens of others. It is also why I am so surprised the Republican leadership has decided to block this amendment, and that is what they are doing. They are blocking the amendment, once again, to stand for obstruction and stand against progress. I fear it is a sign of what is to come from the minority party in the tough votes ahead.

In the Roll Call publication this morning, the Republican leader is quoted as saying there will be a 60-vote requirement on anything we do on this bill.

Senator WEBB's readiness amendment begins the critical and long overdue process of rebuilding our badly overburdened military. Who better to offer this amendment than the top two cosponsors: Senator JIM WEBB of Virginia. I say to these young people who are pages, you are seeing on the Senate floor a real American hero, a Marine captain at age 23, a Naval Academy graduate about whom books have been written for his heroism, two Bronze stars, a couple Purple Hearts, Silver Star, Navy Cross.

CHUCK HAGEL is the other cosponsor. One of the great stories I have heard in my life is a story of CHUCK HAGEL and his brother. You go to his office and there is a picture of CHUCK HAGEL and his brother in Vietnam, arm in arm, as soldiers. CHUCK HAGEL saved his brother's life in Vietnam.

These are the two cosponsors of this amendment. Do they know what it means to go to battle, do they know what it means to go to battle unprepared and unrested? Yes, they do.

Also, Senator WEBB has another little niche I would like to talk about, and that is his son Jimmy is also a Marine who just got back from fighting in Iraq. The Marine JIM WEBB knows the consequences of overburdening the military and knows that ours is stretched nearly to the breaking point. Senator JIM WEBB knows the consequences of overburdening the military, and he knows that ours is stretched nearly to the breaking point. So does CHUCK HAGEL.

Here are a few signs—and there are many—of that burden: Among the Army's 44 active combat brigades, all but one has served at least one tour in Afghanistan. Thirty-one of them have had two or more tours. Among the National Guard and Reserves, more than 80 percent have been deployed to Iraq or Afghanistan, with an average of 18 months per deployment.

This week, the Army announced that recruitment has fallen short by 15 percent for the second month in a row. The qualifications they are looking for have been so written down. Now you do not have to graduate from high school. Now you can have committed crimes before joining the military.

Last year, the active Army was 3,000 officers short, and that is only projected to increase. So much of the equipment and supplies meant for Guard and Reserve use here at home has been sent to Iraq and Afghanistan, and now only about 30 percent of essential equipment remains. That shortfall is costing an estimated $36 billion—just one of many hidden costs of this war.

We have all heard of the heavy personal costs this overburdening of the military is causing: higher rates of post-traumatic stress disorder. Eighty percent of the married men and women coming home from Iraq are divorcing.

Our troops are not machines. They are human beings. They are parents missing Little League games, spouses missing anniversaries, children of mothers and fathers who wait and worry for their safety. These honorable men and women wearing our uniform need and deserve time off from the trauma of war. War is trauma, and no war has been more traumatic than this war, where there is a faceless enemy blowing up streets.

Could we have order, Mr. President.

The PRESIDING OFFICER (Mr. CASEY). The Senate will come to order. Please take your conversations off the floor.

Mr. REID. These gallant men and women need time off from the trauma of war, as I said, to see their families and reconnect to their normal lives.

The Webb amendment is simple. It states if a member of the active military is deployed to Iraq or Afghanistan, they are entitled to the same length of time back home before they can be redeployed.

It also states that members of the Reserves may not be redeployed within 3 years of their original deployment, which will not only give them time to recover from deployment, but will restore our Reserve forces to respond to emergencies here at home.

Mr. President, I am going to use my leader time right now.

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

Mr. REID. Anyone who watched the tornadoes in Kansas and other States' emergencies knows how crucial a well-maintained and supported Reserve force is to our domestic safety. Some have tried to confuse this issue by calling it an infringement of Presidential authority. This is not true. It is false.

Article I, section 8 of the Constitution empowers Congress to ''make rules for the government and regulation of the land and naval forces.'' That is in our Constitution. And this amendment provides ample Presidential waivers in the case of an emergency that threatens our national security.

The Webb amendment sets a standard and binding policy, but it does not tie the President's and Congress's hands to respond to an emergency.

If we are committed to building a military that is fully equipped and prepared to address the challenges we face throughout the world—and I know we are—then we must support this amendment.

If we are committed to repaying in some small measure the sacrifices our brave troops are making every day—and I know we are—then we must support this amendment.

I am discouraged that the Republican leadership chose to block this troop readiness amendment. If Republicans oppose troop readiness, they are entitled to vote against it. If Republicans do not believe our courageous men and women in uniform deserve more rest, including mental health downtime, they can vote ''no'' on this amendment. If they do not agree that constant redeployments and recruiting shortages are straining our Armed Forces, they can vote ''no'' on this amendment.

But to block this amendment—to not even give it an up-or-down vote—shows that some of my Republican colleagues are protecting their President rather than protecting our troops. But just because some in the minority party are choosing obstruction does not mean all Republicans must follow in lockstep.

I think it should alarm everybody to read the New York Times newspaper today. On the front page of the newspaper, it talks about what this administration does to people who they appoint to high-ranking positions. This one was a Surgeon General of the United States. To show how this administration is directing its employees

to act—and I am afraid leaking over into the legislative branch of Government—listen to some of the things the Surgeon General was directed to do.

Dr. Carmona said the administration ''would not allow him to speak or issue reports about stem cells, emergency contraception, sex education, or prison, mental and global health issues.''

''Dr. Carmona said he was ordered''—now, listen to this one—''he was ordered to mention President Bush three times on every page of his speeches.'' Any time he gave a speech, he had to mention President Bush's name three times or he could not give the speech.

. . . administration officials even discouraged him from attending the Special Olympics because, he said, of that charitable organization's long-time ties to a ''prominent family''. . . .

Now, we know that President Kennedy's sister got this started many years ago. He could not even attend the event.

''I was specifically told by a senior person, 'Why would you want to help those people?' ''. . . .

We are Senators. We have the ability, by virtue of our constitutional duties, to have a say in what goes on in this country. We are separate and equal branches of Government. My Republican colleagues must speak out against what the administration is directing this Congress to do. We need to stop protecting the President and start protecting our troops. That is what this amendment is all about. And to think that this administration is getting down into the weeds of things by saying how many times you have to mention his name in a speech speaks volumes of what is going on here in the Senate.

I urge all my colleagues who believe we need a new course to support this amendment, to vote for cloture. It is a crucial first step on the path toward a responsible end to this war.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the Webb, et al., amendment No. 2012, to H.R. 1585, Department of Defense Authorization, 2008.

Jim Webb, Richard J. Durbin, Daniel K. Akaka, Jack Reed, Carl Levin, H.R. Clinton, Russell Feingold, Jeff Bingaman, Christopher Dodd, Frank R. Lautenberg, John Kerry, Patty Murray, Jon Tester, Sherrod Brown, Ken Salazar, B.A. Mikulski, Joe Biden, Harry Reid.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on amendment No. 2012, offered by the Senator from Virginia, Mr. WEBB, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK) and the Senator from Louisiana (Mr. VITTER).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 56, nays 41, as follows:

[Rollcall Vote No. 241 Leg.]

YEAS—56

Akaka	Feingold	Nelson (NE)
Baucus	Feinstein	Obama
Bayh	Hagel	Pryor
Biden	Harkin	Reed
Bingaman	Inouye	Reid
Boxer	Kennedy	Rockefeller
Brown	Kerry	Salazar
Byrd	Klobuchar	Sanders
Cantwell	Kohl	Schumer
Cardin	Landrieu	Smith
Carper	Lautenberg	Snowe
Casey	Leahy	Stabenow
Clinton	Levin	Sununu
Coleman	Lincoln	Tester
Collins	McCaskill	Warner
Conrad	Menendez	Webb
Dodd	Mikulski	Whitehouse
Dorgan	Murray	Wyden
Durbin	Nelson (FL)	

NAYS—41

Alexander	DeMint	Lott
Allard	Dole	Lugar
Barrasso	Domenici	Martinez
Bennett	Ensign	McCain
Bond	Enzi	McConnell
Bunning	Graham	Murkowski
Burr	Grassley	Roberts
Chambliss	Gregg	Sessions
Coburn	Hatch	Shelby
Cochran	Hutchison	Specter
Corker	Inhofe	Stevens
Cornyn	Isakson	Thune
Craig	Kyl	Voinovich
Crapo	Lieberman	

NOT VOTING—3

Brownback	Johnson	Vitter

The PRESIDING OFFICER. On this vote, the yeas are 56, the nays are 41. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The Senator from Virginia is recognized.

AMENDMENT NO. 2012, WITHDRAWN

Mr. WEBB. Mr. President, I withdraw my amendment and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 2087 TO AMENDMENT NO. 2011

Mr. LEVIN. Mr. President, on behalf of myself, Senators REED, SMITH, HAGEL, KERRY, SNOWE, BIDEN, OBAMA, and CLINTON, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself, Mr. REED, Mr. SMITH, Mr. HAGEL, Mr. KERRY, Ms. SNOWE, Mr. BIDEN, Mr. OBAMA, and Mrs. CLINTON, proposes an amendment numbered 2087 to amendment No. 2011.

Mr. LEVIN. 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 provide for a reduction and transition of United States forces in Iraq)

At the end of subtitle C of title XV, add the following:

SEC. 1535. REDUCTION AND TRANSITION OF UNITED STATES FORCES IN IRAQ.

(a) DEADLINE FOR COMMENCEMENT OF REDUCTION.—The Secretary of Defense shall commence the reduction of the number of United States forces in Iraq not later than 120 days after the date of the enactment of this Act.

(b) IMPLEMENTATION OF REDUCTION AS PART OF COMPREHENSIVE STRATEGY.—The reduction of forces required by this section shall be implemented as part of a comprehensive diplomatic, political, and economic strategy that includes sustained engagement with Iraq's neighbors and the international community for the purpose of working collectively to bring stability to Iraq. As part of this effort, the President shall direct the United States Permanent Representative to the United Nations to use the voice, vote, and influence of the United States at the United Nations to seek the appointment of an international mediator in Iraq, under the auspices of the United Nations Security Council, who has the authority of the international community to engage political, religious, ethnic, and tribal leaders in Iraq in an inclusive political process.

(c) LIMITED PRESENCE AFTER REDUCTION AND TRANSITION.—After the conclusion of the reduction and transition of United States forces to a limited presence as required by this section, the Secretary of Defense may deploy or maintain members of the Armed Forces in Iraq only for the following missions:

(1) Protecting United States and Coalition personnel and infrastructure.

(2) Training, equipping, and providing logistic support to the Iraqi Security Forces.

(3) Engaging in targeted counterterrorism operations against al Qaeda, al Qaeda affiliated groups, and other international terrorist organizations.

(d) COMPLETION OF TRANSITION.—The Secretary of Defense shall complete the transition of United States forces to a limited presence and missions as described in subsection (c) by April 30, 2008.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

AMENDMENT NO. 2088 TO AMENDMENT NO. 2087

Mr. REED. Mr. President, I send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. REED] proposes an amendment numbered 2088 to amendment No. 2087.

Mr. REED. Mr. President, I ask unanimous consent that reading of the amendment dispensed with.

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

The amendment is as follows:

At the end of the amendment add the following:

This section shall take effect one day after the date of this bill's enactment.

Mr. LEVIN. Mr. President, our intention, after discussing this with the ranking member, is that we will now set aside these amendments and then the Republican side would designate another amendment that would then be offered. We understand it relates to Iran. That is our intention. I don't know if the sponsor of that amendment is ready.

I wonder if the Senator from Connecticut could introduce the amendment and, if he is not ready to speak on it, yield to other persons who could speak on other matters and his amendment.

Mr. LIEBERMAN. Mr. President, I thank the Chair and I thank my friend from Michigan. I am prepared to go forward whenever the Chamber would like. I understand the Senator from Massachusetts has a statement as in morning business.

Mr. LEVIN. If the Senator from Massachusetts is ready, I ask unanimous consent that the Senator from Massachusetts be recognized and afterward the Senator from Connecticut be recognized—if that is the intent of the ranking member.

Mr. McCAIN. Mr. President, reserving the right to object, and I will not object, perhaps the Senator from Connecticut could have his amendment pending, and then the Senator from Massachusetts could speak in morning business. I ask the Senator from Massachusetts, for planning purposes—and I know he is traditionally and characteristically brief—I wonder how long he might be.

Mr. KENNEDY. With the persuasion of my friend from Arizona, I expect to be 20 to 25 minutes. I am glad to do it at any time. I would like to speak on the amendment that has been offered. I understand that generally the authors of the amendment are usually recognized first. I am prepared to wait my turn. I would like to talk for 20, 25 minutes after that.

Mr. McCAIN. Mr. President, in deference to the age and seniority of the Senator from Massachusetts, I am more than happy to agree that after Senator LIEBERMAN proposes his amendment, the Senator from Massachusetts be recognized and then we return to debate on the Lieberman amendment, if that is agreeable to my friend from Michigan. If so, I ask unanimous consent for that.

Mr. LEVIN. Yes.

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

The Senator from Connecticut is recognized.

AMENDMENT NO. 2073 TO AMENDMENT NO. 2011

Mr. LIEBERMAN. Mr. President, pursuant to the unanimous consent agreement entered into, at this time I call up my amendment No. 2073.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Connecticut [Mr. LIEBERMAN] proposes an amendment numbered 2073 to amendment No. 2011.

Mr. LIEBERMAN. 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 require a report on support provided by the Government of Iran for attacks against coalition forces in Iraq)

At the end of title XV, add the following:

SEC. 1535. REPORT ON SUPPORT FROM IRAN FOR ATTACKS AGAINST COALITION FORCES IN IRAQ.

(a) FINDINGS.—Congress makes the following findings:

(1) Since January 19, 1984, the Secretary of State has designated the Islamic Republic of Iran as a "state sponsor of terrorism," one of only five countries in the world at present so designated.

(2) The Department of State, in its most recent "Country Reports on Terrorism," stated that "Iran remained the most active state sponsor of terrorism" in 2006.

(3) The most recent Country Reports on Terrorism report further stated, "Iran continued [in 2006] to play a destabilizing role in Iraq . . . Iran provided guidance and training to select Iraqi Shia political groups, and weapons and training to Shia militant groups to enable anti-Coalition attacks. Iranian government forces have been responsible for at least some of the increasing lethality of anti-Coalition attacks by providing Shia militants with the capability to build IEDs with explosively formed projectiles similar to those developed by Iran and Lebanese Hezbollah. The Iranian Revolutionary Guard was linked to armor-piercing explosives that resulted in the deaths of Coalition Forces."

(4) In an interview published on June 7, 2006, Zalmay Khalilzad, then-United States ambassador to Iraq, said of Iranian support for extremist activity in Iraq, "We can say with certainty that they support groups that are attacking coalition troops. These groups are using the same ammunition to destroy armored vehicles that the Iranians are supplying to Hezbollah in Lebanon. They pay money to Shiite militias and they train some of the groups. We can't say whether Teheran is supporting Al Qaeda, but we do know that Al Qaeda people come here from Pakistan through Iran. And Ansar al Sunna, a partner organization of Zarqawi's network, has a base in northwest Iran."

(5) On April 26, 2007, General David Petraeus, commander of Multi-National Force-Iraq, said of Iranian support for extremist activity in Iraq, "The level of financing, the level of training on Iranian soil, the level of equipping some sophisticated technologies . . . even advice in some cases, has been very, very substantial and very harmful."

(6) On April 26, 2007, General Petraeus also said of Iranian support for extremist activity in Iraq, "We know that it goes as high as [Brig. Gen. Qassem] Suleimani, who is the head of the Qods Force. . . . We believe that he works directly for the supreme leader of the country."

(7) On May 27, 2007, then-Major General William Caldwell, spokesperson for Multi-National Force-Iraq, said, "What we do know is that the Iranian intelligence services, the Qods Force, is in fact both training, equipping, and funding Shia extremist groups . . . both in Iraq and also in Iran. . . . We have in detention now people that we have captured that, in fact, are Sunni extremist-related that have, in fact, received both some funding and training from the Iranian intelligence services, the Qods Force."

(8) On February 27, 2007, in testimony before the Committee on Armed Services of the Senate, Lieutenant General Michael Maples, director of the Defense Intelligence Agency, said of Iranian support for extremist activity in Iraq, "We believe Hezbollah is involved in the training as well."

(9) On July 2, 2007, Brigadier General Kevin Bergner, spokesperson for Multi-National Force-Iraq, stated, "The Iranian Qods Force is using Lebanese Hezbollah essentially as a proxy, as a surrogate in Iraq."

(10) On July 2, 2007, Brigadier General Bergner detailed the capture in southern Iraq by coalition forces of Ali Musa Daqdaq, whom the United States military believes to be a 24-year veteran of Lebanese Hezbollah involved in the training of Iraqi extremists in Iraq and Iran.

(11) The Department of State designates Hezbollah a foreign terrorist organization.

(12) On July 2, 2007, Brigadier General Bergner stated that the Iranian Qods Force operates three camps near Teheran where it trains Iraqi extremists in cooperation with Lebanese Hezbollah, stating, "The Qods Force, along with Hezbollah instructors, train approximately 20 to 60 Iraqis at a time, sending them back to Iraq organized into these special groups. They are being taught how to use EPFs [explosively formed penetrators], mortars, rockets, as well as intelligence, sniper, and kidnapping operations."

(13) On July 2, 2007, Brigadier General Bergner stated that Iraqi extremists receive between $750,000 and $3,000,000 every month from Iranian sources.

(14) On July 2, 2007, Brigadier General Bergner stated that "[o]ur intelligence reveals that senior leadership in Iran is aware of this activity" and that it would be "hard to imagine" that Ayatollah Ali Khamenei, the Supreme Leader of Iran, is unaware of it.

(15) On July 2, 2007, Brigadier General Bergner stated, "There does not seem to be any follow-through on the commitments that Iran has made to work with Iraq in addressing the destabilizing security issues here in Iraq."

(16) On February 11, 2007, the United States military held a briefing in Baghdad at which its representatives stated that at least 170 members of the United States Armed Forces have been killed, and at least 620 wounded, by weapons tied to Iran.

(17) On January 20, 2007, a sophisticated attack was launched by insurgents at the Karbala Provincial Joint Coordination Center in Iraq, resulting in the murder of five American soldiers, four of whom were first abducted.

(18) On April 26, 2007, General Petraeus stated that the so-called Qazali network was responsible for the attack on the Karbala Provincial Joint Coordination Center and that "there's no question that the Qazali network is directly connected to the Iranian Qods force [and has] received money, training, arms, ammunition, and at some points in time even advice and assistance and direction".

(19) On July 2, 2007, Brigadier General Bergner stated that the United States Armed Forces possesses documentary evidence that the Qods Force had developed detailed information on the United States position at the Karbala Provincial Joint Coordination Center "regarding our soldiers' activities, shift changes, and defenses, and this information was shared with the attackers".

(20) On July 2, 2007, Brigadier General Bergner stated of the January 20 Karbala attackers, "[They] could not have conducted this complex operation without the support and direction of the Qods Force."

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the murder of members of the United States Armed Forces by a foreign government or its agents is an intolerable and unacceptable act of hostility against the United States by the foreign government in question; and

(2) the Government of the Islamic Republic of Iran must take immediate action to end all training, arming, equipping, funding, advising, and any other forms of support that it or its agents are providing, and have provided, to Iraqi militias and insurgents, who are contributing to the destabilization of Iraq and are responsible for the murder of members of the United States Armed Forces.

(c) REPORT.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, and every 60 days thereafter, the Commander, Multi-National Forces Iraq and the United States Ambassador to Iraq shall jointly submit to Congress a report describing and assessing in detail—

(A) the external support or direction provided to anti-coalition forces by the Government of the Islamic Republic of Iran or its agents;

(B) the strategy and ambitions in Iraq of the Government of the Islamic Republic of Iran; and

(C) any counter-strategy or efforts by the United States Government to counter the activities of agents of the Government of the Islamic Republic of Iran in Iraq.

(2) FORM.—Each report required under paragraph (1) shall be in unclassified form, but may contain a classified annex.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, as the Senate resumes debate on Iraq, our heartfelt support and appreciation go to our troops in harm's way. All Americans support our troops. They have fought bravely and continue to do so under extraordinary circumstances. They have answered the call to service. Many are on their third or fourth tour of duty in Iraq, separated from their families and loved ones for years. They have borne a great burden, and we owe them an extraordinary debt of gratitude.

History will write, however, that the President has repeatedly failed them by failing to have a policy worthy of their sacrifice. The President failed our troops from the outset by sending them into this misguided war without a plan to win the peace and by refusing to send sufficient troops to keep the peace.

Who can forget the words of GEN Eric Shinseki, who warned that America would need several hundred thousand troops to secure Baghdad? Who can forget the way the administration shunted him aside, ignored his advice, and allowed the looting and violence to spiral out of control? The administration's insistence that a small rapid force could achieve regional change and maintain a stable Iraq was utterly wrong, and chaos took the place of peace.

The President also failed our troops by repeatedly sending them into battle without proper equipment. Secretary Rumsfeld's callous comments that ''stuff happens'' and his mindless assertion that you go to war with the Army you have, not the Army you might want or wish to have at a later time still ring loud and clear in this Chamber, a constant reminder of the failure of leadership at the highest levels of the Pentagon.

The President failed our troops by relying for too long on a military solution to politically inspired violence and failing to engage in sustained regional diplomacy. We have been behind the curve every step of the way rather than leading, reaching out, and working to find solutions with Iraq's neighbors.

The President has also failed our returning troops home. Who can forget the horror we felt over the reports of our injured soldiers being housed in mold-infested rooms at Walter Reed Hospital? The services and medical care our troops need and deserve have fallen far short of meeting our responsibility.

We have given this President every opportunity. He has failed our troops by clinging to an unworkable policy that delivers less and less for our military and our mission in Iraq and stands no chance of succeeding now, in September, or ever.

The best way to honor our troops is to bring America's involvement in this misguided war to an end, not to pour more and more American lives into the endless black hole of our failed policy in Iraq.

The American people know this war is wrong. Voting against it was the proudest vote of my entire career in the Senate. It is wrong to abdicate our responsibility by allowing this failed war to drag on and on and allowing casualties to mount higher and higher. We don't need to wait until September to know that the surge will prove to be no better than the surges and failed strategies that preceded it.

President Bush keeps trying to buy more time for his failed policy by promising yet again that hope and change is around the corner. But after more than 4 years of such smoke and mirrors, Congress and the American people have lost faith in the President's competence in managing the war.

The American people have heard these new pleas before from the President. The death of Saddam's sons was supposed to have quelled the violence. It didn't. Capturing Saddam and bringing him to justice was supposed to stop the violence. It didn't. Three elections and a new Iraqi Constitution were supposed to have brought stability. They didn't. At every critical step, the administration has promised calm, but there is no calm. Our soldiers have constantly been faced with an increasingly violent and lethal insurgency.

The promise of success around the corner through the surge is no different. Initially, the administration told the American people the surge would add 21,000 troops to Iraq, but they didn't reveal the fact that there would be a wave after the surge, and we ended up sending nearly 30,000 troops.

In January, Secretary Gates said:

> It's viewed as a temporary surge.

In February, Secretary Gates told the Senate Appropriations Committee:

> I think General Petraeus believes that we will have a pretty good idea whether this surge and whether this strategy is working, probably by early summer.

In April, Secretary Gates told us more time would be needed. He said:

> I think it's been General Petraeus' view all along that . . . some time, at some point during the summer, mid to late summer, perhaps, he has thought that he would be in a position to evaluate whether the plan was working so far.

In May, President Bush said even more time would be necessary. He told us:

> As General Petraeus has said, it will be at least the end of the summer before we can assess the impact of this operation. Congress ought to give General Petraeus' plan a chance to work.

A week later, Secretary Gates said the administration would ''make their evaluation of the situation and the surge in September.''

Temporary surge, early summer, mid to late summer, at least the end of the summer, September—these are the administration's desperate efforts to hide its failure just a little longer. I have no doubt that in September the administration will ask for yet another chance, but there are no more chances. Time is up. It is wrong to ask the American people and our military to cling to the false hope that September will bring change. It is wrong to ask our troops to bear the brunt of a failed policy. It is past the time to acknowledge that the administration's policy has failed and adopt a new course now to begin to withdraw our troops from Iraq. The facts are clear.

President Bush argued that the surge would bring security, create an opportunity for political reconciliation, and enable reconstruction to make progress. When he announced the surge last January, the President said:

> America will change our strategy to help the Iraqis carry out their campaign to put down sectarian violence and bring security to the people of Baghdad.

Yet, more than 6 months later, the violence continues unabated in Baghdad.

The Pentagon's own June report on Iraq, which covered the months of February through May, stated:

> Violence against coalition and Iraqi security forces remained consistent with previous levels.

Unidentified bodies continue to be found in Baghdad at an alarming rate. Press reports say that in April, 411 unidentified bodies were found. In May, 726 bodies were found. In the first 6 days of June alone, 167 bodies were found. Many showed signs of torture and execution. Some have been beheaded. U.S. casualties have also increased in Baghdad during the surge. Our troop losses in Baghdad this year

have more than doubled over the same period as last year. The number of Americans killed in Baghdad from January through June in 2006 was 96, but the number from January through June of 2007 was 250—2½ times higher.

The presence of additional U.S. troops in Baghdad has also resulted in the spread of violence outside the city. The Pentagon's June report confirmed this trend. It said:

Many insurgents and extremists have moved operations to Diyala, Ninewa, and the outlying areas of Baghdad Province . . .

American soldiers are bearing the brunt of the violence, and they understand this trend as well. From January through June of this year, we lost 86 troops in Diyala—more than four times the number of troops killed there in all of 2006.

Attacks against Iraqi civilians are spreading across the country as well. According to the Associated Press, nearly 1,900 Iraqis have been killed in suicide attacks in 2007 and more than 4,400 have been wounded.

Our troops continue to be attacked and killed at a higher rate than ever across Iraq. Every month in 2007, American casualties have been higher than the same month in 2006. In January of this year, 83 of our soldiers were killed, compared to 62 the same month a year ago. In February of this year, 80 of our soldiers were killed, compared to 55 in the same month a year ago. In March of this year, we lost 81 of our soldiers, compared to 31 in March a year ago. In April of this year, 104 of our soldiers were killed, compared to 76 in the same month a year ago. In May of this year, 126 of our soldiers were killed, compared to 69 in the same month a year ago. In June of this year, 100 of our soldiers were killed, compared to 61 in the same month a year ago.

We don't need to wait until September to conclude that the surge has led to greater violence, not less, and that the time has come to bring our troops home.

Political progress has been nonexistent. In announcing the surge in January, President Bush told the American people that it would facilitate reconciliation. He said:

Most of Iraq's Sunni and Shia want to live together in peace—and reducing the violence in Baghdad will help make reconciliation possible.

In fact, it has not happened.

In December 2006, the Iraq Study Group outlined a list of commitments made by the Iraqi Government and stated that by the end of 2006 or early 2007, Iraqis would need to approve a provincial election law, set an election date, approve a petroleum law, approve a debaathification law, and approve a militia law. In fact, none of the dates have been met and none of the crucial Iraqi legislation so essential to reconciliation has been approved.

The Pentagon's report in June made this point bluntly. It said:

Key legislative or reconciliation actions—such as the Hydrocarbon Law, de-Ba'athification reform, and Article 140 (Kirkuk)—were not completed during this reporting period.

The Pentagon's June report also addressed the problem more generally. It said:

Reconciliation remains a serious unfulfilled objective.

It said:

Mass-casualty attacks on Shi'a targets and the April 2, 2007 attack on the Council of Representatives have made the Shi'a wary of reconciliation.

It said:

There is also significant evidence of violence against Sunni Arabs, sometimes involving government security forces, that undermines reconciliation efforts.

It said:

Public perceptions of violence have adversely affected reconciliation.

As long as the commitment of our troops continues to be open ended, there is unlikely to be progress on reconciliation. It won't be until the Iraqis know our troops will not fight their civil war indefinitely that they will begin to make the hard political choices necessary to achieve reconciliation.

Importantly, the surge has not even been able to deliver on the President's goal of enabling reconstruction to go forward and fulfill its promise of a better standard of living for the Iraqi people.

On the fundamental issue of providing basic services for the Iraqi people, the Pentagon report in June said:

The Iraqi government has made little progress.

Despite the billions and billions of dollars our Government has spent on reconstruction, the Special Inspector General for Iraq Reconstruction found that Iraq is still plagued by power outages, inadequate oil production, and shortages of clean water and health care. Electricity levels in Baghdad are half of what they were before the invasion. At the Baghdad International Airport, almost $12 million was spent on electrical generators, but more than half the money invested has been wasted.

Problems with reconstruction are not limited to Baghdad. Of eight reconstruction projects that the United States had declared a success 6 months to a year earlier, the special inspector general found that seven of them were no longer operating as designed because of plumbing and electrical failures, lack of proper maintenance, or apparent looting. Of the 142 primary health care clinics planned for Iraq, only 15 have been built, and of those 15, only 8 are open to the public. Mr. President, 800 schools have been built and thousands of teachers have been trained, but less than a third of the Iraqi students attend class.

No one in this administration can tell the American people in good faith and good conscience that we are making progress in Iraq. Bringing this war to an end will not destroy the administration's policy. The policy has already self-destructed. Nothing good will come of staying on the same perilous failed course.

Iraq is sliding deeper and deeper into civil war. Instead of solving the problem, the open-ended presence of our military is only making it worse.

The choice is clear: Do we continue to put our trust in those who have led us astray, or do we end this failed policy and begin a new course in Iraq?

Finally, the cost in precious American lives for this failed mission is reason enough to end this mistaken and misguided war. But the costs here at home hit us again this week when our Congressional Research Service raised the estimate of what we are spending in Iraq from $8 billion to $10 billion a month. With the passage of this latest Defense spending bill, we will have spent $450 billion on the war.

We know where this money comes from. It comes from America's families, and it means that urgent domestic priorities at home are going unmet because they are starved of funds.

We know we must deal with the soaring cost of health care and finding a way to cover the millions of Americans who have no health insurance at all. This festering crisis is a major worry for families across America, and we owe it to our people to address it.

Six million uninsured children in America should be enrolled in the Children's Health Insurance Program, but there is not enough money to do that. For the cost of 6 weeks in Iraq, we could cover every one of these children.

For less than the cost of 1 month in Iraq, we could double the budget for the Centers for Disease Control to keep American families safe from bioterrorism and other deadly epidemics.

For the cost of 2 weeks in Iraq, we could double the funding for the National Cancer Institute, which is vital to finding a cure for that deadly disease.

For the cost of 1 day in Iraq, we could double the ability of the Food and Drug Administration to protect Americans from unsafe foods by increasing inspections, upgrading facilities, and hiring more safety personnel. For less than the cost of a day in Iraq, we could allow a million uninsured Americans to be served by community health centers.

In education, the price of Iraq is also very high. Each year, 400,000—400,000—high school graduates do not go to 4-year colleges because they cannot afford it. For the cost of less than a week in Iraq, every one of those students—every one—could receive the assistance they need to go to college.

We know that early education programs, such as Head Start, make an enormous difference to a child's future. But Head Start now serves only half of the millions of children who are eligible for the program. For the cost of 3 weeks in Iraq, we could serve every eligible child and family in the Nation.

The administration has failed to fund the No Child Left Behind Act by $56

billion since its enactment in 2002. For the cost of less than 6 months in Iraq, we could make our public schools whole by providing all the funding they have been denied over the past 5 years. For the cost of only 49 days in Iraq, we could fully fund this important program for every public school in this country.

The war in Iraq is also denying urgently needed resources for the first responders and emergency personnel who are keeping us safe at home in all 50 States. For the cost of 1 month in Iraq we could provide 3 million portable radios to our first responders, enabling them to communicate during a natural disaster or terrorist attack. We could provide our heroic firefighters with 12 million additional units of breathing gear or 40,000 new firefighting vehicles.

The list goes on and on and on. Countless high-priority items at home must go underfunded or unfunded because the war in Iraq is draining vast amounts of resources. In the days ahead, the Senate will debate these all important issues. For the sake of our men and women in uniform, for the sake of our values and our ideals, we must adopt a new course and bring our troops home to the heroes welcome they have so clearly earned and get about the business of putting America back on track.

Mr. LIEBERMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MENENDEZ). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 2073

Mr. LIEBERMAN. Mr. President, a short while ago, I called up amendment No. 2073, which would require a report on support provided by the Government of Iran for attacks against coalition forces, American forces, in Iraq.

I am going to speak about this now at some length, but let me say at the beginning that I offered this amendment in the hope that it will bring forth a strong, unified statement by the Senate that we have noted the evidence presented by our military of the involvement of the Iranian forces in the training and equipping of Iraqi terrorists, who have then gone back to Iraq and are responsible for the murder of hundreds of American soldiers there, and, I would say, thousands of Iraqi soldiers and civilians as well. So in the midst of the controversy that exists in our country, and as reflected in the Senate over the war in Iraq in general, I am hopeful this amendment will offer an opportunity for us to come together to accept the evidence our military has given us of Iran's involvement in the murder of hundreds of American soldiers and together to stand and say to the Iranians that this must stop. Here is the evidence. We know what you are doing. This must stop.

Then, in an operational clause of the resolution, to ask, finally, within 30 days after enactment of the act and every 60 days thereafter, the commander of multinational forces in Iraq and the U.S. Ambassador to Iraq shall jointly submit to Congress a report describing and assessing in detail external support or direction provided to anticoalition forces by the Government of the Islamic Republic of Iran or its agents.

There are some other points in that which I will get to in a minute.

Whether you are pro-war in Iraq or antiwar in Iraq, whether you think we ought to mandate a withdrawal of some or all of our troops or you disagree with that, it seems to me every Member of this Chamber ought to come together around the evidence that our military has provided of what the Iranians are doing to kill our soldiers and to tell them we know it and we want them to stop it.

Yesterday I came to the floor to speak at the beginning of the debate about what I thought was involved. I quoted our colleague and friend from Indiana, Senator LUGAR, who made a very thoughtful speech with which I agree in large part, disagree with in small part. I cited with appreciation Senator LUGAR's statement in his remarks. Again, obviously, we all know Senator LUGAR is a skeptic when it comes to the strategy we are following in Iraq or the course that it has taken or the concern about the political timetable here in Washington. We are not talking about that, but to acknowledge for the record that I know Senator LUGAR is skeptical about where we are now. Nevertheless, he had a very strong statement in that speech he made here on the Senate floor with which I agree totally in which he outlined the national security interests of the United States in how the war in Iraq ends. One of them was to prevent Iran from dominating parts of Iraq. Another was to preserve our credibility in the region, in the Middle East, the credibility that has been so important in attempting over decades, now, to maintain some minimal level of stability in the Middle East—clearly a region of the world that is important to us in many ways. In the most direct way, unfortunately, because of our failure to adopt an independent energy policy, we continue to depend too much on oil and gas that comes from the Middle East so we have an interest in keeping it stable. Obviously we have tremendous spiritual ties to the Middle East as well as more broadly political and economic ties.

I mention this because Senator LUGAR did talk about Iran and the importance of maintaining American credibility in the region. To me, nothing illustrates the stakes here and the larger conflict we are dealing with in the Middle East more clearly than the deadly and destabilizing role that is being played today by the Government of the Islamic Republic of Iran and its agents in Iraq.

The fact is that for months and months now, our military commanders and diplomats have been telling us about a proxy war the Iranians have been waging against our soldiers, other coalition forces, and our allies in Iraq. GEN David Petraeus, the commander of multinational forces, and others, have spoken bluntly and publicly and I would say repeatedly about how the Iranian Quds Force, an elite unit of the Iranian Guard Force, has been training, arming, funding, equipping, and directing the extremists in Iraq, terrorists who then go back into Iraq and attack our troops. This past February, senior military officials of ours in Baghdad described forensic evidence that implicated Iran at that time in the deaths of at least 170 American servicemembers, and one may assume that the number has gone up significantly since then. That is 170 American servicemembers killed as a result of the involvement of Iran through Iraqi terrorist allies in Iraq; lost lives of Americans as a result of what Iran and its proxies are doing.

Last week, the United States military spokesman for the Multi-National Force Iraq, BG Kevin Bergner, presented new and I think stunning details about Iran's complicity in deadly attacks against our servicemembers. I present this resolution to say to our military, at the beginning: We hear you, but also say to the Iranians: We see what you are doing and we are simply not going to accept it.

The fact is, the previous warnings that have been given, and disclosures given by our military about Iranian involvement in Iraq, in some sense have drifted up into the media air which is so cluttered with so much else from the Middle East, from Iraq—so much controversy that it seems to not have settled into the collective consciousness of Members of Congress, let alone the American people, about what Iran is doing to our soldiers, our sons and daughters, our husbands and wives, our friends, our neighbors.

It is time for the Senate to say to Iran: We know what you are doing. It is time for you to stop it.

Last Monday, according to General Bergner—he made the statement last Monday—he said Iran has been using its territory—this is more specific than has ever been said publicly by the American military before—Iran has been using its territory to train and organize Iraqi terrorists who then go back and kill Americans in Iraq.

General Bergner said groups of up to 60 Iraqi militants at a time have been taken to three training camps near Tehran—again, more specific information than ever has come out before publicly—three training camps operated by the Quds Force near Tehran, where these extremists from Iraq have received instruction in the use of mortars, rockets, improvised explosive devices, bombs used by suicide bombers, or those set off in sophisticated ways from a distance, and other deadly tools

of warfare that they then use against our troops in Iraq.

Iran is also, General Bergner pointed out—and this I thought was stunning and should not be allowed to fade after a day's news cycle away—Iran is using the Lebanese Islamist terrorist group Hezbollah as a surrogate to help build up its terrorist allies in Iraq. That is what General Bergner, our general, our spokesperson in Baghdad, said. So they are bringing their Hezbollah terrorist clients from Lebanon, which is threatening and fighting the established Seniora Government in Beirut, which is our ally, a moderate government, an ally of ours—the Iranians are bringing Hezbollah from Lebanon to Iraq and Iran, to train Iraqis to kill Americans and Iraqis. We know this in part, General Bergner made clear, because our forces have captured one of the Hezbollah leaders, Ali Moussa Dakdouk, inside Iraq. He was captured, a Lebanese Hezbollah Islamist terrorist leader captured inside Iraq. Documents were recovered attendant to that, that detailed the relationship between the Iranian regime and the extremist groups that they are sponsoring in Iraq. So said BG Kevin Bergner, spokesperson for our forces in Iraq.

General Bergner also reported last Monday that the U.S. military has concluded that the senior leadership—that is a quote, ''the senior leadership''—in Iran is aware of the activities of the Quds Force in sponsoring attacks against our soldiers in Iraq and that, in his words, it is ''hard to imagine'' that the Supreme Leader of Iran, Ayatollah Ali Khamenei, does not know of them.

These are very serious statements, very serious charges by a respected and authoritative spokesperson for the U.S. military.

Those who follow the complicated inner world of Iranian Government know, to the best of our ability to follow it, that this elite military/terrorist group, the Iranian Revolutionary Guard Corps, IRGC, and the Quds Force that is part of it—their leadership is selected and reports directly to the Supreme Leader of Iran, Ayatollah Ali Khamenei, not to President Ahmadinejad.

So there is plenty of basis in the evidence that we have, in the involvement of the Quds Force and the Iranian Revolutionary Guard Corps, which we know reports to the Supreme Leader of Iran, that the Supreme Leader of Iran knows what they are doing and presumably has approved it. If he didn't know what they were doing, he certainly does now because the American military has been telling the world. They are probably wondering whether anybody has been listening, for months and months now, that this is exactly what Iran has been doing.

It goes without saying, but I want to say it, that no one in this Chamber is looking for a fight with Iran. But that does nothing to alter the fact that Iran has, through its proxies, initiated a fight against us. That is a reality we no longer have the luxury of ignoring. It is a reality we must confront in the defense of the men and women who wear the uniform, the proud uniform of the United States of America in battle in Iraq today. Iran's actions in Iraq fit squarely within a larger pattern of expansionist, extremist behavior by the Islamic Republic of Iran in the Middle East over all the years, more than a quarter of a century now, since 1979 when the revolution occurred in Iran, when the American Embassy was seized, when the hostages were held in an outrageous act for more than a year.

We know the Iranian Government has used radical Islamist groups throughout the years since then as its regional proxies. We know these proxies have been dispatched to attack and murder American soldiers and citizens in the past.

What am I speaking of? I am speaking of the Marine Corps barracks bombing in Beirut in 1983, 24 years ago, which killed 241, I believe, American marines. All the evidence that was gathered after that to me makes a compelling case that that attack was carried out by Hezbollah, which is sponsored, supported, equipped, trained, directed by Iran.

Then there was the Khobar Towers attack in Saudi Arabia in 1996, where American military and other personnel lived. Again, American blood on the hands of Iran from all the evidence that I have seen about the cause of that attack, the perpetrators being agents of the Iranian Government.

We know these proxies who have worked aggressively and consistently on behalf of the extremist regime in Tehran to undermine moderate governments in the region, to extend Iranian influence. It is happening now in a way that seems to me to be more concerted, more aggressive than ever before. You can pick your reason for it. You can say the Supreme Leader Khamenei, President Ahmadi-Nejad, fanatics, anti-Americans shouting, urging their followers by the thousands to shout: Death to America. Death to America. They have been doing that since 1979, continue to do it. You can't take it as a meaningless chant. We have to take extremists at their word because we have seen too often in our history, most recently with all that Osama bin Laden was telling us he would do to us in the 1990s, that in fact he did it, most tragically on 9/11.

But some would say that this move throughout the region by Iran is to take the mind of the unhappy Iranian majority off the failure of the Ahmadi-Nejad Government to help make the economy go. Others would say that this is the moment when the Iranians think that American and other powers who have kept the balance and stability in the region will not respond to their aggression. Whatever. We have to open our eyes and see what is happening in the Middle East today. In addition to sponsoring attacks on Americans and Iraqis in Iraq, Tehran is also training, funding, and equipping radical terrorist groups that are working to destabilize Lebanon, the Palestinian Authority, and Afghanistan. Afghanistan is a fascinating example because there they are now, by all the evidence our military has, the U.S. military, Iran is now supporting the Taliban, which historically has been its enemy. The Taliban now, according to what our military tells us, appears to be receiving Iranian weapons in their ongoing war against the Government of President Hamid Karzai, our ally, the hope for a new Afghanistan, and the American and NATO forces there.

In fact, in one sense, it makes perfect sense that Iran is using Hezbollah to aid extremists in Iraq. The fact is, each of the seemingly separate conflicts I have described in the Middle East has a connection. They are part of a larger regional war that we are involved in, but so are so many of our allies in the region. Israel, obviously; but also broadly in the Arab world. If you have been to the Middle East, as I have recently, within a month, you find the level of anxiety—beyond concern, anxiety—in the Arab world among our allies about the movements and intentions of Iran is palpable.

The fear, of course, is that Iran is moving to establish itself as the dominant power in the region and to establish its own brand of Islamist extremism as the dominant ideology-theology in the region. In some sense, this is an undeclared war, but it is nonetheless very real. This is a fight the Iranians want to wage in the shadows, I suppose so they can escape some responsibility for blood on their hands. But it is also evident, as the American military and Governments of Lebanon and Afghanistan and Palestinian Authority have themselves made clear.

In debating this bill, which is the Department of Defense authorization bill, our first and foremost responsibility—in fact, it expresses itself so many ways in the language of this bill, which was unanimously reported out of the Senate Armed Services Committee on which I am honored to be a member—our first and foremost responsibility is to protect our national security and to protect our troops who are protecting our national security.

If we do not respond to the evidence that has been presented to us about the acts of the Iranian Government and their agents, I fear—I conclude—we will have failed on both counts. Our troops are being attacked and killed by the agents of Iran. The very least that we in this Chamber can do is to send a clear and unmistakable message to the Government in Iran that we know what you are doing and we insist that you stop.

That is why I am offering this amendment today to the Defense Authorization Act. I hope my colleagues will see it as a commonsense, common-ground amendment that confronts the Government of the Islamic Republic of

Iran with the evidence of its attacks on American soldiers in Iraq.

The amendment details the evidence already in the public record that has been put forward over the past year by General Petraeus and other senior U.S. officials about Iran's involvement in violence and destabilizing activities in Iraq.

I repeat what I said at the outset. Whether you are for or against the war in Iraq, whether you are for or against an amendment mandating a deadline or a timeline for withdrawing our troops, I hope we all can find common ground in making this statement, that we see the evidence of Iran's complicity in the deaths of American soldiers and we insist they stop. This amendment is not a call for war against Iran. I—as do all the Members of this Chamber, I am sure—always favor diplomacy first.

But this is a call to defend our troops and our vital interests which are under attack by Iran. It is a call for all of us to wake up to the outrageous actions that are being undertaken by the extremist Government in Tehran. It is important that we no longer deceive ourselves. If Iran can get away with the murder of American soldiers and pay no price, it will do it again and again and again. We cannot allow Iran to have a license to wantonly and deliberately murder our troops.

For if we sit silently by while this is happening, they will continue to take actions that are hostile to us, and the chances of us achieving what I think everybody in this Chamber would want us to achieve, which is to stop the Iranians from developing nuclear weapons, will simply be impossible.

The choice we face with Iran is not a choice between war and peace, it is at this moment a choice between turning a blind eye to the murder of our troops and confronting those who are murdering them. It is a choice between sending a message of determination and deterrence, which hopefully will end this action by the Iranians and sending a message of weakness and appeasement.

Just as our men and women in uniform are serving in Iraq to protect and defend all of us, they respond to what their Nation asks them to do, so too do we in this Chamber have a responsibility that I know we all acknowledge. It comes out of this Department of Defense authorization bill loudly and clearly. We accept our responsibility to do everything in our power to defend the men and women in uniform who serve us.

Support our troops I know is not just a bumper sticker, it is a solemn pledge of this Government, and everyone who serves it, including those of us who are privileged to serve in the Senate.

I hope this resolution can form the foundation for a larger, longer conversation that we in Congress need to have about the struggle we are in with Iran regionally, the threat its Government possesses to the security not just of our soldiers whom I have talked about but to our allies in that region whom I have talked about, and, ultimately, I fear to our country, the United States of America, and the way our policy must take account of that reality.

The threat posed by Iran to our soldiers' lives, our security as a nation and our allies in the Middle East is a truth that cannot be wished or waved away, it must be confronted. This amendment gives the Senate the opportunity to do that. So let us then with one voice tell the fanatical, anti-American leaders of the Government in Tehran, who I believe do not represent the majority of the Iranian people, that they cannot attack our troops without consequence. Let us with one voice tell our brave soldiers in Iraq, that Iran's assault on them will not go unnoticed or unanswered by this Senate. The regime in Iran, I fear, is betting that our political disunity about Iraq will constrain us in responding to its attacks. I do not believe that.

For the sake of our Nation's security, for the sake of our soldiers, we must—and I am confident will—prove them wrong.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, first, let me commend the Senator from Connecticut for his amendment. There is an awfully important message that is in that amendment about the threatening activities of Iranians against us in a number of parts of the world but more specifically in Iraq. This amendment is intended to capture some of the problems which are created by those activities of Iranians in Iraq particularly.

What we are trying to work out with the Senator from Connecticut, and again I commend him on his initiative, I think it is a very important one and I think it is possible the Senate can speak with one voice and we should speak with one voice on this issue.

There are language modifications which we are suggesting and which I have already had a chance to talk to my good friend from Connecticut about. I think if we either can have a brief quorum call or if anybody else who is here wishes to address the Senate on this or other subjects, they could be recognized at this point. But in the absence of that if I note——

Mr. LIEBERMAN. Mr. President, I wish to respond to my friend from Michigan, to thank him for his general expression of support for the amendment I offer and also for some of the suggestions he has made to me. Our staffs are working now.

Again, I wish this to be a clear statement, but I wish it to be a unified statement. I believe that, together, we can achieve that result. So I thank him. I will continue to work on it.

Mr. LEVIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CASEY. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. CASEY. Mr. President, the Senate is once again debating future U.S. policy in Iraq. I, like others, have long advocated a new direction for our policy. I will continue to vote in a manner consistent with changing course in Iraq. However, today I rise not to speak about policy, tactics, or strategy. I will speak today only about our troops and their families.

First, the numbers are important. At last count, 3,609 Americans have lost their lives in Iraq, including 169 from Pennsylvania, the third highest death toll in the Nation. Over 25,000 have been wounded in Iraq, including more than 1,100 from Pennsylvania. Approximately 156,000 Americans, both Active-Duty and Reserve forces, are currently serving in Iraq, including more than 8,000 from Pennsylvania.

Certainly, numbers don't tell the whole story, especially when we consider the traumatic effect this war has had on individual families. These fighting men and women were born into families, not divisions and brigades. They are sons and daughters, wives and husbands, brothers and sisters, and, of course, fathers and mothers. Their love for their families is matched only by their devotion to our Nation. This war has impacted these families in many different ways.

We remember today and every day with gratitude and reverence those more than 3,600 soldiers and marines who have died, who gave, as President Lincoln said, the last full measure of devotion to their country. Their families have loved and lost, and the sharp pain of that loss may, we pray, diminish over time, but certainly the ache and the hurt will long endure because someone they loved, someone whose strong, warm embrace gave them comfort, will no longer be there for them. In fact, that person in the family is missing.

Some families have a loved one who served in Iraq and returned home, thank God, but, like 25,000 others, was wounded in Iraq. These families have paid a terrible price for the courage and dedication of their family members.

Today, we remember the bravery of our fighting men and women. Their bravery is so inspiring to all of us. I met one of them in March who represents so many across this land of the brave, this country we call America, our America. His name is Joshua Humberger, of Grapeville, Westmoreland County, PA, 20 years old from a small town, like many of our fighting men and women from small communities across America, in this case southwestern Pennsylvania. Joshua is in the Army National Guard. He received a Purple Heart and other commendations after he was wounded when

the vehicle he was riding in was hit by a bomb, killing his commander, SFC Daniel Brozovich of Greenville, PA, way up in Mercer County near the Ohio border. Two others, Ryan Griffin and Robert Kaminiski, both of Allegheny County, were injured as well in the attack.

To say that Joshua was injured in this attack is an understatement. Here is what one news article said about his injuries:

His left leg was amputated at the knee. His stomach was pierced by shrapnel and surgeons had to remove part of his lower bowel.

Despite all of the pain he and his wife Jessica have endured, he said during my visit: I want to go back. I want to go back to continue serving.

Where do these young men and women find the strength? We have to ask that. I have to say I don't know because it is hard for me to fully appreciate or comprehend such courage. They must be finding this courage from a reservoir of faith, love for and from their family, and an abiding allegiance to this Nation.

We know other families have loved ones who are in Iraq now or have had family members there for a long time. But even if a soldier returns home from Iraq and is not killed or wounded, even if that is the case, in a family, they are still missing while they are there, even if the Lord keeps them safe.

Today, we think of a lot of expressions of how to talk about this. One of them that comes to mind is from the great rock music icon Bruce Springsteen, who has roots in New Jersey, the Presiding Officer's State. I know he is proud of that. His words come to mind today. Written in the aftermath of 9/11, they help explain what our families have endured during this war. Bruce Springsteen's song ''You're Missing'' says in part:

Your house is waiting. Your house is waiting for you to walk in. But you're missing. You're missing when I shut out the lights. You're missing when I close my eyes. You're missing when I see the sun rise. You're missing. Children are asking if it's alright. Will you be in our arms tonight?

We ask that question as well, Mr. President.

To pay small tribute to those who are missing from their homes and families because they lost their lives far away on a battlefield in Iraq, I wish to take a few moments to read the names and hometowns of the 169 Pennsylvanians killed in action:

Shawn M. Davies, Aliquippa/Hopewell; Aric J. Barr, Allegheny; Joseph P. Goodrich, Allegheny; Luis O. Rodriguez, Contrera-Allentown; Larry Parks, Jr., Altoona; Russell G. Culbertson III, Amity; Stevon Alexander Booker, Apollo; Joshua J. Henry, Avonmore; Todd M. Siebert, Baden; Allan R. Bevington, Beaver Falls; Clint Richard Matthews, Bedford; Russell A. Kurtz, Bethel Park; Christopher D. Coffin, Bethlehem; Frederick A. Carlson, Bethlehem; Brent W. Dunkleberger, Bloomfield; Paul D. Karpowich, Bridgeport; John H. Todd III, Bridgeport; Christopher E. Loudon, Brockport; Tristan Smith, Bryn Athyn; and Carl J. Morgain, Butler.

George A. Pugliese, Carbondale; Oliver J. Brown, Carbondale; Kimberly A. Voelz, Carlisle; Nicholas B. Morrison, Carlisle; Gregory A. Cox, Carmichaels; Aaron M. Genevie, Chambersburg; Brandon M. Hardy, Cochranville; John T. Bubeck, Collegeville; Nils George Thompson, Confluence; Shelby J. Feniello, Connellsville; Timmy R. Brown, Jr., Conway; Matthew C. Bowe, Coraopolis; Michael W. Franklin, Coudersport; Michael J. Cleary, Dallas; Joseph M. Kane, Darby; Jason A. Shaffer, Derry; Kenneth E. Zeigler II, Dillsburg; Colby J. Umbrell, Doylestown; Travis L. Manion, Doylestown; and Steven R. Tudor, Dunmore.

Corey L. Small, East Berlin; Christopher Scott Seifert, Easton; Joshua P. Klinger, Easton; Ashly L. Moyer, Emmaus; Ernest G. Bucklew, Enon Valley; Donald Samuel Oaks, Jr., Erie; Victor M. Cortes III, Erie; Jeremy R. Horton, Erie; Mark T. Resh, Fogelsville; Bradli N. Coleman, Ford City; Sean P. Huey, Fredericktown; Dylan R. Paytas, Freedom; Mark P. Phelan, Green Lane; Roger Alan Napper, Jr., Greenburg; Eric W. Slebodnik, Greenfield Township; Michael A. Marzano, Greenville; Daniel A. Brozovich, Greenville; William L. Evans, Hallstead; Lee A. Wiegand, Hallstead; and John Kulick, Harleysville.

Sean Michael Thomas, Harrisburg; Barton R. Humlhanz, Hellertown; Ronald E. Baum, Hollidaysburg; Brandon E. Adams, Hollidaysburg; Daniel R. Lightner, Jr., Hollidaysburg; Curtis J. Forshey, Hollidaysburg; Keith A. Bennett, Holtwood; Landon S. Giles, Indiana; Randy D. McCaulley, Indiana; Bradley G. Kritzer, Irvona; Robert H. Dembowski, Ivyland; Michael R. Cohen, Jacobus; David Michael Veverka, Jamestown; Dennis J. Veater, Jessup; Andrew Joseph Baddick, Jim Thorpe; Raymond R. Buchan, Johnstown; Christopher A. Golby, Johnstown; Aaron J. Rusin, Johnstown; Andrew R. Jodon, Karthaus; and Ross A. McGinnis, Knox.

Jacob Walter Beisel, Lackawaxen; Jason L. Frye, Landisburg; Jsoeph Basil Maglione III, Lansdale; Maurice J. Johnson, Levittown; Jae S. Moon, Levittown; Ryan S. Ostrom, Liberty; Stephen P. Snowberger III, Lopez; David E. Dietrich, Marysville; Keith A. Callahan, McClure; Christopher E. Cutchall, McConnellsburg; Mark Joseph Kasecky, McKees Rocks; Edward W. Carman, McKeesport; Micheal J. Smith, Media; Michael E. McLaughlin, Mercer; Jeremy M. Campbell, Middlebury; Louis E. Allen, Milford; Zachariah W. Long, Milton; Edward W. Shaffer, Mont Alto; Daniel L. Arnold, Montrose; and Nathaniel E. Detample, Morrisville.

Thor H. Ingraham, Murrysville; Travis C. Zimmerman, New Berlinville; Clifford L. Moxley, Jr., New Castle; Albert Pasquale Gettings, New Castle; Orlando E. Gonzalez, New Freedom; Jennifer M. Hartman, New Ringgold; Brandon J. Van Parys, New Tripoli; Timothy L. Hayslett, Newville; Kyle J. Grimes, Northampton; Justin W. Dreese, Northumberland; Brett D. Swank, Northumberland; John R. Priestner, Leraysville; Jonathan Roy Kephart, Oil City; Kyle J. Renehan, Oxford; Jeremy E. Maresh, Penn Forest Township; Brian R. Faunce, Philadelphia; Francis J. Straub, Jr., Philadelphia; Adam C. Conboy, Philadelphia; Carl W. Johnson II, Philadelphia; and Edward W. Brabazon, Philadelphia.

Joseph M. Nolan, Philadelphia; Rodney A. Jones, Philadelphia; Nicholas J. Zangara, Philadelphia; Brahim J. Jeffcoat, Philadelphia; Gennaro Pellegrini, Jr., Philadelphia; Albert M. Nelson, Philadelphia; Wesley J. Williams, Philadelphia; David R. Bernstein, Phoenixville; Douglas J. Weismantle, Pittsburgh; Rafael L. Navea, Pittsburgh; Nicholas A. Tomko, Pittsburgh; Robert E. Hall Jr., Pittsburgh; Patrick Brian Kenny, Pittsburgh; Mark W. Melcher, Pittsburgh; Jason M. West, Pittsburgh; Thomas E. Vandling, Jr., Pittsburgh; Steven Freund, Pleasant Hills; Andrew W. Brown, Pleasant Mount; Sherwood R. Baker, Plymouth; and Jaror C. Puello-Coronado, Pocono Summit.

Craig S. Ivory, Port Matilda; Anthony L. Sherman, Pottstown; Scott R. Smith, Punxsutawney; Tamarra J. Ramos, Quakertown; William V. Fernandez, Reading; Joseph Minucci II, Richeyville; Tony L. Knier, Sabinsvilie; Timothy J. Lauer, Saegertown; Robert T. Mininger, Sellersville; Matthew J. Sandri, Shamokin; Douglas E. Kashmer, Sharon; Kurt E. Krout, Spinnerstown; William R. Sturges, Jr., Spring Church; Tristan Neil Aitken, State College; Eric A. McIntosh, Trafford; Carl F. Curran, Union City; Eric R. Hull, Uniontown; Jeffrey P. Toczylowski, Upper Moreland; Lonny D. Wells, Vandergrift; and Neil Anthony Santoriello, Verona.

Steven W. Szwydek, Warfordsburg; Michael T. Gleason, Warren; Ryan J. Kovacicek, Washington; Dale Thomas Lloyd, Watsontown; Brent A. Adam, West View; William J. Maher III, Yardley; Allen J. Dunckley, Yardley; Martin W. Kondor, York; and, finally, Sean R. Mitchell, Youngsville.

May they rest in peace.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Ms. KLOBUCHAR. Mr. President, I come to the floor today to reassert my support for a change of course in Iraq and to briefly address some of the

amendments we are going to consider in the next few weeks concerning Iraq policy.

Two weeks ago, I had the honor of experiencing firsthand one of the more memorable events to occur in this Senate in the 6 months since I have been here. It was late on a Monday evening, and just as you are right now, Mr. President, I was sitting in the Presiding Officer's chair. It was around 10 o'clock at night, and I was thinking that maybe the day's events had been about concluded. Well, OK, I was thinking maybe I was the only Senator left at the Capitol and that it was time to go home. Then onto the floor came Senator LUGAR.

In my short time in the Senate, I have come to know the senior Senator from Indiana as a man with the deepest respect both from and for his colleagues, a leader who always puts principle above politics, and a Senator who earned the right to speak and be heard long before I came to Washington.

For the next 15 minutes, I listened to Senator LUGAR—standing right over there—as he delivered a poignant, pragmatic assessment of our Nation's position in Iraq. Rising far above the partisan crossfire that too often fills this Chamber, the Senator from Indiana urged his fellow Members of Congress and members of the administration to suspend their party differences and to come together.

As he said that night:

> In my judgment, the costs and risks of continuing down the current path outweigh the potential benefits that might be achieved. Persisting indefinitely with the surge strategy will delay policy adjustments that have a better chance of protecting our vital interests over the long term.

I hope all of my colleagues will recognize that our current strategy in Iraq is not working, that a new strategy based on the drawing down of U.S. forces is necessary, and that this strategy must be implemented now.

After 4 years, over 3,600 American soldiers have been killed; over 25,000 have been wounded; and almost $450 billion has been spent. We cannot wait until next year or even next month to change strategy.

After 4 years, we cannot wait for the Iraqi Government to demonstrate progress before we begin bringing our soldiers home, when it has shown no indication of a commitment to compromise and reconciliation.

And after 4 years, we cannot ask our men and women in the field to continue to risk life and limb indefinitely in pursuit of a policy that is not working.

As Senator LUGAR said that night:

> A course change should happen now, while there is still some possibility of constructing a sustainable bipartisan strategy in Iraq.

Well, certainly, what we saw today on the floor of the Senate did not demonstrate that kind of bipartisan strategy. I personally thought it was obstructionism that we were not allowed to at least continue the debate and to vote on Senator WEBB's amendment. I believe we have to have a change of course.

Our troops have done what we have asked them to do. They deposed an evil dictator. They guaranteed free elections in the country of Iraq. They gave the Iraqi people the opportunity to vote and to establish a new government.

We all know there can be no purely military solution in Iraq. This has been agreed on by so many military commanders, experts, and Members of this body on both sides of the aisle that it does not need to be argued anymore. And we all recognize true stability in Iraq will only come through political and economic compromises between Iraq's main ethnic groups, and only the Iraqis themselves can reach these compromises.

Given this, shouldn't our strategy be focused on transitioning to Iraqi authority now, not at some undefined time in the future?

We must push the Iraqi Government to assume the duties it was elected to perform and to lead the process of meaningful negotiation and dealmaking. Our open-ended commitment is impeding this process and inhibiting the will and the ability of the Iraqi people to stand up and take responsibility for their own country.

Nine months ago, the Iraq Study Group proposed a pragmatic change of course that focused on political and economic initiatives, intense regional and international diplomacy to tie all nations with an interest in Iraq together, and the beginning of a phased redeployment of U.S. forces from Iraq.

Since the issuance of the Iraq Study Group report, some conditions on the ground have remained the same, and a number have gotten worse. In the last 3 months, more U.S. troops were killed than in any other 3-month period during the entire war.

I urge my colleagues to set aside differences, to forget about past disagreements or voting records, and to focus on what is best for our troops in the field going forward. We owe it to these brave men and women in the field to get this policy right.

I believe the best thing we can do—for our troops, for our national interest, and for the Iraqis themselves—is to begin bringing our troops home and to remove the bulk of the U.S. combat forces by the spring of next year. We would still maintain a presence capable of protecting U.S. personnel, training Iraqi forces, and conducting counterterrorism and other specific operations.

Keeping the 150,000 U.S. soldiers in Iraq is undermining our ability to achieve our objectives there and in the region. We need to start bringing them home. As Senator LUGAR said that night:

> A diplomatic offensive is likely to be easier in the context of a tactical drawdown of U.S. troops in Iraq. A drawdown would increase the chances of stimulating greater economic and diplomatic assistance for Iraq from multi-lateral organizations and European allies, who have sought to limit their association with an unpopular war.

In March, I visited Baghdad and Fallujah and saw, firsthand, the bravery and commitment of our troops. Of the 22,000 troops involved in the surge, 3,000 of them are from my State of Minnesota. I met a number of these troops. Some of them just came up to me in cafeterias or on the street, and they were from Minnesota. I can tell you that they did not complain. They did not complain about their tour extensions. Some of them—in fact, nearly all of them—had been set to come home in January. They did not complain about that. They did not complain about their equipment. They did not complain about the heat. All they asked me was—first of all—what was the score of the State high school hockey tournament, and then they asked me if I would call their mom and dad, and if I would call their husband or wife when I got home to tell them they were OK.

My most lasting memory of that trip was standing on the tarmac at the Baghdad Airport, when nine Duluth firefighters called me over to stand with them. And they were there in front of their firetruck for one purpose, and that was to salute as six caskets, each draped with the American flag, were loaded on a plane.

They did not know who the brave soldiers were who died, but they knew when they were sent home, and when their families were there to meet them, their families' lives would never be the same. And they were there to show their respect.

Whenever I speak with the moms or dads or husbands or wives of soldiers who were killed, I always ask them how they are doing. When I asked this question of a mom recently from western Minnesota, she said: You know, people keep asking me that. They keep asking me how I am doing. And, you know, I really don't know what to say. She said: Do you have any ideas about what I should say? And I told her: Well, I can tell you what the other mothers have been saying. They have been saying that they wake up every morning, and they try so hard to hang together for their family, and then something happens—they see a picture or they remember something—and they are never the same for the rest of the day. And they have their good moments, but their lives will never be the same.

We owe it to these families to honor the sacrifices their sons and daughters have made and to begin bringing our troops in Iraq home so that other families do not experience similar anguish.

This is a different kind of war we are fighting. It has made demands on the National Guard that are unprecedented. At times, up to 40 percent of the troops fighting in Iraq have been members of the National Guard and Reserves. In many respects, this war has involved a different kind of soldier.

In Vietnam, the average age of an American soldier was 19 years old. In

Iraq and Afghanistan, the average age of Active-Duty soldiers is 27, and the average age of National Guard members over there is 33 years old.

Three-fourths of all soldiers serving in Iraq and Afghanistan have families of their own, and fully one-half of those who have been killed have left families behind.

Almost 22 percent of all Reserve and Guard members have had multiple deployments to Iraq and Afghanistan. I have met some of these families. When I was up in Duluth, I met a brother and a sister—teenagers. Both of their parents had been in Iraq, and they were both going back again.

For 4 years, these citizen soldiers have gone above and beyond the call of duty and made extraordinary sacrifices. It is time to begin bringing them home.

We are finally starting to see some of our National Guard and Reserve members in Minnesota coming back, just as others across the country are taking their place. These men and women from Minnesota are completing one of the longest deployments of any U.S. military unit since the war began. They were originally scheduled to return home at the beginning of this year, only to find out weeks before they expected to ship back home that their tours had been extended as part of the President's surge strategy. Already a few hundred of these Guard members have been reunited with their loved ones, and by August the entire unit should be back in Minnesota, reconnecting with friends and family, beginning the process of transitioning to normal life. Having served and sacrificed for 16 months, these men and women have earned their rest and the right to live their lives in peace.

That is why I cosponsored and voted for the amendment offered by my friend from Virginia, Senator WEBB, also cosponsored by Senator HAGEL. This amendment, as my colleagues know, would require regular units deployed to Iraq and Afghanistan to remain at home at least as long as they were deployed and give Guard and Reserve members 3 years at home for every 1 year they are deployed.

The President's policies have placed unprecedented demands on our military in the 4 years of this war. Our forces are exhausted and overstressed. It is critical, both for morale and for operational safety, that units be given proper time to rest, recuperate, and retrain before redeploying. America's Armed Forces have a proud history and tradition that is unparalleled in the world, but when their ability to function properly is in danger, Congress must step in and address this situation.

I am disappointed that most of my colleagues on the other side of the aisle chose to block this responsible proposal rather than allowing a simple majority vote. This amendment would begin the process of repairing and rebuilding our military, while maintaining our Nation's ability to meet any threat to our Nation's security. We owe this to the members of the National Guard and Reserve and to their fellow soldiers across the country.

Since I have been in the Senate, I have joined many of my colleagues on countless occasions in asking when this war's supporters would publicly acknowledge the realities on the ground and finally allow a change of course that begins bringing our forces home. Each time we ask this question, we are told to be patient, that progress is just around the corner, and that it would be counterproductive to establish a timetable for withdrawal. After my trip to Iraq, I met with the President with three other Senators, and I talked to him about this. He said he supported the Iraq Study Group, but he didn't believe in the timetables. He didn't want the deadlines. Again, we were told it will be counterproductive to establish a timetable for withdrawal.

Now we have reached a point where the patience of many of even the most loyal supporters of this war—and I am someone who opposed this war from the beginning—but the patience of even the most loyal supporters of this war has been exhausted.

We have reached a point where Senators who have dedicated their lives to serving our national interests cannot stand silent as America's strength and standing in the world is continually undermined. We have reached a point where the necessary changes in our strategies in Iraq may finally be possible. I urge my colleagues to vote for these changes. We simply cannot wait any longer.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from California is recognized.

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

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

Mrs. FEINSTEIN. Mr. President, it is my understanding that the Levin-Reed amendment has been laid down. I wish to say a few words about it and the situation in Iraq in general.

Once again, the Senate is confronted with a series of votes over the future of Iraq. These votes present a very simple choice: Continue with more of the same, or change course. To me, the choice is crystal clear. The United States should and must change course in Iraq. We must begin to redeploy our forces and reevaluate what is truly in our national interests.

This is not the first time we have been confronted with such a choice. Many of us have voted over and over and over again for change, yet this President has refused to listen. He has worn blinders. He has ignored the views of Congress and the American people. Majorities in both the Senate and the House have voted to redeploy our forces from Iraq, but the President vetoed the legislation and there were not the votes to override, so we are back again facing many of the same questions. Will the President listen this time?

In this current debate new voices have emerged, raising significant concerns about the progress of the war. This includes Senator LUGAR, the deeply respected Senator from Indiana, who said in a very eloquent speech before this body—and I have had the privilege of reading it in detail and I wish to quote him:

> In my judgment, the costs and risks of continuing down the current path outweigh the potential benefits that might be achieved.

This includes Senator WARNER, who has said that waiting until September is too long. This includes Senator VOINOVICH, Senator HAGEL, Senator SMITH, and Senator SNOWE, who have questioned the current path. Will this President listen?

Moving from the Halls of Congress to the streets of Baghdad, it is clear to see that this is not a rhetorical game. It is about facts on the ground, and the facts are this: It has been 4½ years since U.S. forces entered Iraq. That is longer than we conducted World War II. Yet, the nation remains in chaos. Violence continues unabated. The insurgency is as strong as ever. The internecine fighting between Shia and Sunni is strong. Every day, there are more bombings, more IEDs, more deaths. In total, we have lost 3,600 brave men and women, almost 500 since this surge began 5 months ago. On average, four U.S. troops are being killed every day in Iraq.

Has the surge worked? Five months into it, it is clear that the surge has failed to stop the violence. Fatalities and sectarian attacks are on the rise. At no period in the war have we lost as many American troops as in the last 3 months. If the trend continues, 2007 will be the deadliest since the war began.

The promise of the surge was not that it would solve all of Iraq's problems, but that it would increase security and stability so that Iraq's government could confront the difficult political questions. So we must ask the question: Has it? But in this area too, there has been no progress; no progress on passing an oil revenue-sharing law; no progress on reforming the de-Baathification system which, to a great extent, was responsible for this insurgency in the first place; no progress in holding provincial elections, and no substantial progress on any other benchmark.

In fact, the Maliki government seems to be under siege. Sectarian tensions are mounting, and there have been calls for a no-confidence vote in the Prime Minister. So the vaunted surge has not worked and there has been no political progress. Yet, this President has asked for more time and more resources, and he gives no hints that he

now recognizes how dire the situation is. He gives no indication that he believes the course must be changed. He provides the American people with no exit strategy. To me, this represents a major failure of leadership.

I believe America's continued mission in Iraq is counterproductive. Therefore, the time has come for a change of course. I believe that within 120 days, we must begin to redeploy our combat troops. The goal would be to transition the majority of U.S. troops out of Iraq by April 2008, and that is exactly what the Levin-Reed amendment does. A small supporting force would remain in Iraq for the purposes of training, counterterrorism, border security, and force protection. This would move the vast majority of our troops out of harm's way.

Just as importantly, moving out of Iraq would open the door to a reevaluation of our national security interests in the region. Our Nation faces major challenges, and the primary focus on Iraq has allowed these problems to fester unaddressed. These include preventing terrorists from gaining safe haven in Afghanistan or, yes, Iraq. That is an abiding national security interest of this country. Senator LUGAR alluded to it in his remarks. I certainly agree. To prevent Iraq from becoming a safe harbor for terrorists should remain a national security goal of the United States.

Secondly, preventing the violence from spreading throughout the Middle East, Afghanistan, and the cities of Europe.

Third, thwarting Iranian domination of the region, and persuading the Iranian government that continued development of nuclear weapons is not in its best interests. This can't be done by not talking with Iran; it can only be done by talking with Iran. This is what we should be doing.

Fourth, pursuing an Israeli-Palestinian peace settlement. Yesterday afternoon, I met with the Foreign Minister of Egypt and he agreed. This is a window of opportunity to move toward a peace settlement between the Israelis and the Palestinians. To once again overlook that opportunity is a big mistake.

Finally, containing the damage done to our credibility around the world. Our credibility has suffered. The war has spawned terror. Over this past weekend, I happened to hear Peter Bergin, the distinguished expert on Osama bin Laden, speaking on CNN. He estimated that terrorism has increased sevenfold because of our involvement in Iraq.

Many people say if we leave Iraq, the Middle East collapses. I don't believe that. If we leave Iraq, we leave Shia and Sunni to come to grips with the problems between them, without the United States being a buffer and creating the point of attack for terrorists and insurgents.

I say remove that point of attack and begin to solve some of the problems. The simple truth is that none of these initiatives can be pursued adequately so long as we are bogged down in Iraq. So I believe the time has come to change course. We are 4 years and $450 billion into the war. Costs are increasing at $10 billion a month. We are losing 100 soldiers a month. Our Armed Forces are stretched thin, equipment is worn, recruiting is down, and no one can estimate what the impact will be come next April, when forces will be unable to meet the rotations.

We will be paying the costs of this war for decades to come. Thanks to medical science and battlefield medicine, many soldiers ordinarily would have died, but they have been saved. Some have egregious injuries. We have all seen the people with traumatic brain injury, amputees—single, double, quadruple amputees, people who will need care for the rest of their lives.

We have a choice: more of the same or change course. The Levin-Reed amendment represents a change of course. It represents this Senate standing up and saying forcefully we want our people out. We want redeployment within 120 days, and we want us off the streets, no longer to be that point of attack between Shia and Sunni. So the choice could not be clearer. It is time to act. I am very much in support of a Levin-Reed amendment. I very much hope we will have a chance to vote on the substance of it.

I yield the floor.

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

Mr. BUNNING. Mr. President, I ask unanimous consent to speak as in morning business for 15 minutes.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. MENENDEZ. Reserving the right to object, and I don't intend to object, I ask my colleague from Kentucky if he would amend his request to have myself recognized after he finishes speaking.

Mr. BUNNING. Mr. President, I so amend the request.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. BUNNING. Mr. President, I rise today to discuss my strong feelings about our dialog in Congress on the war in Iraq. I am concerned not only with the defeatist message some of us are sending our brave men and women in our Armed Forces on a daily basis but also with the message being sent to terrorists and those who wish to harm us. Instead of focusing our attention this week on how to provide our Armed Forces with the best equipment possible to complete their mission, many in this body continue to play political games with the war. This political game is deflating troop morale and strengthening our enemies.

Some of our colleagues believe they know the situation on the ground in Iraq better than my friend General Petraeus, the commander of the multinational force in Iraq. They believe we should begin a withdrawal of our troops from Iraq. The people who are best qualified to decide our troop levels are the commanders on the ground, not the politicians in Washington, DC.

I wish to talk specifically to the Democrats who want to immediately withdraw. Contrary to what the base of the Democratic Party may think, this war is not a Republican war and it is not just a President Bush war; it is an American war. When we vote to send troops into battle, they fight under the American flag. If we win or lose in Iraq, the United States of America wins or loses—not the Republican Party and not just President Bush.

I saw yesterday the Democratic Senatorial Committee is now running ads in selected States asking Republican Senators to vote to immediately bring our troops home from Iraq. I watched the ads. I played them on my television, and I played them on the computers in my office. Not surprisingly, they did not mention once what would happen if American forces withdrew quickly from Iraq. Nor did they mention that the head of the DSCC and the Senate majority leader voted to authorize the war. There is a shocker.

If we take the advice of the political arm of the Senate Democrats and pull out of Iraq, chaos will rule the day in Iraq and spread throughout the Middle East, in spite of what some of our colleagues on the other side have said.

That is why many of the Democrats who want to bring our troops home now don't talk about the harsh consequences of pulling out. This is precisely why we should not politicize war in 30-second sound bites.

I also wish to briefly address my Republican colleagues who may be feeling the political pressure back home as we debate this war. Our constituents sent us to Washington, DC, to make tough decisions, not to cast votes based on public opinion polls. Many of you know the consequences of pulling out of Iraq. I know because we have talked about it in our conferences. But stay strong enough until September, when General Petraeus will brief us on the effects of the change in strategy. Let us all then reevaluate the changes we made. The changes we made have only been fully implemented for less than a month. I acknowledge that the signs of success have been slow and, yes, many mistakes have been made with past strategies. But that is how war is. Mistakes sometimes are made. We learned from our mistakes and we moved forward with a new strategy. This new strategy is now in place.

General Petraeus is working, with the increase of thousands of American troops, to bring safety and stability to Baghdad and Anbar Province, putting insurgents on the run. The partnership between the United States and Iraqi forces against terrorist insurgents is increasing. Last month, more than 10,000 Iraqi tribes in the Baghdad area reached agreements with the United

States and Iraqi forces for the first time to oppose al-Qaida. These tribe members fought alongside al-Qaida in the past, and they are now providing our troops with information about their former allies.

We are at a critical point in our fight against al-Qaida and the extreme terrorist insurgents. I urge my colleagues to look at the long-term consequences of prematurely abandoning our mission in Iraq. Anyone who believes we can bring an abrupt end to our involvement in this conflict and still conduct successful counterterrorism operations in Iraq is wrong. Defeat in Iraq will come with a hefty price that will be paid by future generations of Americans. If the United States leaves, there will be a regional explosion of Islamic terrorism and extremism that will throw the entire Middle East into greater upheaval. The Iraqi Government may well collapse and throw the country into a state of chaos. Iran will dominate the Middle East, and our national security will be severely compromised.

It is because of these consequences that we should allow General Petraeus and the troop surge the opportunity to succeed. We cannot pull the rug out from underneath him right after we give him more tools to try to succeed in his mission. That would be both irresponsible and unfair. We promised to give him until September to report back with the progress on the surge, and we should hold true to this promise. That is 2 months from now—2 months from now.

Finally, I also wish to address the efforts made by some of my colleagues across the aisle to overturn effective policies that we have in place to fight against terrorism.

I oppose changing the 2006 Military Commissions Act to give legal rights to suspected terrorists. Detained enemy combatants are not ordinary criminal defendants and are not entitled to a trial in a civilian court, or to habeas corpus review.

Make no mistake about it, these terrorists are at war with us and we should treat them like it. We already have the mechanisms in place for detainees to challenge their enemy combatant status. These procedures are more protective of detainees' rights than any military commission in American history.

I find it ridiculous that we are faced with debating this issue again. The Senate has already voted on four separate occasions in the past 2 years to ensure that suspected terrorists do not have automatic access to Federal courts to challenge the legality of their detention.

How many more times are we going to be forced to vote on this issue? Let me be clear. I oppose weakening our current procedures. The changes being proposed will only end up strengthening the rights of terrorists.

I also oppose efforts to close the detention facility at Guantanamo Bay, Cuba. I realize there have been several negative reports and stories in the media in the past about this facility.

Let me set the record straight. The vision of Guantanamo Bay the media tries to portray to the American people is very different from the reality of the facility. I have personally visited the facility at Guantanamo Bay and found it to be nothing like what is described in the media. The facility includes air-conditioning, good meals, religious worship areas, and a top-notch hospital and health care facility. The terrorists there are treated with dignity while they show contempt for our troops. Don't forget that these terrorists are the worst of the worst. They are all extremely dangerous.

The job our troops do there is critical to our war effort. If those terrorists stay locked up there, they cannot harm us and they cannot bomb and do all the things that are being done presently more effectively in Iraq by being detained in Guantanamo Bay. And they do provide us with intelligence.

I applaud our troops for their efforts. They are working very hard to secure our freedom. It is thanks to their efforts and those made in the war in Iraq and the war on terrorism that our Nation's freedoms remain protected. The brave men and women of our Armed Forces and their families sacrifice on a daily basis for our freedoms because they believe their mission is too great to fail. I ask my colleagues: Are we really ready to declare their mission already lost? Are we really ready to do that when we finally have discovered a new method of attack?

I, for one, am ready to stand behind our troops and stand side by side with General Petraeus. I will vote against any amendments that restrict the flexibility of our military commanders to run this war or hurt our fight to end terrorism. I urge my colleagues to do the same.

I yield the floor.

The ACTING PRESIDENT pro tempore. Under the unanimous consent agreement, the Senator from New Jersey is recognized.

The Chair advises the Senator from Virginia that under a previous unanimous consent agreement, the Senator from New Jersey is to be recognized.

Mr. WARNER. That is correct. I wonder if my colleague will yield for the purpose of a unanimous consent request?

Mr. MENENDEZ. I will be happy to yield.

Mr. WARNER. Mr. President, I ask unanimous consent that following the remarks of the distinguished Senator from New Jersey, the Senator from Arizona, Mr. KYL, be recognized for a period of 15 minutes.

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

The Senator from New Jersey is recognized.

Mr. MENENDEZ. Mr. President, I rise today to speak out once again against the war in Iraq and in support of our troops. Today, we had an opportunity to do just that—to support the troops, troops such as these who are pictured here who actually have been serving our country and recently became U.S. citizens.

''Support the troops''—how many times have we heard that said on the floor of the Senate? We have heard that refrain time and time again from the very people who earlier today voted against the very essence of what it is to support the troops.

From the beginning of the Iraq war, we have heard its supporters say that somehow supporting the war equals supporting the troops. But from the beginning of this fiasco, it has been clear that the troops have been a secondary consideration for those who were bent on rushing into an ill-conceived war. Going to war without a postwar plan to stabilize Iraq, is that supporting the troops? Refusing to listen to generals about the troop levels needed to win the peace, is that about supporting the troops? Sending our soldiers into a war zone without the appropriate bulletproof vests, without the appropriate vehicles, with inferior equipment, is that supporting the troops? Letting Walter Reed's conditions worsen, is that supporting the troops? Extending tours of duty without regard to the consequences to our soldiers and their families, is that supporting the troops? Giving our soldiers only a brief stop at home before shipping them back in to a civil war in Iraq, is that supporting the troops?

It seems to me that the very least we can do for our brave men and women who carry out their orders with exquisite skill and bravery in an unimaginable situation in Iraq is to give them enough time to catch their breath before they are sent back.

Clearly, never have so few been asked to do so much in these continuing deployments. If one thinks about it, the number of men and women who are presently deployed and have been deployed compared to 300 million people in this country, how is it so few have been asked to do and sacrifice so much.

Today, the Republican leadership wouldn't even let them have the right opportunity for the respite they need in between these continuing deployments, deployments that are taking our troops and virtually grilling them into the ground. A Republican minority stopped a majority of the Senate and overwhelmingly the will of the American people in supporting the troops through a procedural roadblock. This should not have been a partisan effort by Republicans. It should not have been. In essence, those who put those roadblocks up have voted once again to stay the course, no change to the President's failed war policy, no alteration to this dead-end course, not even to give our troops some well-deserved rest.

I applaud my colleague from Virginia, Senator WEBB, as well as my colleague from Nebraska, Senator HAGEL,

both decorated combat veterans who stood up for our troops in their amendment. They know personally—this is not esoteric for them—they know personally of the sacrifice our soldiers make each and every day for the country they love, the country we all love. But they are not pawns. They are the best and bravest, and they deserve better than what the Senate did today.

I hope the American people speak out in support of our troops. I ask those Senators who oppose giving them the appropriate recess between deployment, the appropriate time so that they, even having to go back into the war, could have the appropriate time, as the military itself devises and has as goals as to what it should be, that at least for whatever time they are deployed abroad, that they have that time back here at home, back here with their families, back here to be able to rejuvenate themselves and go back to do the mission which they willfully do, could we not do that much for them? I hope the American people will speak out with an incredibly loud voice to our colleagues who don't believe they deserve that much, who used a procedural roadblock.

Mr. President, I am outraged.

As someone who voted against the war, I am outraged that 4 years after the start of an elective and unnecessary war which we were led into based on false premises and false promises, we have not yet ended it.

I am outraged that every delay in moving toward a transition out of Iraq and ending the war in Iraq means more American lives lost.

I am outraged that we have spent $450 billion on this war and that for each additional month we continue to be engaged in Iraq under the present course, we spend another $10 billion a month.

I am outraged that the President's war has cost us our prestige and influence abroad and has undermined our security around the world.

I am outraged that the war in Iraq has kept our focus away from the war in Afghanistan, the birthplace of the Taliban, home to al-Qaida, the land of Osama bin Laden, and the place where the attacks of September 11 were planned.

I am outraged that we always hear the same story and the same promises from this administration.

As I listen to some of my colleagues, as well as the administration, fear should not be the basis for our policy. But that is what the administration and its supporters in the Senate offer each time—fear. The Bush administration always says that change is just around the corner, that we should wait just a little longer for success. The Bush administration always has a new plan with new benchmarks and new deadlines, but they never meet those benchmarks or those deadlines, so they just change them. The Bush administration always says we are making progress on the ground. Yet the facts contradict them.

The truth is that we still haven't stopped the insurgency, that hundreds of Iraqis are still being killed each day, and that the Iraqi Government still hasn't acted on key benchmarks. The truth is that we are being driven down a dead-end street by an administration without a roadmap for a lasting peace.

So I say, as Senator Robert Kennedy did in March of 1968 in a speech about Vietnam:

> We are entitled to ask—we are required to ask how many more men, how many more lives, how much more destruction will be asked, to provide the military victory that is always just around the corner, to pour into this bottomless pit of our dreams?
>
> But this question the administration does not and cannot answer. It has no answer—none, but the ever-expanding use of military force and the lives of our brave soldiers, in a conflict where military force has failed to solve anything in the past.

Those were his words then. I believe they ring true today. Today, we are living with the consequences of the administration's failed policy. Over 3,600 American troops have been killed in Iraq since the beginning of this war, including 87 servicemembers with ties to my home State of New Jersey. April and May was the deadliest 2-month period of the war for U.S. troops, with 230 servicemembers killed. We have now spent over $400 billion on the war in Iraq. We continue a burn rate of about $10 billion a month. Frankly, as a member of the Senate Budget Committee, I never believed the administration's estimate that the so-called surge would cost only $5.6 billion, and these new numbers prove once again that we have been misled.

This was a terrible weekend, with over 250 people killed in Iraq, including 150 Iraqis who perished in a bombing that the New York Times described as ''one of the deadliest, if not the deadliest'' single bombing since the start of the war. Suicide attacks have more than doubled across Iraq, from 26 in January to 58 in April.

In terms of reconstruction, oil production in Iraq is still lower than it was before the war 4 years ago. Baghdad is getting under 6 hours of electricity a day, significantly less than before the war. And the President's escalation plan, the so-called surge, simply isn't achieving the results we were promised.

Imagine that, another broken promise. Just like when we were told: We know where the weapons of mass destruction are. Just like we were told about the yellow cake uranium from Niger, when the President came before the Congress in his State of the Union speech and used that term to engender support for his war policy. We found out it wasn't true, and that ended up having a CIA agent outed because her husband, a former United States Ambassador, proved that, in fact, that wasn't true. If that had been under any other administration, it would have been called treason. Just like we were told: We will be greeted as liberators. Just as the President landed on the aircraft carrier with a big banner behind him saying ''Mission Accomplished.'' How many lives have been lost since mission accomplished? Just like ''the insurgency is in its last throes.'' We have heard that so many times.

Well, it is about time to add the surge to that infamous list. I think we all knew that the strategy to secure Baghdad would simply lead insurgents to move into other areas, and that is exactly what has happened.

As Anthony Cordesman from the Center for Strategic and International Studies said in recent testimony before the House Foreign Affairs Committee:

> The U.S. is having to expand its counterinsurgency operations broadly outside Baghdad. Limited tactical successes really don't matter unless such casualties include substantial cadres of leaders and experts that cannot be easily and rapidly replaced. The insurgents can simply disperse, stand down, and regroup.

Now, I know the administration likes to tout victories in individual Iraqi provinces or cities as markers of success, but I believe all we are seeing is what is sometimes called the balloon effect. We clamp down on insurgents in one area, they spring up in another. We never actually solve the problem.

Let's be frank about the status of the Iraqi Government. The New York Times describes the Iraqi Parliament and Cabinet as ''barely able to function.'' Apparently, 12 Cabinet members aren't even attending Cabinet meetings anymore; 74 out of the 275 Members of Parliament are boycotting the Parliament. And numerous others don't attend anyway.

We have heard a lot about benchmarks. They keep changing, of course. It is now clear to anyone and should be to everyone that the Iraqi Government will not meet any of the much-touted benchmarks the Bush administration has outlined. I believe we are engaged in a ceaseless act of repetitive denial by this administration.

In fact, the Bush administration is shortly going to try to present a completely new set of ''accomplishments'' and downplay their previous benchmarks. A recent Washington Post article notes:

> Those achievements are markedly different from the benchmarks Bush set when he announced his decision to send tens of thousands of additional American troops to Iraq.

Let's take a look at the benchmarks the Bush administration told us would be met.

We were told that by the end of 2006 a provincial election law would be approved and new election laws would be put in place. It is the middle of 2007. That benchmark has not been met.

We were told the Iraqis would approve a law for debaathification. But that benchmark has not been met.

We were told the Iraqis would create a law to help restrain sectarian militias. That benchmark has not been met.

We were told the Iraqis would establish a law to regulate the oil industry

and share revenues. That benchmark has not been met.

We were told by March the Iraqi Government was supposed to hold a referendum on constitutional amendments. But, again, that benchmark has not been met.

As I have said time and time again, benchmarks without consequences are just aspirations. And I am sick and tired of hearing about goals that are never met. Yet despite this lack of results, the administration refuses to admit their strategy has failed. Instead, they want to move the goalpost. They just want to alter their perception of reality.

Finally, I cannot close without discussing the cost of the war in Iraq. Our expenditures in Iraq saddle our Nation's finances and our children's future. We spend approximately $10 billion a month in Iraq. We spend $2.5 billion a week in Iraq. We spend more than $328 million every day in Iraq. And we spend more than $13.5 million an hour—an hour—in Iraq.

Let me just put our Iraq spending in perspective. For what we spend in a month and a half in Iraq, we could fully fund No Child Left Behind next year, ensuring that every school district in the United States has the funds promised to them to meet the goals of the law for a quality education for every child. Just for what we spend in 1½ months, we could meet all of that goal next year.

For what we spend in approximately 3 days in Iraq, and with an additional $1 billion, we could substantially improve security at our Nation's ports, including increased scanning of cargo containers. I represent one of the largest ports on the eastern seaboard, clearly one of our huge gaping holes to our domestic security.

For what we spend in just over 2 months in Iraq, we could pay the $21 billion cost of implementing the remaining 9/11 Commission recommendations to secure our homeland, implementations that would truly make our country, its communities, and its families far more secure. Yet we need to look beyond the economic cost of the war at its true cost: 3,609 American lives. That has no price to it. It is invaluable. These are the sons and daughters, mothers and fathers, brothers and sisters, husbands and wives of fellow Americans, and we now have more than 26,695 sons and daughters of America who are wounded in ways that will affect their lives forever. I hope a grateful nation remembers them now and in the future.

In conclusion, I ask, Mr. President, how many more deadlines will be missed? How many more benchmarks will be set, not met, and then forgotten? How many more times will we be told to wait just a few more months? How many more times will the administration say that change will happen soon, 4 years later? How many more broken promises? And how many lives must be lost in the meantime? How long will this administration wait to come to the inevitable conclusion that we must transition out of this war?

Mr. President, it is over. Your failed strategy, your ill-conceived war must come to an end before more damage is done, before more lives are lost, before more national treasure is squandered. Let's get our troops home so we can start the hard work of meeting our domestic homeland security challenges, of meeting our security challenges elsewhere in the world—for which we have real challenges—of strengthening our foreign policy and mending our international relations.

I know as I visit back in New Jersey, so many of my constituents say to me: Why is it that you all in the Senate cannot just simply put an end and seek the transition to this war? To do that, we truly need profiles in courage in the Senate. We need bipartisan support. Democrats do not have the 60 votes in the Senate to stop a filibuster, the procedural process by which the Republican minority thwarts the will of a majority of the Senate and the American people, nor do we have the 67 votes needed to override a Presidential veto. It will take colleagues from both sides of the aisle to meet that challenge.

I challenge my Republican colleagues, who now say they are dismayed and have a different view than the President—and I applaud them for coming to that conclusion. And I say it is time to back their words with meaningful votes here on the floor of the Senate—now, before we lose more lives and national treasure. Now is the time, not tomorrow. Now is the time, not next month. Now is the time, not next year.

I will end today by reminding all of us of what Senator Robert Kennedy said about the war in Vietnam. He said:

> Past error is no excuse for its own perpetuation. Tragedy is a tool for the living to gain wisdom, not a guide by which to live. Now, as ever, we do ourselves best justice when we measure ourselves against ancient tests, as in the Antigone of Sophocles, where he said, ''All men make mistakes, but a good man yields when he knows his course is wrong, and repairs the evil. The only sin is pride.''

The only sin is pride. The only sin is pride. Let's not allow pride to be the obstacle to changing our course in Iraq, to making sure we save more lives of the men and women who bravely answer the call of the Nation's trumpets. Let's make sure ultimately we strengthen our security by having the resources both at home and abroad to meet our real challenges. Let's change the course. And over the next week, we will have that opportunity.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. KYL. Mr. President, I have listened carefully to the remarks of my colleague, the junior Senator from New Jersey, and among the things he said are that he is outraged that we haven't ended this war. And he said, speaking to the President of the United States: Your ill-conceived war should come to an end before more lives are lost. He concluded by saying: Now is the time, not next month, not next year.

Mr. President, while my colleague is still on the Senate floor, it seems to me that we should talk a little bit about what the obligations are of someone who has those feelings. It seems to me that anybody outraged that we haven't ended the war now has an obligation to offer an amendment before this body to do so. When he says now, before more lives are lost, that should suggest the only thing the Senate can do and the House can do is to cut off the funding for the war. But that is a way to end the war, it seems to me, instead of arguing about the amount of deployment time, the time of rest between deployments for our soldiers, if that is the state of the situation, that the Senator believes we ought to be getting right to the bottom line before any more lives are lost and cut off the war.

My own view is not as pessimistic, not as defeatist. My own view is that General Petraeus is right; that there is an opportunity for us to succeed in our mission. And when I talk about supporting the troops, and I think about when General Petraeus talks about supporting the troops, the best way to support the troops is to support the troops, meaning to not only provide what they need to succeed in their mission in a material sense but to provide the political and moral support they need to continue their mission.

Mr. MENENDEZ. Will the Senator yield?

Mr. KYL. I will in a moment. Since I addressed the Senator's remarks, I will be happy to yield to him.

But that support is critical to the success of their mission. They don't think they have lost this war, contrary to some on the other side of the aisle here. They don't think they have lost, and they believe they can succeed in their mission. The kind of defeatist talk I have heard here, unfortunately, it seems to me, leads to the notion that it is a question of which one of them, which one of these brave soldiers or marines or airmen or sailors are going to be the last one to die in a failed cause.

That is not the message we should be sending from the Senate. It is not the message the political leaders, who should be supporting these troops, should be sending—not just to the troops and to their families but also to our allies and our enemies.

I will be happy to yield.

Mr. MENENDEZ. I appreciate the Senator yielding. I don't know whether he voted for cloture on the amendment offered by Senator WEBB and Senator HAGEL. But when we talk about supporting the troops, here are two Members of this body who are distinguished, decorated combat veterans who know what it is to fight a war, and they both, as well as others, said it is critical for our troops to have a rotational cycle

that gives them some respite equal to the time they are deployed. I don't know why we couldn't have had a straight up-or-down vote. That would be about supporting the troops.

Last, I say to my distinguished friend, we can have differences on the war. I believe that, in fact, having these blinders in which we continue to say ''stay the course regardless of consequences'' is ultimately leading us down a road that is not in the best interests of the United States and its security. So we differ.

I hope you will consider voting for the Levin-Reed amendment. That will give us an opportunity to begin the end of the war and transition out in a way that ultimately will secure the United States.

Mr. KYL. I appreciate the comments of my colleague. Let me reiterate, it seems to me if one is outraged, and if one believes the war should end now, before another life is lost, instead of arguing about how many months there are between troop deployments and making that the attempted argument here, that you ought to get right to the bottom line and decide to cut off the money for the war.

I have a different point of view. Of course, I am not going to vote for that amendment because I believe that General Petraeus, having been unanimously confirmed, has an opportunity and basically the right to expect our support in carrying out the mission which we have sent him to achieve and which we have sent all these soldiers and marines and others to achieve as well.

We undercut that mission by cutting it short, by cutting off our support. It is not a matter of giving it more time. The last brigade of the five brigades that were brought in on the surge just got into theater. This surge has just gotten underway in its full form and General Petraeus has said he is going to come back in September and give us a report on how he thinks it is going. Obviously, it will be an interim report. One couldn't expect necessarily that all the results could be achieved in the short period of time between now and September. But, nonetheless, that will be a time when he can come back and give us a report.

I suggest we ought to at least wait until we receive that report before concluding that all is lost and that we have to bring the troops home and that that is the best way to support them. They don't believe that. I have spoken to the troops in Iraq. They believe they are winning and that they can win. Early reports from this surge suggest they are right.

I am not going to prejudge it, however. All I ask of my colleagues is that they not prejudge it either, that they not come in here with a defeatist attitude and say all is lost, it can't work, we should bring everybody home, and it doesn't matter whether General Petraeus has just gotten started, it doesn't matter that we have confirmed him unanimously and that we have sent him into harm's way to accomplish this mission. None of that matters. Our political judgment is all that matters and we ought to begin a withdrawal.

That is fundamentally wrong, and I am glad my colleagues will defeat these amendments which would have the effect of undercutting our mission and, as I said, the mission and morale of our troops.

I wished to speak briefly to the amendment of Senator LIEBERMAN, who has been a stalwart and steadfast beacon of truth—truth that needs to be spoken to the kind of threats this country faces, especially with respect to the overall terrorist threat, both as it emanates from terrorist groups and also as it is supported by state sponsors of this terrorism. That is what his amendment goes to. It goes to the state sponsorship of terrorism by the state of Iran.

It is an excellent amendment which needs to be adopted by this body, in my view. As he has noted, Iran has a long history of supporting terrorism and it continues to develop a nuclear capability. It is actively undermining our efforts in Iraq. It is responsible for the death of Americans, and it needs to be confronted.

Senator LIEBERMAN's amendment documents many of Iran's dangerous actions in Iraq and it directs, in its conclusion, a regular report to Congress to better inform us and the American people of the destructive and intolerable role of Iran. We need this information to help formulate our policies as well as to mobilize public opinion to support them.

Let me discuss a few of the items that are in his proposal and why it needs to be supported by this body. We know that Iran has become the primary ideological, financial, and logistical supporter of terrorists seeking to attack the West and one of the major financial supporters. We know because the U.S. Department of State has listed Iran as a state sponsor of terrorism. It is one of only five countries in the world to be so designated.

The State Department's most recent report stated: ''Iran remains the most significant state sponsor of terrorism.''

This is not in doubt. It provides significant financial backing to terrorist groups such as Hezbollah, Hamas, and Islamic Jihad in an organized effort to undermine the Israeli-Palestinian peace as well as our efforts throughout the Middle East. It is trying to undermine moderate regimes throughout the Middle East, to establish itself as the dominant regional power—this, by the way, being considered a matter of great concern by other nations in the region. It wants to reshape the region in its own ideological image.

Iranian-sponsored terrorism has caused the death of Americans, for example, in the 1996 Khobar Towers bombing in Saudi Arabia, where 19 U.S. servicemembers were killed. It provided assistance to al-Qaida. According to the 9/11 Commission report, in late 1991 and 1992, discussion in Sudan between al-Qaida and Iranian operatives led to an informal agreement to cooperate and provide support, even if only training for actions carried out primarily against Israel and the United States. Not long afterward, senior al-Qaida operatives and trainers traveled to Iran to receive training in explosives.

Iran has continued its relations with al-Qaida. At least eight of the 9/11 hijackers traveled through Iran between October of 2000 and February of 2001. Its aggressive sponsorship of terrorism is a vital national security threat to the United States.

Let me mention its nuclear capability. It continues to defy the international community by developing its nuclear capability. Nuclear weapons in the hands of the most significant state sponsor of terrorism is a risk to the United States, and we have to do everything we can to prevent that. The most recent evidence includes the apparent construction of a new tunnel complex near one of Iran's major nuclear sites. A former United Nations weapons inspector, David Albright, noted Iran built a tunnel complex near the Isfahan uranium conversion plant in order to protect a range of nuclear-related equipment and that Iran may be construct a similar facility near Natanz, fearing that the underground halls at Natanz are vulnerable to destruction by military attack.

I support the administration's commitment to pursuing a diplomatic solution to this danger, but although the United Nations has imposed sanctions on Iran, nothing has come of this. If Iran continues to develop its nuclear capability, obviously we maintain the right to take appropriate action, and I therefore will continue to support efforts to marginalize this threat that Iran poses to the West and to the United States.

Finally, let me make a comment about the undermining of our efforts in Iraq. This is the most immediate threat from Iran, and it is a significant focus of the amendment of Senator LIEBERMAN. The most recent Country Reports on Terrorism from the State Department states:

> Iran . . . continues to threaten its neighbors and destabilize Iraq by providing weapons, training, advice and funding to select Iraqi Shia militants.

Then-Ambassador to Iraq Khalilzad stated last year:

> We can say with certainty that they support groups that are attacking coalition troops. These groups are using the same ammunition to destroy armored vehicles that the Iranians are supplying to Hezbollah in Lebanon. They provide money to Shiite militias and they train some of the groups. We can't say whether Tehran is supporting al-Qaida but we do know that al-Qaida people come here from Pakistan through Iran. Ansar al-Sunna, a partner organization of Zarqawi's network, has a base in northwest Iran.

General Petraeus recently stated:

The level of financing, the level of training on Iranian soil, the level of equipping some sophisticated technologies with explosives and so forth, even advice in some cases, has been very, very substantial and very harmful.

Iranian interference in Iraq is not the rogue actions of low-level personnel. Here is what General Petraeus recently stated, which I think is critical:

We know that it goes as high as Brigadier General Qassem Suleimani, who is the head of . . . the Qods Force . . . of the Iranian Guards Corps. That is quite high level. We believe he works directly for the supreme leader of the country.

This support is material and is leading directly to the deaths of American servicemembers.

Brigadier General Bergner, spokesman for the Multi-National Force in Iraq, recently stated that the Quds Force operates three camps near Tehran and that:

[The] Qods Force, along with Hezbollah instructors, train approximately 20 to 60 Iraqis at a time, sending them back to Iraq organized into these special groups. They are being taught how to use [Explosively Formed Penetrators], mortars, rockets, as well as intelligence, sniper and kidnapping operations. In addition to training, the Qods Force also supplies the special groups with weapons and funding of $750,000 to $3 million U.S. a month.

In February, the U.S. military reported that at least 170 deaths of coalition troops could be attributed to weapons with ties to Iran.

Iranian actions are killing Americans and undermining our efforts in Iraq. The Congress needs to take this threat seriously and begin to take appropriate actions to deal with it. Senator LIEBERMAN's amendment is an important step in dealing with the threat that Iran is imposing.

I urge my colleagues to support the amendment.

Mr. President, I ask unanimous consent that an op-ed, written by Senator LIEBERMAN and carried in the Wall Street Journal on July 6, 2007, be printed in the RECORD.

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

[From the Wall Street Journal, July 6, 2007]

IRAN'S PROXY WAR

Earlier this week, the U.S. military made public new land disturbing information about the proxy war that Iran is waging against American soldiers and our allies in Iraq.

According to Brig. Gen. Kevin Bergner, the U.S. military spokesman in Baghdad, the Iranian government has been using the Lebanese terrorist group Hezbollah to train and organize Iraqi extremists, who are responsible in turn for the murder of American service members.

Gen. Bergner also revealed that the Quds Force—a special unit of the Iranian Revolutionary Guard Corps whose mission is to finance, arm and equip foreign Islamist terrorist movements—has taken groups of up to 60 Iraqi insurgents at a time and brought them to three camps near Tehran, where they have [received instruction in the use of mortars, rockets, improvised explosive devices and other deadly tools of guerrilla warfare that they use against our troops. Iran has also funded its Iraqi proxies generously, to the tune of $3 million a month.

Based on the interrogation of captured extremist leaders—including a 24–year veteran of Hezbollah, apparently dispatched to Iraq by his patrons in Tehran—Gen. Bergner also reported on Monday that the U.S. military has concluded that ''the senior leadership'' in Iran is aware of these terrorist activities. He said it is ''hard to imagine'' Ayatollah Ali Khamenei—Iran's supreme leader—does not know of them.

These latest revelations should be a painful wakeup call to the American people, and to the U.S. Congress. They also expand on a steady stream of public statements over the past six months by David Petraeus, the commanding general of our coalition in Iraq, as well as other senior American military and civilian officials about Iran's hostile and violent role in Iraq. In February, for instance, the U.S. military stated that forensic evidence has implicated Iran in the death of at least 170 U.S. soldiers.

Iran's actions in Iraq fit a larger pattern of expansionist, extremist behavior across the Middle East today. In addition to sponsoring insurgents in Iraq, Tehran is training, funding and equipping radical Islamist groups in Lebanon, Palestine and Afghanistan—where the Taliban now appear to be receiving Iranian help in their war against the government of President Hamid Karzai and its NATO defenders.

While some will no doubt claim that Iran is only attacking U.S. soldiers in Iraq because they are deployed there—and that the solution, therefore, is to withdraw them—Iran's parallel proxy attacks against moderate Palestinians, Afghans and Lebanese directly rebut such claims.

Iran is acting aggressively and consistently to undermine moderate regimes in the Middle East, establish itself as the dominant regional power and reshape the region in its own ideological image. The involvement of Hezbollah in Iraq, just revealed by Gen. Bergner, illustrates precisely how interconnected are the different threats and challenges we face in the region. The fanatical government of Iran is the common denominator that links them together.

No responsible leader in Washington desires conflict with Iran. But every leader has a responsibility to acknowledge the evidence that the U.S. military has now put before us: The Iranian government, by its actions, has all but declared war on us and our allies in the Middle East.

America now has a solemn responsibility to utilize the instruments of our national power to convince Tehran to change its behavior, including the immediate cessation of its training and equipping extremists who are killing our troops.

Most of this work must be done by our diplomats, military and intelligence operatives in the field. But Iran's increasingly brazen behavior also presents a test of our political leadership here at home. When Congress reconvenes next week, all of us who are privileged to serve there should set aside whatever partisan or ideological differences divide us to send a clear, strong and unified message to Tehran that it must stop everything it is doing to bring about the death of American service members in Iraq.

It is of course everyone's hope that diplomacy alone can achieve this goal. Iran's activities inside Iraq were the central issue raised by the U.S. ambassador to Iraq in his historic meeting with Iranian representatives in Baghdad this May. However, as Gen. Bergner said on Monday, ''There does not seem to be any follow-through on the commitments that Iran has made to work with Iraq in addressing the destabilizing security issues here.'' The fact is, any diplomacy with Iran is more likely to be effective if it is backed by a credible threat of force—credible in the dual sense that we mean it, and the Iranians believe it.

Our objective here is deterrence. The fanatical regime in Tehran has concluded that it can use proxies to strike at us and our friends in Iraq, Afghanistan, Lebanon and Palestine without fear of retaliation. It is time to restore that fear, and to inject greater doubt into the decision-making of Iranian leaders about the risks they are now running.

I hope the new revelations about Iran's behavior will also temper the enthusiasm of some of those in Congress who are advocating the immediate withdrawal of U.S. forces from Iraq. Iran's purpose in sponsoring attacks on American soldiers, after all, is clear: It hopes to push the U.S. out of Iraq and Afghanistan, so that its proxies can then dominate these states. Tehran knows that an American retreat under fire would send an unmistakable message throughout the region that Iran is on the rise and America is on the run. That would be a disaster for the region and the U.S.

The threat posed by Iran to our soldiers' lives, our security as a nation and our allies in the Middle East is a truth that cannot be wished or waved away. It must be confronted head-on. The regime in Iran is betting that our political disunity in Washington will constrain us in responding to its attacks. For the sake of our nation's security, we must unite and prove them wrong.

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

Mr. MCCAIN. Mr. President, I rise in support of the amendment offered by the Senator from Connecticut. The amendment puts Iran on notice that we in the Congress are aware of actions taken by Tehran that have resulted in the deaths of U.S. service personnel. We are aware of it, and we must do everything we can to stop it as quickly as possible.

While my colleagues and I may have legitimate differences over our policy in Iraq, we stand firmly united against those individuals and regimes that would seek to harm our troops. For some time now, American diplomats and military officers have suspected that key Iranian Government elements are actively engaged in supporting individuals and groups seeking to destabilize the Iraqi Government and who are deliberately targeting American troops for attack. There is a body of evidence, a body of reporting on Iranian material support to Shia militias, reports that suggest that Iranian support for the most lethal of the improvised explosive devices and for armor-piercing explosively formed projectiles. Together, these weapons account for a high percentage of American casualties in Iraq.

But the evidence of Iranian activity in Iraq does not end there. In order to increase its influence in Iraq, bleed the United States and disrupt our efforts in Iraq, Iran has engaged in numerous specific acts. A few of the publicly available reports include:

In February of this year, our military confirmed that at least 170 members of the U.S. Armed Forces have

been killed and at least 620 wounded by weapons tied to Iran.

On May 27, then-MG William Caldwell, spokesperson for the Multi-National Force in Iraq, said:

> What we do know is that the Iranian intelligence services, the Qods Force, is in fact training, equipping, and funding Shia groups . . . both in Iraq and in Iran. . . . We have in detention now, people that we have captured that, in fact, are Sunni extremist-related that have, in fact, received both some funding and training from the Iranian intelligence services, the Qods Force.

On April 26, General Petraeus stated that the Qazali network, a network directly connected to the Iranian Quds Force, was responsible for the sophisticated attack against the Karbala Provincial Joint Coordination Center in Iraq, which resulted in the murder of five American soldiers, four of whom were first abducted.

Last week Brigadier General Bergner, current spokesman for Multi-National Force Iraq, stated the following:

> The Iranian Quds Force is using Lebanese Hezbollah essentially as a proxy, as a surrogate in Iraq.
>
> Coalition forces have captured Ali Musa Daqdaq, whom the U.S. believes to be a 24-year veteran of Lebanese Hezbollah involved in the training of Iraqi extremists in Iraq and Iran.
>
> The Iranian Quds Force operates three camps near Tehran where it trains Iraqi extremists in cooperation with Lebanese Hezbollah. The Quds Force, along with Hezbollah instructors, train approximately 20 to 60 Iraqis at a time, sending them back to Iraq organized into these special groups. They are being taught how to use EFPs, mortars, rockets, as well as intelligence, sniper, and kidnapping operations.
>
> Iraqi extremists receive between $750,000 and $3 million every month from Iranian sources.
>
> . . . our intelligence reveals that senior leadership in Iran is aware of this activity and that it would be hard to imagine that Ayatollah Ali Khamenei, the Supreme Leader of Iran, is unaware of it.

Let me be clear. This amendment is not a call for war. However, it is a clear message that America stands by our troops and our interests in Iraq and that all Americans are united against those who would do them harm.

I ask my colleagues to join us in sending this message. If the Government of Iran wishes to prevent further international isolation and increased tension with the United States, it must take immediate action to end all training, arming, equipping, funding, advising, and any other forms of support for those who are destabilizing Iraq and killing American troops. That is about as simple as it gets. I would hope that however divided we may be on other questions of policy, we can all agree on that.

As my friend from Connecticut says, this amendment is a quite commonsense, common-ground proposal that would send a clear message on behalf of America, our interests, and those who risk everything to protect it.

I remind my colleagues of several quotes made by various Iranian leaders, including the Iranian President Ahmadinejad, who said:

> Israel is a tyrannical regime that will one day be destroyed.

He said on another occasion:

> Israel is a rotten dry tree that will be annihilated in one storm.

Another time he said:

> The skirmishes in the occupied land are part of a war of destiny. Israel must be wiped off the map.

Those are not the words of the Senator from Connecticut, the Senator from Michigan, any one of our enemies, but the elected leader of the State of Iran, who has said on numerous occasions that Israel must be wiped off the map.

So it is not just what the Iranian Government is doing in Iraq, it is the continued threat to the State of Israel. The Iranians, along with the Syrians, continue to arm Hezbollah. They are in the process of replacing the rockets expended in the battle in southern Lebanon as a result of the attack of Hezbollah on Israeli forces, the capture of Israeli servicemen. It is clear that the United Nation's Security Council resolution calling for the disarmament of Hezbollah in southern Lebanon is not in any way, sense, or form being enforced. In fact, Hezbollah is being rearmed rather than disarmed.

There is no doubt that the Iranian Government is attempting to realize an age-old dream of Persian influence and superiority in the Middle East. This is a real and serious threat.

I haven't even talked about the nuclear weapons development. It is well known to most of my colleagues here—all of them, as a matter of fact. As they continue to progress down the path to acquisition of a nuclear weapon, I am not concerned—I am concerned, but I am not as concerned about the fact that Iran develops a nuclear weapon and puts it on a missile aimed at Israel. I am far more concerned about the Iranians acquiring a nuclear weapon and handing it over to one of the terrorist organizations with which they have intimate and close ties.

This is a great threat in the region. Even if we are out of Iraq, let's suppose the worst-case scenario happens. I think one of the greatest threats to stability in the region is the insertion of Iran in a broad variety of ways in Iraq, beginning with southern Iraq, and their support of continued organizations that practice terror in the region.

I also think that obviously you would have some kind of Sunni involvement sponsored by the Saudis and you would have a number of other catastrophic situations, including the Turks not being able to withstand an independent Kurdish state. All of those are subjects for a debate for another day and discussion.

But the threat Iran presents, not just to Iraq, not just to the region, but peace in the world, is real. It is extremely urgent that we address it. If we fail to do so, as we have failed to address threats of terrorism in various shapes and forms in the past, we will pay a very heavy price. That is why I am very pleased to support the amendment of my friend from Connecticut.

Before I yield, could I also say I think that the Senator from Michigan and I and the Senator from Connecticut would be glad to enter into a time for a vote on this amendment at his convenience and that of the leadership's convenience.

The PRESIDING OFFICER (Mr. SANDERS). The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank my friend, the distinguished colleague from Arizona, Senator MCCAIN, for his strong, clear, convincing, compelling statement to me. I am honored he has signed on as a cosponsor of this amendment I have offered, which is specifically related to the Iranian support, training, equipping of terrorists that go back into Iraq, are responsible for the death of Americans and Iraqis.

He stated the evidence very clearly. It is powerful evidence. This is an opportunity, as he said, no matter where you are on whether we ought to have a mandatory deadline or a goal or whatever about our policy in Iraq, to stand together and say, when American soldiers are being killed as the result of a concerted campaign by another government, acting through its agents, and our military—not some distant third party—but our military and our intelligence community are telling us that, clearly we are going to stand together here in the Senate and send a united message to Tehran: We know what you are doing. Stop it.

I thank the Senator from Arizona and Senator KYL, who spoke before.

Mr. President, at this time I ask unanimous consent to add Senator COLLINS of Maine and Senator SESSIONS of Alabama as cosponsors of this amendment.

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

Mr. LIEBERMAN. I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. Mr. President, I thank Senator LIEBERMAN for offering this amendment because it is a very detailed list of activities that the Iranian Government is engaging in.

I say the Iranian Government purposefully, because I do believe that parts of their Government are deeply involved in trying to undermine our activity in Iraq. I hope this is something we can rally behind. I hope this is one of the amendments the whole Congress can get behind, the whole Senate can get behind, just as we have with pay raises and other things to help the troops.

I guess I would ask the question a different way: Do you doubt that what Senators LIEBERMAN and MCCAIN have just alleged about Iranian activity is true? Does any Member of the Senate question the accusations that are being

leveled at the Iranian operatives and Government vis-a-vis their involvement in Iraq? Is it something we can all agree on?

I would say that if you disagree, come to the floor and tell us why we are wrong. As you have just heard from Senators MCCAIN, LIEBERMAN, and KYL, the accusations are very serious and they run deep. The accusations basically say that the Iranian Government, through the Quds organization, their military revolutionary, their guard component, is actively involved in undermining the young democracy in Iraq, and actively involved in killing Americans.

If you doubt that, if you disagree with that, come and tell us where we are wrong. If you agree with that concept, this a chance to speak up and say that is wrong. I hope everyone in this body can muster the ability to tell the Iranian Government that what you are doing in Iraq is wrong and must stop.

The question we must ask ourselves as a nation is: Why is Iran doing this? Everyone has a reason for whatever decision they make as a governmental body. Every organization has a reason for whatever decision they make. Iran has a reason. Can we figure that out? Is it a mystery to us? It is not a mystery to me. The reason I think Iran is trying to destabilize Iraq and drive Americans out of Iraq and the region is because Iran's worst nightmare is a functioning democracy on their border.

Iran is a theocracy controlled by some of the most brutal people in the Middle East. The Iranian President is up there in terms of rhetoric with Adolph Hitler. He is saying things in 2005, 2006, and 2007 that you thought were coming out of the 1920s and 1930s. Does he mean it? I think he does.

Senator MCCAIN said the second prize would be a missile with a nuclear weapon aimed at Israel. That is second prize. First prize for a nuclear-armed Iran would be a terrorist organization getting the bomb.

Now, does anybody believe Iran is trying to produce power through a nuclear program for peaceful purposes? Come here and say so. Do you have any doubt that the Iranian regime is trying to go nuclear for all of the wrong reasons? I have no doubt, I have no doubt that they are in Iraq trying to kill Americans so we will leave. I have no doubt they wish the Maliki government and anything like the Maliki government to fail. They are not interested in a democracy in their backyard. Neither is Syria. The biggest threat they can imagine is to have neighbors who can decide their own fate, to have people next door who can vote for their own leaders, where Sunnis, Shiahs, and Kurds come together, form a new economy and a new government. That is a dictator's, a theocracy's worst nightmare.

I completely understood why Iran is doing what they are doing. What I cannot understand is why we are doing what we are about to do. Why would we abandon this infant democracy, even though it is harder than we would like. We have made mistakes that are too numerous to count. But look at our own history. It took us 11 years to write our own Constitution. Four years ago the people in Iraq were living under a brutal dictator. Four years ago the police force had one mission: Take care of the dictator. The Army had one goal: Take care of the dictator.

Now you have people trying to come together and found a new country out of the ashes of a dictatorship. If you look at history, at our own history, you know how hard it is. But let me tell you the payoffs are enormous if we could pull this off. And when I say ''we,'' I mean Americans and the big moderate forces in Iraq. It will transform the region.

Look at what happened to Qadhafi when Saddam Hussein went down. Things matter. If we fail in Iraq, it matters. And all the momentum that would be built by a successful outcome, which I think is very possible, that same—a different type momentum will be created by failure.

Who is the biggest winner and loser in Iraq? If Iraq fails, if the Government collapses and it becomes a chaotic situation, who would win? I would argue that at the top of the list would be al-Qaida, because al-Qaida would have a place to operate. I am not saying al-Qaida dominates all of Iraq. I am saying they will have regions in Iraq where they use fear and intimidation to operate and they will be stronger.

I do believe with all of my heart and soul that if Iraq fails and this new democracy is curbed, the biggest winner will be the Iranian state. They will have influence over parts of Iraq that will make them stronger.

Another big loser would be Turkey, because the Kurdish north will become incredibly unstable. So I do not think it is a mystery as to what Iran is up to. They are trying to destroy a force that presents a great threat to their existence, their existence as a theocracy that suppresses any form of moderation.

We have a magic moment in the Middle East to change it for the better. It is going to be hard, it is going to be tough, and it is going to take sacrifice, but it will work if we stay with a model that has always worked.

What is that model? When people get up and preach the destruction of their neighbor and they preach genocide and they preach hate and division, the model that has always worked is for the good people to say no. Every time someone like the President of Iran has come along with his hateful, destructive message and no one checks it, over time good people die. Eventually, the killing gets to be so great and the carnage is so hard to look at, good people rally to stop it. We have a chance here to head off what I think is a bloodbath in the making. We have a chance to control an Iranian Government that is up to no good. We have a chance to stand with the forces of moderation and affect the outcome in Iraq for the better.

Will they become the United States of Iraq overnight? No. But here is, indeed, good news, that due to the surge, with additional military capability, there is something going on in Iraq that should be encouraging. Al-Qaida flourished under the old strategy. They were able to dominate different regions of Iraq. When they had control of those regions, they did what every thuggish group has done in history. They did what every ideologically driven, hate-filled group has always done. They overplayed their hand. They have done some vicious, terrible things, and the people who have lived under their thumb have said: I have had enough. This new strategy has empowered these people in the Sunni areas of Iraq to turn away from al-Qaida and embrace something new. It has been possible because of General Petraeus and our brave men and women. Indeed, it is good news.

At the end of the day, this war on terror is about choices. Our hopes and dreams are that people in the Mideast, if given a choice, will reject al-Qaida and find a new way. Our hope and dream is that the Iranian regime will not get stronger but weaker. The only way to ensure that it will get weaker is to make sure its neighbors are protected from its vicious behavior. The only way we will ever win this war is not just killing al-Qaida but giving the power to those who say no to al-Qaida to control their own destiny. The only way we will ever control Iran is to stand up to it, just as we had a chance with Hitler and we let many opportunities pass.

Do I believe Iran is going to conquer the world? No. But I do believe Iran unchecked will change the world for the worse. I believe with all my heart and soul that Iranian efforts to get a nuclear weapon are real, and if they are successful, we will have a nightmare on our hands because I think they would use the weapon or at least empower somebody who would use the weapon. That would create chaos in the Mideast. I know that if I am the Prime Minister of Israel, I am not going to sit on the sidelines and watch that happen. I believe if Iran gets more out of control than they are now, you are going to create a nuclear arms race in the Mideast. I believe if Iraq can push through the hard times and we can achieve stability and say no to al-Qaida and contain Iran, momentum will be built for the next generation of those in Iraq and all over the Mideast to embrace a form of living we can tolerate.

There are plenty of people in Iraq—and I have met them, and you have, too—who are dying for their own freedom. What more can we ask? If you want to be a judge in the United States, you go through a confirmation hearing, and it is pretty awful. If you want to be a judge in Iraq, they try to

kill your family. If you want to be a political leader in the United States, it is a pretty tough life, but in Iraq it could end your life.

To those who are willing to raise their hand and say: I am willing to stand up to al-Qaida, I have had enough, God bless you. May God bless you. May the United States have the courage to stand by you. To those who see Iran as a growing threat, God bless you. May the United States have the courage to stand by you. To the young men and women who are going for the third and fourth time, God bless you. You see it better than anybody else. You know why you go back. You go back because you see hope where people here see no hope. You see change where we deny change exists. You see the ability to make the world better through your sacrifice, and you see the ability of passing on a better world to your children. You see the ability to affect things for the better so your kids won't have to do what you are doing. God bless you.

I hope and pray that this Congress, this Senate, and this country can muster the will to do the things that have always worked in the past. When you see evil, don't appease it; confront it. When you see hatred and bigotry, change it. Be willing to do the hard things now so that there will be a better life for those who come behind.

This strategy called the surge has been long overdue. We have paid a heavy price for misunderstanding the nature of what was required after the fall of Baghdad. We have been stubborn, and at times we have been arrogant. But at the end of the day, we are a good people. We stand for the good. The best we have is our men and women in uniform, and they are there in large numbers, volunteering to stay and to keep reenlisting. Whatever mistakes we have made in the past, let's not compound them.

I argue to my colleagues that the biggest mistake is yet to come, a mistake for the ages. That would be to adopt a policy that will make sure Iran wins and this new democracy in Iraq fails, to adopt a policy that will allow al-Qaida to come back stronger than they were before—and they will, as surely as I am standing here speaking—and slaughter those who have chosen to say no to them. If that happens, there will be a whole generation of moderation in the Mideast silenced. That will mean the next generation of Americans will be in the Mideast for a bigger war to fight. It is really literally up to us, as a democratically elected body, as to what course we take.

I do not question anybody's intent, patriotism, or motivation. But don't be blinded by the mistakes of the past. Don't misunderstand our enemy. Our enemy does not want to be misunderstood. Al-Qaida has written out the script for the world. The script says: Get us out of the Mideast, destroy forms of moderation in the Gulf States, and destroy Israel. They have written it down, just as Hitler wrote it down. I believe it can be stopped, just as Hitler was stopped. The Iranian leadership is not hiding where they want to go. They are challenging us to stop them. I hope we will rise to the occasion because we can stop them. The strongest weapon in our arsenal is not just the brave men and women who take up arms but the value system of our country which is so much superior to the hate-filled demagoguery of al-Qaida and to the totalitarian nature of Iran.

These are monumental times which I thought I would never live to see. I never thought in my lifetime I would see the world go backward instead of forward when it comes to standing up to evil. But such is life, such is fate.

To the brave men and women who have reenlisted and gone back for the third and fourth time, here is what I can say about you: History will judge you well because when your country needed you the most, you did not follow the political moment; you followed ideals that will last for a lifetime—truth, justice, and the American way.

God bless you.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. I am very appreciative of the remarks of the Senator from South Carolina. His eloquence is both compelling and informative.

I thank my friend from Connecticut for his amendment.

Mr. President, there has been printed in the RECORD an article by Senator LIEBERMAN of Friday July 6, 2007, that appeared in the Wall Street Journal.

I hope many of my colleagues will find the time to read this piece by Senator LIEBERMAN.

My friends from South Carolina and from Connecticut have made the arguments on behalf of the present strategy. One of the aspects of this debate we are in will center to some degree around Iranian influence in Iraq and the need for, or not, face-to-face talks with Iran. Let me make it clear in the beginning that I think America should be ready to talk to anybody at any time under any circumstances as long as somehow it isn't injurious to America's prestige or cause. But I think those who would come to this floor and argue about the need for face-to-face talks with the Iranians and how somehow that is the Rosetta Stone or nirvana—something that all we need to do is sit down and talk face to face with the Iranians—should be aware of the recent experience we have had with the Iranians. There were talks between Washington and Tehran last month in Baghdad, and the subject was security issues. Many of us were aware of those.

I quote the chief military spokesman, BG Kevin Bergner:

> There absolutely is evidence of Iranian operatives holding weapons, training fighters, providing resources, helping plan operations, resourcing secret cells that is destabilizing Iraq.
>
> We would like very much to see some action on their part to reduce the level of effort and help contribute to Iraq's security. We have not seen it yet.

Obviously, we know that tensions between the United States and Iran are very high, especially after the United States seized five Iranians earlier this year in northern Iraq for which there was clear and compelling evidence they were helping the insurgents. We also know Iran has five U.S. Iranian citizens held on ''security-related charges,'' a gross violation of human rights. I am surprised there is not more outrage in the United States over this basic kidnapping of American citizens.

The important part of this discussion is that our Ambassador to Iraq, Mr. Ryan Crocker, met with his Iranian counterpart last month in Baghdad. I know I share the view of most people who have had interface with Ambassador Crocker that he is one of the finest who has ever served in the Foreign Service as a diplomat and representative of the United States in all parts of the Middle East. One of the issues Ambassador Crocker raised was the type of roadside bomb which cuts through armor and is most lethal that is being supplied by the Iranians. Tehran's response last week was that they would study a request from Baghdad for a second meeting but warned the decision may take weeks.

Our No. 2 U.S. diplomat, Daniel Speckhard, said:

> We do not yet have another meeting scheduled for that dialogue with Iraq and Iran.

He said the first meeting produced general assurances that Tehran had a common interest in seeing a stable Iraq on its border, but these words had not been matched by deeds.

In other words, we have had a meeting with the Iranians. We have had various representations and representatives approach the Iranians on this issue. We have tried very hard and we will continue to try very hard to convince the Iranians that chaos in Iraq is not in their interest. I am not talking about U.S. interest but their interest. But it seems, as Daniel Speckhard said, what we have seen during the first meeting is, from our perspective, a sense that their actions were out of line with their stated goals and objectives.

Relations between the two countries obviously are being strained by Iran's nuclear program, which, in the minds of most experts, is by no means peaceful.

As I said at the beginning of my remarks, and this will be part of one of the amendments that is proposed, the United States should engage in face-to-face talks with the Iranians. That is fine. As I say, it is fine with me as long as it doesn't undermine U.S. prestige and enhance the prestige of a nation that continues to say things such as:

> Anybody who recognizes Israel will burn in the fire of the Islamic nation's fury.
>
> Remove Israel before it is too late and save yourself from the fury of regional nations.
>
> Israel is a tyrannical regime that one day will be destroyed.

We are supposed to sit down in face-to-face negotiations with a government

whose President said, concerning the Holocaust:

> They have invented a myth that Jews were massacred and place this above God, religions and the prophets.
>
> The real Holocaust is what is happening in Palestine where the Zionists avail themselves of the fairy tale of Holocaust as blackmail and justification for killing children and women and making innocent people homeless.

That is the rhetoric of the Government of Iran.

I hope we can convince them that an al-Qaida-significant presence in Iraq and increased chaos in the region is not in Iran's long-term interests because we need them. We need them to join with us in trying to bring about some kind of stability in the region. I hope that will happen.

I note the presence of the deputy Democratic leader on the floor. As I have discussed with the Senator from Michigan, the distinguished chairman, we are prepared to vote at whatever the leader's convenience is. It is my understanding—if I could have the attention of the Senator from Michigan—that after that, according to our conversation—

Mr. LEVIN. I apologize, Mr. President.

Mr. MCCAIN. That is quite all right—that there would be a pending Hagel amendment and then a discussion of an amendment by Senators SALAZAR and ALEXANDER, and then there would be made in order probably a Kyl amendment from this side, in keeping with the back and forth of amendments, obviously, depending on the good will and agreement of the leadership.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, we are drafting a unanimous consent request to put in place what the Senator from Arizona has just described. But what it would be is that immediately following the disposition of the Lieberman amendment, as modified—and the modification is almost completed—that then there would be a recognition of Senator HAGEL, with 2 hours, I believe, equally divided, and then there would be—I have not had a chance to talk with the Senator from Arizona, but it may be preferable to have the Kyl amendment just offered and laid down today and then the hour for Senators SALAZAR and ALEXANDER and their cosponsors, with a half an hour, as I understand it, for the Senator from Arizona or his designee, to be recognized after that hour for Senators ALEXANDER and SALAZAR et al. But their hour would be purely for a matter of debate. There is no amendment of theirs that would be pending at this time.

Mr. MCCAIN. Mr. President, could I ask the indulgence of the Senator from Michigan? Perhaps an hour for Senators SALAZAR and ALEXANDER and a half hour at the same time, so perhaps we could have a back and forth and use the hour and a half in its entirety, if that would be agreeable.

Mr. LEVIN. Mr. President, I think that would be the intention.

Mr. WARNER. Mr. President, if I could ask the distinguished managers, this amendment by Messrs. SALAZAR and ALEXANDER is of considerable importance, and there are some of us who would like to comment on that.

Mr. MCCAIN. Sure. Could I respond?

Mr. WARNER. Not as a part of that hour. I think they wish to have an hour reserved under the two principals together with their distinguished list of cosponsors. There are some of us who are not cosponsors who may have comments.

Mr. MCCAIN. Mr. President, I believe that this hour they asked for is in addition to the discussion of the regular amendment when it comes up on the floor sometime in the next—

Mr. LEVIN. Whenever it comes up.

Mr. MCCAIN. Whenever it comes up. They were seeking unanimous consent just to discuss for an hour the merits of their amendment. I had said, well, we should try to also have a half hour and a time limit. Obviously, all of this is in keeping with the wishes of the majority. The Senator from Michigan and I are trying to—

Mr. WARNER. Well, it is simply that I have some concerns about the Salazar-Alexander amendment. I do not wish to encroach on such time as they wish, but it would seem to me those of us who may have some concerns should have the opportunity to speak in the proximity of their discussion so the Members would have the benefit of both views.

Mr. LEVIN. Mr. President, if the Senator will yield on that, Senator MCCAIN, actually, I think, was intending to protect that interest in the half hour which he requested. If that is not sufficient, then we could make that an hour.

Mr. WARNER. Mr. President, I would perhaps seek to have 10 minutes. That is all.

Mr. MCCAIN. Mr. President, why don't we do this: have an hour—and I am sure we will not use it—an hour each.

Mr. LEVIN. We will have a unanimous consent request. This is being cleared on our side. I would also ask that Senator SMITH be recognized for 10 minutes between now and the time we will, hopefully, vote on the Lieberman amendment.

Is the modification at the desk? Is that ready?

Mr. LIEBERMAN. I say to the Senator, through you, Mr. President, the modification is ready.

Mr. LEVIN. Mr. President, I think the Senator from Illinois is going to be recognized at this point. After he has his colloquy with Senator LIEBERMAN, I would again seek the floor to put in place that unanimous consent agreement which we have just broadly outlined.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I would like to ask unanimous consent, through the Chair, to have a brief colloquy with Senator LIEBERMAN about his pending amendment, as modified, so there is clarification here.

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

Mr. DURBIN. Thank you, Mr. President.

First, we all acknowledge that Iran is involved in sending deadly weapons into Iraq which are threatening the lives of American soldiers as well as those who are trying to seek a peaceful and stable Iraq. That is a fact. It is one that the Senator from Connecticut has condemned, and I join him in that condemnation. I think that is a large part of his effort with this amendment.

Secondly, I might add that Senator SMITH of Oregon and I have introduced a resolution relative to the proliferation issue in Iran, and we have quite a few cosponsors on both sides of the aisle. We are not calling it on this bill, but we may soon, and to find diplomatic ways to discourage Iran from developing nuclear weapons, which would be destabilizing and dangerous to the Middle East and the world.

But I have a specific question I want to ask of the Senator from Connecticut in light of the modification of his amendment. Does this amendment, now, that the Senator has presented, as modified, authorize the use of military force by the United States against Iran?

Mr. LIEBERMAN. Mr. President, through you, responding to my friend from Illinois, the direct and short answer is no, it does not. In fact, in the modification I will soon send to the desk, we have added a section that says explicitly what was intended implicitly, which is, ''Nothing in this section shall be construed to authorize or otherwise speak to the use of Armed Forces against Iran.''

I say to my friend from Illinois, my hope here—in the midst of a contentious debate in which there is division in the Senate—is that no matter where one stands on the issues we are debating, on the facts that the U.S. military has presented about the complicity of Iran and its agents in training and equipping terrorists who are then coming in and killing Americans and Iraqis, there is agreement. And there is agreement also on the ''therefores'' or the ''resolved,'' which is, these are intolerable and unacceptable acts, and we call on the Government of the Islamic Republic of Iran to take immediate action to stop them.

Significantly—to me, anyway—we set up an operational procedure where, in the first 30 days and then every 60 days thereafter, General Petraeus or his successor, the Ambassador to Iraq and successor, will report to us on any new evidence about the activities of Iran in Iraq.

But because I want very much for this to be a statement that as many of the Members here—hopefully, all—could support, I do want to make it clear because I understand this is not

meant as an authorization of the use of force or in any other way to speak to the use of force against Iran.

Mr. DURBIN. Mr. President, I thank the Senator from Connecticut for this clarification.

I yield the floor.

Mr. LIEBERMAN. Mr. President, if I might, at this time I would like to send to the desk a series of modifications to this amendment that are the result of negotiations, particularly with my friend from Michigan, the chairman of the Armed Services Committee, Senator LEVIN.

I have been told we are still working on it. I thought we had agreement. OK. So I will say we continue to work on these modifications, which the ones I have seen we have approved together.

Does the Senator from Michigan have late-breaking news?

Mr. LEVIN. Mr. President, if the Senator will yield, the only issue is it is not in the proper form. I would urge the Senator to describe that modification. By the time he describes it, and I have had a comment or two, it will be in a form we could send to the desk.

Mr. LIEBERMAN. Excellent. Essentially, these are corrections to clarify what the intention of myself and the sponsors, such as Senator MCCAIN, were in submitting this. There were some helpful suggestions made, for instance, from the Intelligence Committee that wanted the reports done by the commander of the Multi-National Force and our Ambassador to Iraq to be done in cooperation with the Director of National Intelligence.

We have added a specific recitation of the fact that on May 28 of this year, Ambassador Crocker met in Baghdad with representatives of the Government of Iran to express concern about Iranian anticoalition activity in Iraq.

We call on the Director of National Intelligence to issue the National Intelligence Estimate on Iran that has been promised for some time now without further delay.

We indicate that we support diplomacy with the representatives of the Government of Iran in order to stop any actions by the Iranian Government or its agents against U.S. servicemembers in Iraq.

Again, we hope they will respond to these diplomatic initiatives.

And then, finally, the section I referred to in my colloquy with Senator DURBIN, that this is not intended to authorize or otherwise speak to the use of Armed Forces against Iran.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, let me again thank the Senator from Connecticut for these modifications. There are a number of other smaller modifications in the body of the amendment. The only one which I will read, make note of here—although there are a number of other very small ones—however, the one I do want to particularly point out, for those who are following this debate, is that the words ''of hostility'' are eliminated on line 14, page 7 in order to avoid any suggestion that this—I will give my interpretation, which I think fits exactly with what the Senator from Connecticut said—to avoid any implication in the body of the amendment that there is an authorization here for the use of force. And the words ''of hostility,'' in the context of that line, might have given an impression contrary to what is now explicit, that ''Nothing in this section shall be construed to authorize or otherwise speak to the use of Armed Forces against Iran.''

Again, I thank our friend from Connecticut for these modifications. I support the amendment. In fact, I ask unanimous consent that I be added as a cosponsor to the amendment, and that Senator SALAZAR be added as a cosponsor.

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

Mr. LEVIN. With that, Mr. President, we wait for the form, and also the unanimous consent request which—

Mr. MCCAIN. Mr. President, maybe we could let Senator SMITH proceed and then——

Mr. LEVIN. Mr. President, as soon as the modification is in proper form, it is the stated intention of the Senator from Connecticut to send that to the desk. In the meantime, if the Senator from Oregon could be recognized for 10 minutes.

Mr. MCCAIN. Mr. President, could I just ask, is it the intention of the Senator from Michigan to call for a vote immediately after Senator SMITH's 10 minutes, to alert all Members?

Mr. LEVIN. To alert all Members, I think we will be ready for a vote at 5 minutes to 4 o'clock on the Lieberman amendment.

Should we get the yeas and nays on that amendment now? We have to wait until after it is modified to get the yeas and nays.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. SMITH. Mr. President, I wish to say to the senior Senator from Arizona how much I admire him. In recent days, because of my difference with Senator MCCAIN on the way forward in Iraq, many members of the press, particularly in my home State, have asked me how can I continue to support Senator MCCAIN. I would like to answer that publicly for the Senate RECORD.

I support Senator MCCAIN for more than just the fact that he is a colleague, for more than just the fact that he is a genuine American hero, for more than the fact that he is a man of unbreakable principle. I support him still because he is my friend. When friends have differences, you don't walk away from a friend. I don't. You weather the bumps in the road, and you do what Senator MCCAIN has done with me; and that is to talk civilly and to counsel, and when there is a disagreement, that it is discussed as gentlemen, that it is discussed as friends.

But I come to the floor to speak for the Levin-Reed amendment. I am the original Republican cosponsor of this proposal. I am proud to cosponsor this amendment because it calls for what I have been stating for 7 months. It sets up a timetable to draw down our troops.

The amendment instructs the Secretary of Defense to transition U.S. forces starting approximately 4 months from the enactment of this legislation through the spring of 2008. Further, this amendment explicitly outlines the role of the U.S. military in Iraq as threefold. An appropriate amount of troops will remain to protect our diplomats, our military installations, and infrastructure. We will continue to train, equip, and provide logistical and intelligence support to the Iraqi security forces, sharing intelligence with them. Then, the third and most important point: We will be there to turn over every rock, every crevice, and seek out every al-Qaida killer who wishes to harm Americans.

Al-Qaida is our mortal foe. This is the war on terror, for want of a better term. It is a war from which we cannot retreat.

Over the past 7 months, when I spoke out pleading for a new course in Iraq, there has been a great cacophony of noise about how to go forward. Some of my colleagues have said to just cut off the funding. I have believed that to be dangerous and dishonorable. President Bush has said stay the course, and I find that troubling. What ''stay the course'' means is, we will continue to spend $12 billion a month. We will lose roughly three American soldiers a day. In addition to that, there will be countless wounded and maimed for life, for which I don't have a number.

Underpinning the current course and the argument of many of my colleagues on this side of the aisle is the hope, the predicate, that at the end of the road there will be an Iraqi government that will govern effectively and democratically. I believe President Bush's formulation, that we will stand down when they can stand up, is backwards. I come to that conclusion, based on numerous trips to Iraq, that they will not stand up until we begin standing down.

Like Senator MCCAIN and many of my colleagues, I recently was in Iraq. To be with our troops is to be inspired, to be humbled in their presence because of the remarkable work they are doing and the cause for which they are fighting. As inspiring as that is, it is equally depressing, then, to meet with Iraqi political leaders, democratically elected, whom we think ought to be focused on reconciliation. What I have found is they are focused on revenge. What I have learned firsthand is that Americans have no comprehension of the complexity, the factionalism, and the intensity of hatred that exists in some parts of the Middle East. On top of the factionalism, there are ancient sectarian strifes which produced a low-grade civil war that we cannot win, and

which is not ours to win. It is theirs to win.

As I said 7 months ago, there is no good option for how we come home, but it does seem to me that Senator LEVIN and Senator REED best express my own conclusions. That is why I cosponsored their amendment, and that is to recognize al-Qaida is our mortal foe. We must take them on where we can. But, ultimately, we have to get capable and effective Iraqi political leaders, too, so that they are pressured to do the most basic kinds of governing: establishing an oil revenue-sharing law, debaathification, setting up local elections, allowing the processes of democracy to work, establishing a rule of law that gives people confidence, spending their oil revenue money for the restructuring and rebuilding of their own country. All of the money from the oil we are helping them pump sits in bank accounts, stuck by their Parliament.

My fear is that what our presence and current posture are doing is simply keeping a civil war at a low-grade level. Civil wars end in one of two ways: one side wins and the other loses, or they fight it out until they figure it out. My fear is that we delay the day for them figuring it out with our current posture. I would love to be proven wrong. I pray that President Bush is right. But I believe it is our obligation to have this debate to help change the course and the policy of the U.S. Government and to help change the course and policy of the Iraqi Government. We cannot want democracy more for them than they want it for themselves, and what they seem bent on is an ethnic cleansing of their neighborhoods, a religious division. Ultimately, those are their decisions, not ours. But as long as we say we will take the bullet first, they will let us.

I believe the Levin amendment provides a way forward with a responsible division of labor. Let the Iraqi forces that we have trained and equipped handle their security in Baghdad and in other communities. Let us help them by taking on al-Qaida. The amendment envisions a much smaller American footprint. Our forces are trained and equipped in a way to handle that kind of mission, but as we speak, we are straining our military capacities and our personnel to a breaking point. I don't believe we should just abandon it, irrespective of consequences. That is why I urge my colleagues to look seriously at the Levin amendment, to consider it as the way forward that is both responsible as it relates to the Middle East and effective as it relates to the defense of the American people.

So as a Republican, I am for the Levin amendment. I urge its adoption.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, let me first thank my good friend from Oregon for his extraordinarily prescient and moving statement. His support of this amendment has been a matter of great importance to the Nation, as well as to him personally and to the troops and their families. I want to personally tell him how moved I am by his words, and I wish everybody in this country could have heard his words. Hopefully, as many as possible will take a moment to read the words of Senator SMITH.

Mr. President, I believe we will be ready to move to a vote very shortly. I think there will be a UC which will set the time for 10 minutes after 4, but we will wait for the staff. Can we announce that it will be 4:10 for the vote? If I could get the attention of the Senator from Arizona, because I am asking for unanimous consent that the vote now be scheduled for 10 minutes after 4.

Mr. MCCAIN. Whatever the Senator says.

Mr. LEVIN. I thank the Senator. Between now and then, the modification will, hopefully, be ready. It is at the desk. Does this require a motion or a unanimous consent or just a request to modify? I think the Senator from Connecticut needs——

The PRESIDING OFFICER. The sponsor has the right to modify the amendment at this time.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent—actually, I don't have to ask unanimous consent; it is automatically modified.

The PRESIDING OFFICER. The amendment will be so modified with the changes that are at the desk.

The amendment, as modified, is as follows:

At the end of title XV, add the following:

SEC. 1535. REPORT ON SUPPORT FROM IRAN FOR ATTACKS AGAINST COALITION FORCES IN IRAQ.

(a) FINDINGS.—Congress makes the following findings:

(1) Since January 19, 1984, the Secretary of State has designated the Islamic Republic of Iran as a ''state sponsor of terrorism,'' one of only five countries in the world at present so designated.

(2) The Department of State, in its most recent ''Country Reports on Terrorism,'' stated that ''Iran remained the most active state sponsor of terrorism'' in 2006.

(3) The most recent Country Reports on Terrorism report further stated, ''Iran continued [in 2006] to play a destabilizing role in Iraq... Iran provided guidance and training to select Iraqi Shia political groups, and weapons and training to Shia militant groups to enable anti-Coalition attacks. Iranian government forces have been responsible for at least some of the increasing lethality of anti-Coalition attacks by providing Shia militants with the capability to build IEDs with explosively formed projectiles similar to those developed by Iran and Lebanese Hezbollah. The Iranian Revolutionary Guard was linked to armor-piercing explosives that resulted in the deaths of Coalition Forces.''

(4) In an interview published on June 7, 2006, Zalmay Khalilzad, then-United States ambassador to Iraq, said of Iranian support for extremist activity in Iraq, ''We can say with certainty that they support groups that are attacking coalition troops. These groups are using the same ammunition to destroy armored vehicles that the Iranians are supplying to Hezbollah in Lebanon. They pay money to Shiite militias and they train some of the groups. We can't say whether Teheran is supporting Al Qaeda, but we do know that Al Qaeda people come here from Pakistan through Iran. And Ansar al Sunna, a partner organization of Zarqawi's network, has a base in northwest Iran.''

(5) On April 26, 2007, General David Petraeus, commander of Multi-National Force-Iraq, said of Iranian support for extremist activity in Iraq, ''The level of financing, the level of training on Iranian soil, the level of equipping some sophisticated technologies . . . even advice in some cases, has been very, very substantial and very harmful.''

(6) On April 26, 2007, General Petraeus also said of Iranian support for extremist activity in Iraq, ''We know that it goes as high as [Brig. Gen. Qassem] Suleimani, who is the head of the Qods Force . . . We believe that he works directly for the supreme leader of the country.''

(7) On May 27, 2007, then-Major General William Caldwell, spokesperson for Multi-National Force-Iraq, said, ''What we do know is that the Iranian intelligence services, the Qods Force, is in fact both training, equipping, and funding Shia extremist groups... both in Iraq and also in Iran.... We have in detention now people that we have captured that, in fact, are Sunni extremist-related that have, in fact, received both some funding and training from the Iranian intelligence services, the Qods Force.''

(8) On February 27, 2007, in testimony before the Committee on Armed Services of the Senate, Lieutenant General Michael Maples, director of the Defense Intelligence Agency, said of Iranian support for extremist activity in Iraq, ''We believe Hezbollah is involved in the training as well.''

(9) On July 2, 2007, Brigadier General Kevin Bergner, spokesperson for Multi-National Force-Iraq, stated, ''The Iranian Qods Force is using Lebanese Hezbollah essentially as a proxy, as a surrogate in Iraq.''

(10) On July 2, 2007, Brigadier General Bergner detailed the capture in southern Iraq by coalition forces of Ali Musa Daqdaq, whom the United States military believes to be a 24-year veteran of Lebanese Hezbollah involved in the training of Iraqi extremists in Iraq and Iran.

(11) The Department of State designates Hezbollah a foreign terrorist organization.

(12) On July 2, 2007, Brigadier General Bergner stated that the Iranian Qods Force operates three camps near Teheran where it trains Iraqi extremists in cooperation with Lebanese Hezbollah, stating, ''The Qods Force, along with Hezbollah instructors, train approximately 20 to 60 Iraqis at a time, sending them back to Iraq organized into these special groups. They are being taught how to use EPFs [explosively formed penetrators], mortars, rockets, as well as intelligence, sniper, and kidnapping operations.''

(13) On July 2, 2007, Brigadier General Bergner stated that Iraqi extremists receive between $750,000 and $3,000,000 every month from Iranian sources.

(14) On July 2, 2007, Brigadier General Bergner stated that ''[o]ur intelligence reveals that senior leadership in Iran is aware of this activity'' and that it would be ''hard to imagine'' that Ayatollah Ali Khamenei, the Supreme Leader of Iran, is unaware of it.

(15) On July 2, 2007, Brigadier General Bergner stated, ''There does not seem to be any follow-through on the commitments that Iran has made to work with Iraq in addressing the destabilizing security issues here in Iraq.''

(16) On February 11, 2007, the United States military held a briefing in Baghdad at which its representatives stated that at least 170 members of the United States Armed Forces have been killed, and at least 620 wounded, by weapons tied to Iran.

(17) On January 20, 2007, a sophisticated attack was launched by insurgents at the Karbala Provincial Joint Coordination Center in Iraq, resulting in the murder of five American soldiers, four of whom were first abducted.

(18) On April 26, 2007, General Petraeus stated that the so-called Qazali network was responsible for the attack on the Karbala Provincial Joint Coordination Center and that ''there's no question that the Qazali network is directly connected to the Iranian Qods force [and has] received money, training, arms, ammunition, and at some points in time even advice and assistance and direction''.

(19) On July 2, 2007, Brigadier General Bergner stated that the United States Armed Forces possesses documentary evidence that the Qods Force had developed detailed information on the United States position at the Karbala Provincial Joint Coordination Center ''regarding our soldiers' activities, shift changes, and defenses, and this information was shared with the attackers''.

(20) On July 2, 2007, Brigadier General Bergner stated of the January 20 Karbala attackers, ''[They] could not have conducted this complex operation without the support and direction of the Qods Force.''

(21) On May 28, 2007, the United States Ambassador to Iraq, Ryan Crocker, met in Baghdad with representatives of the government of the Islamic Republic of Iran to express U.S. concern about Iranian anti-coalition activity in Iraq;

(22) Section 1213(a) of the FY 2007 John Warner National Defense Authorization Act (P.L. 109–364) required that the intelligence community produce an updated National Intelligence Estimate (NIE) on Iran.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the murder of members of the United States Armed Forces by a foreign government or its agents is an intolerable and unacceptable act against the United States by the foreign government in question; and

(2) the Government of the Islamic Republic of Iran must take immediate action to end any training, arming, equipping, funding, advising, and any other forms of support that it or its agents are providing, and have provided, to Iraqi militias and insurgents, who are contributing to the destabilization of Iraq and are responsible for the murder of members of the United States Armed Forces.

(3) It is imperative for the executive and legislative branches of the federal government to have accurate intelligence on Iran and therefore the intelligence community should produce the NIE on Iran without further delay;

(4) Congress supports U.S. diplomacy with the representatives of the Government of the Islamic Republic of Iran in order to stop any actions by the Iranian government or its agents against U.S. service members in Iraq;

(c) REPORT.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, and every 60 days thereafter, the Commander, Multi-National Forces Iraq and the United States Ambassador to Iraq in coordination with the Director of National Intelligence shall jointly submit to Congress a report describing and assessing in detail—

(A) any external support or direction provided to anti-coalition forces by the Government of the Islamic Republic of Iran or its agents;

(B) the strategy and ambitions in Iraq of the Government of the Islamic Republic of Iran; and

(C) any counter-strategy or efforts by the United States Government to counter the activities of agents of the Government of the Islamic Republic of Iran in Iraq.

(2) FORM.—Each report required under paragraph (1) shall be in unclassified form to the extent practical consistent with the need to protect national security, but may contain a classified annex.

(d) Nothing in this section shall be construed to authorize or otherwise speak to the use of Armed Forces against Iran.

Mr. LIEBERMAN. Mr. President, I thank my friend from Michigan. I appreciate the fact we will vote in 10 minutes. I think we have an opportunity to do something both very important and together, both of which are important. It is Senators collectively blowing the whistle on the Iranians and telling them we know what they are doing and that we know it is resulting in the death of American soldiers in Iraq, and they better stop it. It is as simple as that. They can read into that whatever else they want. But so far as they may believe in Tehran that they can take advantage of what they view as political differences in the United States or partisan differences, I think this does give us the opportunity, across party lines and every other potential divider, including our position on the war in Iraq, to say: When we have evidence a foreign nation is contributing to the death of American soldiers, we are going to stand together against that.

So I appreciate very much the work we have done. I am honored that Senator MCCAIN is a cosponsor. I am honored again that Senator LEVIN has become a cosponsor. I think we have the opportunity now to do something very united and important.

I thank the Chair, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays are ordered.

Mr. LEVIN. Mr. President, again, I thank my good friend from Connecticut for his cooperation and for his modification of his amendment. I think it now will command and should command the overwhelming vote of the Senate. There is no division when it comes to threats to the troops of the United States. Those troops are threatened in many ways in Iraq, and one of the ways they are threatened is by the activities of Iranians.

We want to make it very clear to the Government of Iran that we speak as one when it comes to protecting those troops from those kinds of threats. I hope that message gets through to the leaders of Iran loudly and clearly as a result of the adoption—or the expected adoption—of the Lieberman amendment.

Mr. President, I ask unanimous consent that the time until 4:10 today be for debate with respect to the Lieberman amendment No. 2073, as modified, with the time equally divided and controlled between Senator LIEBERMAN and Senator LEVIN or their designees; that no amendments be in order to the Lieberman amendment prior to the vote; and that at 4:10, without further intervening action or debate, the Senate proceed to vote in relation to the Lieberman amendment, as modified.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mrs. MCCASKILL). Without objection, it is so ordered.

Under the previous order, the yeas and nays have been ordered on the Lieberman amendment No. 2073, as modified, and the question is on agreeing to the amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK) and the Senator from Louisiana (Mr. VITTER).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 242 Leg.]

YEAS—97

Akaka	Domenici	McConnell
Alexander	Dorgan	Menendez
Allard	Durbin	Mikulski
Barrasso	Ensign	Murkowski
Baucus	Enzi	Murray
Bayh	Feingold	Nelson (FL)
Bennett	Feinstein	Nelson (NE)
Biden	Graham	Obama
Bingaman	Grassley	Pryor
Bond	Gregg	Reed
Boxer	Hagel	Reid
Brown	Harkin	Roberts
Bunning	Hatch	Rockefeller
Burr	Hutchison	Salazar
Byrd	Inhofe	Sanders
Cantwell	Inouye	Schumer
Cardin	Isakson	Sessions
Carper	Kennedy	Shelby
Casey	Kerry	Smith
Chambliss	Klobuchar	Snowe
Clinton	Kohl	Specter
Coburn	Kyl	Stabenow
Cochran	Landrieu	Stevens
Coleman	Lautenberg	Sununu
Collins	Leahy	Tester
Conrad	Levin	Thune
Corker	Lieberman	Voinovich
Cornyn	Lincoln	Warner
Craig	Lott	Webb
Crapo	Lugar	Whitehouse
DeMint	Martinez	Wyden
Dodd	McCain	
Dole	McCaskill	

NOT VOTING—3

Brownback	Johnson	Vitter

The amendment (No. 2073), as modified, was agreed to.

Mr. REID. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 2032

Mr. HAGEL. Madam President, I ask unanimous consent to call up the Hagel-Levin amendment, No. 2032, on troop deployment length, and ask for its immediate consideration.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nebraska [Mr. HAGEL], for himself and Mr. LEVIN, proposes an amendment numbered 2032.

Mr. HAGEL. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To limit the length of deployment of members of the Armed Forces for Operation Iraqi Freedom)

At the end of subtitle C of title XVI, add the following:

SEC. 1535. LIMITATION ON LENGTH OF DEPLOYMENTS FOR OPERATION IRAQI FREEDOM.

(a) LIMITATION.—Commencing 120 days after the date of the enactment of this Act, the deployment of a unit or individual of the Armed Forces for Operation Iraqi Freedom shall be limited as follows:

(1) In the case of a unit or individual of the Army (including a unit or individual of the Army National Guard or the Army Reserve), the unit or individual may not be deployed, or continued or extended on deployment, for more than 12 consecutive months.

(2) In the case of a unit or individual of the Marine Corps (including a unit or individual of the Marine Corps Reserve), the unit or individual may not be deployed, or continued or extended on deployment, for more than 7 consecutive months.

(b) EXCEPTION.—The limitation in subsection (a) shall not apply to designated key command headquarters personnel or other members of the Armed Forces who are required to maintain continuity of mission and situational awareness between rotating forces.

(c) WAIVER AUTHORITY.—The President may waive the applicability of the limitation in subsection (a) in the event of a requirement for the use of military force in time of national emergency following consultation with the congressional defense committees.

(d) DEPLOYMENT DEFINED.—In this section, the term ''deployment'' has the meaning given that term in subsection 991(b) of title 10, United States Code.

Mr. HAGEL. Madam President, this amendment that Senator LEVIN and I offer this afternoon, joined by my distinguished colleagues, Senators WEBB, SNOWE, and HARRY REID, says the following: A unit of the Army, including the Army National Guard and the Army Reserve, may not be deployed or continued or extended on deployment for more than 12 consecutive months, and a unit of the Marine Corps, including the Marine Corps Reserve, may not be deployed or continued or extended on deployment for more than 7 consecutive months.

We recognize that some flexibility is required, therefore this amendment includes an exemption for forces needed to maintain continuity of mission and situational awareness between rotations.

We all recognize we are in a war, and we understand that extraordinary circumstances will arise which may require an extended deployment. To that end, this amendment also provides the President of the United States with the authority to waive the provision in times of national emergency.

To be clear, this amendment complements but is different from the Webb-Hagel amendment that we voted on this morning which sought to ensure that our troops have a minimum time at home between deployments. The war in Iraq has pushed the U.S. Army to the breaking point. When we deploy our military, we have an obligation to ensure that our troops are rested, ready, prepared, fully trained, and fully equipped. Today's Armed Forces are being deployed repeatedly for increasing periods of time. This is quickly wearing down the troops and their families, impacting the mental and physical health of our troops.

Further, these deployments are affecting the recruiting and retention rates of the military. For example, the Army reached only a little over 80 percent of its recruiting goal for June. This is the second month in a row that the Army has failed to recruit the number of new soldiers needed to fill the ranks. And this is with large cash bonus incentives. Over $1 billion in cash bonus incentives were offered and given last year.

Earlier this year, Secretary of Defense Gates declared the intent of the Department of Defense to deploy soldiers for not more than 12 months, and marines for not more than 7 months at a time. But in April, Secretary Gates announced that all Army units would deploy for 15 months because there were not enough rested forces available for redeployment.

He said:

Without this action, we would have had to deploy 5 Army active duty brigades sooner than the 12-month-at-home goal. I believe it is fair to all soldiers that all share the burden equally.

Let me give an example of an extended, out-of-control deployment that recently hit my home State of Nebraska. Last month, 250 members of the Nebraska Army National Guard from the First Squadron, 167th Cavalry, and First Squadron, 134th Long Range Surveillance Detachment, returned to Nebraska from an 18-month deployment to Iraq. Yes, not 12 months, not 15 months—18 months, 18 months in Iraq, away from their families, their children, and their jobs.

Let me remind you again, this is a National Guard unit. That doesn't even include the 4 months of pre- and postmobilization training stateside.

Yesterday's Miami Herald reported the story of an Army reservist—not a member, again, of the regular Army. This reservist had been ordered to report to Iraq for his fifth deployment since we had been there.

During a House Foreign Affairs Committee hearing on June 27, retired GEN John Batiste, who commanded the Army's 1st Infantry Division in Iraq, testified that, in his words:

Active-duty companies preparing for deployment to Iraq within the next 6 months at less than 50 percent strength, are commanded by young, inexperienced lieutenants [—young NCOs—] and these units are lacking the equipment they need for training.

General Batiste's testimony before the House 2 weeks ago is not the first testimony to direct our attention to this reality, this fact. A June 24 article in the New York Times cited the concern of anonymous administration officials, Bush administration officials, who were quoted. ''The reality, the [Bush administration] officials said, ''is that starting around April [of next year] the military will simply run out of troops to maintain the current effort.''

The Bush administration officials continue in this New York Times story by saying, ''By then,'' April of next year, the President ''would either have to withdraw roughly one brigade a month or extend the tours of troops now in Iraq and shorten their time back home before redeployment.''

This is on top of the already established policy of 15 months for the Army, in some cases, as we know from my example of the Nebraska National Guard unit, 18 months.

On June 23, the Washington Post quoted former Army Chief of Staff General Gordon Sullivan when he said:

There isn't much more land power available for use in Iraq or Afghanistan. We are now ''all in.''

Another U.S. military strategist was quoted in the same article as saying:

I do not believe we've ever had enough troops to do all the tasks we should be doing in Iraq.

In February, General Peter Pace, the Chairman of the Joint Chiefs of Staff, reported to Congress that there is now, in his words—this is a quote—''significant risk that our military will not be able to respond to an emerging crisis in another part of the world.''

The Army continues to increase its reliance on men and women from the Navy and Air Force to fill Army vacancies in theater because we do not have enough soldiers. In April, at a hearing, the Department of Defense Task Force on Mental Health found that the military is putting already strained troops at greater risk of mental health problems because of repeated deployments to Iraq and Afghanistan.

The Mental Health Advisory Team-IV assessment replaced in May found that soldiers who deployed longer than 6 months or had deployed multiple times were far more likely to screen positive for mental health issues and that deployment length was directly linked to morale problems in the Army.

I wish to also note two other recent statements about what is going on

within our force structure. This comes from an April edition of the Army Times.

The military is so short of equipment that it will take years after the war in Iraq ends to bring it up to authorized levels.

That was what the Chairman of the Joint Chiefs of Staff, Peter Pace, told a House subcommittee.

Of course, I think if we review the front page of most newspapers in America this morning, we are once again reminded what is going on in Iraq. I have heard in some of the debate on this issue the arguments against these amendments, the amendment that Senator WEBB and I and others offered this morning, as a number of my colleagues are offering this afternoon that shows this is unconscionable, that somehow we have never done this before.

Well, I think we have laid to rest, or I hope we have, the issue of the constitutionality of the Congress of the United States being part of setting war policy. I would remind those who have some confliction about this or misunderstanding, that they read article I of the Constitution. It is rather clear what the constitutional powers of the Congress of the United States are.

If it is not our responsibility to deal with these great issues of our time—and I might remind all of us once again it is the Congress of the United States the Founders of this Nation entrusted with the sacred responsibility of declaring war. The administration or a President does not have that constitutional authority. It goes beyond that.

But I would also say we have never had a war fought in this country by American troops that has been an all-volunteer Army, an all-volunteer Army and force structure. So in Vietnam, where some of us served, we did not have a manpower problem. We did not have a manpower problem because we had a draft.

Now, we can go back to a draft. But we have to face the reality of what we are doing to the finest military the world has ever known—the best led, best educated, best equipped, most disciplined, and most focused, most selfless force structure the world has ever known—professional.

So when I hear: Well, we have never done this before, obviously Congress did get involved in Korea and all wars. But we have never fought two wars with an all-voluntary Army. So obviously we have limitations on force structure.

The answer is not to continue to push and force the force structure to the breaking point—which we are doing now. And every general will tell you the same thing and every senior NCO will tell you the same thing, that is what we are doing. We are destroying the finest force structure the world has ever known, which took us, incidentally, 30 years to build because of what we did to it after Vietnam.

In addition to that, we have been asking a very few individuals to bear all the burden and make all the sacrifices to sustain a war in Iraq that is now in its fifth year, longer than the entire duration of World War II. We have a mismatch with capability and manpower and mission. We have forces in 140 nations all over the world, but yet we have the smallest standing force since World War II.

Something is wrong here. What do we do? Well, we keep going back to the soldiers and the marines: Well, you can do another 3 months, can't you, or 4 months or 5 months? You can do two or three deployments, can't you? You are a volunteer. You are a professional.

It will not work. I think we are seeing very clear evidence of that.

Who does look out for the rifleman? Who cares about the man and the woman at the bottom who are always the ones who have to do the fighting and dying? This is not an abstraction. This not an abstraction to them. We need to address this. We need to address it clearly.

Well, for these reasons and others, I am hopeful that our colleagues will take a serious look at this serious amendment because I think it does address some of our issues, not all of our issues. It is not intended to address all of our issues.

But we are in a situation where things are not getting better, things are getting worse. If we expect these men and women whom we ask to make all the sacrifices for all of us, then we owe them at least some responsible policy, policy worthy of them and policy worthy of their sacrifice. That is what this amendment addresses.

I am grateful for my distinguished colleague and the dear friend, old friend, the junior Senator from Virginia's leadership; certainly the chairman of the Armed Services Committee and others who are cosponsors. I might note this is a bipartisan amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WEBB. Madam President, I would like to add my support to the Senator's amendment. I would state again my appreciation for his service to our country and for all the tough stands he has been willing to take here over the past few years on these vital issues.

Before I speak on this amendment, I would like to state briefly it is my understanding that in a press conference after the vote of this morning, when my earlier amendment failed to receive 60 votes, received 56 votes, there were some comments made by Members of the other party about my mentioning that in my amendment all of the ground combat veterans in the Senate were cosponsors of my amendment.

In the emotion of the time, apparently it was turned around into an assertion that I was trying to make a distinction about quality of service, or that people of one type of military background were being pitted against another. I say I regret anyone would think that speaking affirmatively about service, about service of individuals, was somehow speaking negatively about the service of anyone else or about people who have not served. I think that it is interesting to point out that in the amendment I offered, every ground combat veteran who is in the Senate cosponsored it. I am grateful for that. I think that does say something about the experiences that people have had in that environment, nothing more, nothing less.

With respect to the amendment from the Senator from Nebraska, this again is an issue that goes directly to the quality of the environment in which people who have stepped forward and served are being offered in the U.S. military today. People who step forward to serve do so because they love their country. They do so because they have family traditions. They do so in many cases because they like to soldier. But they do so looking to us, the national leadership, to place their service in this right context and to address that service with a period of stewardship.

I was stunned earlier this year when the policy was announced that those in the Army were going to go to 15-month deployments with only a 12-month dwell time back here after these deployments. This is the Active-Duty people. The normal rotation is 2 for 1 historically. If you are gone for a year, you are supposed to have 2 years back. Now we are down to less than 1 to 1.

I called the Chief of the Staff of the Army. I asked him about it. I said: How do you do this? He just came back from Iraq. How do you do this to your own people?

His comment to me: We have to feed the strategy. We don't articulate the strategy.

I had to empathize with the situation he was in. That is one of the reasons I developed the motivation to try and help the situation by addressing it in the Congress. Senator HAGEL has very clearly laid out the facts, the situation we face; that our troops, in many ways, have reached the tipping point, and the final tipping point came when we went below this 1-to-1 ratio, which is an absolute minimal floor.

The optimal ratio, as I said on the active side, is 2 to 1. We have a failed manpower policy which has placed the well-being and the availability of our troops in jeopardy. It is time for us to get to the place, after 4 years as an occupying force in Iraq, where the condition and the availability of our troops should drive our operational policies and not the other way around.

We are seeing the canary in the coal mine with respect to our military people. They have been giving more and more as these policies, those experimental policies, have gone forward. We are seeing a failing retention of experienced middle-grade officers and noncommissioned officers. We are seeing an increasing attrition rate against Army company-grade officers, the most

graphic example of that being the West Point classes of 2000 and 2001. These are the two most recent classes that have finished their 5-year obligation.

As of the end of last year, 54 percent of the class of 2000 had left the Army. As of the end of last year, 46 percent of the class of 2001 had already left the Army. This is well above, well above by multiples, attrition rates in the previous Iraq environment. The Marines have also seen an upward trend from the loss of critical midgrade noncommissioned officers.

As Senator HAGEL pointed out, we are seeing difficulties in recruitment. With respect to the National Guard in Virginia, we have seen, since 2001, nearly 6,000 soldiers of the Virginia National Guard, and more than 2,000 members of the Air Guard, entering Federal service in support of these different operations.

We can be justly proud that all of these people have stepped forward to serve. At the same time we need to put a balance into how they are being used. As I mentioned a minute ago, that balance will be found in shaping our operational policies toward the availability of our troops. There is no strategy that should be driving the use of our troops in the way they are being used. For that reason, I support the amendment and urge my colleagues to do so.

I yield the floor.

Mr. SALAZAR. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. OBAMA). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MCCAIN. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. MCCAIN. It is my understanding that time is being equally taken from both sides during the quorum call; is that correct?

The PRESIDING OFFICER. We are not under controlled time at the moment.

Mr. MCCAIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEVIN. 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. LEVIN. Mr. President, I ask unanimous consent that when the Senate considers the Hagel amendment No. 2032 and the Graham sense-of-the-Congress amendment relating to readiness during today's session, that there be a total of 90 minutes, equally divided, between Senators HAGEL and GRAHAM or their designees, with the amendments being debated concurrently; that no amendments be in order to either amendment prior to the vote; that each amendment must receive 60 affirmative votes in order for the amendment to be agreed to; that if either or both of the amendments receive 60 affirmative votes, then the motion to reconsider be considered made and tabled; that if neither amendment receives 60 affirmative votes, then the amendment be withdrawn; that upon the use or yielding back of time, the Senate proceed to vote in relation to the Hagel amendment; that upon disposition of the Hagel amendment, the Senate proceed to vote in relation to the Graham amendment; that there be 2 minutes of debate, equally divided, prior to a vote in relation to the Graham amendment; following disposition of the Graham amendment, Senator MCCAIN or his designee be recognized to offer the next first-degree relevant amendment, to be followed by Senator LEVIN offering a relevant second-degree amendment; further, that the time for debating the Hagel and Graham amendments be considered to have begun at 4:50 p.m. and charged according to usage to this point.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. So the two votes would occur, I ask the chair, at what time?

The PRESIDING OFFICER. At 6:20.

Mr. LEVIN. Mr. President, I did not hear the Republican leader.

Mr. MCCONNELL. Mr. President, I was just inquiring when we expect the two votes, and the chair said 6:20.

The PRESIDING OFFICER. At 6:20.

Mr. LEVIN. I thank the leader.

Senator MCCAIN and I have had discussions on this, that it was our hope we could have majority votes on these matters, but there would have been objection to that.

Is that a fair statement?

Mr. MCCAIN. Mr. President, that is correct.

Reserving the right to object, did the distinguished chairman mean to also announce that we intend to bring up the wounded warriors amendment tomorrow?

Mr. LEVIN. Mr. President, I thank my friend from Arizona. It is my intention that I bring up the wounded warriors amendment tomorrow as the amendment referred to here. It is a Levin-McCain et al. amendment. It is a bipartisan amendment. But it is the amendment that I intend, as of this moment, to bring up as the amendment referred to in this UC.

The PRESIDING OFFICER. Is there objection to the unanimous consent request?

Mr. MCCAIN. Mr. President, just reserving the right to object to clarify one more time, we intend to debate and vote on Graham and Hagel side by side. Then I would offer an amendment that would be considered. Following that, I think, is when the Senator from Michigan, along with I think 99 others, would be offering the wounded warriors amendment on behalf of our veterans.

Mr. LEVIN. Mr. President, I thank my friend for that clarification.

Mr. DURBIN. Mr. President, reserving the right to object, I would like a clarification. Does this mean every amendment now to the Defense authorization bill will require 60 votes?

Mr. MCCAIN. That is my understanding.

Mr. LEVIN. I would hope that would not be the case and that be decided on a case-by-case basis.

Mr. MCCAIN. Yes. I think it would be decided case by case and probably not by me.

Mr. LEVIN. I hope that will not be the case.

The PRESIDING OFFICER. Is there an objection to the unanimous consent request?

Without objection, it is so ordered.

The Senator from Michigan.

Mr. LEVIN. Mr. President, let me clarify something I said. Senator MCCAIN is correct, and I misspoke. The reference to my bringing up the wounded warriors legislation is not governed by this UC. It is my intention. After the matters that are governed by this UC, that is what I would do. I can be recognized by the Chair under the rights of recognition in this body, and that is my intention.

I thank my friend from Arizona for that clarification.

The PRESIDING OFFICER. Who yields time?

If no one yields time, time will be charged equally to both sides.

Mr. MCCAIN. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be charged equally to both sides.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KYL. 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. KYL. Mr. President, I just want to make a couple comments about the pending amendment and the amendment Senator GRAHAM and I have filed in response to it.

Our amendment makes clear that the goal of our Armed Forces is to have the kind of time in theater and dwell times that our military has sought to achieve and that are sought to be achieved by the amendment but that it is a goal rather than an absolute fixed requirement that becomes the policy of the U.S. military determined by congressional action.

The reason for that is twofold. By mandating a certain policy for deployment time or dwell time, the Congress is engaged in the most explicit micromanaging of what is obviously a function for the Commander in Chief and military commanders to perform. The

deployments of troops are clearly Commander in Chief obligations and responsibilities. This is not something Members of Congress are knowledgeable about or would have the ability to dictate in any responsible fashion. As a result, for us to adopt a mandatory policy here would be the height of micromanagement.

It also, of course, would be unconstitutional. We do have some obligation in this body to recognize that there is a difference between our legislative responsibilities and the executive responsibilities of the President, which include his responsibilities as Commander in Chief. Clearly, the dwell times of troops or units or the amount of time in theater for a unit is clearly an obligation of the Commander in Chief, not something for the Congress to determine. Therefore, secondly, this would represent an unconstitutional action by the U.S. Congress.

Why would there be a need for us to take that kind of step, literally throwing the gauntlet down in front of the President, when we could, instead, adopt an amendment such as Senator GRAHAM and I have filed, which recognizes the validity of the goal of the Senator from Nebraska; that is, to have this kind of general dwell time versus Active-Duty time—but does not purport to act, by Congress, in a way that is antithetical to the President's responsibilities as Commander in Chief. There is no reason for us to adopt as a Senate policy something which the military already has as its own goal and which the Congress can express is also, therefore, a goal of the U.S. Congress.

This certainly helps to give guidance to the President as Commander in Chief. It expresses our views as to what we deem to be desirable, but it does not hamper the President's operation of the war or infringe on his constitutional authority.

So I urge my colleagues to simply reflect for just a moment on the two reasons why I do not believe adopting the Hagel amendment is a wise idea and why we can achieve just as much by adopting the side-by-side amendment Senator GRAHAM and I have filed, which states this policy as a goal, as indeed it is, and it is perfectly appropriate as a goal but does not seek to intrude on the Commander in Chief's authority in this regard.

Mr. LEVIN. Mr. President, if the Senator from Arizona will yield, I see that Senator SALAZAR is on the floor of the Senate as well. It is our intention—Senator MCCAIN and I have spoken—that after these two votes, we then go into morning business. It is our understanding that Senator SALAZAR, Senator ALEXANDER, and a number of other Senators during that period are going to want to speak relevant to the amendment which they have filed. The amendment will not be before us. It will just be that they will be talking about their amendment.

We tried to find a place for that to happen earlier today. It didn't happen. The time that it can happen very readily would be during that period of morning business that would come after the two votes which are presently scheduled. So I just want to put the Senate and, more importantly, Senators SALAZAR, ALEXANDER, and others on notice about that possibility. For those who also want to comment on that amendment perhaps from a different direction, a different degree, opposition, or whatever, they obviously would be free to do so at that time, or at any other time, because this is not the time when that amendment is going to be offered.

Senator MCCAIN is back on the Senate floor. I indicated, I would say to the Senator, that during the period of morning business, that group of Senators and any other Senator who wants to comment on that amendment would be more than free to do so. It would not be pending before the Senate. It would be just for their discussion. But I wanted to put them on notice because they tried earlier in the day to have that opportunity.

Mr. MCCAIN. Mr. President, if I could just add to that, the Senator from Virginia, Mr. WARNER, was particularly interested in engaging in that discussion.

Mr. LEVIN. He was, indeed, and there are others, I know.

Mr. KYL. Mr. President, if there is no one else to speak to the amendments that are pending, let me just read one other thing that is relevant to these amendments.

We had before us earlier an amendment by the junior Senator from Virginia that, in effect, is the flip side of the amendment of the Senator from Nebraska. The first amendment dealt with the dwell time which necessarily had an effect on deployment time. The Senator from Nebraska focuses on deployment time, which of course would also have an effect on so-called dwell time. So they both generally deal with the same subject but go at it from a different perspective.

With regard to the first amendment, and this would also be relevant to the pending amendment, I wanted to quote three things from the Statement of Administration Policy concerning that language. First of all, the Statement of Administration Policy on March 19 reads as follows:

> It is unwise to codify in law specific deployment and dwell times since this would artificially limit the flexibility of our commanders to conduct operations in the field and infringe on the President's constitutional authority as Commander in Chief to manage the readiness and availability of the Armed Forces.

Mr. President, on May 10, the Statement of Administration Policy read as follows:

> These provisions could unreasonably burden the President's exercise of his constitutional authorities, including his authority as Commander in Chief and his ability to conduct diplomatic, military, and intelligence activities or supervise the executive branch.

Then, just by way of example, the Department states that it has managed deployments by using the dwell ratio of individuals as the criteria for deployment.

> The Department routinely deploys units at less than a 1:1 deployment to dwell ratio if the individuals within a unit meet minimum dwell requirements. The proposed language stipulates minimum periods between deployments for both units and individuals. The requirement to meet both criteria for unit and individuals before deployment could severely limit the options for sourcing rotations.

Mr. President, this is another way of saying what I said before, which is that there are reasons at any given time the Commander in Chief, acting through his military commanders, might deploy a certain unit for a certain purpose, and the individuals within that unit may or may not meet the optimal goals. Nevertheless, it is the goal of the military and therefore the Commander in Chief to try to meet these goals as much as possible.

What we are saying in the Graham-Kyl amendment is that these should remain the goals of the Commander in Chief and the military, and the Congress is specifically expressing our support for these goals. But for us to actually legislate a specific requirement would not only tie the President's hands and severely restrict his options as this statement verifies, but would also impermissibly intrude on his constitutional authorities.

So it is another way of saying what I said before, which is that it is a mistake to adopt the amendment as drafted, but we can achieve the same purpose in expressing our intent by the adoption of the Graham-Kyl amendment.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. GRAHAM. Mr. President, has amendment No. 2078 been called up, as modified?

The PRESIDING OFFICER. It has not.

AMENDMENT NO. 2078, AS MODIFIED, TO AMENDMENT NO. 2011

Mr. GRAHAM. Mr. President, I would like to call up amendment No. 2078, as modified.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> The Senator from South Carolina [Mr. GRAHAM], for himself, Mr. KYL and Mr. MCCAIN, proposes an amendment numbered 2078.

Mr. GRAHAM. 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:

(Purpose: To express the sense of Congress on length of time between deployments for members of the Armed Forces)

At the end of subtitle C of title X, add the following:

SEC. 1031. SENSE OF CONGRESS ON DWELL TIME BETWEEN DEPLOYMENTS FOR MEMBERS OF THE ARMED FORCES.

It is the sense of Congress that—

(1) the wartime demands placed on the men and women of the Armed Forces, both in the

regular and reserve components, and upon their families and loved ones, since the terrorist attacks on the United States on September 11, 2001, have required the utmost in honor, courage, commitment, and dedication to duty, and the sacrifices they have made and continue to make in the defense of our nation will forever be remembered and revered;

(2) members of the Armed Forces who have completed combat deployments require as much certainty as possible about the amount of time they will be at their home stations before commencing a subsequent extended operational deployment; and

(3) the goal, consistent with wartime requirements, for dwell time between extended operational deployments of members of the Armed Forces should be—

(A) for members of the regular components of the Armed Forces, no less 12 months between deployments; and

(B) for members of the reserve components of the Armed Forces, no less than 5 years between deployments.

Mr. GRAHAM. Mr. President, consistent with the unanimous consent agreement, I will take some time to talk about the Graham-Kyl alternative to Senators HAGEL and WEBB: No. 1, an observation about this whole debate based on what we did this morning. The author of this amendment, Senator HAGEL, has my deepest respect and admiration. He is a friend, and I hope he continues in public service for a very long time because he brings a lot of knowledge and wisdom to this body. Senator HAGEL and Senator WEBB have served in uniform. They have served in combat. They have my utmost respect. We just disagree. Quite frankly, you could bring Audie Murphy back from the dead, and he couldn't convince me this is a good idea.

I am a military lawyer. The only people who ever wanted to do harm to me were my own clients. But I have enjoyed being in the military. I have had occasion to serve as a military lawyer for quite a while now.

To those in the body, you have gotten here the same way as the rest of us. You convinced the citizens of your State that you had good judgment and were qualified for the job. I respect everybody in this body, including those who have served in the military in different capacities. But this is really—to be honest, every Senator's judgment is just as good as the next when it comes to things like this. I firmly believe we are making a mistake to try to get the Congress involved in dwell time or time on the ground in the way that is being proposed.

Do we all find it uncomfortable and disheartening that the Guard and Reserve and Active-Duty Forces have been stressed? Yes. That is why we are trying to increase the military, the Army and the Marine Corps, by 90,000. We have paid a heavy price for the mistakes of the past—not having enough people in Iraq, putting too much stress on our military—and we are beginning to correct that problem. We have a surge going on that is music to my ears in terms of changing the battle space.

What we have done in the past has not worked. The reason it failed in the past is we didn't have enough troops to secure the country, and we finally have gotten around to doing something different. The ''something different'' has increased combat capability twofold. For every combat soldier we had in Iraq before the surge, we have an additional soldier or marine and combat support person, which has made a dramatic difference.

The idea for Congress to step in at this point in time and say that soldiers, sailors, airmen, marines, members of the military—that by congressional mandate they are going to be locked into X amount of time in theater, is not only an unwise use of the moment, it is a constitutional problem for the ages.

The problem of this war is it is unpopular. I understand. No war is popular. I wish mankind could get away from trying to kill each other, but we haven't quite gotten there yet.

One thing you can say about this Congress—I think the last couple of Congresses I have been involved in—is you can accuse us of a lot, but you can't accuse us of being visionary. I don't think there is much visionary politics going on in the Congress. One of the things I would like to get the body to focus on is what would this amendment mean in terms of a constitutional restructuring? If this actually became law, what would be the effect on military commanders and the ability of those commanders to deploy troops based on military necessity? What would be the change in relationship between the Congress and the executive branch? It would be fundamental. The last thing we need in any war is to have the ability of 535 people who are worried about the next election to be able to micromanage how you fight the war. This is not only micromanagement, this is a constitutional shift of power. This is a degrading of military flexibility in a way that will haunt this country.

Now, this will not be the last war. The only thing I can tell you is there will be other wars, and that is sad to say, but it is true. Let's not turn the Constitution upside down and play a role that will impede the ability to win this war and the next war because we are upset with President Bush or because we made mistakes. The Congress has never done this before.

The reason the Congress has never done this before is because it would be a horribly bad idea. When you are at war, the last thing you want to interject in troop movements, how long they stay and where they go, is the political polling of the moment. The effect of this amendment is not only would it change a constitutional balance that has served us well over time, in regard to the surge it would disrupt rotation schedules that have been set.

My amendment, along with Senator KYL, expresses a goal that has been expressed by Secretary Gates. We are trying to make sure that Active-Duty Forces are not overutilized, and that their stays in theater are no longer than 15 months. We are trying to make sure that our Reserve Forces are not deployed in theater and activated for more than 1 year out of 6. These are goals that will make our military stronger. But we find ourselves at a time when we are adjusting strategy, and the strategy we are moving to is more labor intensive. It would be a mistake to use the idea of helping the troops as the reason to change the constitutional balance that will make every other war difficult to prosecute.

After having been to Iraq numerous times, what most troops want is for us to win. I spent the Fourth of July in Baghdad with Senator MCCAIN. I have had a lot of wonderful experiences as a Member of Congress, but I would have to put this up at the top in many ways.

Here is the setting: It is the Fourth of July, our Independence Day. We are in Baghdad. General Petraeus is having a ceremony for people who decided to reenlist in theater. It is at a Saddam Hussein palace. It is no longer used by Saddam Hussein; it is being used by coalition forces to help free the Iraqi people from their brutal oppression. We had over 600 American military members reenlisting, to do it yet again in Baghdad in the middle of a war. It was the largest reenlistment, they tell me, in the history of the country in a war zone.

Right after that ceremony, there were about 130 green card holders—noncitizens who are members of the military—who became naturalized citizens on that day. To be in their company, to just be around them buoyed my morale. It made be very proud of our military, and it humbled me.

To my colleagues here, I don't question your motives. We all understand the stress on the military, and we should support these goals. But we should not at this crucial time in this war make a decision that will fundamentally change the constitutional balance that has kept us free and make a decision that will allow politicians to take away from commanders the ability to deploy troops. The last thing we need is deployment and tour length based on polling. That is exactly what you would get.

Now, in terms of the waiver, I understand you can say: Well, wait a minute. The President can waive it. No President would ever accept this. There are people running for President in this body, and I would ask them: If you were Commander in Chief, would you sit on the sidelines and let the Congress take this authority away from you and your military commanders? Would Ronald Reagan? Would any President—you fill in the name—sit on the sidelines in any other war and let the Congress do what we are about to do? The answer would be no. They wouldn't look at the waiver as being a way for them to manage. What they would do is they would say: Wait a minute. I will have to veto this because this is an unconstitutional incursion

upon my authority as Commander in Chief.

I am going to yield and let Senator INHOFE speak, but I would mention one thing about the troops. We are meeting our recruiting and retention goals. Three of the four services met or exceeded their goals. People who have served in Iraq and Afghanistan are reenlisting at the highest rates of anybody in the military. From the troops' perspective, I wish for one moment we could see the need to win this war in Congress as much as they see the need to win it in theater.

With that, if I am controlling the time, I yield to my good friend from Oklahoma.

Mr. INHOFE. Mr. President, I thank the Senator for yielding. It is my understanding—although I came down here thinking I had a little more time—that we are down to 2½ minutes or something.

Mr. GRAHAM. Mr. President, I thought we had 40 minutes. What time is left?

The PRESIDING OFFICER. Two minutes remain for the Senator from South Carolina. Some of the time was allocated previously.

Mr. GRAHAM. To continue to use our time, I yield what time is left to Senator INHOFE.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, let me, since we don't have the time I thought, explain why this is unique. We already voted on the Webb amendment. I don't see that there is any difference here. There is something that hasn't been talked about since I mentioned this last Monday and that is that this President inherited a situation that was a personnel crisis. We are dealing with that now—a personnel crisis. I remember back during the 1990s, we were cutting down—I am not criticizing anybody, but we had this euphoric attitude that the Cold War was over, and we didn't need a military anymore. They cut back our modernization program and our personnel and defense spending.

Let's look at this chart. If you look at this and put it into perspective as to why we should not try to micromanage this thing and let the military do it, this is where we were. During the early 1990s—the Clinton administration—this black line represents the baseline from 1993 and where we would be in 2001, or at the end of that 8-year period, had we spent the amount of money we were spending from the baseline that was established in fiscal year 1993. If you take that and take what the President requested—the red line down here—fortunately, we were able to get some above that, but it still meant we were $313 billion less than we should have been.

That is what put us into the position we are in today. It was a personnel crisis. So now we are going to have to get the maximum use. We are not going to be able to have mandated deployments and returns and be able to prosecute this or any other war. If we were not in this position, I would still oppose the idea of Congress micromanaging a war. That is what the military chiefs in the field are supposed to do and what they are trained to do.

This shows you why we have the crisis today, and we are trying at the same time to rebuild a military that was torn down during the 1990s, and we should not have found ourselves in this position.

This President has done a lot. We increased the number of Active Duty in the Army and Marine Corps, reducing the stress on the deployable Active-Duty personnel. Help is on the way. The increase would shorten deployment length and give soldiers and marines more dwell time at home, but it is not mandated from us. It is going to come from the resources we are expecting and anticipating we will have.

While many units are close to a 1-to-1 deployment dwell-time schedule, certain units have been extended to 15-month tours. Look, all of us have Reserve units at home and Guard units, and we have our regular services going. We know the deployments are strained. This is why they are strained. We are trying to make up for the losses we sustained back during the 1990s. If we continue to do what we are doing now, the move we are making will allow the Army to ensure that Active-Duty units have at least 12 months at home. We are prepared to do that now. All of the services are rebalancing force structure and cross components to ensure they have the right types of units with the right skills in the greatest demand.

These are some of the actions that have been taken now. If we leave this alone and in the hands of the chiefs, we have right now the great General Petraeus in a position where he is trying to get this thing done. I have to tell you that my 14th trip to the AOR showed me that things are working very well. If you remember what the President said back on January 10, he said we are going to have to win this war from the bottom up, not from the top down. That is what is happening now. These efforts have gotten the clerics in Iraq into a position where they are no longer having anti-American messages, and we are winning this thing from the bottom up. It is brand new.

In all my trips there, I have never seen such a dramatic change as I did prior to this last trip. We actually have people going out now and doing what we do in neighborhood watch programs throughout America. We are now getting the Iraqis to do this. We have Iraqi civilians with spray paint cans painting circles around the undetonated IEDs. We have them doing these things. We have our troops going out, and instead of going back to the green zone, they are living with the Iraqi security forces in their homes. This is what we call the bottom up. It is working. We have monitored the clerics and what they were doing in their mosques in their weekly presentations. Prior to January, 85 percent of the presentations were anti-American. Since April, we have not had anti-American presentations. What is happening right now is the clerics realize we could cut and run on them and then the terrorists could come back in and they will be in control. They don't want that. This is a bottom-up type of support that we have at the present time.

We have to continue this. The President said back on January 10 that we had to do this from the bottom up. That is what we intend to do. How much more time do I have?

The PRESIDING OFFICER. Thirty seconds.

Mr. INHOFE. I wish we were not in the position we are in. I can remember coming down here, I bet, every other week during the 1990s and talking about what was happening to the military, saying we cannot make these cuts. There it is on the chart, $313 billion below the baseline, just holding what we had together at that time. So now we are paying the price for it. Now we have to get the very most out of the personnel we have. We do have plans to expand that to 92,000 in the next 5 years. We know we are going to do that. Help is on the way.

We cannot all of a sudden pull the rug out from under our troops, which is what we would do now in starting to micromanage this war from the Congress.

The PRESIDING OFFICER (Ms. CANTWELL). The Senator's time has expired.

The Senator from Virginia is recognized.

Mr. WEBB. Madam President, I wish to take 5 minutes and address some of the issues raised on the other side and speak briefly about the Graham setaside.

First, Senator KYL from Arizona read a communication from the administration expressing its disagreement with the approach Senator HAGEL's amendment is taking. I would like to say, quite obviously, that one would expect the administration to object to rational acts that might be placing restraints—even proper restraints—on Executive authority.

A number of constitutional issues have been raised. There are no constitutional issues in this amendment—any more than they were in the amendment I offered earlier. This is a proper exercise of authority under article I, section 8 of the Constitution. In fact, to respond to what Senator GRAHAM said, there have been Presidents who have allowed this congressional authority to take place. The most graphic example was President Truman during the Korean war, when American troops were being sent overseas without proper training, and the Congress passed a requirement that no troops could be sent overseas unless they had been trained for 120 days. That was the Congress taking measures to protect the well-being of troops being sent into

harm's way. We are doing essentially the same thing.

There was a comment about the difficulty that might be had in the military with respect to individual troop rotations versus unit-group rotations. This is simply not an issue. It has never been an issue. Every troop returning from a combat zone or in the military has in their record book the date they came back. There are a lot of individuals who have returned from deployments overseas who were being put in the units that were getting ready to deploy. That concept is called backfill. So you can have an individual who has only been back for a few months being put into a unit that arguably has been back for a year. That is not taking care of the individual.

There was a comment by Senator GRAHAM about the Hagel amendment creating down-range constitutional issues—issues that might affect us in other wars. This is simply not true. If you read the amendment, it is limited to Operation Iraqi Freedom.

Finally, there have been comments about the attitude of the U.S. military. I think that poll after poll demonstrates that the attitudes of our people in military uniform are very directly a mirror of the attitudes of the people in the country at large. There is not that much of a distinction at all.

With respect to this amendment that has been offered, this side by side, clearly, it is being offered as cover for people who are going to vote against the Hagel amendment and who voted against the amendment I proposed. I urge my colleagues not to vote for it.

First of all, it is a sense of the Senate. It has no legal authority whatsoever. Second, the goals that are in this amendment are no different than current policy. So there is no sense in anyone who wants to attempt to help the people who are being sent into harm's way again and again with some reasonable timelines to vote for this. It is simply a statement of existing policy. If you agree with existing policy and you want to vote for a sense of the Senate, you may want to vote for this. I urge my colleagues not to.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. HAGEL. How much time do we have?

The PRESIDING OFFICER. The Senator has 8 minutes 15 seconds.

Mr. HAGEL. And the other side?

The PRESIDING OFFICER. No time remains.

Mr. HAGEL. Madam President, I wish to follow along with what my distinguished colleague from Virginia was addressing and that is the difference between the two amendments that are before the Senate. I will address the Graham resolution first. I think therein lies the most significant difference between the Graham amendment and the Hagel amendment.

The Graham amendment is a sense-of-the-Senate resolution. The Hagel amendment is a piece of legislation that, if enacted, would have the force of law.

I wish to also address an issue that has developed some credibility in this debate in the last 2 days and that is that Congress has no role in this. I have heard some of my colleagues talk about micromanaging the war and micromanaging the Defense Department. We do have a Constitution. If you look at article I of the Constitution, section 8, I will read a sentence or two from that regarding the issue of what the role of the Congress is. Certainly, I think most everybody knows that only the Congress can declare war and raise money for our Armed Forces.

More to the point, it says Congress has the responsibility ''to make Rules for the Government and Regulations of the land and naval Forces.'' That would certainly include the Army and Marines. ''To provide for calling forth the Militia to execute the Laws of the Union . . . ; to provide for organizing, arming, and disciplining the Militia. . . .'' And it goes on.

I hope we can lay to rest this issue of somehow the Congress is mucking around in someone else's business. I don't believe so. I suppose we could dispense with congressional action and abolish the Congress, and some people would find that more effective and efficient. Until we change the Constitution, I doubt that is going to happen.

We do have a responsibility for our Armed Forces. As I said earlier, who does look out for the rifleman, for the men and women whom we ask to bear all the burden, make all the sacrifices, do the fighting, and do the dying? They tell me this is an abstraction, that we don't have any role here. Come on. A colleague said recently in this debate that the war is unpopular. Of course, it is. Why is it unpopular? Because Congress is mucking around in this? No, I think just the opposite. The war is unpopular because our policy is not working in Iraq. We are ruining our military over Iraq. Just as General Petraeus has said before our committee, there will be no military solution in Iraq.

I think most of us understand that only a political accommodation, only a political reconciliation is going to work Iraq toward some sense of stability, some sense of security. But yet we keep pushing the military out there, pushing the military out there, let them do it, let them do it, as we ruin our military.

Of course, the Congress has a very important and significant responsibility and role in this debate. I remind everyone what has happened to our military because of what we are doing.

One other point. What is more important in a free society? Is an abstract policy more important than our people, more important than our marines and our soldiers? They are our most precious and important resource.

Our amendment, this bipartisan amendment, gives the President waiver authority if the President believes it is in the national interest, it is a national emergency to change this policy. He has that authority. We don't micromanage. We don't tie his hands. If we listen to some of this debate, a 12-month deployment in Iraq is outrageously simple and easy and that somehow we are incurring on the President's power and the power of the Secretary of Defense to do that. That actually used to be the policy. I know it is outrageous to ask these people to only spend 12 months, that 15 months, 18 months is better, plus two, three, four tours is good. Yes, Congress has a role in this effort and this is what our amendment does. We include the Army National Guard. We include the Army Reserve. We include the Marines.

In the end, as we look at the full and complete dynamic picture of Iraq and what we are asking out of these men and women in uniform, then some semblance of common sense, some semblance of decency in how we treat our people is required.

Today our force capability does not match our mission. We are destroying our military. We are overburdening our military. We are burning out the circuits of our military, not because they are not good and professional and doing everything we tell them and ask of them. Of course, they are. But they can't do this alone. As General Petraeus has said, there will be no military solution to Iraq. Of course.

We need a policy worthy of these men and women whom we ask to fight and die for this country. Today this policy is not there. This is beginning to change that policy. I hope our colleagues will look seriously at this amendment and understand the very significant differences between the Hagel-Levin amendment versus the Graham-Kyl amendment. There are differences.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, is there any time remaining?

The PRESIDING OFFICER. There is 1 minute 20 seconds remaining.

Mr. LEVIN. Madam President, I wish to ask the sponsor of this amendment, my recollection is that when the 12-month deployment was extended by 3 months, the Secretary of Defense announced it was his goal to bring it back to 12 months; is that correct?

Mr. HAGEL. Madam President, the distinguished chairman is correct. He said that in open hearings before the Congress—I believe, in fact, before the Senator's committee.

Mr. LEVIN. I believe he said it somewhere publicly; I can't remember. One of the reasons to oppose the Graham amendment, it seems to me, is stated here: that the goal should be 15 months, which is worse than the current goal. The current deployment fact is 15 months, but the goal is to bring it back to 12 months. We want to do more than state a goal, we want to put this in law that it is a goal with a waiver.

What intrigues me about the Graham amendment is it is worse than the current goal. The goal is to bring that back to 12 months, and the Graham amendment is listed as being 15 months as the goal. I think it ought to be opposed on a number of reasons, reasons that have been stated, but also because it states as a goal a longer deployment length than what is the current DOD goal, which is 12 months.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HAGEL. Madam President, that is another reason the amendments are clearly different and the Hagel-Levin amendment is far better.

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to amendment No. 2032.

Mr. HAGEL. Madam 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 assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK) and the Senator from Louisiana (Mr. VITTER).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 52, nays 45, as follows:

[Rollcall Vote No. 243 Leg.]

YEAS—52

Akaka	Feinstein	Nelson (NE)
Baucus	Hagel	Obama
Bayh	Harkin	Pryor
Biden	Inouye	Reed
Bingaman	Kennedy	Reid
Boxer	Kerry	Rockefeller
Brown	Klobuchar	Salazar
Byrd	Kohl	Sanders
Cantwell	Landrieu	Schumer
Cardin	Lautenberg	Smith
Carper	Leahy	Snowe
Casey	Levin	Stabenow
Clinton	Lincoln	Tester
Conrad	McCaskill	Webb
Dodd	Menendez	Whitehouse
Dorgan	Mikulski	Wyden
Durbin	Murray	
Feingold	Nelson (FL)	

NAYS—45

Alexander	Crapo	Lott
Allard	DeMint	Lugar
Barrasso	Dole	Martinez
Bennett	Domenici	McCain
Bond	Ensign	McConnell
Bunning	Enzi	Murkowski
Burr	Graham	Roberts
Chambliss	Grassley	Sessions
Coburn	Gregg	Shelby
Cochran	Hatch	Specter
Coleman	Hutchison	Stevens
Collins	Inhofe	Sununu
Corker	Isakson	Thune
Cornyn	Kyl	Voinovich
Craig	Lieberman	Warner

NOT VOTING—3

Brownback	Johnson	Vitter

The PRESIDING OFFICER. Under the previous order, not having garnered 60 votes, the amendment is not agreed to and is withdrawn.

AMENDMENT NO. 2078

The PRESIDING OFFICER. There will now be 2 minutes evenly divided on the Graham amendment.

Who yields time? The Senator from Arizona.

Mr. KYL. Madam President, the goal here was to try as much as possible to achieve a balance between the time individuals and units are deployed and the time they have for duty or rest back in the States. That goal is the goal of the military today. It did not have to be mandated by the U.S. Congress, which would not only represent micromanagement of the Commander in Chief's responsibilities but could arguably even infringe on his constitutional authorities as Commander in Chief. We can, however, express that as our general sense, that should be the goal of our military, and I believe the amendment Senator GRAHAM and I have, which basically mirrors the language of the Hagel amendment but expresses it as a goal rather than a mandate, will achieve that purpose of expression by this body. Therefore, I urge my colleagues, if they wish to express that sense, to support the amendment.

Mr. LEVIN. I wonder if the Senator, after he is done, will yield 20 seconds to me?

Mr. WEBB. Madam President, I urge my colleagues to vote against this measure. It is a cover measure. It is a sense of Congress. It has no legal impact. This is a cover amendment because of earlier votes. It states as a goal, a goal that members of the regular components should be deployed for no more than 15 months. The stated goal of the Department of Defense is 12 months. This is not something people should be voting for.

I yield the floor.

Mr. LEVIN. Madam President, is there any time remaining?

The PRESIDING OFFICER. The Senator has 30 seconds.

Mr. LEVIN. Madam President, the stated goal of the Department of Defense remains 1 year, so this amendment, which says the goal should be 15 months for deployed forces, is harder on the troops than the current goal. I am going to read the current goal from Secretary Gates' January 12 Armed Services Committee statement:

> The goal for the active force rotation cycle remains 1 year deployed for every 2 years at home station.

So the Graham amendment goal of 15 months is harder.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. LEVIN. Madam President, 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 amendment.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Maryland (Mr. CARDIN) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK) and the Senator from Louisiana (Mr. VITTER).

The PRESIDING OFFICER (Mrs. MCCASKILL). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 41, nays 55, as follows:

[Rollcall Vote No. 244 Leg.]

YEAS—41

Alexander	Crapo	Lieberman
Allard	DeMint	Lott
Barrasso	Dole	Lugar
Bennett	Domenici	Martinez
Bond	Ensign	McCain
Bunning	Enzi	McConnell
Burr	Graham	Murkowski
Chambliss	Grassley	Roberts
Coburn	Gregg	Shelby
Cochran	Hatch	Specter
Coleman	Hutchison	Stevens
Corker	Inhofe	Thune
Cornyn	Isakson	Warner
Craig	Kyl	

NAYS—55

Akaka	Hagel	Pryor
Baucus	Harkin	Reed
Bayh	Inouye	Reid
Biden	Kennedy	Rockefeller
Bingaman	Kerry	Salazar
Boxer	Klobuchar	Sanders
Brown	Kohl	Schumer
Byrd	Landrieu	Sessions
Cantwell	Lautenberg	Smith
Carper	Leahy	Snowe
Casey	Levin	Stabenow
Clinton	Lincoln	Sununu
Collins	McCaskill	Tester
Conrad	Menendez	Voinovich
Dodd	Mikulski	Webb
Dorgan	Murray	Whitehouse
Durbin	Nelson (FL)	Wyden
Feingold	Nelson (NE)	
Feinstein	Obama	

NOT VOTING—4

Brownback	Johnson
Cardin	Vitter

The PRESIDING OFFICER. Under the previous order, not having garnered 60 votes, the amendment is not agreed to and is withdrawn.

Mr. LEVIN. Madam President, I move to reconsider the vote.

Mrs. BOXER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. Madam President, I now ask unanimous consent that the Republican leader be recognized in order to speak regarding an amendment to be offered at a later time; further, that following those remarks, Senator ALLARD and then Senator SALAZAR be recognized to speak for up to 10 minutes each on the same subject; and then, that following those remarks, the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each; and then Senator SALAZAR be recognized to control 60 minutes.

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

AMENDMENT NO. 2061

Mr. MCCONNELL. Madam President, there is an old saying that goes: If you want something done right, you have to do it yourself. For years I have led the fight in Congress to push the Department of Defense to safely and efficiently dispose of the deadly chemical

weapons stored at the Blue Grass Army Depot in Madison County, KY, and in other facilities across the country. For years, forces burrowed deep within the middle layers of the DOD bureaucracy have dragged their feet on this issue and refused to comply with Congress's directions. As a result, for years the people of Madison County have had to live with 523 tons—523 tons—of chemical weapons right in their midst, including VX nerve agent, one of the deadliest nerve agents ever created. Just 10 milligrams of VX is enough to kill a human being, and they have over 100 tons of it stored just down the road from a schoolhouse.

My colleagues and I have had enough, and we have concluded that if you want to do something right, you have to do it yourself. Therefore, I rise today to speak about an amendment I filed on Tuesday, amendment No. 2061, that will set a deadline into law for DOD to complete work on the disposal of the chemical weapons at the Blue Grass Army Depot and other facilities.

The deadline in this amendment will hold DOD to complete work on the disposal within 10 years; that is, no later than 2017. Thanks to years of delay and mismanagement, last year the Defense Department formally notified Congress it could not make the deadline set in the Chemical Weapons Convention, or CWC, and that deadline, of course, is 2012.

The United States has committed itself to that document and therefore will be in violation of its treaty obligations. But now DOD's latest projections would put off the completion of the disposal process at the Blue Grass Army Depot until 2023. That is 11 full years past the original deadline, and that is simply unacceptable.

I have documents from DOD that confirm that with sufficient funds, the entire U.S. chemical weapons stockpile could be eliminated by 2017, the deadline set by this amendment about which I am speaking, or maybe even sooner. If that goal can be met, then it certainly should be met.

Compounding the longstanding mismanagement within DOD on this issue is that the Department has consistently failed to request sufficient funds for disposal efforts. For years Congress has had to do the heavy lifting by increasing funds and making clear our commitment that these weapons be disposed of safely and with dispatch. A formal deadline in law, along with a regular reporting requirement, should finally push DOD to request sufficient funds in the future. That seems to be the only way to get DOD to ask for the funds it needs to get the job done.

Authorizers and appropriators of both parties, and in both Houses, have repeatedly expressed frustration at DOD's sluggish response to Congress's will. For years, the Department has flouted Congress and continued business as usual. That simply has got to stop. Passing this amendment will send a strong signal to the Department of Defense that Congress has had enough of their pigheaded stubbornness on this issue, and we are not going to take it anymore.

To prove we mean business, this amendment will also provide an additional $49.3 million for chemical demilitarization activities at Blue Grass Army Depot and a comparable facility at Pueblo Depot in Colorado. My colleagues from Colorado will be speaking to that momentarily. Those funds are fully offset in the bill. The money will be targeted to the two depots that have the farthest to go to dispose of their stockpiles, so this extra funding will help speed up the elimination of chemical weapons.

Delaying the disposal of chemical weapons in Kentucky and Colorado until the 2020s would cost the taxpayers an additional $3.3 billion. Appropriating $49.3 million and setting a firm deadline in law now will save us that $3.3 billion later.

The Department has over 16,000 tons of lethal chemical agents stored in military depots across our country. VX nerve gas stolen by a terrorist from the Blue Grass Army Depot in Kentucky could have grave consequences for Americans living as far as away as Los Angeles, Houston, Miami, or even here in Washington, DC.

The risk from these weapons is particularly acute for those who live near these storage facilities. Every risk assessment ever done has concluded that the longer these deadly weapons lie fallow, the more unstable and the more dangerous they become.

The threat of terrorism posed by our failure to dispose of these weapons is not limited to the storage of such materials in the United States. With America soon to be in breach of its treaty obligations under CWC, it will be all the more difficult for us to prod Russia to dispose of its outstanding chemical weapons. Storage of Russia's chemical weapons is much less secure than our own. The longer these weapons continue to sit in storage throughout Russia, the greater the opportunity for them to fall into terrorist hands. So at its core, continued foot-dragging poses a national security and homeland security risk to our country.

Finally, I note, as I said earlier, this is a bipartisan amendment. My good friend from Colorado, Senator SALAZAR, joins me, obviously, as a cosponsor, as well as Senator ALLARD. This is something that Senator BUNNING, my colleague from Kentucky, also joins as a cosponsor and feels strongly about as well.

A vote for this amendment will tell DOD that Congress is fed up, fed up, with its intransigence on this issue. A vote for this amendment is a vote to save the taxpayers $3.3 billion. A vote for this amendment is a vote to dispose of deadly nerve agents that are just down the street from our homes, our churches, and our schools.

Most importantly, a vote for this amendment is a vote to make the American people safer and more secure. When this Congress directs DOD to safely and efficiently dispose of these deadly weapons, and when we authorize and appropriate a sufficient amount of money so they can get the job done, that is exactly what we expect them to do. It is a shame we have to place a legally binding deadline on the Department to get them to do this. But if we want this job to be done right, we are going to have to step in and set a deadline ourselves.

I urge my colleagues to support this amendment when it is subsequently offered.

I yield the floor.

Mr. REID. Madam President, I know there is an order that recognizes the Senator from Colorado for 10 minutes, both Senators from Colorado for 10 minutes each, and following that the Senator from Colorado will be recognized for up to 60 minutes.

I ask unanimous consent that my two friends allow me to speak after they have done their first 10 minutes; that is, 20 minutes, that I be allowed to speak for a few minutes before Senator SALAZAR begins his 60 minutes.

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

The Senator from Colorado.

Mr. ALLARD. Madam President, I thank my good friend from Kentucky for introducing this resolution, and his superb leadership on this particular issue. It is always a pleasure to be able to join my colleague from Colorado, Senator SALAZAR, in these efforts to help make Colorado a better place to live.

This is an important issue not only to Kentucky but extremely important as far as the State of Colorado. I rise today to support the McConnell amendment; that is, amendment No. 2061, and urge my colleagues to join with me as it is debated here on the Defense authorization bill.

The amendment itself is very straightforward. It requires the Department of Defense to complete destruction of our chemical weapons stockpile no later than the year 2017. To that end, additional military construction funding in fiscal year 2008 is also authorized at the Pueblo Chemical Depot in Colorado, and the Blue Grass Army Depot in Kentucky. These additional military construction funds were identified by the program manager as necessary to help meet any accelerated schedule changes at the two sites.

Before I get into the details of why acceleration at these sites is necessary, let me first give a little background about the Chemical Weapons Convention.

The United States, by ratification of the Chemical Weapons Convention, was to have disposed of our chemical weapons by 2007; that is, this year. In April of 2006, the United States requested a 5-year extension allowed by the treaty, which was granted in December last, 2006.

The extension gives the United States until April 29, 2012 to destroy its stockpile. However, in its extension request the United States explicitly noted that. We do not forecast 100 percent destruction by the new deadline, but remains committed to completing its stockpile destruction under international observation as quickly as possible.

I voted against the Chemical Weapons Convention when it was before us for ratification. Nevertheless, the United States has signed the convention, and this body voted to ratify it. Therefore, I believe our Nation has an obligation to comply with the convention. Yet clearly the Department's budget requests have been insufficient to meet the escalating costs of the program for the destruction of our Nation's chemical weapons stockpile. I believe the Department should have added money to its budget request to pay for these new costs. Unfortunately, they have not.

This body knows this is not the first time I have joined my good friend and colleague, Senator MCCONNELL, on the Senate floor to discuss these activities. At our urging, the Senate Appropriations Committee passed several provisions in the 2005 supplemental appropriations bill that forced the Department of Defense to move forward with the destruction of chemical weapons at the depot in Blue Grass and Pueblo.

One provision in particular required the Department to spend $100 million within 120 days at the destruction sites. I point out this provision because some might be concerned the sites cannot spend more than they already have. This, in fact, is not true. The program managers at the Pueblo and Blue Grass sites are only limited in their schedules by the amount of dollars they receive. The Department of Defense has consistently failed to provide sufficient funding for this program, forcing those who run it to make programmatic decisions that pit demilitarization sites against each other. The Department of Defense has in the past failed to provide adequate program management.

Finally, it has repeatedly stopped and restarted design work and operations, adding huge startup costs and considerable schedule delays.

I also think it is important that my colleagues understand how many weapons are stored at these facilities. At Pueblo there are 780,078 rounds of chemical warheads being stored. Each one of these rounds is filled with liquid mustard agent. These weapons have been stored at Pueblo since the 1950s and represent 8.5 percent of the original U.S. chemical stockpile. At Blue Grass there are 523 tons of chemical agents representing 1.7 percent of the total U.S. stockpile. The complicating factor for Blue Grass is that the stockpile consists of blister and nerve agent in projectiles and rockets.

Following the terrorist attacks on September 11, 2001, the Department of Defense recognized that these sites posed a significant risk to the local communities. With this view in mind, in a memorandum, E.C. Aldridge, then-Under Secretary of Acquisition, Technology, and Logistics, directed that the ACWA program be accelerated for this reason. For the surrounding communities, these stockpiles are a continual reminder of the threat they face. We must accelerate the destruction of these weapons.

There is no doubt in Senator MCCONNELL's mind, nor in mine, that the Department has been inconsistent and unreliable regarding this program. Only by passing this amendment and inserting a legally binding date will the Department make chemical demilitarization a priority. We both strongly believe that it is past time for Congress to intervene.

I urge my colleagues to support the amendment.

I thank Senator MCCONNELL for his hard work, as well as Senator SALAZAR for his dedication and effort in helping clean up the depot at Pueblo.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. SALAZAR. Madam President, I rise with my colleagues from Kentucky, Senators BUNNING and MCCONNELL, and especially with my good friend and colleague from Colorado, Senator ALLARD, to speak in support of amendment No. 2061, which will help us get back on track with the obligation of the United States to destroy chemical weapons stockpiles both in Kentucky and in Colorado and to do it in a timely and safe way.

The Pueblo chemical depot in Colorado and the Blue Grass Army depot in Kentucky are home to vast scores of chemical weapons munitions that are supposed to be destroyed by 2012. That deadline was mandated by the congressionally ratified Chemical Weapons Convention. Unfortunately, the United States has been woefully behind in fulfilling these responsibilities because of consistent underfunding of a program that is essential to our national security and to the safety of nearby communities.

At the Pueblo site, we have 780,000 munitions filled with over 2,600 tons of liquid mustard agent, around 8.5 percent of the original U.S. chemical stockpile. These are chemical weapons. These munitions sit in 96 huts in high security as they await disassembly and destruction. But they pose a threat not only to the communities of Pueblo and Colorado Springs in my State but to our Nation if, in fact, these chemical weapons were to somehow end up in the wrong hands.

So the matter we speak about today with this amendment has everything to do with creating a strong defense for our Nation and dealing with the threats that we face in homeland security.

Every year we have to come into this Chamber and fight to put money back into the Assembled Chemical Weapons Alternatives Program. That is the authority that is overseeing the destruction operation both at Pueblo and Blue Grass. We had been successful in getting the administration to put $55 million back into the budget earlier this year. This, along with our joint efforts last year to keep $131 million in this program, has allowed us to actually get moving on construction of the facilities where they will destroy this agent.

If you visit the Pueblo chemical depot today, you will see the contractors in Pueblo have now begun to lay the utilities and foundations for the processing facility that will treat the agent. It is a welcome sight to see the Earth finally moving. Unfortunately, though, continued underfunding is preventing construction from moving as quickly as it could and should. Because the funding stream is so weak, contractors have to inch along with the construction of the buildings. Even the DOD admits there is a need for an additional $32 million in fiscal year 2008.

With that additional money, they could actually put up the walls and close the building where they will disassemble these very dangerous munitions. They will be able to build a structure where they will process the mustard agent. They will be able to move ahead with the control and support building and finalize the utility building. The amendment we offer today would fulfill this stated need of the program. It would put $49.3 million back into the program for military construction, $32 million of which will be used at the Pueblo chemical Army depot.

The amendment also holds the Department of Defense's feet to the fire on destroying these weapons. It is no secret that DOD is going to miss the 2012 treaty deadline for weapons destruction at the Pueblo chemical Army depot. That is what happens when you drag your feet and fail to put adequate resources behind a program that is essential to our national security.

Our amendment says if we fail to meet the treaty deadline, the Department of Defense should complete work on the destruction of the entire stockpile of lethal chemical agents and munitions absolutely no later than 2017. That is 10 years from where we are today. Every 6 months the Department, under our legislation, will have to report to Congress on the progress they are making, what resources are needed, and how much funding is programmed to fulfill this requirement.

For those of us who have been fighting this fight for the Pueblo site, as well as Kentucky Blue Grass, the hard deadline for Pueblo is a dramatic improvement. At the current pace and with the current administration's funding projections, destruction activities there are expected to be completed sometime in 2021. That is almost 10 years past the deadline under the treaty that the United States approved for the destruction of these kinds of chemical weapons. This is absurd, especially

with the DOD's own admission that with higher funding levels they could complete destruction of Pueblo a full 5 years earlier than that. There is not a single advantage to drawing the process out to 2022 or later. Construction costs only rise, and the security risks do not fade.

We are obliged not only by treaty but by our responsibility to communities that neighbor these installations to do a better job.

I thank Senator ALLARD for his leadership on this issue. I thank my colleagues from Kentucky for their hard work and leadership. The citizens of Kentucky and Colorado are watching closely. I am certain all Americans would like us to fulfill our treaty obligations by destroying these chemical weapons as quickly and safely as possible.

When amendment No. 2061 comes before the Senate for a vote, I respectfully urge my colleagues to join us in support of that amendment.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

TRIBUTE TO LADY BIRD JOHNSON

Mr. REID. Madam President, inside this desk is the name Johnson of Texas, majority leader. That, of course, is the signature of Lyndon Johnson, who was majority leader, Vice President of the United States, President of the United States. I have the honor of being able to work from this desk.

Lyndon Johnson is a legend from the great State of Texas, the Lone Star State. He was a Member of Congress, U.S. Senator, majority leader, Vice President, and the 36th President of the United States. But just as importantly, for those who know anything about Lyndon Johnson, were not these honors that were bestowed upon him by others but the fact that he married a wonderful woman, Lady Bird Johnson,

What a name, Lady Bird Johnson. Anytime you read about Lyndon Johnson, you have to understand the power of his wife.

Caro's book, ''Master of the Senate,'' has a lot in it about Lady Bird Johnson.

My wife understands, I am sure, a little bit what she went through. In the book, it describes how he would bring people home with little notice for dinner, and it was always available. Mr. Rayburn, the Speaker, came to their home at least once a week for dinner, many times unannounced except by the President calling at the last minute.

Today, America has lost this great woman. The greatest asset Lyndon Johnson had was his wife. I join my colleagues and all Americans in tribute to this great American woman.

I did not have the good fortune to know Lady Bird Johnson. She died today at age 94. But those who did know her said if you were to look up in the dictionary the term ''lady,'' you would find Lady Bird Johnson's picture. She truly stereotyped a lady.

I believe it is fair to say that you did not have to know Lady Bird Johnson—I did not—to admire her for the causes she championed.

As I said briefly, I have my own special appreciation for Mrs. Johnson because I have some idea of what Landra, my wife, puts up with being married to the majority leader.

He was a domineering personality, her husband. She was, during all of the domination he had—with his poking Senators in the chest and the things he is now legendary to have done—she was always the same graceful woman no matter the situation she found herself in. She was the same person no matter what the situation. She served during challenging, extraordinary times. President Johnson went through some very difficult times. She was always at his side.

She did not ask for the role of First Lady, but she embraced that role with grace and dignity.

As First Lady, she was instrumental in the Highway Beautification Act, which came to be known as ''Lady Bird's bill.'' She had many other initiatives that enhanced our natural world. She was a champion for children with programs such as Head Start. Later in life, her passion continued, most notably in her work opening the Lady Bird Johnson Wildflower Center outside Austin, TX, where she will lie before reaching her final resting place at the Johnson family ranch in Stonewall, TX.

I can think of no better tribute to Lady Bird Johnson than to close with her own words. She said once:

> Some may wonder why I chose wildflowers when there is hunger and unemployment and the big bomb in the world.
>
> Well, I, for one, think we will survive, and I hope that along the way we can keep alive our experience with the flowering earth. For the bounty of nature is also one of the deep needs of man.

My thoughts and warm feelings are with her two daughters, Lynda, whom I know quite well, and Luci, whom I know of, and, of course, Lynda's husband, our former colleague, Chuck Robb—who served with such dignity in the Senate; I had the good fortune of being able to serve with this wonderful Senator, great Governor of the State of Virginia, an extraordinary, gallant marine—and Ian, Luci's husband, and Lady Bird's many grandchildren and great-grandchildren, all of whom she loved as only a mother and grandmother could love.

Mr. ALEXANDER. Mr. President, I would like to say a word about Lady Bird Johnson.

We have had many graceful First Ladies in the United States, but Lady Bird Johnson can truly be said to have been the First Lady of America the Beautiful. Her husband used to joke that he would hear rustling in the hall at the White House. It would be, as he would say, Lady Bird and Lawrence Rockefeller meeting to work on conservation projects. Her legacy was the Highway Beautification Act of 1965. She understood that we have a great many important issues in our country but that one of our great characteristics is the beauty of our country. Italy has its art, Egypt has its pyramids, and we have the great American outdoors. Lady Bird Johnson knew that for everybody—not just the wealthy with big homes and big lawns—the beauty of our country was something to preserve. She did that, and she changed our entire national attitude about its importance. She brought out the best in us in terms of appreciating the beauty of America.

I visited the Wild Flower Garden in Austin, TX, before. I have seen the blue bonnets there in the spring, and I have seen how she influenced the flowers to grow in the rights-of-way on Texas highways. They even adopted the motto in Texas ''Don't mess with Texas.'' I am sure that is a legacy of Lady Bird Johnson as well. But not only did flowers begin to grow along the rights-of-way in Texas, they did in Tennessee and in a lot of other places—in States such as Colorado. Lady Bird Johnson has made her mark in our country.

Our family had the privilege of knowing the Johnsons and especially Linda and Luci—Linda married to Chuck Robb, a former Senator. We were good friends. We spent many times together at Governors' conferences, and our children know one another. We express to Linda and Luci and that family our sympathies. We know they have great pride in their mother as well as their father. But we think of their mother tonight as we think of her as the First Lady of America the Beautiful and remember her contributions.

HONORING OUR ARMED FORCES

Mr. LAUTENBERG. Madam President, more time has passed, and more American troops have lost their lives overseas. I feel very strongly that we should take a few moments in the U.S. Senate to honor them.

Outside my office here in Washington, we have a tribute called ''Faces of the Fallen.'' Visitors to the Senate from across the country have stopped by the memorial. I encourage my colleagues to come see this tribute on the third floor of the Hart Building.

I last came to the Senate floor to honor our fallen troops at the end of May. And between that time and the end of June, the Pentagon announced the deaths of 165 troops in Iraq and Afghanistan. I want them to be remembered. So today, I will insert their names into the RECORD:

SPC James L. Adair, of Carthage, TX; SSG Robb L. Rolfing, of Milton,

MA; SGT Shin W. Kim, of Fullerton, CA; SGT Michael J. Martinez, of Chula Vista, CA; SGT Giann C. Joya Mendoza, of North Hollywood, CA; SPC Dustin L. Workman II, of Greenwood, NE; PFC Cory F. Hiltz, of La Verne, CA; SGT William W. Crow Jr., of Grandview Plaza, KS; SGT Frank M. Sandoval, of Yuma, AZ; SSG Daniel A. Newsome, of Chicopee, MA; SFC Nathan L. Winder, of Blanding, UT; CAPT Darrell C. Lewis, of Washington, DC; SGT Joel A. Dahl, of Los Lunas, NM; PFC Andre Craig Jr., of New Haven, CT; CPL Derek C. Dixon, of Riverside, OH; SPC Eric C. Palmer, of Maize, KS; SGT Michael J. Montpetit, of Honolulu, HI; PFC Henry G. Byrd III, of Veguita, NM; SGT William E. Brown, of Phil Campbell, AL; SPC Dominic N. Rodriguez, of Klamath Falls, OR; 1LT Daniel P. Riordan, of St. Louis, MO; SGT Joel A. House, of Lee, ME; SGT Jimy M. Malone, of Wills Point, TX; SPC Derek A. Calhoun, of Oklahoma City, OK; SSG Michael D. Moody Jr., of Richmond, VA; SGT Chris Davis, of Lubbock, TX; PVT Shane M. Stinson, of Fullerton, CA; SPC Carter A. Gamble Jr., of Brownstown, IN; PFC Jerimiah J. Veitch, of Dibble, OK; MAJ Sid W. Brookshire, of MO; SSG Darren P. Hubbell, of Tifton, GA; SPC Joe G. Charfauros Jr, of Rota, Mariana Islands; SPC Joseph P. Kenny, of Veneta, OR; SGT Alphonso J. Montenegro II, of Far Rockaway, NY; SGT Ryan M. Wood, of Oklahoma City, OK; PFC Daniel J. Agami, of Coconut Creek, FL; PFC Anthony D. Hebert, of Lake City, MN; PFC Thomas R. Leemhuis, of Binger, OK; A1C Jason D. Nathan, of Macon, GA; SPC Karen N. Clifton, of Lehigh Acres, FL; PFC Raymond N. Spencer Jr., of Carmichael, CA; PFC Jacob T. Tracy, of Palestine, IL; SGT Shawn P. Martin, of Delmar, NY; SSG Stephen J. Wilson, of Duluth, GA; SGT Dustin J. Perrott, of Fredericksburg, VA; SFC William A. Zapfe, of Muldraugh, KY; PFC Joshua S. Modgling, of Las Vegas, NE; SPC Darryl W. Linder, of Hickory, NC; SGT Derek T. Roberts, of Gold River, CA; SPC Val J. Borm, of Sidney, NE; PFC Larry Parks Jr., of Altoona, PA; SGT Richard K. Parker, of Phillips, ME; CAPT Joshua E. Steele, of North Henderson, IL; SFC Christopher D. Henderson, of Hillsboro, OR; SFC John M. Hennen, of Vinton, LA; PFC David A. Wilkey Jr., of Elkhart, IN; 1LT Frank B. Walkup, IV, of Woodbury, TN; SSG Roy P. Lewsader, Jr., of Belleville, IL; SGT Danny R. Soto, of Houston, TX; CPL Zachary A. Grass, of Beach City, OH; PFC Michael P. Pittman, of Davenport, IA; CPL Dustin R. Brisky, of Round Rock, TX; SSG Michael A. Bechert, of New Castle, IN; MAJ Kevin H. Sonnenberg, of McClure, OH; MSG Arthur L. Lilley, of Smithfield, PA; PFC Casey S. Carriker, of Hoquiam, WA; SPC Josiah W. Hollopeter, of San Diego, CA; LTC Glade L. Felix, of Lake Park, GA; SPC Damon G. LeGrand, of Lakeside, CA; LCpl Johnny R. Strong, of Waco, TX; PVT William C. Johnson, of Oxford, NC; PFC Cameron K. Payne, of Corona, CA; CPL Llythaniele Fender, of Medical Lake, WA; CPL Meresebang Ngiraked, of Koror, Republic of Palau; SPC Adam G. Herold, of Omaha, NE; PVT Scott A. Miller of Casper, WY; SGT Cory M. Endlich of Massillon, OH; SSG Brian M. Long of Burns, WY; SGT Charles E. Wyckoff Jr. of Chula Vista, CA; SGT Dariek E. Dehn of Spangle, WA; A1C Eric M. Barnes of Lorain, OH; SFC Greg L. Sutton of Spring Lake, NC; SrA William N. Newman of Kingston Springs, TN; PFC Timothy R. Vimoto of Fort Campbell, KY; SGT Matthew Soper of Kalamazoo, MI; SGT Kimel L. Watt of Brooklyn, NY; PFC Justin A. Verdeja of La Puente, CA; PFC Shawn D. Gajdos of Grand Rapids, MI; SSG Timothy B. Cole Jr. of Missouri City, TX; SSG Juan F. Campos of McAllen, TX; SPC Jacob M. Lowell of New Lenox, IL; SGT Andrews J. Higgins of Hayward, CA; SSG Greg P. Gagarin of Los Angeles, CA; SGT James C. Akin of Albuquerque, NM; SGT Tyler J. Kritz of Eagle River, WI; SGT Robert A. Surber of Inverness, FL; SGT Caleb P. Christopher of Chandler, AZ; TSgt Ryan A. Balmer of Mishawaka, IN; SSG Matthew J. Kuglics of North Canton, OH; SPC Jeremiah D. Costello of Carlinville, IL; SPC Keith V. Nepsa of New Philadelphia, OH; SGT Charles R. Browning of Tucson, AZ; SGT Shawn E. Dressler of Santa Maria, CA; PFC Joshua D. Brown of Tampa, FL; CWO Christopher M. Allgaier of Middleton, MO; CWO Joshua R. Rodgers of Carson City, NV; SSG Charlie L. Bagwell of Lake Toxaway, NC; SGT Jesse A. Blamires of West Jordan, UT; SGT Brandon E. Hadaway of Valley, AL; SSG Travis W. Atkins of Bozeman, MT; SGT Bruce E. Horner or Newport News, VA; LTC Michael A. Robinson of Sylacauga, AL; SPC Doonewey White of Milpitas, CA; SPC William J. Crouch of Zachary, LA; 1LT Kile G. West of Pasadena, TX; SGT Anthony D. Ewing of Phoenix, AZ; CPL Zachary D. Baker of Vilonia, AR; CPL James E. Summers the 3rd of Bourbon, MO; SPC Alexandre A. Alexeev of Wilmington, CA; SGT Bacilio E. Cuellar of Odessa, TX; SPC James E. Lundin of Bellport, NY; PFC Joshua M. Moore of Russellville, KY; CPL Jonathan A. Markham of Bedford, TX; PFC Matthew E. Baylis of Oakdale, NY; PFC Matthew A. Bean of Pembroke, MA; PFC Robert A. Liggett of Urbana, IL; SGT Richard V. Correa of Honolulu, HI; 1LT Keith N. Heidtman of Norwich, CT; CWO Theodore U. Church, OH; SSG Thomas M. McFall of Glendora, CA; PFC Junior Cedeno Sanchez of Miami, FL; PFC Charles B. Hester of Cataldo, ID; SPC Clinton C. Blodgett of Pekin, IN; LCpl Emmanuel Villarreal of Eagle Pass, TX; SPC Francis M. Trussel Jr. of Lincoln, IL; SPC Mark R. C. Caguioa of Stockton, CA; LCpl David P. Lindsey; SGT Nicholas R. Walsh; SPC Erich S. Smallwood of Trumann, AR; PVT William L. Bailey the 3rd of Bellevue, NE; SPC Alexander Rosa Jr. of Orlando, FL; SPC Mathew P. LaForest of Austin, TX; SFC Robert E. Dunham of Baltimore, MD; SSG Russell K. Shoemaker of Sweet Springs, MO; CPL Victor H. Toledo Pulido of Hanford, CA; CPL Jonathan D. Winterbottom of Falls Church, VA; PFC Casey P. Zylman of Coleman, MI; SGT Iosiwo Uruo of Agana Heights, Guam; PFC Robert H. Dembowski of Ivyland, PA; SSG Steve Butcher Jr. of Penfield, NY; PFC Daniel P. Cagle of Carson, CA; SPC Benjamin J. Ashley of Independence, MO; SSG Kristopher A. Higdon of Odessa, TX; PFC Robert A. Worthington of Jackson, GA; SSG David C. Kuehl of Wahpeton, ND; SSG Shannon V. Weaver of Urich, MO; SGT Brian D. Ardron of Acworth, GA; CPL Michael W. Davis of San Marcos, TX; SGT Robert J. Montgomery Jr. of Scottsburg, IN; PVT Oscar Sauceda Jr. of Del Rio, TX; SSG Joseph M. Weiglein of Audubon, NJ; SGT Eric L. Snell, of Trenton, NJ; SPC Farid Elazzouzi, of Paterson, NJ; PFC David J. Bentz III, of Newfield, NJ; SGT Trista L. Moretti, of South Plainfield, NJ.

Madam President, as you heard, this list includes five soldiers from New Jersey: SSG Joseph Weiglein; SGT Eric L. Snell; SPC Farid Elazzouzi; PFC David J. Bentz III; and SGT Trista L. Moretti.

Staff Sergeant Weiglein was killed after an IED, or ''improvised explosive device,'' blew up while he was on patrol. He was 31.

Sergeant Snell died after his unit came under fire from insurgents in Baghdad. He was 35.

Specialist Elazzouzi was killed by an IED, after it exploded outside his vehicle. He was 26.

Private First Class Bentz was also killed by an IED, after it exploded outside his vehicle. He was 20 years old.

And Sergeant Moretti died of injuries sustained in combat. She was 27.

To date, more than 3,500 American men and women have lost their lives in Iraq. And more than 400 have lost their lives in Afghanistan. We will not forget them and the Nation will not forget their sacrifice.

RESTORING NATIONAL PARKS

Ms. CANTWELL. Madam President, during the fall of 2006, Mount Rainier, Olympic, and North Cascades National Parks endured incredible devastation from tremendous wind and rainstorms. Mount Rainier National Park received almost 18 inches of rainfall in 36 hours. Rivers and streams all over the park overwhelmed their channels, with floods that exceeded anything the park had experienced in its 108-year history. Olympic National Park experienced a series of Pacific storms that brought significant road and trail damage. North Cascades National Park Complex experienced numerous winter windstorms, which resulted in abnormally large numbers of downed trees over trails and floods causing damage to several roads. The National Park Service estimated that damage to roads,

trails, campgrounds, and buildings in all three parks exceeded $40 million.

Today I recommend to National Park Director Mary Bomar the awarding of National Park Service commendations to the entire staff of Mount Rainier, Olympic and North Cascades National Parks for their commitment to repair and restore these parks. Their efforts exemplify the mandate of the National Park Service ''to provide for the enjoyment of [the parks] in such manner and by which means as will leave them unimpaired for the enjoyment of future generations.''

Immediately following the storm, the personnel of these national parks worked continuously, often during their days off, to repair roads, rebuild trails, clean up campgrounds, and repair facilities. The citizens of Washington have a great interest in ensuring that the health, public and economic benefits, and welfare of Mount Rainier, North Cascades, and Olympic National Parks are restored for present and future generations. Without the extraordinary efforts of Park Service employees, it is likely that the parks would be decades from completing repairs, to the extent that they would be completed at all.

It is my honor as a Senator of the State of Washington to recognize the heroic efforts of these men and women and express my gratitude on behalf of my constituents and all Americans that enjoy and treasure these parks as ''sanctuaries of enjoyment, recreation, learning, and personal renewal.''

INTERNATIONAL PROJECT CITIZEN

Mr. COCHRAN. Madam President, I am pleased to advise the Senate that on July 15–17, 2007, more than 250 students from 33 countries will travel to Washington, DC, to participate in Empowering a New Generation for Democracy: The International Project Citizen Showcase. The showcase is the culmination of months of work by students to create public policy plans to solve problems in their local communities from around the world.

Project Citizen, which is funded by the U.S. Department of Education under the Education for Democracy Act, actively engages young people in the civic life of their communities. This interactive education program promotes engagement in government by challenging students to identify a public policy issue that is important to them, propose a solution, and create a political action plan for implementation of their solution. This year's projects addressed a wide range of issues from drug addiction to neglected historical monuments.

I invite my colleagues to observe these impressive portfolios on exhibit Tuesday, July 17, from 10 a.m. to 3 p.m. and from 5 p.m. to 7 p.m. in the Russell Caucus Room.

I ask unanimous consent that the list of countries represented in Project Citizen be printed in the RECORD.

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

Student teams from the following locations are expected to participate:

EUROPE AND EURASIA

Bosnia and Herzegovina
Bulgaria
Croatia
Czech Republic
Estonia
Kosovo (under UN administration)
Lithuania
Montenegro
Northern Ireland
Russia (East)
Russia (West)
Slovakia
Ukraine

ASIA

China
India
Indonesia
Thailand

NEAR EAST

Jordan
West Bank and Gaza

AFRICA

Ghana
Mali
Nigeria
Senegal
South Africa

LATIN AMERICA AND THE CARIBBEAN

Argentina
Chile
Colombia
Costa Rica
Dominican Republic
Ecuador
Panama
Peru
Venezuela

UNITED STATES

Florida
Washington

CONGRATULATING NICHOLE BERNIER

Mr. KENNEDY. Madam President, I welcome this opportunity to extend my warmest congratulations to Nichole Bernier of Wellesley, MA, as she celebrates her fortieth birthday. Nichole is a truly remarkable woman—a distinguished author, a community leader, a wonderful wife to her husband Tom, and a magnificent mother to her children Connor, Hadley, and Declan.

Nichole has worked tirelessly for over a decade on a variety of charitable causes, including animal welfare, education, and cancer research. Through both her writing and her activism, Nichole has made an impressive difference in people's lives, especially those in need.

Her service and dedication have meant a great deal to countless fellow citizens. It's a privilege to join her family and her many, many friends in congratulating her on this important milestone in her life, and I wish her many happy returns.

ADDITIONAL STATEMENTS

HONORING MESA STUDENTS

• Mr. DOMENICI. Madam President, today I wish to recognize six of New Mexico's youth who have participated in a national Mathematics, Engineering, Science and Achievement, MESA, USA competition. The competition held at the University of Maryland focused on physics this year and New Mexico had one team from middle school and one team from high school participating. Every participating team made a Trebuchet, or catapult with weight on one end and a projectile on the other. The teams were judged on accuracy, distance, and design.

Four students from Sarracino Middle School in Socorro won the middle school division of the Jamboree Statewide competition held at the University of New Mexico. After winning there, they competed at the University of Maryland and took the third place position for all middle school participants at the national MESA USA competition. Sam Hale, Daniel Jaramillo, Tyler Lam, and Jordan Vinson, all eighth graders, proved with their teamwork that they were a force to be reckoned with.

Two Belen High School graduates also represented New Mexico well at the competition. Samantha Huynh and Matthew Swanson won the high school division of the Jamboree State-wide competition held at the University of New Mexico. They, too, participated in the national competition in Maryland.

I am always proud to learn of students such as these who have taken their learning in the classroom to another level. These sorts of competitions allow students to think outside the box and come up with new solutions to old problems. Problem-solving skills, such as these displayed during the competition, prove to be invaluable for this Nation's future.

Congratulations again. I know these future leaders will accomplish great things.•

HONORING COLONEL GARY B. CARNEY

• Mr. INHOFE. Madam President, today I honor a retiring soldier from my home state. Colonel Gary B. Carney demonstrated exceptional meritorious service as Commander of McAlester Army Ammunition Plant, MCAAP, Oklahoma, the largest U.S. government-owned, government-operated explosive ammunition plant. The plant has a storage capacity of more than six million square feet, and stores more than 700,000 tons of ammunition valued at more than $65 billion. He skillfully balanced management of this significant portion of the total defense ammunition stockpile mission with the plant's other mission as the sole Department of Defense source for bomb production.

Colonel Carney effectively managed both manufacturing and depot operations stemming from Operating Enduring Freedom and Iraqi Freedom. During his tenure Colonel Carney oversaw an increase in revenue not seen since the Vietnam Era, totaling $228.2M. Also during his tenure the plant shipped 32,680 short tons of munitions, the largest tonnage shipped to date in support of Operation Iraqi Freedom.

Expansion of the public/private partnership program occurred under his leadership as well. The commercial industry partnership business base at MCAAP increased four-fold under Colonel Carney's leadership. Additionally, MCAAP was selected as the integrator for the Excalibur guided projectile in partnership with Raytheon. The Raytheon/MCAAP team fielded the Excalibur, the newest and most accurate projectile, three months ahead of schedule, significantly enhancing our military's warfighting capability.

Under his leadership, MCAAP led the way in Lean Six Sigma, LSS, with actual/cost avoidance savings of $5.319M. LSS training intensified so that 28 employees received green belt training while 18 received black belt training; 29 completed LSS executive training and 22 more completed project sponsor/project selection training. All MCAAP employees received Lean Six Sigma awareness training.

In 2006 MCAAP's ammunition inventory accountability received an overall green rating in 10 out of 10 major functional areas during the Supply Depot Operations review. This rating and rapid turn-around is a marked improvement over previous years. This significant achievement was directly orchestrated by Colonel Carney through his initiative, leadership, tenacity and ability to motivate the work force.

Colonel Carney's business acumen, dedication to duty, vision and ability to inspire and lead people reflect great credit upon himself, the Joint Munitions Command and the U.S. Army. On behalf of the U.S. Senate and a grateful Nation, I would like to wish him congratulations on a job well done.●

DR. ED RICHARDSON

● Mr. SHELBY. Madam President, today I pay tribute to Dr. Ed Richardson, who has dedicated over 40 years of his life to improving Alabama's public education system. On July 15, 2007, Ed will step down as Auburn University's 17th President, and he will leave behind a legacy of achievement unparalled in Alabama.

In the 1960s, Dr. Richardson worked in dual roles as a high school science teacher and assistant principal, with the objective of becoming a scientist for NASA. However, following a tragic accident that claimed the life of the Cloverdale School's principal, Dr. Richardson abandoned that aspiration to assume the role of principal. Taking over this position would propel Dr. Richardson into a long career in education, rising to the ranks of local superintendent, superintendent and university president.

In 1982, Dr. Richardson was named superintendent of Auburn's school system, a career move that at the time was considered unwise. But he had a vision of excellence that proved the naysayers wrong. Thirteen years after becoming superintendent, Auburn's school system was regarded as one of the best in Alabama.

Dr. Richardson's success at turning around Auburn's school system made him the ideal candidate for state superintendent. Faced with a formidable opponent who had the backing of the Governor and the Alabama Education Association, Dr. Richardson fought a hard campaign and was appointed Alabama's state superintendent 1995.

While serving in this position, Dr. Richardson oversaw many legislative and policy changes to Alabama's educational system. Although he may be best known for implementing Alabama's Educational Accountability Act, which holds schools responsible for the performance of their students, he is also responsible for creating performance report cards for schools and universities.

During Dr. Richardson's tenure as Alabama's superintendent, the high school drop out rate fell to historic lows, thanks in large part to his efforts to strengthen the State's high school graduation requirements, making them some of the most rigorous in the Nation. During this time, student academic performance reached an all-time high.

Recognizing the importance of our educators, Dr. Richardson restored teacher testing to hold higher education instructors responsible for their students' performance. He also launched the Alabama Reading Initiative and piloted the Alabama Math, Science and Technology Initiative to give teachers the training and tools they need to better teach these important subjects.

In 2004, Governor Bob Riley approached Dr. Richardson to take over as interim president at Auburn University. Following his acceptance of the position, Dr. Richardson wasted no time in taking charge and making much needed changes in key administrative positions. The culmination of his hard work came in December 2004, when Auburn regained its accreditation status.

Finally, after serving two and a half years as interim president at Auburn University, the board of trustees unanimously named Dr. Richardson Auburn University's 17th President. As president of Auburn, Dr. Richardson pursued an aggressive agenda. He focused on the development of Auburn's research park, improving its airport, effecting changes in the structure of the university's agriculture programs and forging a close relationship with Auburn University-Montgomery.

As Dr. Richardson, along with his wife Nell, embarks on another phase in his life he will remain an inspiration to many and will be remembered for his dedication and many contributions to Alabama's public education system. I wish him much luck in his future endeavors and I ask this entire Senate to join me in recognizing and honoring the life and career of my good friend Ed Richardson.●

HONORING KIDS CROOKED HOUSE

● Ms. SNOWE. Madam President, today I congratulate Kids Crooked House, a tremendously innovative small business from my home State of Maine, which recently won Yahoo's Ultimate Connection Contest on June 25. As a result, Yahoo will provide the company with a marketing prize package worth $100,000.

The Kids Crooked House of Windham crafts custom playhouses for children throughout the country. What makes the Kids Crooked House so special is the attention paid to detail in creating the playhouses. These playhouses are by no means run-of-the-mill: each one is crafted based on the buyer's specification and design, and all are unique. They range from brightly colored houses with twisted roofs and walls to playhouses based on cartoons or movies.

Glen Halliday, the owner of Kids Crooked House, opened his business in 2004 after facing a typical parental dilemma; namely, how to get kids away from the television and computer, and engaged in more outdoor activity. After searching for an affordable, yet original, playhouse for his children, he was unsatisfied. Mr. Halliday decided to take it upon himself to create a playhouse with an innovative twist. He designed a playhouse that was brightly painted, with oddly shaped sides and crooked windows. In light of his childrens' delight with the playhouse, Mr. Halliday determined that his product could appeal to numerous other children nationwide. Just last year, Mr. Halliday brought his idea to the Yarmouth Clam Festival in Maine, where the company received the Directors Choice trophy and garnered first place for the best small business float in the annual parade.

Winning Yahoo's Ultimate Connection Contest opens the door for the Kids Crooked House's expansion. Mr. Halliday and operations manager Jeff Leighton are meeting with Ivanka Trump, daughter of Donald Trump, and several marketing executives for lunch in New York City, where they will be able to discuss the business and gain valuable advice on how to grow in the future. Over the next year, Kids Crooked House will continue to receive input and consultation from marketing officials.

What is most exciting about this opportunity is Mr. Halliday's future plans for the company. Mr. Halliday is looking to increase employment by adding

more carpenters and to expand sales worldwide after receiving calls from throughout Europe and as far away as Pakistan. He hopes to begin production of ''crooked'' dog houses, but his ultimate goal is to build complete playgrounds for hotels and resorts.

Clearly, Kids Crooked House has demonstrated a commitment to quality craftsmanship, which has not gone unnoticed. The company works by a mantra of ''If a kid can dream it, we can build it.'' What a wonderful perspective. It is always a pleasure to see small businesses with such a dedication to children, and having a company that fills such a specific niche in Maine is a boost to our State. The upcoming year will be an exciting and beneficial one for Kids Crooked House, and I wish everyone associated with the business continued success and many more smiling childrens' faces.●

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

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

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

MESSAGE FROM THE HOUSE

At 3:36 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 which it requests the concurrence of the Senate:

H.R. 359. An act to authorize the Secretary of the Interior to conduct a special resource study of sites associated with the life of Cesar Estrada Chavez and the farm labor movement.

H.R. 660. An act to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes.

H.R. 1725. An act to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Rancho California Water District Southern Riverside County Recycled/Non-Potable Distribution Facilities and Demineralization/Desalination Recycled Water Treatment and Reclamation Facility Project.

H.R. 1904. An act to provide assistance to the State of New Mexico for the development of comprehensive State water plans, and for other purposes.

H.R. 1979. An act to require any Federal or State court to recognize any notarization made by a notary public licensed by a State other than the State where the court is located when such notarization occurs in or affects interstate commerce.

H.R. 2121. An act to modify a land grant patent issued by the Secretary of the Interior.

H.R.2381. An act to promote Department of the Interior efforts to provide a scientific basis for the management of sediment and nutrient loss in the Upper Mississippi River Basin, and for other purposes.

The message also announced that pursuant to 44 U.S.C. 2501, and the order of the House of January 4, 2007, the Speaker appoints the following Member of the House of Representatives to the National Historical Publications and Records Commission: Mr. LARSON of Connecticut.

MEASURES REFERRED

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

H.R. 359. An act to authorize the Secretary of the Interior to conduct a special resource study of sites associated with the life of Cesar Estarada Chavez and the farm labor movement; to the Committee on Energy and Natural Resources.

H.R. 1725. An act to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Rancho California Water District Southern Riverside County Recycled Non-Potable Distribution Facilities and Demineralization Desalination Recycled Water Treatment and Reclamation Facility Project; to the Committee on Energy and Natural Resources.

H.R. 1979. To require any Federal or State court to recognize any notarization made by a notary public licensed by a State other than the State where the court is located when such notarization occurs in or affects interstate commerce; to the Committee on the Judiciary.

H.R. 2121. An act to modify a land grant patent issued by the Secretary of the Interior; to the Committee on Energy and Natural Resources.

H.R. 2381. An act to promote Department of the Interior efforts to provide a scientific basis for the management of sediment and nutrient loss in the Upper Mississippi River Basin, and for other purposes; to the Committee on Energy and Natural Resources.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 1904. An act to provide assistance to the State of New Mexico for the development of comprehensive State water plans, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–2506. A communication from the Acting Director, Program Development and Regulatory Analysis, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Public Television Stations Digital Transition Grant Program'' (RIN0572–AC02) received on July 10, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2507. A communication from the Acting Deputy Administrator, U.S. Agency for International Development, transmitting, pursuant to law, the report of a violation of the Antideficiency Act that occurred in the Capital Investment Fund; to the Committee on Appropriations.

EC–2508. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report of the authorization of the Secretary of the Air Force to enter into multiyear contracts for the procurement of up to 60 F–22 aircraft beginning with the 2007 program year; to the Committee on Armed Services.

EC–2509. A communication from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, (3) reports relative to vacancy announcements within the Department, received on July 10, 2007; to the Committee on Armed Services.

EC–2510. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, an annual report relative to the operations of the National Defense Stockpile during fiscal year 2006; to the Committee on Armed Services.

EC–2511. A communication from the Chairman, Defense Nuclear Facilities Safety Board, transmitting, pursuant to law, an annual report relative to the Plutonium Storage at the Department of Energy's Savannah River Site; to the Committee on Armed Services.

EC–2512. A communication from the Secretary of Housing and Urban Development, transmitting, proposed legislation intended to ensure that the Federal Housing Administration continues to play a key role in serving low- and moderate-income homebuyers; to the Committee on Banking, Housing, and Urban Affairs.

EC–2513. A communication from the President and Chief Executive Officer, Federal Home Loan Bank of Topeka, transmitting, pursuant to law, an annual report relative to its system of internal controls for fiscal year 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–2514. A communication from the Senior Vice President and Chief Accounting Officer, Federal Home Loan Bank of Dallas, transmitting, pursuant to law, the Bank's management report for fiscal year 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–2515. A communication from the President and Chief Executive Officer, Federal Home Loan Bank of Pittsburgh, transmitting, pursuant to law, an annual report relative to the Bank's system of internal controls for fiscal year 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–2516. A communication from the Senior Vice President for Resource Management, Export-Import Bank of the United States, transmitting, pursuant to law, an annual report relative to the Buy American Act for fiscal year 2006; to the Committee on Banking, Housing , and Urban Affairs.

EC–2517. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report relative to the Department's Strategic Plan for fiscal years 2007 through 2012; to the Committee on Commerce, Science, and Transportation.

EC–2518. A communication from the Acting Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled ''Award Fee Administrative Changes'' (RIN2700–AD33) received on July 10, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2519. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to the Administration's position on

budgeting for the Cedar Bayou, Texas Navigation Improvement Project; to the Committee on Environment and Public Works.

EC–2520. 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 Air Quality Implementation Plans; Virginia; Update to Materials Incorporated by Reference'' (FRL No. 8336–1) received on July 10, 2007; to the Committee on Environment and Public Works.

EC–2521. 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 State Air Quality Plans for Designated Facilities and Pollutants; Delaware, and West Virginia; Control of Emissions from Existing Other Solid Waste Incinerator Units'' (FRL No. 8338–7) received on July 10, 2007; to the Committee on Environment and Public Works.

EC–2522. 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 ''Chlorpropham, Linuron, Pebulate, Asulam, and Thiophanate-methyl; Tolerance Actions'' (FRL No. 8131–6) received on July 10, 2007; to the Committee on Environment and Public Works.

EC–2523. 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 ''Criteria for the Safe and Environmentally Protective Use of Granular Mine Tailings Known as 'Chat' '' ((RIN2050–AG27)(FRL No. 8326–1)) received on July 10, 2007; to the Committee on Environment and Public Works.

EC–2524. 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 ''Cymoxanil; Pesticide Tolerance'' (FRL No. 8130–5) received on July 10, 2007; to the Committee on Environment and Public Works.

EC–2525. 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 ''Indoxacarb; Pesticide Tolerance'' (FRL No. 8137–8) received on July 10, 2007; to the Committee on Environment and Public Works.

EC–2526. 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 ''Revisions to the Arizona State Implementation Plan, Pinal County Air Quality Control District'' (FRL No . 8439–2) received on July 10, 2007; to the Committee on Environment and Public Works.

EC–2527. A communication from the Director, Statutory Import Programs Staff, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Changes in the Insular Possessions Watch, Watch Movement and Jewelry Programs'' (RIN0625–AA72) received on July 10, 2007; to the Committee on Finance.

EC–2528. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicaid Program; Citizenship Documentation Requirements'' (RIN0938–AO51) received on July 9, 2007; to the Committee on Finance.

EC–2529. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicaid Program; Prescription Drugs'' (RIN0938–AO20) received on July 9, 2007; to the Committee on Finance.

EC–2530. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled ''Evaluation of Phase I of Medicare Health Support Pilot Program Under Traditional Fee-for-Service Medicare''; to the Committee on Finance.

EC–2531. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''National Coverage Determinations''; to the Committee on Finance.

EC–2532. A communication from the Executive Secretary, U.S. Agency for International Development, transmitting, pursuant to law, the report of action on a nomination for the position of Assistant Administrator of the Bureau for Europe and Eurasia, received on July 10, 2007; to the Committee on Foreign Relations.

EC–2533. A communication from the Executive Secretary, U.S. Agency for International Development, transmitting, pursuant to law, the report of action on a nomination for the position of Assistant Administrator of the Bureau for Africa, received on July 10, 2007; to the Committee on Foreign Relations.

EC–2534. A communication from the Executive Secretary, U.S. Agency for International Development, transmitting, pursuant to law, the report of action on a nomination for the position of Assistant Administrator of the Bureau for Latin America and the Caribbean, received on July 10, 2007; to the Committee on Foreign Relations.

EC–2535. A communication from the Executive Secretary, U.S. Agency for International Development, transmitting, pursuant to law, the report of a nomination for the position of Administrator, received on July 10, 2007; to the Committee on Foreign Relations.

EC–2536. A communication from the Acting Executive Secretary, U.S. Agency for International Development, transmitting, pursuant to law, the report of action on a nomination for the position of Assistant Administrator of the Bureau for Legislative and Public Affairs, received on July 10, 2007; to the Committee on Foreign Relations.

EC–2537. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a certification regarding the proposed transfer of aircraft, with an original acquisition value of more than $14,000,000, including the F–16 AM to Jordan; to the Committee on Foreign Relations.

EC–2538. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled ''Department of State Acquisition Regulation—Technical Amendments'' (RIN1400–AC34) received on July 10, 2007; to the Committee on Foreign Relations.

EC–2539. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report entitled ''Policy Objectives and U.S. Policy Regarding Iran''; to the Committee on Foreign Relations.

EC–2540. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled ''Promising Strategies to End Youth Homelessness''; to the Committee on Health, Education, Labor, and Pensions.

EC–2541. A communication from the Regulations Coordinator, Health Resources and Services Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''National Vaccine Injury Compensation Program: Calculation of Average Cost of a Health Insurance Policy'' (RIN0905-AA68) received on July 9, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–2542. A communication from the Deputy Director, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled ''Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits'' (29 CFR Parts 4022 and 4044) received on July 10, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–2543. A communication from the Assistant Secretary for Administration and Management, Office of the Chief Financial Officer, Department of Labor, transmitting, pursuant to law, the report of the designation of an acting officer for the position of Chief Financial Officer, received on July 10, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–2544. A communication from the Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting, pursuant to law, an annual report relative to the federal work force for fiscal year 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–2545. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to a petition filed by a class of workers from W.R. Grace in Erwin, Tennessee, to be added to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC–2546. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to a petition filed by a class of workers from the Dow Chemical Company site in Madison, Illinois, to be added to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC–2547. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to a petition filed by a class of workers from Los Alamos National Laboratory to be added to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC–2548. A communication from the Executive Director, Federal Retirement Thrift Investment Board, transmitting, the report of a draft bill intended to authorize automatic enrollment of all newly hired Federal employees and members of the uniformed services into the Thrift Savings Plan; to the Committee on Homeland Security and Governmental Affairs.

EC–2549. A communication from the Commissioner, Social Security Administration, transmitting, pursuant to law, the Semiannual Report of the Commission's Inspector General for the period of October 1, 2006, through March 31, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–2550. A communication from the Chairman, Broadcasting Board of Governors, transmitting, pursuant to law, the Semiannual Report of the Board's Inspector General for the period of October 1, 2006, through March 31, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–2551. A communication from the Secretary of Education, transmitting, pursuant to law, the Semiannual Report of the Department's Inspector General for the period of October 1, 2006, through March 31, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–2552. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, a report relative to the use of the Physicians' Comparability Allowance Program by federal agencies; to the Committee on Homeland Security and Governmental Affairs.

EC–2553. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, an annual report entitled ''Report to the Congress on the Refugee Resettlement Program''; to the Committee on the Judiciary.

EC–2554. A communication from the Principal Deputy Assistant Attorney General, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to pattern-based data-mining technology; to the Committee on the Judiciary.

EC–2555. A communication from the General Counsel, National Tropical Botanical Garden, transmitting, pursuant to law, a report relative to an audit of the Garden for the period from January 1, 2006, through December 31, 2006; to the Committee on the Judiciary.

EC–2556. A communication from the President, American Academy of Arts and Letters, transmitting, pursuant to law, a report relative to the Academy's activities during calendar year 2006; to the Committee on the Judiciary.

EC–2557. A communication from the Special Assistant to the Secretary, Department of Veterans Affairs, transmitting, pursuant to law, (2) reports relative to vacancy announcements within the Department, received on July 10, 2007; to the Committee on Veterans' Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mrs. CLINTON:

S. 1763. A bill to amend title 10, United States Code, to provide for the award of a military service medal to members of the Armed Forces who served honorably during the Cold War era; to the Committee on Armed Services.

By Mr. CRAPO (for himself and Mr. CRAIG):

S. 1764. A bill to improve the use of a grant of a parcel of land to the State of Idaho for use as an agricultural college, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BROWN:

S. 1765. A bill to amend title 10, United States Code, to expedite the prompt return of the remains of deceased members of the Armed Forces to their loved ones for burial; to the Committee on Armed Services.

By Mr. BINGAMAN (for himself, Mr. SPECTER, Mr. HARKIN, Mr. STEVENS, Ms. MURKOWSKI, and Mr. AKAKA):

S. 1766. A bill to reduce greenhouse gas emissions from the production and use of energy, and for other purposes; to the Committee on Environment and Public Works.

By Mr. WYDEN (for himself, Mr. LOTT, and Mrs. FEINSTEIN):

S. 1767. A bill 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; to the Committee on Finance.

By Mr. WYDEN (for himself, Mr. LOTT, and Mrs. FEINSTEIN):

S. 1768. A bill 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; to the Committee on Finance.

By Mr. STEVENS (for himself and Mr. INOUYE):

S. 1769. A bill to amend the Communications Act of 1934 to facilitate number portability in order to increase consumer choice of voice service provider; to the Committee on Commerce, Science, and Transportation.

By Mr. BAUCUS (for himself and Mr. TESTER):

S. 1770. A bill to provide for the establishment of emergency wildland fire suppression funds; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. PRYOR (for himself, Mr. DODD, Mr. STEVENS, Mrs. HUTCHISON, Ms. KLOBUCHAR, Mr. WARNER, Mr. DURBIN, Mr. MCCAIN, and Mr. COLEMAN):

S. 1771. A bill to increase the safety of swimming pools and spas by requiring the use of proper anti-entrapment drain covers and pool and spa drainage systems, to educate the public about pool and spa safety, and for other purposes; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. OBAMA (for himself, Mr. ISAKSON, Ms. MIKULSKI, Mr. BUNNING, and Mr. SANDERS):

S. Res. 268. A resolution designating July 12, 2007, as ''National Summer Learning Day''; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 185

At the request of Mr. SPECTER, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 185, a bill to restore habeas corpus for those detained by the United States.

S. 280

At the request of Mr. LIEBERMAN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 280, a bill to provide for a program to accelerate the reduction of greenhouse gas emissions in the United States by establishing a market-driven system of greenhouse gas tradeable allowances, to support the deployment of new climate change-related technologies, and to ensure benefits to consumers from the trading in such allowances, and for other purposes.

S. 415

At the request of Mr. BROWNBACK, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 415, a bill to amend the Revised Statutes of the United States to prevent the use of the legal system in a manner that extorts money from State and local governments, and the Federal Government, and inhibits such governments' constitutional actions under the first, tenth, and fourteenth amendments.

S. 446

At the request of Mr. DURBIN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 446, a bill to amend the Public Health Service Act to authorize capitation grants to increase the number of nursing faculty and students, and for other purposes.

S. 456

At the request of Mrs. FEINSTEIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 456, a bill to increase and enhance law enforcement resources committed to investigation and prosecution of violent gangs, to deter and punish violent gang crime, to protect law-abiding citizens and communities from violent criminals, to revise and enhance criminal penalties for violent crimes, to expand and improve gang prevention programs, and for other purposes.

S. 522

At the request of Mr. BAYH, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 522, a bill to safeguard the economic health of the United States and the health and safety of the United States citizens by improving the management, coordination, and effectiveness of domestic and international intellectual property rights enforcement, and for other purposes.

S. 627

At the request of Mr. HARKIN, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 627, a bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to improve the health and well-being of maltreated infants and toddlers through the creation of a National Court Teams Resource Center, to assist local Court Teams, and for other purposes.

S. 681

At the request of Mr. LEVIN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 681, a bill to restrict the use of offshore tax havens and abusive tax shelters to inappropriately avoid Federal taxation, and for other purposes.

S. 773

At the request of Mr. WARNER, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 773, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 849

At the request of Mr. CORNYN, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 849, a bill to promote accessibility, accountability, and openness in Government by strengthening section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), and for other purposes.

S. 901

At the request of Mr. KENNEDY, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 901, a bill to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act.

S. 911

At the request of Mr. REED, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 911, a bill to amend the Public Health Service Act to advance medical research and treatments into pediatric cancers, ensure patients and families have access to the current treatments and information regarding pediatric cancers, establish a population-based national childhood cancer database, and promote public awareness of pediatric cancers.

S. 961

At the request of Mr. NELSON of Nebraska, the name of the Senator from Massachusetts (Mr. KENNEDY) 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.

S. 970

At the request of Mr. SMITH, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 970, a bill to impose sanctions on Iran and on other countries for assisting Iran in developing a nuclear program, and for other purposes.

S. 1160

At the request of Ms. STABENOW, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1160, a bill to ensure an abundant and affordable supply of highly nutritious fruits, vegetables, and other specialty crops for American consumers and international markets by enhancing the competitiveness of United States-grown specialty crops.

S. 1172

At the request of Mr. DURBIN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1172, a bill to reduce hunger in the United States.

S. 1223

At the request of Ms. LANDRIEU, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1223, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to support efforts by local or regional television or radio broadcasters to provide essential public information programming in the event of a major disaster, and for other purposes.

S. 1257

At the request of Mr. LIEBERMAN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1257, a bill to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives.

S. 1310

At the request of Mr. SCHUMER, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1310, a bill to amend title XVIII of the Social Security Act to provide for an extension of increased payments for ground ambulance services under the Medicare program.

S. 1338

At the request of Mr. ROCKEFELLER, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1338, a bill to amend title XVIII of the Social Security Act to provide for a two-year moratorium on certain Medicare physician payment reductions for imaging services.

S. 1382

At the request of Mr. REID, the names of the Senator from Maine (Ms. SNOWE) and the Senator from North Dakota (Mr. DORGAN) 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. 1410

At the request of Mr. COLEMAN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1410, a bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for the purchase of hearing aids.

S. 1514

At the request of Mr. DODD, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1514, a bill to revise and extend provisions under the Garrett Lee Smith Memorial Act.

S. 1518

At the request of Mr. REED, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1518, a bill to amend the McKinney-Vento Homeless Assistance Act to reauthorize the Act, and for other purposes.

S. 1576

At the request of Mr. KENNEDY, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1576, a bill to amend the Public Health Service Act to improve the health and healthcare of racial and ethnic minority groups.

S. 1606

At the request of Mr. LEVIN, the names of the Senator from Connecticut (Mr. DODD) and the Senator from Texas (Mrs. HUTCHISON) were added as cosponsors of S. 1606, a bill to provide for the establishment of a comprehensive policy on the care and management of wounded warriors in order to facilitate and enhance their care, rehabilitation, physical evaluation, transition from care by the Department of Defense to care by the Department of Veterans Affairs, and transition from military service to civilian life, and for other purposes.

S. 1607

At the request of Mr. BAUCUS, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1607, a bill to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes.

S. 1638

At the request of Mr. LEAHY, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1638, a bill to adjust the salaries of Federal justices and judges, and for other purposes.

S. 1709

At the request of Mr. BIDEN, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 1709, a bill to amend the National Underground Railroad Network to Freedom Act of 1998 to provide additional staff and oversight of funds to carry out the Act, and for other purposes.

S. 1744

At the request of Mrs. BOXER, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1744, a bill to prohibit the application of certain restrictive eligibility requirements to foreign nongovernmental organizations with respect to the provision of assistance under part I of the Foreign Assistance Act of 1961.

S. 1748

At the request of Mr. COLEMAN, the names of the Senator from Utah (Mr. BENNETT), the Senator from North Carolina (Mrs. DOLE) and the Senator from Tennessee (Mr. ALEXANDER) were added as cosponsors of S. 1748, a bill to prevent the Federal Communications Commission from repromulgating the fairness doctrine.

AMENDMENT NO. 2000

At the request of Mr. NELSON of Florida, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of amendment No. 2000 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2012

At the request of Mr. WEBB, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of amendment No. 2012 proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2014

At the request of Mr. HAGEL, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of amendment No. 2014 intended to

be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2016

At the request of Mr. HAGEL, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of amendment No. 2016 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2019

At the request of Mr. LEVIN, the names of the Senator from Maryland (Ms. MIKULSKI), the Senator from Maryland (Mr. CARDIN), the Senator from Virginia (Mr. WEBB), the Senator from Delaware (Mr. BIDEN) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of amendment No. 2019 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2020

At the request of Mr. COLEMAN, the names of the Senator from Utah (Mr. BENNETT), the Senator from North Carolina (Mrs. DOLE), the Senator from Kansas (Mr. BROWNBACK) and the Senator from Tennessee (Mr. ALEXANDER) were added as cosponsors of amendment No. 2020 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2022

At the request of Mr. CARPER, his name was added as a cosponsor of amendment No. 2022 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

At the request of Mr. SPECTER, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of amendment No. 2022 intended to be proposed to H.R. 1585, supra.

At the request of Mr. LEAHY, the names of the Senator from Florida (Mr. NELSON), the Senator from Illinois (Mr. DURBIN), the Senator from Washington (Ms. CANTWELL), the Senator from Iowa (Mr. HARKIN) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of amendment No. 2022 intended to be proposed to H.R. 1585, supra.

AMENDMENT NO. 2029

At the request of Mr. GREGG, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of amendment No. 2029 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2041

At the request of Mrs. CLINTON, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of amendment No. 2041 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2043

At the request of Mr. DURBIN, the names of the Senator from Maryland (Ms. MIKULSKI) and the Senator from North Carolina (Mrs. DOLE) were added as cosponsors of amendment No. 2043 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2049

At the request of Mr. CHAMBLISS, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of amendment No. 2049 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2055

At the request of Mr. LIEBERMAN, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of amendment No. 2055 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2056

At the request of Mr. HARKIN, the names of the Senator from New York (Mrs. CLINTON), the Senator from Maryland (Ms. MIKULSKI) and the Senator from Illinois (Mr. OBAMA) were added as cosponsors of amendment No. 2056 intended to be proposed to H. R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2060

At the request of Mr. SANDERS, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of amendment No. 2060 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CRAPO (for himself and Mr. CRAIG):

S. 1764. A bill to improve the use of a grant of a parcel of land to the State of Idaho for use as an agricultural college, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. CRAPO. Mr. President, today, with my colleague from Idaho, Senator CRAIG, I rise to introduce a bill to amend the Idaho Admissions Act of July 3, 1890, to permit Idaho to administer Morrill Act lands and the proceeds there from in accordance with contemporary investment standards.

The State of Idaho has been working to update its management of endowed assets received as part of statehood from the Federal Government to ensure the maximum longterm financial return to the beneficiaries. Key to endowment reform is the implementation of contemporary investment principles that require asset diversification to reduce the risk of loss and that permit a trustee to deduct reasonable costs of administration of the assets normally incurred by a prudent fiduciary. Of the Federal grants to Idaho as part of statehood, only the Morrill Act limits investments in bonds of the U.S. or Idaho and precludes deducting reasonable administrative expenses incurred by the trustee. This bill would allow the State of Idaho to administer the Morrill Act assets under the same fiduciary standards now applicable to all of Idaho's other federally granted endowments.

Additionally, a broad group of State, Federal, and private interests, including the University of Idaho College of Agricultural and Life Sciences, the State of Idaho, United Dairymen of Idaho and Allied Industry, College of Southern Idaho, the Idaho Cattle Association, Idaho Wool Growers, the Idaho

National Laboratory, and Federal agencies have joined together in developing plans for the Idaho Center for Livestock and Environmental Studies to serve as a premier center for research and education in dairy and beef science. The important mission of the center is to enhance the quality of life for the citizens of Idaho, the pacific Northwest, and the Nation by furthering the educational and scientific mission of the University of Idaho and its public/private partners, by providing a state-of-the-art animal research facility capable of large-scale research that provides sound scientific results and educational opportunities intended to: protect our air, land and water, improve the welfare and productivity of our livestock, encourage the efficient use of energy and capital, and enhance workforce and economic development.

The University of Idaho, as a partner in the project and beneficiary of the Morrill Act endowment, is well positioned to utilize endowment assets to both continue to carry out the educational purposes and maintain the underlying real estate endowment while contributing to the project. However, modernization of the management of endowed assets needs to occur in order for such a worthy project to move forward.

That is why the legislation Senator CRAIG and I are introducing today will provide more flexibility while allowing for the allocation of management expenses in the same fashion as other State endowments, expand investment authority to match other State endowments, and provide for the use of the earnings from management of the sale of endowed lands to be used for the acquisition, construction and improvements for the operation of research farms for teaching and research purposes.

I ask that my colleagues act on this measure in a timely manner.

By Mr. BINGAMAN (for himself, Mr. SPECTER, Mr. HARKIN, Mr. STEVENS, Ms. MURKOWSKI, and Mr. AKAKA):

S. 1766. A bill to reduce greenhouse gas emissions from the production and use of energy, and for other purposes; to the Committee on Environment and Public Works.

Mr. BINGAMAN. Mr. President, I rise to introduce new legislation to tackle the escalating problem of global warming. Together with Senators SPECTER, HARKIN, STEVENS, MURKOWSKI, and AKAKA, I am introducing a bill we have entitled the ''Low Carbon Economy Act of 2007'' which would reduce greenhouse gas emissions that result from the production and use of energy in the United States. We do this with the support of many influential labor organizations and unions, business leaders, concerned conservationists, and environmental groups. I believe this legislation represents an important milestone in the debate on global warming. It is the product of over 2 years of deliberation and analysis based on committee hearings, on stakeholder workshops, on discussions among individual Senate offices.

I would like to make three basic points to my colleagues today that I hope will persuade them to join us in cosponsoring the Low Carbon Economy Act and to bring about action on global warming in this Congress.

The first point is that the time for action is now. The second point is the most effective approach combines technology research and development and deployments with market incentives to reduce greenhouse gas emissions. And the third point is that effective global action is only possible with leadership from the United States.

First, as to the point that the time for action is now, the United States committed in 1992—that was 15 years ago—to participate in a framework to stabilize greenhouse gas concentrations in the atmosphere. Since that time, what we know about global warming has become more and more alarming. According to the latest scientific findings of our world's leading experts—that is, the Intergovernmental Panel on Climate Change—the confidence that humans are altering the Earth's climate has reached 90 percent certainty.

As scientists have grown more certain and more concerned, so have our citizens. Across the country, Americans are seeing signs of global warming, not as a concern for the distant future, but as having an impact on their lives today. More intense hurricanes in the gulf, record-breaking wildfires and heat waves in the West, accelerating beach erosion on the eastern seaboard, melting permafrost in Alaska, all give us a taste of what climate change could mean. If we do not get together with other nations to start limiting emissions soon, we will have to expect worse in the future.

Across the country, convenience about climate change has motivated Governors, State legislators, and mayors to show that States and cities and individuals can help to manage this most important environmental problem of our time. Their motivation has another root, however, and that is frustration. I am talking about frustration that the Federal Government has failed, so far, to show the leadership and take the action necessary to meet this challenge.

It is against this backdrop we are introducing this legislation today, with the support of this historic new coalition. My colleague from Pennsylvania, Senator SPECTER, represents a State that relies heavily on manufacturing and coal production—a fossil fuel that is responsible for the emission of greenhouse gases. He has consistently fought to protect the economy of his State and of the country. This bill we are introducing continues that tradition. It does so with the full backing of labor organizations, such as the AFL–CIO, unions, such as the Steelworkers and the United Mine Workers.

My colleagues from Alaska, Senators Stevens and Murkowski, represent a State that is likely to be among those most directly affected by global warming. Alaska balances a reliance on fossil fuel production with the demands of a unique natural habitat and a long history of indigenous cultures that are threatened by the warming climate.

My Democratic colleagues from Iowa and Hawaii, Senators HARKIN and AKAKA, have helped bring to the table a way to include the agricultural community in greenhouse gas markets and to strengthen our protection of coastal lands and impacts on the poor.

This bipartisan coalition also has the support of companies, such as PNM, from my home State of New Mexico, Exelon, and American Electric Power. We have also worked closely with numerous conservation organizations to design provisions in the legislation to ensure that America's fish and wildlife can survive the effects of climate change.

As a result, 23 major national conservation organizations, representing millions of hunters and anglers, have expressed support for this approach we have taken to fish and wildlife conservation. They recognize the enormous threat posed by climate change, and they support the way we have responded to that in this proposed bill.

Combined with the support of other labor unions, such as the United Brotherhood of Boilermakers, the United Auto Workers, and the International Brotherhood of Electric Workers, this bill demonstrates that the ground has shifted sufficiently in Washington and we can realistically press for action now in this Congress.

My second point is the action we need now is a combination of technology incentives—both to develop the technology, and to use that technology, or deploy that technology—and also limits on emissions. Only mandatory limits will create the economy-wide price signal needed to spur serious investment and innovation in finding ways to curb emissions.

The bill we have put together is the product of a long process of deliberation and analysis. In 2005, I put forward a proposal based on the recommendations of the bipartisan National Commission on Energy Policy. In the time that has passed since then, we have worked on this issue in the Senate Energy Committee with colleagues to understand the best way to reduce greenhouse gas emissions. We convened hearings and we hosted workshops tailored to learn about key design features of mandatory market-based programs and the European experience with these programs.

I have concluded we need massive investment in technologies that are more efficient and less carbon intensive if we are going to effectively confront global warming. I doubt there is a single

Member of this body who does not believe new options for generating electricity and for fueling our economy are needed, whether it is to limit climate risks or to reduce our oil dependence and enhance our energy security.

Where we have come to a standstill has always been in finding the resources to make the research and development investments we need and to provide the incentives that will get these new technologies widely adopted in the marketplace once they are available. This Low Carbon Economy Act provides funding for an unprecedented push to develop and deploy new climate friendly technologies on a massive scale.

Specifically, the bill would more than triple the Federal investment in low-carbon energy technologies and would ease the transition to a globally competitive, low-carbon economy. In addition, this bill would provide bonuses—worth approximately $100 billion over 30 years—to ambitious and innovative companies that are willing to take on the challenge of building commercial-scale powerplants that capture and sequester carbon dioxide emissions.

Implementing the transition to a low-carbon economy is enormously important and it is also equally challenging. It requires new technology, new resources, and new policies, but most of all it requires political will. I am confident we can rise to the challenge if we can work together in a bipartisan manner to craft legislation that considers both our environmental and our economic challenges.

This Nation has a longstanding interest in developing clean domestic energy resources—an interest that predates our current concerns about climate change. But the problem has been this interest has waxed and waned in the past, usually in direct relation to the price of oil, along with our commitment and our ability to devote the resources it takes to get the job done.

Now, through enactment of this Low Carbon Economy Act, we can spur our industries and our universities, our entrepreneurs and our innovators to push the limits of feasibility in ways that have led to technology breakthroughs in the past. Examples, of course, are the space program, the Internet, and the communications revolution.

But voluntary initiatives and incentives alone will not get the job done. Many of my colleagues have expressed a reluctance to tread into the water of climate caps and regulation because they fear that burdening the economy before we have the technology available to meet the goals we set out would be unwise. We have concluded that further delay while we wait for technology is not a responsible strategy.

We can invest billions of dollars in research on technology, but those technologies will always be more expensive than the current way of doing business as long as the current way of doing business allows greenhouse gases to be released to the atmosphere without any charge at all. In a competitive market economy, it is unrealistic to expect companies to do otherwise than to maximize their profits and to look out for the bottom line. That means businesses will not implement new technologies unless those technologies make good financial sense.

The truth is, we have many of the technologies we need today to get started on this problem of reducing greenhouse gas emissions. We can begin deploying them today while we invest in research for newer technologies for use tomorrow. It is absolutely essential we have a combination of technology incentives and price signals to make both of these things happen.

This Low Carbon Economy Act reflects this central premise, generating both the revenue needed to ensure that new technologies are available when we need them and the price signal needed to spur business to invest in deploying those technologies as soon as possible.

My final point is that an approach such as the one that is set out in this Low Carbon Economy Act offers the best hope for reestablishing U.S. leadership on the issue of climate change at this point in time. People will continue to debate the stringency of our proposal—whether it is too aggressive or too weak—but the bottom line is that other nations are looking to the United States to embrace mandatory action.

There has been much focus lately on China's rapidly growing emissions, but the fact remains ours is the world's richest economy and the one with the highest greenhouse gas emissions. Even if China's emissions eclipse ours this year or in the next few years, it is still the case that our historic and ongoing emissions account for a large, and some would say, a disproportionate share of the problem.

Our continued failure to implement a mandatory program has meant we have not been the driving force we need to be to bring countries together to resolve this serious issue. Nor has it put us in a position to encourage rapidly industrializing nations, such as China, India, and Brazil, to pursue a low-carbon pathway as they develop their economies.

Make no mistake, our legislation recognizes that all of the large emitting countries need to be seriously involved in global efforts to combat climate change and need to participate in good faith. The administration has put forward a program to engage developing countries through loan guarantees, cost-sharing for demonstration projects, and information sharing. I support this approach, but I am also convinced that it will only work as part of a broader policy initiative that includes mandatory limits on U.S. emissions.

Included in this Low Carbon Economy Act is funding for these programs so that the United States can put forth a true effort to make significant relationships work abroad. But we need to take a more aggressive step at home while we pursue this strategy abroad. Only through this leadership can we expect others to see that they too must do their part. Only through this leadership will we be able to rebuild the credibility we need to inspire an effective global response, including, if necessary, working with other leading countries to apply pressure on nations that continue to avoid implementing emissions limits. To sum up, we are well aware that the U.S. cannot do this alone. But we are equally convinced that others will not do their share unless the U.S. leads the way.

In conclusion, we ask our colleagues to join us in cosponsoring the Low Carbon Economy Act. With their help, it is my hope we can bring the Senate to take action on this issue by the end of the year. I also hope the President will work with us to work out the details of this proposal going forward. Congress cannot do this without the leadership of the President. The issue is too significant to be able to make progress without having active and constructive dialog with the administration at every step of the way. Congress must make it known that we intend to forge ahead with or without the administration's help and the President's help. I hope the majority leader is able to schedule time here on the Senate floor to deal with this issue of global warming later this year. Only with deadlines and a structured process will the Senate be able to devote the energy and attention the issue needs and deserves.

I pledge to work in earnest with my colleagues, including the chairman of the Senate Environment Committee, Senator BOXER, and with Senators LIEBERMAN and WARNER of that committee, who I know are working on this issue. I hope they and others will see this legislation as a framework that will be helpful to them in developing an approach to bring to the Senate floor.

Ultimately, I am optimistic we can take the best ideas and succeed in passing legislation because there is now broad agreement within this body and within the business community and the general public about the need for real progress and action on the issue. Let's not wait any longer, when we know that one course of action we cannot afford and cannot defend is continued paralysis.

Mr. SPECTER. Mr. President, I have sought recognition to join Senator BINGAMAN, chairman of the Senate Committee on Energy and Natural Resources, in introducing the Low Carbon Economy Act of 2007. This legislation represents the most comprehensive and responsible approach to date in reducing our Nation's greenhouse gas emissions, which contribute to the growing threat of global climate change.

The amount and quality of scientific data continue to improve our understanding of global climate change. This

information points toward potentially severe ramifications for Earth's climate, ecosystems, and life as we know it. The most recent assessment in February 2007 by the Intergovernmental Panel on Climate Change, IPCC, concluded that ''most of the observed increase in globally averaged temperatures since the mid–20th century is very likely due to the observed increase in anthropogenic greenhouse gas concentrations.'' This 90 percent likelihood of human impact on the global climate adds to the compelling case that action to fight climate change is warranted.

Some skeptics of the human contribution to this global problem remain, however their voices grow more distant as more information comes to light. Given past uncertainties, I have previously been unable to support legislative proposals which have threatened U.S. economic interests without meaningful environmental benefit. The Senate voted 95–0 in 1997 to overwhelmingly support the Byrd-Hagel resolution, S. Res. 98, rejecting the Kyoto protocol for its unequal treatment of developed and developing nations, as well as the potential serious harm to the U.S. economy. Subsequently, the Senate has twice voted on climate change legislation offered by Senators MCCAIN and LIEBERMAN—failing by votes of 43–55 in 2003 and 38–60 in 2005. As I stated on the Senate floor at the time, the McCain-Lieberman bill did not contain adequate consideration of the U.S. economy, nor did it adequately address the global nature of the problem.

However, due to my increasing concerns about the threats of climate change, in 2005, I joined Senator BINGAMAN in offering an amendment to the Energy Policy Act, amendment No. 866, which was passed by voice vote after an unsuccessful attempt—43–54 vote to table'' or set it aside. The amendment called on the U.S. Congress to ''enact a comprehensive and effective national program of mandatory, market-based limits and incentives on emissions of greenhouse gases that slow, stop, and reverse the growth of such emissions at a rate and in a manner that: (1) will not significantly harm the United States economy; and (2) will encourage comparable action by other nations that are major trading partners and key contributors to global emissions.''

In January of this year, Senator BINGAMAN and I announced a ''discussion draft'' of legislation to achieve these goals. Today, we are introducing a revised bill which has been shaped by a comprehensive and inclusive stakeholder process which brought together over 300 representatives of consumers, energy producers, manufacturers, workers, and environmental advocacy organizations, as well as numerous Senate offices.

The ''Low Carbon Economy Act'' creates a strong and credible approach to reduce U.S. greenhouse gas, GHG, emissions while protecting the U.S. economy and engaging developing countries. The act creates a cap-and-trade program for U.S. GHG emissions that is modeled on the successful Acid Rain Program. By setting an annual target and allowing firms to buy, sell, and trade credits to achieve the target, the program is designed to elicit the most cost-effective reductions across the economy. The target is set to avoid harm to the economy and promote a gradual but decisive transition to new, low-carbon technologies.

The strategic targets of the act are: reducing U.S. GHG emissions to 2006 levels by 2020 and 1990 levels by 2030. To limit economic uncertainty and price volatility, the government would allow firms to make a payment at a fixed price in lieu of submitting allowances. This fee, referred to in the bill as the ''Technology Accelerator Payment''—TAP—starts at $12 per metric ton of CO_2-equivalent in the first year of the program and rises steadily each year thereafter at 5 percent above the rate of inflation. If technology improves rapidly and if additional GHG reduction policies are adopted, the TAP option will never be engaged. Conversely, if technology improves less rapidly than expected and program costs exceed predictions, companies could make a payment into the energy technology deployment fund at the TAP price, to cover a portion or all of their allowance submission requirement.

Under the act, carbon dioxide (CO_2) emissions from petroleum and natural gas are regulated ''upstream''—that is, at or close to the point of fuel production. For these fuels, regulated entities are required to submit tradable allowances equal to the carbon content of fuels produced or processed at their facilities. Regulated entities that must submit allowances include: petroleum refineries, natural gas processing facilities, fossil fuel importers, large coal-consuming facilities, and producers/importers of non-CO_2 GHGs. GHG emissions from coal are regulated ''downstream'' at the point of fuel consumption.

The proposal sets out a detailed methodology for distributing tradable emission allowances. At the beginning of the program in 2012, a majority—53 percent—of allowances are given out for free to the private sector. This amount is gradually reduced each year after the first 5 years of the program. In addition, 8 percent of allowances will be set aside annually to create incentives for carbon capture and storage to jump-start these critical technologies; 24 percent of total allowances will be auctioned by the government to generate much-needed revenue for the research, development, and deployment of low- and no-carbon technologies, to provide for climate change adaptation measures, and to provide assistance to low-income households; 5 percent of allowances are reserved to promote agricultural sequestration; and 1 percent of the allowances will reward companies that have undertaken ''early actions'' to reduce emissions before program implementation. Another 9 percent of the allowances are to be distributed directly to States which can use associated revenues at their discretion to address regional impacts, promote technology or energy efficiency, and enhance energy security.

To effectively engage developing countries, the act would fund joint research and development partnerships and technology transfer programs similar to the Asia Pacific Partnership. The bill also calls for a 5-year review process that provides an opportunity to reassess domestic action in light of efforts by our major trade partners—and relevant scientific and technological developments. If other countries are deemed to be making inadequate efforts, the President could recommend to Congress that products imported from such countries must be accompanied by allowances—from a separate reserve of allowances—sufficient to cover their embedded greenhouse-gas content. If there is sufficient international progress in reducing global greenhouse gas emissions, the President could recommend changes in the U.S. program designed to achieve further reductions—e.g., to at least 60 percent below 2006 levels by 2050.

There are many other provisions of this comprehensive legislation that help set the U.S. on the right track in taking meaningful steps to combat global climate change and put our trading partners on notice that we take this issue very seriously. Strong U.S. leadership will go a long way in moving the Nation and the world toward a cleaner and more sustainable future. I am pleased that the legislation we introduce today has so much support from labor groups, energy companies, and conservation and sportsmen organizations. Senator BINGAMAN and I intend to work closely with our colleagues and all interested stakeholders to answer questions and consider feedback on our proposal.

I invite my colleagues to join us in cosponsoring the Low Carbon Economy Act of 2007 and I look forward to a meaningful debate on global climate change and the U.S. role in leading the world in technology development.

By Mr. WYDEN (for himself, Mr. LOTT, and Mrs. FEINSTEIN):

S. 1767. A bill 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; to the Committee on Finance.

Mr. WYDEN. Mr. President, today, along with my colleague, Senator LOTT, I am introducing legislation to fix an unforeseen problem that unfairly affects the ability of physicians called up to duty in the National Guard and Reserve to maintain their practices while they are serving our country.

Under the Medicare rules, a doctor who is absent from his practice can enter into a reciprocal billing arrangement with another doctor, who cares for the absent physician's patients and bills Medicare accordingly. However, these arrangements cannot last longer than 60 days. After 60 days, a second replacement must be found. Failure to find a replacement can mean losing patients to other doctors or providing care that won't be reimbursed by Medicare.

For doctors called up to active National Guard or Reserve duty, finding physicians to cover their patients while they are gone is hard enough, especially if they have practices in remote and rural areas.

Asking these doctors to find replacements every 60 days is just too much. These folks are already making tremendous sacrifices for all Americans, and there is no good reason to ask them to shoulder this additional burden, along with all the other challenges that they must confront while they are called up to active duty. The least Congress can do is ensure that these brave men and women aren't also asked to sacrifice their medical practices.

In May, the House of Representatives passed a bill introduced by Congressman MIKE THOMPSON, and Congressman SAM JOHNSON that temporarily suspended the 60 day rule through the end of the year. Senator LOTT and I are introducing the same piece of legislation today. We are also introducing a bill that will provide a permanent fix to this problem; Congressman THOMPSON and Congressman JOHNSON are also introducing the permanent fix today in the House.

I urge the Senate to pass both pieces of legislation as soon as possible. These doctors are making enormous sacrifices and are responsible for saving countless lives. We owe it to them to ensure that when they come home, their medical practices remain viable. Fixing this Medicare rule will help ensure this.

I ask unanimous consent that the text of S. 1767 and S. 1768 be printed in the RECORD.

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

S. 1767

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

SECTION 1. EXCEPTION TO 60-DAY LIMIT ON MEDICARE RECIPROCAL BILLING ARRANGEMENTS IN CASE OF PHYSICIANS ORDERED TO ACTIVE DUTY IN THE ARMED FORCES.

(a) IN GENERAL.—Section 1842(b)(6)(D)(iii) of the Social Security Act (42 U.S.C. 1395u(b)(6)(D)(iii)) is amended by inserting after ''of more than 60 days'' the following: ''or are provided (before January 1, 2008) over a longer continuous period during all of which the first physician has been called or ordered to active duty as a member of a reserve component of the Armed Forces''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to services furnished on or after the date of the enactment of this section.

S. 1768

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

SECTION 1. EXCEPTION TO 60-DAY LIMIT ON MEDICARE RECIPROCAL BILLING ARRANGEMENTS IN CASE OF PHYSICIANS ORDERED TO ACTIVE DUTY IN THE ARMED FORCES.

(a) IN GENERAL.—Section 1842(b)(6)(D)(iii) of the Social Security Act (42 U.S.C. 1395u(b)(6)(D)(iii)) is amended by inserting after ''of more than 60 days'' the following: ''or are provided over a longer continuous period during all of which the first physician has been called or ordered to active duty as a member of a reserve component of the Armed Forces''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to services furnished on or after the date of the enactment of this section.

By Mr. PRYOR (for himself, Mr. DODD, Mr. STEVENS, Mrs. HUTCHISON, Ms. KLOBUCHAR, Mr. WARNER, Mr. DURBIN, Mr. MCCAIN, and Mr. COLEMAN):

S. 1771. A bill to increase the safety of swimming pools and spas by requiring the use of proper anti-entrapment drain covers and pool and spa drainage systems, to educate the public about pool and spa safety, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. PRYOR. Mr. President, I ask unanimous consent that text of S. 1771, the ''Virginia Graeme Baker Pool and Spa Safety Act,'' 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. 1771

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 ''Virginia Graeme Baker Pool and Spa Safety Act''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Of injury-related deaths, drowning is the second leading cause of death in children aged 1 to 14 in the United States.

(2) In 2004, 761 children aged 14 and under died as a result of unintentional drowning.

(3) Adult supervision at all aquatic venues is a critical safety factor in preventing children from drowning.

(4) Research studies show that the installation and proper use of barriers or fencing, as well as additional layers of protection, could substantially reduce the number of childhood residential swimming pool drownings and near drownings.

SEC. 3. DEFINITIONS.

In this Act:

(1) ASME/ANSI.—The term ''ASME/ANSI'' as applied to a safety standard means such a standard that is accredited by the American National Standards Institute and published by the American Society of Mechanical Engineers.

(2) BARRIER.—The term ''barrier'' includes a natural or constructed topographical feature that prevents unpermitted access by children to a swimming pool, and, with respect to a hot tub, a lockable cover.

(3) COMMISSION.—The term ''Commission'' means the Consumer Product Safety Commission.

(4) MAIN DRAIN.—The term ''main drain'' means a submerged suction outlet typically located at the bottom of a pool or spa to conduct water to a re-circulating pump.

(5) SAFETY VACUUM RELEASE SYSTEM.—The term ''safety vacuum release system'' means a vacuum release system capable of providing vacuum release at a suction outlet caused by a high vacuum occurrence due to a suction outlet flow blockage.

(6) SWIMMING POOL; SPA.—The term ''swimming pool'' or ''spa'' means any outdoor or indoor structure intended for swimming or recreational bathing, including in-ground and above-ground structures, and includes hot tubs, spas, portable spas, and non-portable wading pools.

(7) UNBLOCKABLE DRAIN.—The term ''unblockable drain'' means a drain of any size and shape that a human body cannot sufficiently block to create a suction entrapment hazard.

SEC. 4. FEDERAL SWIMMING POOL AND SPA DRAIN COVER STANDARD.

(a) CONSUMER PRODUCT SAFETY RULE.—The requirements described in subsection (b) shall be treated as a consumer product safety rule issued by the Consumer Product Safety Commission under the Consumer Product Safety Act (15 U.S.C. 2051 et seq.).

(b) DRAIN COVER STANDARD.—Effective 1 year after the date of enactment of this Act, each swimming pool or spa drain cover manufactured, distributed, or entered into commerce in the United States shall conform to the entrapment protection standards of the ASME/ANSI A112.19.8 performance standard, or any successor standard regulating such swimming pool or drain cover.

SEC. 5. STATE SWIMMING POOL SAFETY GRANT PROGRAM.

(a) IN GENERAL.—Subject to the availability of appropriations authorized by subsection (e), the Commission shall establish a grant program to provide assistance to eligible States.

(b) ELIGIBILITY.—To be eligible for a grant under the program, a State shall—

(1) demonstrate to the satisfaction of the Commission that it has a State statute, or that, after the date of enactment of this Act, it has enacted a statute, or amended an existing statute, and provides for the enforcement of, a law that—

(A) except as provided in section 6(a)(1)(A)(i), applies to all swimming pools in the State; and

(B) meets the minimum State law requirements of section 6; and

(2) submit an application to the Commission at such time, in such form, and containing such additional information as the Commission may require.

(c) AMOUNT OF GRANT.—The Commission shall determine the amount of a grant awarded under this Act, and shall consider—

(1) the population and relative enforcement needs of each qualifying State; and

(2) allocation of grant funds in a manner designed to provide the maximum benefit from the program in terms of protecting children from drowning or entrapment, and, in making that allocation, shall give priority to States that have not received a grant under this Act in a preceding fiscal year.

(d) USE OF GRANT FUNDS.—A State receiving a grant under this section shall use—

(1) at least 50 percent of amounts made available to hire and train enforcement personnel for implementation and enforcement of standards under the State swimming pool and spa safety law; and

(2) the remainder—

(A) to educate pool construction and installation companies and pool service companies about the standards;

(B) to educate pool owners, pool operators, and other members of the public about the

standards under the swimming pool and spa safety law and about the prevention of drowning or entrapment of children using swimming pools and spas; and

(C) to defray administrative costs associated with such training and education programs.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commission for each of fiscal years 2009 and 2010 $2,000,000 to carry out this section, such sums to remain available until expended.

SEC. 6. MINIMUM STATE LAW REQUIREMENTS.

(a) IN GENERAL.—

(1) SAFETY STANDARDS.—A State meets the minimum State law requirements of this section if—

(A) the State requires by statute—

(i) the enclosure of all residential pools and spas by barriers to entry that will effectively prevent small children from gaining unsupervised and unfettered access to the pool or spa;

(ii) that all pools and spas be equipped with devices and systems designed to prevent entrapment by pool or spa drains;

(iii) that pools and spas built more than 1 year after the date of the enactment of such statute have—

(I) more than 1 drain;

(II) 1 or more unblockable drains; or

(III) no main drain; and

(iv) every swimming pool and spa that has a main drain, other than an unblockable drain, be equipped with a drain cover that meets the consumer product safety standard established by section 4; and

(B) the State meets such additional State law requirements for pools and spas as the Commission may establish after public notice and a 30-day public comment period.

(2) USE OF MINIMUM STATE LAW REQUIREMENTS.—The Commission—

(A) shall use the minimum State law requirements under paragraph (1) solely for the purpose of determining the eligibility of a State for a grant under section 5 of this Act; and

(B) may not enforce any requirement under paragraph (1) except for the purpose of determining the eligibility of a State for a grant under section 5 of this Act.

(3) REQUIREMENTS TO REFLECT NATIONAL PERFORMANCE STANDARDS AND COMMISSION GUIDELINES.—In establishing minimum State law requirements under paragraph (1), the Commission shall—

(A) consider current or revised national performance standards on pool and spa barrier protection and entrapment prevention; and

(B) ensure that any such requirements are consistent with the guidelines contained in the Commission's publication 362, entitled ''Safety Barrier Guidelines for Home Pools'', the Commission's publication entitled ''Guidelines for Entrapment Hazards: Making Pools and Spas Safer'', and any other pool safety guidelines established by the Commission.

(b) STANDARDS.—Nothing in this section prevents the Commission from promulgating standards regulating pool and spa safety or from relying on an applicable national performance standard.

(c) BASIC ACCESS-RELATED SAFETY DEVICES AND EQUIPMENT REQUIREMENTS TO BE CONSIDERED.—In establishing minimum State law requirements for swimming pools and spas under subsection (a)(1), the Commission shall consider the following requirements:

(1) COVERS.—A safety pool cover.

(2) GATES.—A gate with direct access to the swimming pool that is equipped with a self-closing, self-latching device.

(3) DOORS.—Any door with direct access to the swimming pool that is equipped with an audible alert device or alarm which sounds when the door is opened.

(4) POOL ALARM.—A device designed to provide rapid detection of an entry into the water of a swimming pool or spa.

(d) ENTRAPMENT, ENTANGLEMENT, AND EVISCERATION PREVENTION STANDARDS TO BE REQUIRED.—

(1) IN GENERAL.—In establishing additional minimum State law requirements for swimming pools and spas under subsection (a)(1), the Commission shall require, at a minimum, 1 or more of the following (except for pools constructed without a single main drain):

(A) SAFETY VACUUM RELEASE SYSTEM.—A safety vacuum release system which ceases operation of the pump, reverses the circulation flow, or otherwise provides a vacuum release at a suction outlet when a blockage is detected, that has been tested by an independent third party and found to conform to ASME/ANSI standard A112.19.17 or ASTM standard F2387.

(B) SUCTION-LIMITING VENT SYSTEM.—A suction-limiting vent system with a tamper-resistant atmospheric opening.

(C) GRAVITY DRAINAGE SYSTEM.—A gravity drainage system that utilizes a collector tank.

(D) AUTOMATIC PUMP SHUT-OFF SYSTEM.—An automatic pump shut-off system.

(E) DRAIN DISABLEMENT.—A device or system that disables the drain.

(F) OTHER SYSTEMS.—Any other system determined by the Commission to be equally effective as, or better than, the systems described in subparagraphs (A) through (E) of this paragraph at preventing or eliminating the risk of injury or death associated with pool drainage systems.

(2) APPLICABLE STANDARDS.—Any device or system described in subparagraphs (B) through (E) of paragraph (1) shall meet the requirements of any ASME/ANSI or ASTM performance standard if there is such a standard for such a device or system, or any applicable consumer product safety standard.

SEC. 7. EDUCATION PROGRAM.

(a) IN GENERAL.—The Commission shall establish and carry out an education program to inform the public of methods to prevent drowning and entrapment in swimming pools and spas. In carrying out the program, the Commission shall develop—

(1) educational materials designed for pool manufacturers, pool service companies, and pool supply retail outlets;

(2) educational materials designed for pool owners and operators; and

(3) a national media campaign to promote awareness of pool and spa safety.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commission for each of the fiscal years 2008 through 2012 $5,000,000 to carry out the education program authorized by subsection (a).

SEC. 8. CPSC REPORT.

Not later than 1 year after the last day of each fiscal year for which grants are made under section 5, the Commission shall submit to Congress a report evaluating the effectiveness of the grant program authorized by that section.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 268—DESIGNATING JULY 12, 2007, AS ''NATIONAL SUMMER LEARNING DAY''

Mr. OBAMA (for himself, Mr. ISAKSON, Ms. MIKULSKI, Mr. BUNNING, and Mr. SANDERS) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 268

Whereas all students experience a measurable loss of mathematics and reading skills when they do not engage in educational activities during the summer months;

Whereas summer learning loss is greatest for low-income children, who often lack the academic enrichment opportunities available to their more affluent peers;

Whereas recent research indicates that ⅔ of the achievement gap between low-income children and their more affluent peers can be explained by unequal access to summer learning opportunities, which results in low-income youth being less likely to graduate from high school or enter college;

Whereas recent surveys indicate that low-income parents have considerable difficulty finding available summer opportunities for their children;

Whereas structured enrichment and education programs are proven to accelerate learning for students who participate in such programs for several weeks during the summer;

Whereas students who participate in the Building Educated Leaders for Life (''BELL'') summer programs gain several months' worth of reading and mathematics skills through summer enrichment, and students who regularly attend the Teach Baltimore Summer Academy for two summers are ½ year ahead of their peers in reading skills;

Whereas thousands of students in similar programs make measurable gains in academic achievement;

Whereas recent research demonstrates that most children, particularly children at high risk of obesity, gain weight more rapidly when they are out of school during the summer;

Whereas Summer Learning Day is designed to highlight the need for more young people to be engaged in summer learning activities and to support local summer programs that benefit children, families, and communities;

Whereas a wide array of schools, public agencies, nonprofit organizations, universities, museums, libraries, and summer camps in many States across the United States, will celebrate annual Summer Learning Day on July 12, 2007: Now, therefore, be it

Resolved, That the Senate—

(1) designates July 12, 2007, as ''National Summer Learning Day'', in order to raise public awareness about the positive impact of summer learning opportunities on the development and educational success of the children of our Nation;

(2) urges the people of the United States to promote summer learning activities, in order to send young people back to school ready to learn, to support working parents and their children, and to keep the children of our Nation safe and healthy during the summer months; and

(3) urges communities to celebrate, with appropriate ceremonies and activities, the importance of high quality summer learning opportunities in the lives of young students and their families.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2065. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe

military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 2066. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2067. Mr. KENNEDY (for himself and Mr. SMITH) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2068. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2069. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2070. Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2071. Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2072. Mrs. LINCOLN (for herself, Mr. CRAPO, Mr. DURBIN, Mr. COLEMAN, Mr. BROWN, Mr. KERRY, Mr. LEAHY, Mr. HARKIN, Mr. CASEY, Ms. SNOWE, Ms. MIKULSKI, and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by her to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2073. Mr. LIEBERMAN (for himself, Mr. MCCAIN, Mr. KYL, Mr. GRAHAM, Mr. COLEMAN, Ms. COLLINS, Mr. SESSIONS, Mr. LEVIN, Mr. SALAZAR, and Mr. CRAIG) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra.

SA 2074. Mrs. LINCOLN (for herself, Ms. COLLINS, Mr. CRAPO, Mr. DURBIN, Mr. COLEMAN, Mr. BROWN, Mr. KERRY, Mr. LEAHY, Mr. PRYOR, Mr. HARKIN, Mr. CASEY, Ms. SNOWE, Ms. MIKULSKI, and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by her to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2075. Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2076. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2077. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2078. Mr. GRAHAM (for himself, Mr. MCCAIN, and Mr. KYL) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra.

SA 2079. Mr. ALLARD (for himself and Mr. SALAZAR) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2080. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2081. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2082. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2083. Mr. DODD submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2084. Mr. OBAMA (for himself and Mr. WHITEHOUSE) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2085. Mr. OBAMA (for himself and Mrs. MURRAY) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2086. Mr. OBAMA (for himself, Mr. BOND, Mrs. BOXER, Mrs. MCCASKILL, and Mrs. MURRAY) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2087. Mr. LEVIN (for himself, Mr. REED, Mr. SMITH, Mr. HAGEL, Mr. KERRY, Ms. SNOWE, Mr. BIDEN, Mr. OBAMA, Mrs. CLINTON, and Mr. DURBIN) proposed an amendment to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra.

SA 2088. Mr. REED proposed an amendment to amendment SA 2087 proposed by Mr. LEVIN (for himself, Mr. REED, Mr. SMITH, Mr. HAGEL, Mr. KERRY, Ms. SNOWE, Mr. BIDEN, Mr. OBAMA, Mrs. CLINTON, and Mr. DURBIN) to the amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra.

SA 2089. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 2019 submitted by Mr. LEVIN (for himself and Mr. MCCAIN) and intended to be proposed to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2090. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 2019 submitted by Mr. LEVIN (for himself and Mr. MCCAIN) and intended to be proposed to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2091. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2092. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2093. Mr. BROWN submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2094. Mr. BROWN submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2095. Mr. BROWN submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2096. Mr. BROWN submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2097. Mr. BROWN submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2098. Mr. BROWN submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2099. Mr. VOINOVICH (for himself, Mr. BAYH, Mr. BINGAMAN, Mr. BROWN, Mr. DOMENICI, Mr. LIEBERMAN, Mr. LOTT, and Mr. REED) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2100. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2101. Mr. CRAIG submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2102. Mr. PRYOR (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed to amendment SA 2019 submitted by Mr. LEVIN (for himself and Mr. MCCAIN) and intended to be proposed to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2103. Mr. CARDIN (for himself, Mr. BIDEN, and Mr. FEINGOLD) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2104. Mr. OBAMA (for himself and Mr. WHITEHOUSE) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2105. Mr. NELSON of Nebraska (for Mr. JOHNSON) submitted an amendment intended to be proposed by Mr. NELSON of Nebraska to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2106. Mr. OBAMA (for himself, Mrs. MCCASKILL, and Mr. HARKIN) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2107. Mr. BROWN (for himself, Mr. VOINOVICH, and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2108. Mrs. CLINTON (for herself, Mr. FEINGOLD, and Ms. MIKULSKI) submitted an amendment intended to be proposed by her to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2109. Mrs. CLINTON (for herself and Mr. WHITEHOUSE) submitted an amendment intended to be proposed by her to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2110. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2111. Mr. DODD submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2112. Mr. GREGG submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2113. Mr. THUNE submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2114. Mr. CRAIG (for himself and Mr. AKAKA) submitted an amendment intended to be proposed to amendment SA 2019 submitted by Mr. LEVIN (for himself and Mr. MCCAIN) and intended to be proposed to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2115. Mr. CRAIG (for himself and Mr. AKAKA) submitted an amendment intended to be proposed to amendment SA 2019 submitted by Mr. LEVIN (for himself and Mr. MCCAIN) and intended to be proposed to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2116. Mr. CHAMBLISS (for himself, Mr. COLEMAN, Mr. ISAKSON, and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2117. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2118. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2119. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2120. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2121. Mrs. McCASKILL submitted an amendment intended to be proposed by her to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2122. Mrs. McCASKILL submitted an amendment intended to be proposed by her to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2123. Mr. CARPER (for himself and Mrs. McCASKILL) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2124. Mr. NELSON, of Nebraska (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2125. Mrs. FEINSTEIN (for herself, Mr. HARKIN, Mr. DODD, Mrs. CLINTON, Mr. BROWN, Mr. BINGAMAN, Mr. KENNEDY, Mr. WHITEHOUSE, and Mr. OBAMA) submitted an amendment intended to be proposed by her to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2126. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2127. Mr. WEBB (for himself and Mrs. McCASKILL) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2128. Mr. REID (for Mr. LAUTENBERG) proposed an amendment to the resolution S. Res. 226, recognizing the month of November 2007 as ''National Homeless Youth Awareness Month''.

SA 2129. Mr. REID (for Mr. LAUTENBERG) proposed an amendment to the resolution S. Res. 226, supra.

SA 2130. Mrs. DOLE submitted an amendment intended to be proposed by her to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2065. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XV, add the following:

SEC. 1535. CONDOLENCE AND SOLATIA PAYMENTS.

(a) IN GENERAL.—The Secretary of Defense shall ensure that the amounts authorized to be paid per incident for condolence and solatia payments in Iraq and Afghanistan are identical.

(b) QUARTERLY REPORT.—The Secretary of Defense shall include in the report submitted to the congressional defense committees under section 1201(b) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2077) a description of each condolence or solatia payment in excess of $2,500 made during the reporting period in Iraq or Afghanistan, including the date, location, and circumstances of each such payment.

SA 2066. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

SEC. 1070. RETENTION OF REIMBURSEMENT FOR PROVISION OF RECIPROCAL FIRE PROTECTION SERVICES.

Section 5 of the Act of May 27, 1955 (chapter 105; 69 Stat. 67; 42 U.S.C. 1856d) is amended—

(1) by striking ''Funds'' and inserting ''(a) Funds''; and

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

''(b) Notwithstanding the provisions of subsection (a), all sums received for any Department of Defense activity for fire protection rendered pursuant to this Act shall be credited to the appropriation fund or account from which the expenses were paid. Amounts so credited shall be merged with funds in such appropriation fund or account and shall be available for the same purposes and subject to the same limitations as the funds with which the funds are merged.''.

SA 2067. Mr. KENNEDY (for himself and Mr. SMITH submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

SEC. 1070. HATE CRIMES.

(a) SHORT TITLE.—This section may be cited as the ''Matthew Shepard Local Law Enforcement Hate Crimes Prevention Act of 2007''.

(b) FINDINGS.—Congress makes the following findings:

(1) The incidence of violence motivated by the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of the victim poses a serious national problem.

(2) Such violence disrupts the tranquility and safety of communities and is deeply divisive.

(3) State and local authorities are now and will continue to be responsible for prosecuting the overwhelming majority of violent crimes in the United States, including violent crimes motivated by bias. These authorities can carry out their responsibilities more effectively with greater Federal assistance.

(4) Existing Federal law is inadequate to address this problem.

(5) A prominent characteristic of a violent crime motivated by bias is that it devastates not just the actual victim and the family and friends of the victim, but frequently savages the community sharing the traits that caused the victim to be selected.

(6) Such violence substantially affects interstate commerce in many ways, including the following:

(A) The movement of members of targeted groups is impeded, and members of such groups are forced to move across State lines to escape the incidence or risk of such violence.

(B) Members of targeted groups are prevented from purchasing goods and services, obtaining or sustaining employment, or participating in other commercial activity.

(C) Perpetrators cross State lines to commit such violence.

(D) Channels, facilities, and instrumentalities of interstate commerce are used to facilitate the commission of such violence.

(E) Such violence is committed using articles that have traveled in interstate commerce.

(7) For generations, the institutions of slavery and involuntary servitude were defined by the race, color, and ancestry of those held in bondage. Slavery and involuntary servitude were enforced, both prior to and after the adoption of the 13th amendment to the Constitution of the United States, through widespread public and private violence directed at persons because of their race, color, or ancestry, or perceived race, color, or ancestry. Accordingly, eliminating racially motivated violence is an important means of eliminating, to the extent possible, the badges, incidents, and relics of slavery and involuntary servitude.

(8) Both at the time when the 13th, 14th, and 15th amendments to the Constitution of the United States were adopted, and continuing to date, members of certain religious and national origin groups were and are perceived to be distinct ''races''. Thus, in order to eliminate, to the extent possible, the badges, incidents, and relics of slavery, it is necessary to prohibit assaults on the basis of real or perceived religions or national origins, at least to the extent such religions or national origins were regarded as races at the time of the adoption of the 13th, 14th, and 15th amendments to the Constitution of the United States.

(9) Federal jurisdiction over certain violent crimes motivated by bias enables Federal, State, and local authorities to work together as partners in the investigation and prosecution of such crimes.

(10) The problem of crimes motivated by bias is sufficiently serious, widespread, and interstate in nature as to warrant Federal assistance to States, local jurisdictions, and Indian tribes.

(c) DEFINITION OF HATE CRIME.—In this section—

(1) the term ''crime of violence'' has the meaning given that term in section 16, title 18, United States Code;

(2) the term ''hate crime'' has the meaning given such term in section 280003(a) of the Violent Crime Control and Law Enforcement Act of 1994 (28 U.S.C. 994 note); and

(3) the term ''local'' means a county, city, town, township, parish, village, or other general purpose political subdivision of a State.

(d) SUPPORT FOR CRIMINAL INVESTIGATIONS AND PROSECUTIONS BY STATE, LOCAL, AND TRIBAL LAW ENFORCEMENT OFFICIALS.—

(1) ASSISTANCE OTHER THAN FINANCIAL ASSISTANCE.—

(A) IN GENERAL.—At the request of State, local, or Tribal law enforcement agency, the Attorney General may provide technical, forensic, prosecutorial, or any other form of assistance in the criminal investigation or prosecution of any crime that—

(i) constitutes a crime of violence;

(ii) constitutes a felony under the State, local, or Tribal laws; and

(iii) is motivated by prejudice based on the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of the victim, or is a violation of the State, local, or Tribal hate crime laws.

(B) PRIORITY.—In providing assistance under subparagraph (A), the Attorney General shall give priority to crimes committed by offenders who have committed crimes in more than one State and to rural jurisdictions that have difficulty covering the extraordinary expenses relating to the investigation or prosecution of the crime.

(2) GRANTS.—

(A) IN GENERAL.—The Attorney General may award grants to State, local, and Indian law enforcement agencies for extraordinary expenses associated with the investigation and prosecution of hate crimes.

(B) OFFICE OF JUSTICE PROGRAMS.—In implementing the grant program under this paragraph, the Office of Justice Programs shall work closely with grantees to ensure that the concerns and needs of all affected parties, including community groups and schools, colleges, and universities, are addressed through the local infrastructure developed under the grants.

(C) APPLICATION.—

(i) IN GENERAL.—Each State, local, and Indian law enforcement agency that desires a grant under this paragraph shall submit an application to the Attorney General at such time, in such manner, and accompanied by or containing such information as the Attorney General shall reasonably require.

(ii) DATE FOR SUBMISSION.—Applications submitted pursuant to clause (i) shall be submitted during the 60-day period beginning on a date that the Attorney General shall prescribe.

(iii) REQUIREMENTS.—A State, local, and Indian law enforcement agency applying for a grant under this paragraph shall—

(I) describe the extraordinary purposes for which the grant is needed;

(II) certify that the State, local government, or Indian tribe lacks the resources necessary to investigate or prosecute the hate crime;

(III) demonstrate that, in developing a plan to implement the grant, the State, local, and Indian law enforcement agency has consulted and coordinated with nonprofit, nongovernmental victim services programs that have experience in providing services to victims of hate crimes; and

(IV) certify that any Federal funds received under this paragraph will be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this paragraph.

(D) DEADLINE.—An application for a grant under this paragraph shall be approved or denied by the Attorney General not later than 30 business days after the date on which the Attorney General receives the application.

(E) GRANT AMOUNT.—A grant under this paragraph shall not exceed $100,000 for any single jurisdiction in any 1-year period.

(F) REPORT.—Not later than December 31, 2008, the Attorney General shall submit to Congress a report describing the applications submitted for grants under this paragraph, the award of such grants, and the purposes for which the grant amounts were expended.

(G) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this paragraph $5,000,000 for each of fiscal years 2008 and 2009.

(e) GRANT PROGRAM.—

(1) AUTHORITY TO AWARD GRANTS.—The Office of Justice Programs of the Department of Justice may award grants, in accordance with such regulations as the Attorney General may prescribe, to State, local, or Tribal programs designed to combat hate crimes committed by juveniles, including programs to train local law enforcement officers in identifying, investigating, prosecuting, and preventing hate crimes.

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

(f) AUTHORIZATION FOR ADDITIONAL PERSONNEL TO ASSIST STATE, LOCAL, AND TRIBAL LAW ENFORCEMENT.—There are authorized to be appropriated to the Department of the Treasury and the Department of Justice, including the Community Relations Service, for fiscal years 2008, 2009, and 2010 such sums as are necessary to increase the number of personnel to prevent and respond to alleged violations of section 249 of title 18, United States Code, as added by this section.

(g) PROHIBITION OF CERTAIN HATE CRIME ACTS.—

(1) IN GENERAL.—Chapter 13 of title 18, United States Code, is amended by adding at the end the following:

"§ 249. Hate crime acts

''(a) IN GENERAL.—

''(1) OFFENSES INVOLVING ACTUAL OR PERCEIVED RACE, COLOR, RELIGION, OR NATIONAL ORIGIN.—Whoever, whether or not acting under color of law, willfully causes bodily injury to any person or, through the use of fire, a firearm, or an explosive or incendiary device, attempts to cause bodily injury to any person, because of the actual or perceived race, color, religion, or national origin of any person—

''(A) shall be imprisoned not more than 10 years, fined in accordance with this title, or both; and

''(B) shall be imprisoned for any term of years or for life, fined in accordance with this title, or both, if—

''(i) death results from the offense; or

''(ii) the offense includes kidnaping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

''(2) OFFENSES INVOLVING ACTUAL OR PERCEIVED RELIGION, NATIONAL ORIGIN, GENDER, SEXUAL ORIENTATION, GENDER IDENTITY, OR DISABILITY.—

''(A) IN GENERAL.—Whoever, whether or not acting under color of law, in any circumstance described in subparagraph (B), willfully causes bodily injury to any person or, through the use of fire, a firearm, or an explosive or incendiary device, attempts to cause bodily injury to any person, because of the actual or perceived religion, national origin, gender, sexual orientation, gender identity or disability of any person—

''(i) shall be imprisoned not more than 10 years, fined in accordance with this title, or both; and

''(ii) shall be imprisoned for any term of years or for life, fined in accordance with this title, or both, if—

''(I) death results from the offense; or

''(II) the offense includes kidnaping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

''(B) CIRCUMSTANCES DESCRIBED.—For purposes of subparagraph (A), the circumstances described in this subparagraph are that—

''(i) the conduct described in subparagraph (A) occurs during the course of, or as the result of, the travel of the defendant or the victim—

''(I) across a State line or national border; or

''(II) using a channel, facility, or instrumentality of interstate or foreign commerce;

''(ii) the defendant uses a channel, facility, or instrumentality of interstate or foreign commerce in connection with the conduct described in subparagraph (A);

''(iii) in connection with the conduct described in subparagraph (A), the defendant employs a firearm, explosive or incendiary device, or other weapon that has traveled in interstate or foreign commerce; or

''(iv) the conduct described in subparagraph (A)—

''(I) interferes with commercial or other economic activity in which the victim is engaged at the time of the conduct; or

''(II) otherwise affects interstate or foreign commerce.

''(b) CERTIFICATION REQUIREMENT.—No prosecution of any offense described in this subsection may be undertaken by the United States, except under the certification in writing of the Attorney General, the Deputy Attorney General, the Associate Attorney General, or any Assistant Attorney General specially designated by the Attorney General that—

''(1) such certifying individual has reasonable cause to believe that the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of any person was a motivating factor underlying the alleged conduct of the defendant; and

''(2) such certifying individual has consulted with State or local law enforcement officials regarding the prosecution and determined that—

''(A) the State does not have jurisdiction or does not intend to exercise jurisdiction;

''(B) the State has requested that the Federal Government assume jurisdiction;

''(C) the State does not object to the Federal Government assuming jurisdiction; or

''(D) the verdict or sentence obtained pursuant to State charges left demonstratively unvindicated the Federal interest in eradicating bias-motivated violence.

''(c) DEFINITIONS.—In this section—

''(1) the term 'explosive or incendiary device' has the meaning given such term in section 232 of this title;

''(2) the term 'firearm' has the meaning given such term in section 921(a) of this title; and

''(3) the term 'gender identity' for the purposes of this chapter means actual or perceived gender-related characteristics.

''(d) RULE OF EVIDENCE.—In a prosecution for an offense under this section, evidence of expression or associations of the defendant may not be introduced as substantive evidence at trial, unless the evidence specifically relates to that offense. However, nothing in this section affects the rules of evidence governing impeachment of a witness.''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 13 of title 18, United States Code, is amended by adding at the end the following:

''249. Hate crime acts.''.

(h) STATISTICS.—

(1) IN GENERAL.—Subsection (b)(1) of the first section of the Hate Crime Statistics Act (28 U.S.C. 534 note) is amended by inserting ''gender and gender identity,'' after ''race,''.

(2) DATA.—Subsection (b)(5) of the first section of the Hate Crime Statistics Act (28 U.S.C. 534 note) is amended by inserting '', including data about crimes committed by, and crimes directed against, juveniles'' after ''data acquired under this section''.

(i) SEVERABILITY.—If any provision of this section, an amendment made by this section, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this section, the amendments made by this section, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

SA 2068. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal

year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title XV, add the following:

SEC. 1517. MITIGATION OF EFFECTS OF EXPLOSIVELY FORMED PROJECTILES.

Of the amount authorized to be appropriated by section 1510(a) for the Joint Improvised Explosive Device Defeat Fund, $40,000,000 may be available for the Joint Improvised Explosive Device Defeat Organization to mitigate the effects of Explosively Formed Projectiles (EFPs).

SA 2069. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXXI, add the following:

SEC. 3126. REPEAL OF SUNSET DATE OF THE OFFICE OF THE OMBUDSMAN OF THE ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM.

Section 3686 of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385s–15) is amended by striking subsection (g).

SA 2070. Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXIV, add the following:

SEC. 2406. CONSTRUCTION OF FACILITIES AT CANNON AIR FORCE BASE, NEW MEXICO.

(a) AUTHORIZATION FOR PROJECTS.—

(1) IN GENERAL.—The amount set forth in the item relating to Cannon Air Force Base, New Mexico, in the table entitled ''Special Operations Command'' in section 2401(a) is hereby increased by $68,000,000.

(2) PROJECTS AUTHORIZED.—The amount authorized to acquire real property and carry out military construction projects at Cannon Air Force, New Mexico, pursuant to paragraph (1) is allocated for the following projects in the following amounts:

(A) $31,000,000 for the construction of Special Operations Forces C–130 Fuel Cell and Corrosion Control Hangars.

(B) $7,500,000 for the construction of a Special Operations Forces CV–22 Simulator Facility.

(C) $17,500,000 for the construction of Special Operations Forces UAV Squadron Operations / Ground Control Stations.

(D) $12,000,000 for the construction of a Special Operations Forces MC–130 Squadron Operations Facility.

(b) INCREASE IN AMOUNT AUTHORIZED TO BE APPROPRIATED.—The amount authorized to be appropriated by section 2403 for military construction, land acquisition, and military family housing functions of the Department of Defense and the amount designated under paragraph (1) of such section for military construction projects inside the United States are each increased by $68,000,000.

(c) OFFSET.—The amount authorized to be appropriated by section 301(4) for operation and maintenance for the Air Force is hereby reduced by $68,000,000.

SA 2071. Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXIV, add the following:

SEC. 2406. CONSTRUCTION OF SPECIAL OPERATIONS FORCES C-130 FUEL CELL AND CORROSION CONTROL HANGARS AT CANNON AIR FORCE BASE, NEW MEXICO.

(a) AUTHORIZATION FOR PROJECTS.—

(1) IN GENERAL.—The amount set forth in the item relating to Cannon Air Force Base, New Mexico, in the table entitled ''Special Operations Command'' in section 2401(a) is hereby increased by $31,000,000.

(2) PROJECT AUTHORIZED.—The amount authorized to acquire real property and carry out military construction projects for the Special Operations Command at Cannon Air Force, New Mexico, pursuant to paragraph (1) may be available for the construction of Special Operations Forces C–130 Fuel Cell and Corrosion Control Hangars.

(b) INCREASE IN AMOUNT AUTHORIZED TO BE APPROPRIATED.—The amount authorized to be appropriated by section 2403 for military construction, land acquisition, and military family housing functions of the Department of Defense and the amount designated under paragraph (1) of such section for military construction projects inside the United States are each increased by $31,000,000.

(c) OFFSET.—The amount authorized to be appropriated by section 301(4) for operation and maintenance for the Air Force is hereby reduced by $31,000,000.

SA 2072. Mrs. LINCOLN (for herself, Mr. CRAPO, Mr. DURBIN, Mr. COLEMAN, Mr. BROWN, Mr. KERRY, Mr. LEAHY, Mr. HARKIN, Mr. CASEY, Ms. SNOWE, Ms. MIKULSKI, and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by her to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VI, add the following:

SEC. 673. RECODIFICATION IN TITLE 38, UNITED STATES CODE, OF CERTAIN EDUCATIONAL ASSISTANCE PROGRAMS FOR MEMBERS OF THE RESERVE COMPONENTS.

(a) IN GENERAL.—Part III of title 38, United States Code, is amended by inserting after chapter 32 the following new chapter:

''CHAPTER 33—EDUCATIONAL ASSISTANCE FOR MEMBERS OF THE RESERVE COMPONENTS

''SUBCHAPTER I—MEMBERS OF THE SELECTED RESERVE

''Sec.
''3301. Educational assistance program: establishment; amount.
''3302. Eligibility for educational assistance.
''3303. Time limitation for use of entitlement.
''3304. Termination of assistance.
''3305. Failure to participate satisfactorily; penalties.
''3306. Administration of program
''3307. Reports to Congress.
''SUBCHAPTER II—RESERVE COMPONENT MEMBERS SUPPORTING CONTINGENCY OPERATIONS AND CERTAIN OTHER OPERATIONS
''3321. Purpose.
''3322. Educational assistance program.
''3323. Eligibility for educational assistance.
''3324. Time limitation for use of entitlement.
''3325. Termination of assistance.
''3326. Administration of program.

''SUBCHAPTER I—MEMBERS OF THE SELECTED RESERVE

''§ 3301. Educational assistance program: establishment; amount

''(a) ESTABLISHMENT.—To encourage membership in units of the Selected Reserve of the Ready Reserve, the Secretary of Veterans Affairs, shall establish and maintain a program to provide educational assistance to members of the Selected Reserve of the Ready Reserve of the Armed Forces. The Secretary of each military department shall, under regulations prescribed by the Secretary of Defense, provide to individuals who meet the eligibility requirements under section 3302 of this title the opportunity to receive educational assistance under this subchapter and shall maintain a program to increase the rate of educational assistance under this subchapter in accordance with subsection (i).

''(b) AMOUNT OF PAYMENT.—(1) Each educational assistance program established under subsection (a) shall provide for payment by the Secretary of Veterans Affairs of an educational assistance allowance to each person entitled to educational assistance under this subchapter who is pursuing a program of education. Except as provided in subsections (d) through (f), the educational assistance allowance shall be paid at the rates in effect under the former chapter 1606 of title 10, as in effect immediately before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2008, as increased under paragraph (3).

''(2) For each month of less than half-time pursuit of a program of education, educational assistance under this subchapter shall be paid at a rate of 25 percent of the amount payable for a month of full-time pursuit of a program of education, except that no payment may be made to a person for less than half-time pursuit if tuition assistance is otherwise available to the person for such pursuit from the military department concerned.

''(3) With respect to any fiscal year, the Secretary shall provide a percentage increase (rounded to the nearest dollar) in the rates payable under subparagraphs (A), (B), and (C) of paragraph (1) equal to the percentage by which—

''(A) the Consumer Price Index (all items, United States city average) for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

''(B) such Consumer Price Index for the 12-month period preceding the 12-month period described in subparagraph (A).

''(c) APPROVED PROGRAMS OF EDUCATION; MAXIMUM MONTHS OF ASSISTANCE.—(1) Educational assistance may be provided under this subchapter for pursuit of any program of education that is an approved program of education for purposes of chapter 30 of this title.

''(2) Subject to section 3695 of this title, the maximum number of months of educational assistance that may be provided to any person under this subchapter is 36 (or the equivalent thereof in part-time educational assistance).

''(3)(A) Notwithstanding any other provision of this subchapter or chapter 36 of this title, any payment of an educational assistance allowance described in subparagraph (B) of this paragraph shall not—

''(i) be charged against the entitlement of any individual under this subchapter; or

''(ii) be counted toward the aggregate period for which section 3695 of this title limits an individual's receipt of assistance.

''(B) The payment of the educational assistance allowance referred to in subparagraph (A) of this paragraph is the payment of such an allowance to the individual for pursuit of a course or courses under this subchapter if the Secretary of Veterans Affairs finds that the individual—

''(i) had to discontinue such course pursuit as a result of being ordered to serve on active duty under section 12301(a), 12301(d), 12301(g), 12302, or 12304 of title 10; and

''(ii) failed to receive credit or training time toward completion of the individual's approved educational, professional, or vocational objective as a result of having to discontinue, as described in clause (i), the individual's course pursuit.

''(C) The period for which, by reason of this subsection, an educational assistance allowance is not charged against entitlement or counted toward the applicable aggregate period under section 3695 of this title shall not exceed the portion of the period of enrollment in the course or courses for which the individual failed to receive credit or with respect to which the individual lost training time, as determined under subparagraph (B)(ii).

''(d) PROGRAMS OF APPRENTICESHIP.—(1) Except as provided in paragraph (2), the amount of the monthly educational assistance allowance payable to a person pursuing a full-time program of apprenticeship or other on-the-job training under this subchapter is—

''(A) for each of the first six months of the person's pursuit of such program, 75 percent of the monthly educational assistance allowance otherwise payable to such person under this subchapter;

''(B) for each of the second six months of the person's pursuit of such program, 55 percent of such monthly educational assistance allowance; and

''(C) for each of the months following the first 12 months of the person's pursuit of such program, 35 percent of such monthly educational assistance allowance.

''(2) In any month in which any person pursuing a program of education consisting of a program of apprenticeship or other on-the-job training fails to complete 120 hours of training, the amount of the monthly educational assistance allowance payable under this subchapter to the person shall be limited to the same proportion of the applicable full-time rate as the number of hours worked during such month, rounded to the nearest 8 hours, bears to 120 hours.

''(3)(A) Except as provided in subparagraph (B), for each month that such person is paid a monthly educational assistance allowance under this subchapter, the person's entitlement under this subchapter shall be charged at the rate of—

''(i) 75 percent of a month in the case of payments made in accordance with paragraph (1)(A);

''(ii) 55 percent of a month in the case of payments made in accordance with paragraph (1)(B); and

''(iii) 35 percent of a month in the case of payments made in accordance with paragraph (1)(C).

''(B) Any such charge to the entitlement shall be reduced proportionately in accordance with the reduction in payment under paragraph (2).

''(e) CORRESPONDENCE COURSES.—(1)(A) The amount of the educational assistance allowance payable under this subchapter to a person who enters into an agreement to pursue, and is pursuing, a program of education exclusively by correspondence is an amount equal to 55 percent of the established charge which the institution requires nonveterans to pay for the course or courses pursued by such person.

''(B) For purposes of subparagraph (A), the term 'established charge' means the lesser of—

''(i) the charge for the course or courses determined on the basis of the lowest extended time payment plan offered by the institution and approved by the appropriate State approving agency; or

''(ii) the actual charge to the person for such course or courses.

''(C) Such allowance shall be paid quarterly on a pro rata basis for the lessons completed by the person and serviced by the institution.

''(2) In each case in which the amount of educational assistance is determined under paragraph (1), the period of entitlement of the person concerned shall be charged with one month for each amount equal to the amount of the monthly rate payable under subsection (b)(1)(A) for the fiscal year concerned which is paid to the individual as an educational assistance allowance.

''(f) FLIGHT TRAINING.—(1) The Secretary of Veterans Affairs may approve the pursuit of flight training (in addition to a course of flight training that may be approved under section 3680A(b) of this title) by an individual entitled to educational assistance under this subchapter if—

''(A) such training is generally accepted as necessary for the attainment of a recognized vocational objective in the field of aviation;

''(B) the individual possesses a valid private pilot certificate and meets, on the day the individual begins a course of flight training, the medical requirements necessary for a commercial pilot certificate; and

''(C) the flight school courses meet Federal Aviation Administration standards for such courses and are approved by the Federal Aviation Administration and the State approving agency.

''(2) Each individual who is pursuing a program of education consisting exclusively of flight training approved as meeting the requirements of paragraph (1) shall be paid an educational assistance allowance under this subchapter in the amount equal to 60 percent of the established charges for tuition and fees which similarly circumstanced nonveterans enrolled in the same flight course are required to pay.

''(3) No educational assistance allowance may be paid under this subchapter to an individual for any month during which such individual is pursuing a program of education consisting exclusively of flight training until the Secretary has received from that individual and the institution providing such training a certification of the flight training received by the individual during that month and the tuition and other fees charged for that training.

''(4) The period of entitlement of an individual pursuing a program of education described in paragraph (1) shall be charged with one month for each amount equal to the amount of the monthly rate payable under subsection (b)(1)(A) for the fiscal year concerned which is paid to that individual as an educational assistance allowance for such program.

''(5) The number of solo flying hours for which an individual may be paid an educational assistance allowance under this subsection may not exceed the minimum number of solo flying hours required by the Federal Aviation Administration for the flight rating or certification which is the goal of the individual's flight training.

''(g) INDIVIDUALIZED TUTORIAL ASSISTANCE.—(1)(A) Subject to subparagraph (B), the Secretary of Veterans Affairs shall approve individualized tutorial assistance for any person entitled to educational assistance under this subchapter who—

''(i) is enrolled in and pursuing a postsecondary course of education on a half-time or more basis at an educational institution; and

''(ii) has a deficiency in a subject required as a part of, or which is prerequisite to, or which is indispensable to the satisfactory pursuit of, the program of education.

''(B) The Secretary of Veterans Affairs shall not approve individualized tutorial assistance for a person pursuing a program of education under this paragraph unless such assistance is necessary for the person to successfully complete the program of education.

''(2)(A) Subject to subparagraph (B), the Secretary of Veterans Affairs shall pay to a person receiving individualized tutorial assistance pursuant to paragraph (1) a tutorial assistance allowance. The amount of the allowance payable under this paragraph may not exceed $100 for any month, nor aggregate more than $1,200. The amount of the allowance paid under this paragraph shall be in addition to the amount of educational assistance allowance payable to a person under this subchapter.

''(B) A tutorial assistance allowance may not be paid to a person under this paragraph until the educational institution at which the person is enrolled certifies that—

''(i) the individualized tutorial assistance is essential to correct a deficiency of the person in a subject required as a part of, or which is prerequisite to, or which is indispensable to the satisfactory pursuit of, an approved program of education;

''(ii) the tutor chosen to perform such assistance is qualified to provide such assistance and is not the person's parent, spouse, child (whether or not married or over eighteen years of age), brother, or sister; and

''(iii) the charges for such assistance do not exceed the customary charges for such tutorial assistance.

''(3)(A) A person's period of entitlement to educational assistance under this subchapter shall be charged only with respect to the amount of tutorial assistance paid to the person under this subsection in excess of $600.

''(B) A person's period of entitlement to educational assistance under this subchapter shall be charged at the rate of one month for each amount of assistance paid to the individual under this section in excess of $600 that is equal to the amount of the monthly educational assistance allowance which the person is otherwise eligible to receive for full-time pursuit of an institutional course under this subchapter.

''(h) COURSES BEYOND BACCALAUREATE DEGREE.—A program of education in a course of instruction beyond the baccalaureate degree level shall be provided under this subchapter, subject to the availability of appropriations.

''(i) SPECIAL SKILLS.—(1) In the case of a person who has a skill or specialty designated by the Secretary of the military department concerned as a skill or specialty in

which there is a critical shortage of personnel or for which it is difficult to recruit or, in the case of critical units, retain personnel, the Secretary of the military department concerned may increase the rate of the educational assistance allowance applicable to that person to such rate in excess of the rate prescribed under subparagraphs (A) through (D) of subsection (b)(1) as the Secretary of Defense considers appropriate, but the amount of any such increase may not exceed $350 per month.

''(2) In the case of a person who has a skill or specialty designated by the Secretary of the military department concerned as a skill or specialty in which there is a critical shortage of personnel or for which it is difficult to recruit or, in the case of critical units, retain personnel, who is eligible for educational benefits under chapter 30 (other than section 3012) of this title and who meets the eligibility criteria specified in subparagraphs (A) and (B) of section 3302(a)(1) of this title, the Secretary of the military department concerned may increase the rate of the educational assistance allowance applicable to that person to such rate in excess of the rate prescribed under section 3015 of this title as the Secretary of Defense considers appropriate, but the amount of any such increase may not exceed $350 per month.

''(3) The authority provided by paragraphs (1) and (2) shall be exercised by the Secretaries of the military departments under regulations prescribed by the Secretary of Defense.

''(j) LICENSING AND CERTIFICATION.—(1) Subject to paragraph (3), the amount of educational assistance payable under this subchapter for a licensing or certification test described in section 3452(b) of this title is the lesser of $2,000 or the fee charged for the test.

''(2) The number of months of entitlement charged in the case of any individual for such licensing or certification test is equal to the number (including any fraction) determined by dividing the total amount of educational assistance paid such individual for such test by the full-time monthly institutional rate of educational assistance which, but for paragraph (1), such individual would otherwise be paid under subsection (b).

''(3) In no event shall payment of educational assistance under this subsection for such a test exceed the amount of the individual's available entitlement under this subchapter.

''§ 3302. Eligibility for educational assistance

''(a) ELIGIBILITY.—A person who—

''(1) after June 30, 1985—

''(A) enlists, reenlists, or extends an enlistment as a Reserve for service in the Selected Reserve for a period of not less than six years; or

''(B) is appointed as, or is serving as, a reserve officer and agrees to serve in the Selected Reserve for a period of not less than six years in addition to any other period of obligated service in the Selected Reserve to which the person may be subject; and

''(2) before applying for benefits under this section, has completed the requirements of a secondary school diploma (or an equivalency certificate);

is entitled to educational assistance under section 3301 of this title.

''(b) ACTIVE DUTY FOR TRAINING REQUIRED.—Educational assistance may not be provided to a member under this subchapter until the member has completed the initial period of active duty for training required of the member.

''(c) NOTIFICATION.—Each person who becomes entitled to educational assistance under subsection (a) shall at the time the person becomes so entitled be given a statement in writing summarizing the provisions of this subchapter and stating clearly and prominently the substance of sections 3304 and 3305 of this title as such sections may apply to the person. At the request of the Secretary of Veterans Affairs, the Secretary of Defense shall transmit a notice of entitlement for each such person to that Secretary.

''(d) BAR FROM DUAL ELIGIBILITY.—A person who serves in the Selected Reserve may not receive credit for such service under both the program established by chapter 30 of this title and the program established by this subchapter but shall elect (in such form and manner as the Secretary of Veterans Affairs may prescribe) the program to which such service is to be credited. However, a person may not receive credit under the program established by this subchapter for service (in any grade) on full-time active duty or full-time National Guard duty for the purpose of organizing, administering, recruiting, instructing, or training the reserve components in a position which is included in the end strength required to be authorized each year by section 115(a)(1)(B) of title 10.

''§ 3303. Time limitation for use of entitlement

''(a) TIME LIMITATION.—Except as provided in subsection (b), the period during which a person entitled to educational assistance under this subchapter may use such person's entitlement expires: (1) at the end of the 14-year period beginning on the date on which such person becomes entitled to such assistance; or (2) on the date the person is separated from the Selected Reserve, whichever occurs first.

''(b) EXCEPTIONS.—(1) In the case of a person—

''(A) who is separated from the Selected Reserve because of a disability which was not the result of the individual's own willful misconduct incurred on or after the date on which such person became entitled to educational assistance under this subchapter; or

''(B) who, on or after the date on which such person became entitled to educational assistance under this subchapter ceases to be a member of the Selected Reserve during the period beginning on October 1, 1991, and ending on December 31, 2001, by reason of the inactivation of the person's unit of assignment or by reason of involuntarily ceasing to be designated as a member of the Selected Reserve pursuant to section 10143(a) of title 10,

the period for using entitlement prescribed by subsection (a) shall be determined without regard to clause (2) of such subsection.

''(2) The provisions of section 3031(f) of this title shall apply to the period of entitlement prescribed by subsection (a).

''(3) The provisions of section 3031(d) of this title shall apply to the period of entitlement prescribed by subsection (a) in the case of a disability incurred in or aggravated by service in the Selected Reserve.

''(4) In the case of a member of the Selected Reserve of the Ready Reserve who serves on active duty pursuant to an order to active duty issued under section 12301(a), 12301(d), 12301(g), 12302, or 12304 of title 10—

''(A) the period of such active duty service plus four months shall not be considered in determining the expiration date applicable to such member under subsection (a); and

''(B) the member may not be considered to have been separated from the Selected Reserve for the purposes of clause (2) of such subsection by reason of the commencement of such active duty service.

''§ 3304. Termination of assistance

''Educational assistance may not be provided under this subchapter—

''(1) to a member receiving financial assistance under section 2107 of title 10 as a member of the Senior Reserve Officers' Training Corps program; or

''(2) to a member who fails to participate satisfactorily in required training as a member of the Selected Reserve.

''§ 3305. Failure to participate satisfactorily; penalties

''(a) PENALTIES.—At the option of the Secretary of the military department concerned, in consultation with the Secretary of Veterans Affairs, a member of the Selected Reserve of an armed force who does not participate satisfactorily in required training as a member of the Selected Reserve during a term of enlistment or other period of obligated service that created entitlement of the member to educational assistance under this subchapter, and during which the member has received such assistance, may—

''(1) be ordered to active duty for a period of two years or the period of obligated service the person has remaining under section 3302 of this title, whichever is less; or

''(2) be subject to repayment requirements prescribed by the Secretary of Veterans Affairs that are similar to the repayment provisions under section 303a(e) of title 37.

''(b) COLLECTION OF FUNDS.—The Secretary of Veterans Affairs shall collect any amount required to be repaid under subsection (a)(2).

''(c) EFFECT OF REPAYMENT.—Any repayment under subsection (a)(2) shall not affect the period of obligation of a member to serve as a Reserve in the Selected Reserve.

''§ 3306. Administration of program

''(a) PAYMENTS.—(1) Except as provided under paragraph (2), payments for educational assistance under this subchapter shall be made from funds appropriated or otherwise made available to the Department of Veterans Affairs for fiscal year 2009 or any subsequent fiscal year for the payment of readjustment benefits.

''(2) Payments for increases in rates of educational assistance under section 3301(i) shall be made from amounts in the Department of Defense Education Benefits Fund under section 2006 of title 10. Amounts for such payments shall be made available to the Secretary in accordance with the provisions of section 2006(d) of title 10.

''(b) PROGRAM MANAGEMENT.—Except as otherwise provided in this subchapter, the provisions of sections 3470, 3471, 3474, 3476, 3482(g), 3483, and 3485 of this title and the provisions of subchapters I and II of chapter 36 of this title (with the exception of sections 3686(a) and 3687) shall be applicable to the provision of educational assistance under this subchapter. The term 'eligible veteran' and the term 'person', as used in those provisions, shall be deemed for the purpose of the application of those provisions to this subchapter to refer to a person eligible for educational assistance under this subchapter.

''(c) APPLICATION OF BENEFITS.—The Secretary of Veterans Affairs may not make a distinction in the application of educational assistance benefits under this subchapter on the basis of whether a person who is eligible for educational assistance under this subchapter first became so eligible under former chapter 1606 of title 10, as in effect immediately on September 30, 2008.

''§ 3307. Biennial report to Congress

''The Secretary of Veterans Affairs, in coordination with the Secretary of Defense, shall submit to Congress a report not later than March 1 of each odd-numbered year concerning the operation of the educational assistance program established by this subchapter during the preceding two fiscal years. Each such report shall include the number of members of the Selected Reserve of the Ready Reserve of each armed force receiving, and the number entitled to receive, educational assistance under this subchapter during those fiscal years. The Secretary may

submit the report more frequently and adjust the period covered by the report accordingly.

''SUBCHAPTER II—RESERVE COMPONENT MEMBERS SUPPORTING CONTINGENCY OPERATIONS AND CERTAIN OTHER OPERATIONS

''§ 3321. Purpose

''The purpose of this subchapter is to provide educational assistance to members of the reserve components called or ordered to active service in response to a war or national emergency declared by the President or Congress, in recognition of the sacrifices that those members make in answering the call to duty.

''§ 3322. Educational assistance program

''(a) PROGRAM ESTABLISHMENT.—The Secretary of Veterans Affairs, shall establish and maintain a program as prescribed in this subchapter to provide educational assistance to members of the Ready Reserve of the Armed Forces. The Secretary of each military department shall, under regulations prescribed by the Secretary of Defense, provide to individuals who meet the eligibility requirements under section 3323 of this title the opportunity to receive educational assistance under this subchapter.

''(b) AUTHORIZED EDUCATION PROGRAMS.—Educational assistance may be provided under this subchapter for pursuit of any program of education that is an approved program of education for purposes of chapter 30 of this title.

''(c) BENEFIT AMOUNT.—(1) The educational assistance program established under subsection (a) shall provide for payment by the Secretary of Veterans Affairs of an educational assistance allowance to each member entitled to educational assistance under this subchapter who is pursuing a program of education authorized under subsection (b).

''(2) The educational assistance allowance provided under this subchapter shall be based on the applicable percent under paragraph (4) to the applicable rate provided under section 3015 of this title for a member whose entitlement is based on completion of an obligated period of active duty of three years.

''(3) The educational assistance allowance provided under this section for a person who is undertaking a program for which a reduced rate is specified in chapter 30 of this title, that rate shall be further adjusted by the applicable percent specified in paragraph (4).

''(4) The adjusted educational assistance allowance under paragraph (2) or (3), as applicable, shall be—

''(A) 40 percent in the case of a member of a reserve component who performed active service for 90 consecutive days but less than one continuous year;

''(B) 60 percent in the case of a member of a reserve component who performed active service for one continuous year but less than two continuous years; or

''(C) 80 percent in the case of a member of a reserve component who performed active service for two continuous years or more.

''(d) MAXIMUM MONTHS OF ASSISTANCE.—(1) Subject to section 3695 of this title, the maximum number of months of educational assistance that may be provided to any member under this subchapter is 36 (or the equivalent thereof in part-time educational assistance).

''(2)(A) Notwithstanding any other provision of this subchapter or chapter 36 of this title, any payment of an educational assistance allowance described in subparagraph (B) shall not—

''(i) be charged against the entitlement of any individual under this subchapter; or

''(ii) be counted toward the aggregate period for which section 3695 of this title limits an individual's receipt of assistance.

''(B) The payment of the educational assistance allowance referred to in subparagraph (A) is the payment of such an allowance to the individual for pursuit of a course or courses under this subchapter if the Secretary of Veterans Affairs finds that the individual—

''(i) had to discontinue such course pursuit as a result of being ordered to serve on active duty under section 12301(a), 12301(d), 12301(g), 12302, or 12304 of title 10; and

''(ii) failed to receive credit or training time toward completion of the individual's approved educational, professional, or vocational objective as a result of having to discontinue, as described in clause (i), the individual's course pursuit.

''(C) The period for which, by reason of this subsection, an educational assistance allowance is not charged against entitlement or counted toward the applicable aggregate period under section 3695 of this title shall not exceed the portion of the period of enrollment in the course or courses for which the individual failed to receive credit or with respect to which the individual lost training time, as determined under subparagraph (B)(ii).

''(e) AVAILABILITY OF ASSISTANCE FOR LICENSING AND CERTIFICATION TESTS.—The provisions of section 3301(j) of this title shall apply to the provision of educational assistance under this subchapter, except that, in applying such section under this subchapter, the reference to subsection (b) in paragraph (2) of such section is deemed to be a reference to subsection (c) of this section.

''(f) FLIGHT TRAINING.—The Secretary of Veterans Affairs may approve the pursuit of flight training (in addition to a course of flight training that may be approved under section 3680A(b) of this title) by an individual entitled to educational assistance under this subchapter if—

''(1) such training is generally accepted as necessary for the attainment of a recognized vocational objective in the field of aviation;

''(2) the individual possesses a valid private pilot certificate and meets, on the day the member begins a course of flight training, the medical requirements necessary for a commercial pilot certificate; and

''(3) the flight school courses meet Federal Aviation Administration standards for such courses and are approved by the Federal Aviation Administration and the State approving agency.

''§ 3323. Eligibility for educational assistance

''(a) ELIGIBILITY.—On or after September 11, 2001, a member of a reserve component is entitled to educational assistance under this subchapter if the member—

''(1) served on active duty in support of a contingency operation for 90 consecutive days or more; or

''(2) in the case of a member of the Army National Guard of the United States or Air National Guard of the United States, performed full time National Guard duty under section 502(f) of title 32 for 90 consecutive days or more when authorized by the President or Secretary of Defense for the purpose of responding to a national emergency declared by the President and supported by Federal funds.

''(b) DISABLED MEMBERS.—Notwithstanding the eligibility requirements in subsection (a), a member who was ordered to active service as prescribed under subsection (a)(1) or (a)(2) but is released from duty before completing 90 consecutive days because of an injury, illness or disease incurred or aggravated in the line of duty shall be entitled to educational assistance under this subchapter at the rate prescribed in section 3322(c)(4)(A) of this title.

''(c) WRITTEN NOTIFICATION.—(1) Each member who becomes entitled to educational assistance under subsection (a) shall be given a statement in writing prior to release from active service that summarizes the provisions of this subchapter and stating clearly and prominently the substance of section 3325 of this title as such section may apply to the member.

''(2) At the request of the Secretary of Veterans Affairs, the Secretary of the military department concerned shall transmit a notice of entitlement for each such member to that Secretary.

''(d) BAR FROM DUAL ELIGIBILITY.—A member who qualifies for educational assistance under this subchapter may not receive credit for such service under both the program established by chapter 30 of this title and the program established by this subchapter but shall make an irrevocable election (in such form and manner as the Secretary of Veterans Affairs may prescribe) as to the program to which such service is to be credited.

''(e) BAR FROM DUPLICATION OF EDUCATIONAL ASSISTANCE ALLOWANCE.—(1) Except as provided in paragraph (2), an individual entitled to educational assistance under this subchapter who is also eligible for educational assistance under subchapter I of this chapter, chapter 30, 31, 32, or 35 of this title, or under the Hostage Relief Act of 1980 (Public Law 96–449; 5 U.S.C. 5561 note) may not receive assistance under more than one such programs and shall elect (in such form and manner as the Secretary of Veterans Affairs may prescribe) under which program the member elects to receive educational assistance.

''(2) The restriction on duplication of educational assistance under paragraph (1) does not apply to the entitlement of educational assistance under section 3301(i) of this title.

''§ 3324. Time limit for use of entitlement

''(a) DURATION OF ENTITLEMENT.—Except as provided in subsection (b), a member remains entitled to educational assistance under this subchapter while serving—

''(1) in the Selected Reserve of the Ready Reserve, in the case of a member called or ordered to active service while serving in the Selected Reserve; or

''(2) in the Ready Reserve, in the case of a member ordered to active duty while serving in the Ready Reserve (other than the Selected Reserve).

''(b) DURATION OF ENTITLEMENT FOR DISABLED MEMBERS.—(1) In the case of a person who is separated from the Ready Reserve because of a disability which was not the result of the individual's own willful misconduct incurred on or after the date on which such person became entitled to educational assistance under this subchapter, such person's entitlement to educational assistance expires at the end of the 10-year period beginning on the date on which such person became entitled to such assistance.

''(2) The provisions of subsections (d) and (f) of section 3031 of this title shall apply to the period of entitlement prescribed by paragraph (1).

''§ 3325. Termination of assistance

''(a) IN GENERAL.—Except as provided in subsection (b), educational assistance may not be provided under this subchapter, or if being provided under this subchapter, shall be terminated—

''(1) if the member is receiving financial assistance under section 2107 of title 10 as a member of the Senior Reserve Officers' Training Corps program; or

''(2) when the member separates from the Ready Reserve, as provided for under section 3324(a)(1) or section 3324(a)(2), as applicable, of this title.

''(b) EXCEPTION.—Under regulations prescribed by the Secretary of Defense, educational assistance may be provided under this subchapter to a member of the Selected Reserve of the Ready Reserve who incurs a break in service in the Selected Reserve of not more than 90 days if the member continues to serve in the Ready Reserve during and after such break in service.

''§ 3326. Administration of program

''(a) PAYMENTS.—Payments for educational assistance under this subchapter shall be made from funds appropriated or otherwise made available to the Department of Veterans Affairs for fiscal year 2009 or any subsequent fiscal year for the payment of readjustment benefits.

''(b) PROGRAM MANAGEMENT.—Except as otherwise provided in this subchapter, the provisions of sections 3470, 3471, 3474, 3476, 3482(g), 3483, and 3485 of this title and the provisions of subchapters I and II of chapter 36 of this title (with the exception of sections 3686(a) and 3687) shall be applicable to the provision of educational assistance under this subchapter. The term 'eligible veteran' and the term 'person', as used in those provisions, shall be deemed for the purpose of the application of those provisions to this subchapter to refer to a person eligible for educational assistance under this subchapter.

''(c) APPLICATION OF BENEFITS.—The Secretary of Veterans Affairs may not make a distinction in the application of educational assistance benefits under this subchapter on the basis of whether a person who is eligible for educational assistance under this subchapter first became so eligible under former chapter 1607 of title 10, as in effect immediately on September 30, 2008.''.

(b) TRANSFER OF AMOUNTS FOR BENEFITS ACCRUED BEFORE OCTOBER 1, 2008.—

(1) FISCAL YEAR 2009.—By not later than October 1, 2008, the Secretary of Defense shall transfer to the Secretary of Veterans Affairs from the funds in the Department of Defense Education Benefits Fund under section 2006 of title 10, United States Code, that are attributable to armed forces education liabilities under chapters 1606 and 1607 of such title (other than such liabilities under section 16131(i) of such title) that accrue before such date, such funds as may be required by the Secretary of Veterans Affairs to make payments with respect to such liabilities during fiscal year 2009. Such amounts shall be deposited into the Readjustment Benefits Account of the Department of Veterans Affairs and shall be used only by the Secretary of Veterans Affairs to make payments of educational assistance under chapter 33 of title 38, United States Code, as added by subsection (a). Funds deposited in the Readjustment Benefits Account under this paragraph may not be used to pay any benefit that is payable from the Readjustment Benefits Account other than a payment of educational assistance under chapter 33 of title 38, United States Code, as added by subsection (a).

(2) TREATMENT OF RECEIPTS.—Receipts that would otherwise be credited to the account established for the payment of benefits under the Department of Defense Education Benefits Fund under section 2006 of title 10, United States Code, for the payment of benefits under the chapters 1606 and 1607 of such title (other than such benefits under section 16131(i) of such title), shall be credited to the Readjustment Benefits Account of the Department of Veterans Affairs and merged with funds deposited in that account under paragraph (1), to be available for the same purposes and subject to the same limitations as such funds.

(3) AGREEMENT FOR SUBSEQUENT FISCAL YEARS.—By not later than October 1, 2008, the Secretary of Defense and the Secretary of Veterans Affairs shall enter into an agreement under which the Secretary of Defense shall transfer to the Secretary of Veterans Affairs all remaining funds in the Department of Defense Education Benefits Fund under section 2006 of title 10, United States Code, that are attributable to armed forces liabilities under the former chapters 1606 and 1607 of such title (other than such liabilities under section 16131(i) of such title) that accrue before such date. Such amounts shall be deposited into the education account of the Readjustment Benefits Account of the Department of Veterans Affairs and shall be available to the Secretary of Veterans Affairs to make payments of educational assistance under chapter 33 of title 38, United States Code, as added by subsection (a).

(4) REPORT.—By not later than October 1, 2008, the Secretary of Defense shall submit to the congressional defense committees, the Committee on Veterans Affairs of the Senate, and the Committee on Veterans Affairs of the House of Representatives a detailed report on the agreement between the Secretary of Defense and the Secretary of Veterans Affairs and the status of the transfer of funds described in paragraph (2). Such report shall include the date on which the Secretary of Defense has agreed to complete such transfer.

(c) CLERICAL AMENDMENTS.—The tables of chapters at the beginning of title 38, United States Code, and at the beginning of part III of such title, are each amended by inserting after the item relating to chapter 32 the following new item:

''33. Educational Assistance for Members of the Reserve Components .. 3301''.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) CONFORMING AMENDMENTS ON BAR ON DUAL ELIGIBILITY FOR BENEFITS.—

(A) Section 3033 of title 38, United States Code, is amended—

(i) in subsection (a)(1), by striking ''chapter 106 or 107 of title 10'' and inserting ''under subchapter I or subchapter II of chapter 33 of this title, under chapter 107 of title 10''; and

(ii) in subsection (c), by striking ''chapter 106 of title 10'' and inserting ''subchapter I of chapter 33 of this title''.

(B) Section 3221(f) of such title is amended by striking ''chapter 106 of title 10'' and inserting ''subchapter I of chapter 33 of this title''.

(C) Section 3681 of such title is amended—

(i) in subsection (a), by striking ''34, 35, or 36 of this title or 106 or 107 of title 10,'' and inserting ''33, 34, 35, or 36 of this title''; and

(ii) in subsection (b)—

(I) in paragraph (1), by inserting before the period the following: '', and subchapters I and II of chapter 33 of this title''; and

(II) in paragraph (2), by striking ''Chapters 106 and'' and inserting ''Chapter''.

(2) CONFORMING AMENDMENTS RELATING TO DEPARTMENT OF DEFENSE EDUCATION BENEFITS FUND.—

(A) DEFINITION OF ARMED FORCES EDUCATION LIABILITIES.—Paragraph (1) of section 2006(b) of title 10, United States Code, is amended to read as follows:

''(1) The term 'armed forces education liabilities' means liabilities of the armed forces for benefits under chapter 30 and section 3301(i) of title 38 and for Department of Defense benefits under paragraphs (3) and (4) of section 510(e) of this title, including funds provided by the Secretary of Homeland Security for education liabilities for the Coast Guard when it is not operating as a service in the Department of the Navy.''.

(B) DEFINITION OF NORMAL COST.—Paragraph (2) of such section is amended by striking subparagraph (C) and inserting the following new subparagraph:

''(C) The present value of the future Department of Defense benefits payable from the Fund (including funds from the Department in which the Coast Guard is operating) for educational assistance under section 3301(i) of title 38 to persons who during such period become entitled to such assistance.''.

(3) CROSS-REFERENCE AMENDMENTS.—

(A) CHAPTER 106 OF TITLE 10, UNITED STATES CODE.—

(i) Section 2131 of title 10, United States Code, is amended to read as follows:

''§ 2131. Reference to subchapter I of chapter 33 of title 38

''Provisions of law related to educational assistance for members of the Selected Reserve under the Montgomery GI Bill program, as formerly set forth in this chapter and chapter 1606 of this title, are set forth in subchapter I of chapter 33 of title 38 (beginning with section 3301 of title 38).''.

(ii) The table of sections at the beginning of chapter 106 of such title is amended by striking the item relating to section 2131 and inserting the following new item:

''2131. Reference to subchapter I of chapter 33 of title 38.''.

(B) CHAPTER 1606 OF TITLE 10, UNITED STATES CODE.—Chapter 1606 of such title is amended by striking all after the chapter heading and inserting the following:

''Sec.
''16131. Reference to subchapter I of chapter 33 of title 38.

''§ 16131. Reference to subchapter I of chapter 33 of title 38

''Provisions of law related to educational assistance for members of the Selected Reserve under the Montgomery GI Bill program, as formerly set forth in this chapter, are set forth in subchapter I of chapter 33 of title 38 (beginning with section 3301 of that title).''.

(C) CHAPTER 1607 OF TITLE 10, UNITED STATES CODE.—Chapter 1607 of such title is amended by striking all after the chapter heading and inserting the following:

''Sec.
''16161. Reference to subchapter II of chapter 33 of title 38.

''§ 16161. Reference to subchapter II of chapter 33 of title 38

''Provisions of law related to educational assistance for members of the reserve components of the Armed Forces supporting contingency operations and certain other operations, as formerly set forth in this chapter, are set forth in subchapter II of chapter 33 of title 38 (beginning with section 3321 of that title).''.

(4) ADDITIONAL CONFORMING AMENDMENTS.—

(A) TITLE 38, UNITED STATES CODE.—

(i) Section 3485 of title 38, United States Code, is amended—

(I) in subsection (a)(4)(E), by striking ''chapter 1606 or 1607 of title 10'' and inserting ''chapter 33 of this title'';

(II) in subsection (b), by striking ''chapter 30, 31, 32, or 34 of this title or chapter 1606 or 1607 of title 10,'' and inserting ''chapter 30, 31, 32, 33, or 34 of this title''; and

(III) in subsection (e)(1)—

(aa) by striking '', chapter 30, 31, 32, 35, or 36 of this title, or chapter 1606 or 1607 of title 10'' and inserting ''or chapter 30, 31, 32, 33, 35, or 36 of this title''; and

(bb) by striking ''section 2135 of such title'' and inserting ''section 3305 of this title''.

(ii) Section 3672(c) of such title is amended—

(I) in paragraph (3)(A), by striking ''chapters 30 and 35 of this title and chapter 1606 of title 10'' and inserting ''chapters 30, 33, and 35 of this title''; and

(II) in paragraph (4), by striking ''chapter 30 or 35 of this title, or chapter 1606 of title 10, as the case may be'' and inserting ''chapter 30, 33, or 35 of this title''.

(iii) Section 3674 of such title is amended—

(I) in subsection (a)(1), by striking ''and chapter 106 of title 10''; and

(II) in subsection (c), by inserting ''33,'' after ''32,''.

(iv) Section 3680A(d)(1) of such title is amended—

(I) by striking ''or under chapter 106 of title 10'' the first place it appears; and

(II) by striking ''or chapter 30, 31, 32, or 35 of this title or under chapter 106 of title 10'' and inserting ''or chapter 30, 31, 32, 33, or 35 of this title''.

(v) Section 3684A(a)(1) of such title is amended by striking ''chapter 30 or 32 of this title or in chapter 106 of title 10'' and inserting ''chapter 30, 32, or 33 of this title''.

(vi) Section 3688(b) of such title is amended by striking '', chapter 30, 32, or 35 of this title, or chapter 106 of title 10'' and inserting ''or chapter 30, 32, 33, or 35 of this title''.

(vii) Section 3689 of such title is amended by inserting ''33,'' after ''32,'' each place it appears.

(viii) Section 3692 of such title is amended—

(I) in subsection (a), by striking ''or 35 of this title and chapter 1606 of title 10'' and inserting ''33, or 35 of this title''; and

(II) in subsection (b), by striking '', chapters 30, 32, and 35 of this title, and chapter 1606 of title 10'' and inserting ''and chapters 30, 32, 33, and 35 of this title''.

(ix) Section 3695(a) of such title is amended—

(I) by striking paragraph (4) and inserting the following new paragraph (4):

''(4) Chapters 30, 32, 34, 35, and 36 of this title and subchapters I and II of chapter 33 of this title.''; and

(II) in paragraph (5), by striking '', 1606, 1607,''.

(x) Section 3697(a) of such title is amended by striking ''chapter 30, 32, 34, or 35 of this title, or chapter 106 of title 10,'' and inserting ''chapter 30, 32, 33, 34, or 35 of this title''.

(xi) Section 3697A(b)(1) of such title is amended by striking ''or 32 of this title or chapter 106'' and inserting ''32, or 33 of this title or chapter''.

(B) TITLE 10, UNITED STATES CODE.—Section 510(h) of title 10, United States Code, is amended—

(i) in paragraph (1)—

(I) in subparagraph (A), by striking ''additional educational assistance under chapter 1606 of this title or to basic educational assistance under subchapter II of chapter 30 of title 38'' and inserting ''basic educational assistance under subchapter II of chapter 30 of title 38 or educational assistance under subchapter I of chapter 33 of that title''; and

(II) in subparagraph (B)—

(aa) by striking ''chapter 1606 of this title or chapter 30 of title 38'' and inserting ''chapter 30 or subchapter I of chapter 33 of title 38''; and

(bb) by striking ''either such chapter'' each place it appears and inserting ''either such provisions''; and

(ii) in paragraph (3)(A), by striking ''educational assistance under chapter 1606 of this title'' and all that follows through ''as the case may be'' and inserting ''basic educational assistance under chapter 30 of title 38 or educational assistance under subchapter I of chapter 33 of that title from an entitlement to such basic educational assistance under chapter 30 of that title or educational assistance under subchapter I of chapter 33 of that title, as the case may be''.

(C) ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.—Section 2304(g) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6674(g)) is amended by striking ''chapter 30 of title 38 or chapter 1606 of title 10'' and inserting ''chapter 30 or 33 of title 38''.

(D) INTERNAL REVENUE CODE OF 1986.—Section 25A(g)(2)(B) of the Internal Revenue Code of 1986 is amended by striking ''chapter 30, 31, 32, 34, or 35 of title 38, United States Code, or under chapter 1606 of title 10, United States Code'' and inserting ''chapter 30, 31, 32, 33, 34, or 35 of title 38, United States Code''.

(e) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on October 1, 2008.

SA 2073. Mr. LIEBERMAN (for himself, Mr. MCCAIN, Mr. KYL, Mr. GRAHAM, Mr. COLEMAN, Ms. COLLINS, Mr. SESSIONS, Mr. LEVIN, Mr. SALAZAR, and Mr. CRAIG) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of title XV, add the following:

SEC. 1535. REPORT ON SUPPORT FROM IRAN FOR ATTACKS AGAINST COALITION FORCES IN IRAQ.

(a) FINDINGS.—Congress makes the following findings:

(1) Since January 19, 1984, the Secretary of State has designated the Islamic Republic of Iran as a ''state sponsor of terrorism,'' one of only five countries in the world at present so designated.

(2) The Department of State, in its most recent ''Country Reports on Terrorism,'' stated that ''Iran remained the most active state sponsor of terrorism'' in 2006.

(3) The most recent Country Reports on Terrorism report further stated, ''Iran continued [in 2006] to play a destabilizing role in Iraq... Iran provided guidance and training to select Iraqi Shia political groups, and weapons and training to Shia militant groups to enable anti-Coalition attacks. Iranian government forces have been responsible for at least some of the increasing lethality of anti-Coalition attacks by providing Shia militants with the capability to build IEDs with explosively formed projectiles similar to those developed by Iran and Lebanese Hezbollah. The Iranian Revolutionary Guard was linked to armor-piercing explosives that resulted in the deaths of Coalition Forces.''

(4) In an interview published on June 7, 2006, Zalmay Khalilzad, then-United States ambassador to Iraq, said of Iranian support for extremist activity in Iraq, ''We can say with certainty that they support groups that are attacking coalition troops. These groups are using the same ammunition to destroy armored vehicles that the Iranians are supplying to Hezbollah in Lebanon. They pay money to Shiite militias and they train some of the groups. We can't say whether Teheran is supporting Al Qaeda, but we do know that Al Qaeda people come here from Pakistan through Iran. And Ansar al Sunna, a partner organization of Zarqawi's network, has a base in northwest Iran.''

(5) On April 26, 2007, General David Petraeus, commander of Multi-National Force-Iraq, said of Iranian support for extremist activity in Iraq, ''The level of financing, the level of training on Iranian soil, the level of equipping some sophisticated technologies... even advice in some cases, has been very, very substantial and very harmful.''

(6) On April 26, 2007, General Petraeus also said of Iranian support for extremist activity in Iraq, ''We know that it goes as high as [Brig. Gen. Qassem] Suleimani, who is the head of the Qods Force.... We believe that he works directly for the supreme leader of the country.''

(7) On May 27, 2007, then-Major General William Caldwell, spokesperson for Multi-National Force-Iraq, said, ''What we do know is that the Iranian intelligence services, the Qods Force, is in fact both training, equipping, and funding Shia extremist groups... both in Iraq and also in Iran.... We have in detention now people that we have captured that, in fact, are Sunni extremist-related that have, in fact, received both some funding and training from the Iranian intelligence services, the Qods Force.''

(8) On February 27, 2007, in testimony before the Committee on Armed Services of the Senate, Lieutenant General Michael Maples, director of the Defense Intelligence Agency, said of Iranian support for extremist activity in Iraq, ''We believe Hezbollah is involved in the training as well.''

(9) On July 2, 2007, Brigadier General Kevin Bergner, spokesperson for Multi-National Force-Iraq, stated, ''The Iranian Qods Force is using Lebanese Hezbollah essentially as a proxy, as a surrogate in Iraq.''

(10) On July 2, 2007, Brigadier General Bergner detailed the capture in southern Iraq by coalition forces of Ali Musa Daqdaq, whom the United States military believes to be a 24-year veteran of Lebanese Hezbollah involved in the training of Iraqi extremists in Iraq and Iran.

(11) The Department of State designates Hezbollah a foreign terrorist organization.

(12) On July 2, 2007, Brigadier General Bergner stated that the Iranian Qods Force operates three camps near Teheran where it trains Iraqi extremists in cooperation with Lebanese Hezbollah, stating, ''The Qods Force, along with Hezbollah instructors, train approximately 20 to 60 Iraqis at a time, sending them back to Iraq organized into these special groups. They are being taught how to use EPFs [explosively formed penetrators], mortars, rockets, as well as intelligence, sniper, and kidnapping operations.''

(13) On July 2, 2007, Brigadier General Bergner stated that Iraqi extremists receive between $750,000 and $3,000,000 every month from Iranian sources.

(14) On July 2, 2007, Brigadier General Bergner stated that ''[o]ur intelligence reveals that senior leadership in Iran is aware of this activity'' and that it would be ''hard to imagine'' that Ayatollah Ali Khamenei, the Supreme Leader of Iran, is unaware of it.

(15) On July 2, 2007, Brigadier General Bergner stated, ''There does not seem to be any follow-through on the commitments that Iran has made to work with Iraq in addressing the destabilizing security issues here in Iraq.''

(16) On February 11, 2007, the United States military held a briefing in Baghdad at which its representatives stated that at least 170 members of the United States Armed Forces have been killed, and at least 620 wounded, by weapons tied to Iran.

(17) On January 20, 2007, a sophisticated attack was launched by insurgents at the Karbala Provincial Joint Coordination Center in Iraq, resulting in the murder of five American soldiers, four of whom were first abducted.

(18) On April 26, 2007, General Petraeus stated that the so-called Qazali network was responsible for the attack on the Karbala

Provincial Joint Coordination Center and that ''there's no question that the Qazali network is directly connected to the Iranian Qods force [and has] received money, training, arms, ammunition, and at some points in time even advice and assistance and direction''.

(19) On July 2, 2007, Brigadier General Bergner stated that the United States Armed Forces possesses documentary evidence that the Qods Force had developed detailed information on the United States position at the Karbala Provincial Joint Coordination Center ''regarding our soldiers' activities, shift changes, and defenses, and this information was shared with the attackers''.

(20) On July 2, 2007, Brigadier General Bergner stated of the January 20 Karbala attackers, ''[They] could not have conducted this complex operation without the support and direction of the Qods Force.''

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the murder of members of the United States Armed Forces by a foreign government or its agents is an intolerable and unacceptable act of hostility against the United States by the foreign government in question; and

(2) the Government of the Islamic Republic of Iran must take immediate action to end all training, arming, equipping, funding, advising, and any other forms of support that it or its agents are providing, and have provided, to Iraqi militias and insurgents, who are contributing to the destabilization of Iraq and are responsible for the murder of members of the United States Armed Forces.

(c) REPORT.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, and every 60 days thereafter, the Commander, Multi-National Forces Iraq and the United States Ambassador to Iraq shall jointly submit to Congress a report describing and assessing in detail—

(A) the external support or direction provided to anti-coalition forces by the Government of the Islamic Republic of Iran or its agents;

(B) the strategy and ambitions in Iraq of the Government of the Islamic Republic of Iran; and

(C) any counter-strategy or efforts by the United States Government to counter the activities of agents of the Government of the Islamic Republic of Iran in Iraq.

(2) FORM.—Each report required under paragraph (1) shall be in unclassified form, but may contain a classified annex.

SA 2074. Mrs. LINCOLN (for herself, Ms. COLLINS, Mr. CRAPO, Mr. DURBIN, Mr. COLEMAN, Mr. BROWN, Mr. KERRY, Mr. LEAHY, Mr. PRYOR, Mr. HARKIN, Mr. CASEY, Ms. SNOWE, Ms. MIKULSKI, and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by her to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VI, add the following:

SEC. 673. MODIFICATION OF TIME LIMIT FOR USE OF ENTITLEMENT TO EDUCATIONAL ASSISTANCE FOR RESERVE COMPONENT MEMBERS SUPPORTING CONTINGENCY OPERATIONS AND OTHER OPERATIONS.

(a) MODIFICATION.—Section 16164(a) of title 10, United States Code, is amended by striking ''this chapter while serving—'' and all that follows and inserting ''this chapter—

''(1) while the member is serving—

''(A) in the Selected Reserve of the Ready Reserve, in the case of a member called or ordered to active service while serving in the Selected Reserve; or

''(B) in the Ready Reserve, in the case of a member ordered to active duty while serving in the Ready Reserve (other than the Selected Reserve); and

''(2) in the case of a person who separates from the Selected Reserve of the Ready Reserve after completion of a period of active service described in section 16163 of this title and completion of a service contract under other than dishonorable conditions, during the 10-year period beginning on the date on which the person separates from the Selected Reserve.''.

(b) CONFORMING AMENDMENT.—Paragraph (2) of section 16165(a) of such title is amended to read as follows:

''(2) when the member separates from the Ready Reserve as provided in section 16164(a)(1) of this title, or upon completion of the period provided for in section 16164(a)(2) of this title, as applicable.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 28, 2004, as if included in the enactment of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375), to which such amendments relate.

SA 2075. Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXIV, add the following:

SEC. 2406. CONSTRUCTION OF SPECIAL OPERATIONS FORCES CV-22 SIMULATOR FACILITY AT CANNON AIR FORCE BASE, NEW MEXICO.

(a) AUTHORIZATION FOR PROJECTS.—

(1) IN GENERAL.—The amount set forth in the item relating to Cannon Air Force Base, New Mexico, in the table entitled ''Special Operations Command'' in section 2401(a) is hereby increased by $7,500,000.

(2) PROJECT AUTHORIZED.—The amount authorized to acquire real property and carry out military construction projects for the Special Operations Command at Cannon Air Force Base, New Mexico, pursuant to paragraph (1) may be available for the construction of a Special Operations Forces CV-22 Simulator Facility.

(b) INCREASE IN AMOUNT AUTHORIZED TO BE APPROPRIATED.—The amount authorized to be appropriated by section 2403 for military construction, land acquisition, and military family housing functions of the Department of Defense and the amount designated under paragraph (1) of such section for military construction projects inside the United States are each increased by $7,500,000.

(c) OFFSET.—The amount authorized to be appropriated by section 301(4) for operation and maintenance for the Air Force is hereby reduced by $7,500,000.

SA 2076. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VI, add the following:

Subtitle G—Pay Protection for Members of the National Guard and Reserve

SEC. 691. SHORT TITLE.

This subtitle may be cited as the ''Helping Our Patriotic Employers at Helping Our Military Employees Act of 2007'' or the ''HOPE at HOME Act of 2007''.

SEC. 692. NONREDUCTION IN PAY WHILE FEDERAL EMPLOYEE IS PERFORMING ACTIVE SERVICE IN THE UNIFORMED SERVICES.

(a) IN GENERAL.—Subchapter IV of chapter 55 of title 5, United States Code, is amended by adding at the end the following:

''§ 5538. Nonreduction in pay while serving in the uniformed services

''(a) An employee who is absent from a position of employment with the Federal Government in order to perform service in the uniformed services for a period of more than 90 days shall be entitled to receive, for each pay period described in subsection (b), an amount equal to the amount by which—

''(1) the amount of basic pay which would otherwise have been payable to such employee for such pay period if such employee's civilian employment with the Government had not been interrupted by that service, exceeds (if at all)

''(2) the amount of pay and allowances which (as determined under subsection (d))—

''(A) is payable to such employee for that service; and

''(B) is allocable to such pay period.

''(b)(1) Amounts under this section shall be payable with respect to each pay period (which would otherwise apply if the employee's civilian employment had not been interrupted)—

''(A) during which such employee is entitled to reemployment rights under chapter 43 of title 38 with respect to the position from which such employee is absent (as referred to in subsection (a)); and

''(B) for which such employee does not otherwise receive basic pay (including by taking any annual, military, or other paid leave) to which such employee is entitled by virtue of such employee's civilian employment with the Government.

''(2) For purposes of this section, the period during which an employee is entitled to reemployment rights under chapter 43 of title 38—

''(A) shall be determined disregarding the provisions of section 4312(d) of title 38; and

''(B) shall include any period of time specified in section 4312(e) of title 38 within which an employee may report or apply for employment or reemployment following completion of service in the uniformed services.

''(c) Any amount payable under this section to an employee shall be paid—

''(1) by such employee's employing agency;

''(2) from the appropriation or fund which would be used to pay the employee if such employee were in a pay status; and

''(3) to the extent practicable, at the same time and in the same manner as would basic pay if such employee's civilian employment had not been interrupted.

''(d) The Office of Personnel Management shall, in consultation with Secretary of Defense, prescribe any regulations necessary to carry out the preceding provisions of this section.

''(e)(1) The head of each agency referred to in section 2302(a)(2)(C)(ii) shall, in consultation with the Office, prescribe procedures to ensure that the rights under this section apply to the employees of such agency.

''(2) The Administrator of the Federal Aviation Administration shall, in consultation with the Office, prescribe procedures to ensure that the rights under this section apply to the employees of that agency.

''(f) For purposes of this section—

''(1) the terms 'employee', 'Federal Government', and 'uniformed services' have the same respective meanings as given in section 4303 of title 38;

''(2) the term 'service in the uniformed services' has the meaning given that term in section 4303 of title 38 and includes duty performed by a member of the National Guard under section 502(f) of title 32 at the direction of the Secretary of the Army or Secretary of the Air Force;

''(3) the term 'employing agency', as used with respect to an employee entitled to any payments under this section, means the agency or other entity of the Government (including an agency referred to in section 2302(a)(2)(C)(ii)) with respect to which such employee has reemployment rights under chapter 43 of title 38; and

''(4) the term 'basic pay' includes any amount payable under section 5304.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 55 of title 5, United States Code, is amended by inserting after the item relating to section 5537 the following:

''5538. Nonreduction in pay while serving in the uniformed services.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to pay periods (as described in section 5538(b) of title 5, United States Code, as added by this section) beginning on or after September 11, 2001.

SEC. 693. READY RESERVE-NATIONAL GUARD EMPLOYEE CREDIT ADDED TO GENERAL BUSINESS CREDIT.

(a) READY RESERVE-NATIONAL GUARD CREDIT.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business-related credits) is amended by adding at the end the following:

''SEC. 45O. READY RESERVE-NATIONAL GUARD EMPLOYEE CREDIT.

''(a) GENERAL RULE.—For purposes of section 38, the Ready Reserve-National Guard employee credit determined under this section for any taxable year is an amount equal to 50 percent of the actual compensation amount for such taxable year.

''(b) DEFINITION OF ACTUAL COMPENSATION AMOUNT.—For purposes of this section, the term 'actual compensation amount' means the amount of compensation paid or incurred by an employer with respect to a Ready Reserve-National Guard employee on any day during a taxable year when the employee was absent from employment for the purpose of performing qualified active duty.

''(c) LIMITATION.—No credit shall be allowed with respect to a Ready Reserve-National Guard employee who performs qualified active duty on any day on which the employee was not scheduled to work (for reason other than to participate in qualified active duty).

''(d) DEFINITIONS.—For purposes of this section—

''(1) QUALIFIED ACTIVE DUTY.—The term 'qualified active duty' means—

''(A) active duty, other than the training duty specified in section 10147 of title 10, United States Code (relating to training requirements for the Ready Reserve), or section 502(a) of title 32, United States Code (relating to required drills and field exercises for the National Guard), in connection with which an employee is entitled to reemployment rights and other benefits or to a leave of absence from employment under chapter 43 of title 38, United States Code, and

''(B) hospitalization incident to such duty.

''(2) COMPENSATION.—The term 'compensation' means any remuneration for employment, whether in cash or in kind, which is paid or incurred by a taxpayer and which is deductible from the taxpayer's gross income under section 162(a)(1).

''(3) READY RESERVE-NATIONAL GUARD EMPLOYEE.—The term 'Ready Reserve-National Guard employee' means an employee who is a member of the Ready Reserve of a reserve component of an Armed Force of the United States as described in sections 10142 and 10101 of title 10, United States Code.

''(4) CERTAIN RULES TO APPLY.—Rules similar to the rules of section 52 shall apply.

''(e) PORTION OF CREDIT MADE REFUNDABLE.—

''(1) IN GENERAL.—In the case of an eligible employer of a Ready Reserve-National Guard employee, the aggregate credits allowed to a taxpayer under subpart C shall be increased by the lesser of—

''(A) the credit which would be allowed under this section without regard to this subsection and the limitation under section 38(c), or

''(B) the amount by which the aggregate amount of credits allowed by this subpart (determined without regard to this subsection) would increase if the limitation imposed by section 38(c) for any taxable year were increased by the amount of employer payroll taxes imposed on the taxpayer during the calendar year in which the taxable year begins.

The amount of the credit allowed under this subsection shall not be treated as a credit allowed under this subpart and shall reduce the amount of the credit otherwise allowable under subsection (a) without regard to section 38(c).

''(2) ELIGIBLE EMPLOYER.—For purposes of this subsection, the term 'eligible employer' means an employer which is a State or local government or subdivision thereof.

''(3) EMPLOYER PAYROLL TAXES.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'employer payroll taxes' means the taxes imposed by—

''(i) section 3111(b), and

''(ii) sections 3211(a) and 3221(a) (determined at a rate equal to the rate under section 3111(b)).

''(B) SPECIAL RULE.—A rule similar to the rule of section 24(d)(2)(C) shall apply for purposes of subparagraph (A).''.

(b) CREDIT TO BE PART OF GENERAL BUSINESS CREDIT.—Subsection (b) of section 38 of such Code (relating to general business credit) is amended by striking ''plus'' at the end of paragraph (309), by striking the period at the end of paragraph (31) and inserting '', plus'', and by adding at the end the following:

''(32) the Ready Reserve-National Guard employee credit determined under section 45O(a).''.

(c) DENIAL OF DOUBLE BENEFIT.—Section 280C(a) (relating to rule for employment credits) is amended by inserting ''45O(a),'' after ''45A(a),''.

(d) CONFORMING AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 45N the following:

''Sec. 45O. Ready Reserve-National Guard employee credit.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 694. READY RESERVE-NATIONAL GUARD REPLACEMENT EMPLOYEE CREDIT.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to foreign tax credit, etc.) is amended by adding after section 30C the following new section:

''SEC. 30D. READY RESERVE-NATIONAL GUARD REPLACEMENT EMPLOYEE CREDIT.

''(a) ALLOWANCE OF CREDIT.—

''(1) IN GENERAL.—In the case of an eligible taxpayer, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year the sum of the employment credits for each qualified replacement employee under this section.

''(2) EMPLOYMENT CREDIT.—The employment credit with respect to a qualified replacement employee of the taxpayer for any taxable year is equal to 50 percent of the lesser of—

''(A) the individual's qualified compensation attributable to service rendered as a qualified replacement employee, or

''(B) $12,000.

''(b) QUALIFIED COMPENSATION.—The term 'qualified compensation' means—

''(1) compensation which is normally contingent on the qualified replacement employee's presence for work and which is deductible from the taxpayer's gross income under section 162(a)(1),

''(2) compensation which is not characterized by the taxpayer as vacation or holiday pay, or as sick leave or pay, or as any other form of pay for a nonspecific leave of absence, and

''(3) group health plan costs (if any) with respect to the qualified replacement employee.

''(c) QUALIFIED REPLACEMENT EMPLOYEE.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified replacement employee' means an individual who is hired to replace a Ready Reserve-National Guard employee or a Ready Reserve-National Guard self-employed taxpayer, but only with respect to the period during which—

''(A) such Ready Reserve-National Guard employee is receiving an actual compensation amount (as defined in section 45O(b)) from the employee's employer and is participating in qualified active duty, including time spent in travel status, or

''(B) such Ready Reserve-National Guard self-employed taxpayer is participating in such qualified active duty.

''(2) READY RESERVE-NATIONAL GUARD EMPLOYEE.—The term 'Ready Reserve-National Guard employee' has the meaning given such term by section 45O(d)(3).

''(3) READY RESERVE-NATIONAL GUARD SELF-EMPLOYED TAXPAYER.—The term 'Ready Reserve-National Guard self-employed taxpayer' means a taxpayer who—

''(A) has net earnings from self-employment (as defined in section 1402(a)) for the taxable year, and

''(B) is a member of the Ready Reserve of a reserve component of an Armed Force of the United States as described in section 10142 and 10101 of title 10, United States Code.

''(d) COORDINATION WITH OTHER CREDITS.—The amount of credit otherwise allowable under sections 51(a), 1396(a), or any other provision of this chapter with respect to any wages or other compensation paid to an employee shall be reduced by the credit allowed by this section with respect to such employee.

''(e) LIMITATIONS.—

''(1) APPLICATION WITH OTHER CREDITS.—The credit allowed under subsection (a) for any

taxable year shall not exceed the excess (if any) of—

''(A) the regular tax for the taxable year reduced by the sum of the credits allowable under subpart A and sections 27, 29, and 30, over

''(B) the tentative minimum tax for the taxable year.

''(2) DISALLOWANCE FOR FAILURE TO COMPLY WITH EMPLOYMENT OR REEMPLOYMENT RIGHTS OF MEMBERS OF THE RESERVE COMPONENTS OF THE ARMED FORCES OF THE UNITED STATES.—No credit shall be allowed under subsection (a) to a taxpayer for—

''(A) any taxable year, beginning after the date of the enactment of this section, in which the taxpayer is under a final order, judgment, or other process issued or required by a district court of the United States under section 4323 of title 38 of the United States Code with respect to a violation of chapter 43 of such title, and

''(B) the 2 succeeding taxable years.

''(f) GENERAL DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) ELIGIBLE TAXPAYER.—The term 'eligible taxpayer' means a small business employer or a Ready Reserve-National Guard self-employed taxpayer.

''(2) SMALL BUSINESS EMPLOYER.—

''(A) IN GENERAL.—The term 'small business employer' means, with respect to any taxable year, any employer who employed an average of 50 or fewer employees on business days during such taxable year.

''(B) CONTROLLED GROUPS.—For purposes of subparagraph (A), all persons treated as a single employer under subsection (b), (c), (m), or (o) of section 414 shall be treated as a single employer.

''(3) QUALIFIED ACTIVE DUTY.—The term 'qualified active duty' has the meaning given such term by section 45N(d)(1).

''(4) SPECIAL RULES FOR CERTAIN MANUFACTURERS.—

''(A) IN GENERAL.—In the case of any qualified manufacturer—

''(i) subsection (a)(2)(B) shall be applied by substituting '$20,000' for '$12,000', and

''(ii) paragraph (2)(A) of this subsection shall be applied by substituting '100' for '50'.

''(B) QUALIFIED MANUFACTURER.—For purposes of this paragraph, the term 'qualified manufacturer' means any person if—

''(i) the primary business of such person is classified in sector 31, 32, or 33 of the North American Industrial Classification System, and

''(ii) all of such person's facilities which are used for production in such business are located in the United States.

''(5) CARRYBACK AND CARRYFORWARD ALLOWED.—

''(A) IN GENERAL.—If the credit allowable under subsection (a) for a taxable year exceeds the amount of the limitation under subsection (e)(1) for such taxable year (in this paragraph referred to as the 'unused credit year'), such excess shall be a credit carryback to each of the 3 taxable years preceding the unused credit year and a credit carryforward to each of the 20 taxable years following the unused credit year.

''(B) RULES.—Rules similar to the rules of section 39 shall apply with respect to the credit carryback and credit carryforward under subparagraph (A).

''(6) CERTAIN RULES TO APPLY.—Rules similar to the rules of subsections (c), (d), and (e) of section 52 shall apply.''.

(b) NO DEDUCTION FOR COMPENSATION TAKEN INTO ACCOUNT FOR CREDIT.—Section 280C(a) of the Internal Revenue Code of 1986 (relating to rule for employment credits), as amended by this Act, is amended—

(1) by inserting ''or compensation'' after ''salaries'', and

(2) by inserting ''30D,'' before ''45A(a),''.

(c) CONFORMING AMENDMENT.—Section 55(c)(3) of the Internal Revenue Code of 1986 is amended by inserting ''30D(e)(1),'' after ''30C(d)(2),''.

(d) CLERICAL AMENDMENT.—The table of sections for subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding after the item relating to section 30C the following new item:

''Sec. 30D. Ready Reserve-National Guard Replacement Employee Credit.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 695. INCOME TAX WITHHOLDING ON DIFFERENTIAL WAGE PAYMENTS.

(a) IN GENERAL.—Section 3401 of the Internal Revenue Code of 1986 (relating to definitions) is amended by adding at the end the following new subsection:

''(h) DIFFERENTIAL WAGE PAYMENTS TO ACTIVE DUTY MEMBERS OF THE UNIFORMED SERVICES.—

''(1) IN GENERAL.—For purposes of subsection (a), any differential wage payment shall be treated as a payment of wages by the employer to the employee.

''(2) DIFFERENTIAL WAGE PAYMENT.—For purposes of paragraph (1), the term 'differential wage payment' means any payment which—

''(A) is made by an employer to an individual with respect to any period during which the individual is performing service in the uniformed services while on active duty for a period of more than 30 days, and

''(B) represents all or a portion of the wages the individual would have received from the employer if the individual were performing service for the employer.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to remuneration paid after December 31, 2006.

SEC. 696. TREATMENT OF DIFFERENTIAL WAGE PAYMENTS FOR RETIREMENT PLAN PURPOSES.

(a) PENSION PLANS.—

(1) IN GENERAL.—Section 414(u) of the Internal Revenue Code of 1986 (relating to special rules relating to veterans' reemployment rights under USERRA) is amended by adding at the end the following new paragraph:

''(11) TREATMENT OF DIFFERENTIAL WAGE PAYMENTS.—

''(A) IN GENERAL.—Except as provided in this paragraph, for purposes of applying this title to a retirement plan to which this subsection applies—

''(i) an individual receiving a differential wage payment shall be treated as an employee of the employer making the payment,

''(ii) the differential wage payment shall be treated as compensation, and

''(iii) the plan shall not be treated as failing to meet the requirements of any provision described in paragraph (1)(C) by reason of any contribution which is based on the differential wage payment.

''(B) SPECIAL RULE FOR DISTRIBUTIONS.—

''(i) IN GENERAL.—Notwithstanding subparagraph (A)(i), for purposes of section 401(k)(2)(B)(i)(I), 403(b)(7)(A)(ii), 403(b)(11)(A), or 457(d)(1)(A)(ii), an individual shall be treated as having been severed from employment during any period the individual is performing service in the uniformed services described in section 3401(h)(2)(A).

''(ii) LIMITATION.—If an individual elects to receive a distribution by reason of clause (i), the plan shall provide that the individual may not make an elective deferral or employee contribution during the 6-month period beginning on the date of the distribution.

''(C) NONDISCRIMINATION REQUIREMENT.—Subparagraph (A)(iii) shall apply only if all employees of an employer performing service in the uniformed services described in section 3401(h)(2)(A) are entitled to receive differential wage payments on reasonably equivalent terms and, if eligible to participate in a retirement plan maintained by the employer, to make contributions based on the payments. For purposes of applying this subparagraph, the provisions of paragraphs (3), (4), and (5), of section 410(b) shall apply.

''(D) DIFFERENTIAL WAGE PAYMENT.—For purposes of this paragraph, the term 'differential wage payment' has the meaning given such term by section 3401(h)(2).''.

(2) CONFORMING AMENDMENT.—The heading for section 414(u) of such Code is amended by inserting ''AND TO DIFFERENTIAL WAGE PAYMENTS TO MEMBERS ON ACTIVE DUTY'' after ''USERRA''.

(b) DIFFERENTIAL WAGE PAYMENTS TREATED AS COMPENSATION FOR INDIVIDUAL RETIREMENT PLANS.—Section 219(f)(1) of the Internal Revenue Code of 1986 (defining compensation) is amended by adding at the end the following new sentence: ''The term 'compensation' includes any differential wage payment (as defined in section 3401(h)(2)).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2006.

(d) PROVISIONS RELATING TO PLAN AMENDMENTS.—

(1) IN GENERAL.—If this subsection applies to any plan or annuity contract amendment—

(A) such plan or contract shall be treated as being operated in accordance with the terms of the plan or contract during the period described in paragraph (2)(B)(i), and

(B) except as provided by the Secretary of the Treasury, such plan shall not fail to meet the requirements of the Internal Revenue Code of 1986 or the Employee Retirement Income Security Act of 1974 by reason of such amendment.

(2) AMENDMENTS TO WHICH SECTION APPLIES.—

(A) IN GENERAL.—This subsection shall apply to any amendment to any plan or annuity contract which is made—

(i) pursuant to any amendment made by this section, and

(ii) on or before the last day of the first plan year beginning on or after January 1, 2009.

(B) CONDITIONS.—This subsection shall not apply to any plan or annuity contract amendment unless—

(i) during the period beginning on the date the amendment described in subparagraph (A)(i) takes effect and ending on the date described in subparagraph (A)(ii) (or, if earlier, the date the plan or contract amendment is adopted), the plan or contract is operated as if such plan or contract amendment were in effect, and

(ii) such plan or contract amendment applies retroactively for such period.

SA 2077. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XXVIII, add the following:

SEC. 2842. RELOCATION OF UNITS FROM ROBERTS UNITED STATES ARMY RESERVE CENTER AND NAVY-MARINE CORPS RESERVE CENTER, BATON ROUGE, LOUISIANA.

Recommendation # 23 of the September 8, 2005, Final Report of the 2005 Defense Base Closure and Realignment Commission, relating to the relocation of units from the Roberts United States Army Reserve Center and the Navy-Marine Corps Reserve Center, Baton Rouge, Louisiana, shall be interpreted as authorizing the relocation of such units to suitable State property in the vicinity of greater Baton Rouge, Louisiana.

SA 2078. Mr. GRAHAM (for himself, Mr. MCCAIN, and Mr. KYL) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle C of title X, add the following:

SEC. 1031. SENSE OF CONGRESS ON DWELL TIME BETWEEN DEPLOYMENTS FOR MEMBERS OF THE ARMED FORCES.

It is the sense of Congress that—

(1) the wartime demands placed on the men and women of the Armed Forces, both in the regular and reserve components, and upon their families and loved ones, since the terrorist attacks on the United States on September 11, 2001, have required the utmost in honor, courage, commitment, and dedication to duty, and the sacrifices they have made and continue to make in the defense of our nation will forever be remembered and revered;

(2) members of the Armed Forces who have completed combat deployments require as much certainty as possible about the amount of time they will be at their home stations before commencing a subsequent extended operational deployment; and

(3) the goal, consistent with wartime requirements, for dwell time between extended operational deployments of members of the Armed Forces should be—

(A) for members of the regular components of the Armed Forces, no less 12 months between deployments; and

(B) for members of the reserve components of the Armed Forces, no less than 5 years between deployments.

SA 2079. Mr. ALLARD (for himself and Mr. SALAZAR) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

SEC. 358. REIMBURSEMENT FOR COSTS OF MEETING AIR FORCE SAFETY REQUIREMENTS FOR FLIGHT TRAINING OPERATIONS, PUEBLO MEMORIAL AIRPORT, COLORADO.

None of the funds authorized to be appropriated by section 301(4) for operation and maintenance for the Air Force may be made available for Air Force flight training operations at Pueblo Memorial Airport, Colorado, until the Secretary of the Air Force certifies to the congressional defense committees that the Air Force has begun negotiations with the City of Pueblo, Colorado, for the reimbursement of costs incurred by the City in meeting Air Force safety requirements related to fire protection, crash rescue, and other emergency response capabilities required for such flight training operations.

SA 2080. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title V, add the following:

SEC. 555. ANNUAL ASSESSMENTS OF MOOD AMONG CADETS AND MIDSHIPMEN AT THE SERVICE ACADEMIES.

(a) UNITED STATES MILITARY ACADEMY.—

(1) IN GENERAL.—Chapter 403 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 4362. Cadets: annual assessment of mood among cadets

''(a) IN GENERAL.—The Secretary of the Army shall direct the Superintendent of the Academy to conduct at the Academy during each Academy program year an assessment of the mood among cadets at the Academy. The Superintendent shall conduct each such assessment through a survey of cadets conducted for that purpose.

''(b) MATTERS TO BE ASSESSED.—Each assessment under this section shall be designed to assess the mood and perceptions of cadets with respect to the following at the Academy:

''(1) With respect to sexual harassment and sexual violence—

''(A) the incidence during the program year covered by such assessment of sexual harassment and sexual violence events, on or off the Academy reservation, that have been reported to officials of the Academy;

''(B) the incidence during the program year covered by such assessment of sexual harassment and sexual violence events, on or off the Academy reservation, that have not been reported to officials of the Academy;

''(C) the policies, training, and procedures of the Academy on sexual harassment and sexual violence involving cadets or other Academy personnel, including the enforcement of such policies; and

''(D) any other issues relating to sexual harassment and sexual violence involving cadets or other Academy personnel.

''(2) Race and ethnicity.

''(3) Religion.

''(4) Alcohol-related behavior.

''(5) Trust and confidence in the leadership of the Academy.

''(6) Fear of reprisal.

''(7) Trust and confidence in the response of the Academy to sexual assault.

''(8) Any other matters that the Secretary considers appropriate.

''(c) ANNUAL REPORTS.—(1) The Secretary of the Army shall direct the Superintendent of the Academy to submit to the Secretary each year a report on the assessment conducted under this section for the preceding Academy program year.

''(2) Each report shall include the following:

''(A) The number of sexual assaults, rapes, and other sexual offenses involving cadets or other Academy personnel that have been reported to Academy officials during the program year covered by such report and, of those reported cases, the number that have been substantiated.

''(B) The policies, procedures, and processes implemented by the Secretary and the leadership of the Academy in response to sexual harassment and sexual violence involving cadets or other Academy personnel during such program year.

''(C) A plan for the actions that are to be taken in the following Academy program year regarding the prevention of and response to sexual harassment and sexual violence involving cadets or other Academy personnel.

''(D) The assessment of the Superintendent with respect to the matters specified in paragraphs (2) through (8) of subsection (b).

''(E) Any recommendations that the Superintendent considers appropriate in response to matters raised in or identified by the assessment.

''(F) Any other matters that the Superintendent considers appropriate.

''(3) The Secretary of the Army shall transmit to the Secretary of Defense, and to the Board of Visitors of the Academy, each report received by the Secretary of the Army under this subsection, together with the comments of the Secretary of the Army on such report.

''(4) The Secretary of Defense shall transmit each report received by the Secretary under this subsection, together with the comments of the Secretary on the report, to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 403 of such title is amended by adding at the end the following new item:

''4362. Cadets: annual assessment of mood among cadets.''.

(3) CONFORMING REPEAL.—Section 4361 of such title is amended by striking subsections (c) and (d).

(b) UNITED STATES NAVAL ACADEMY.—

(1) IN GENERAL.—Chapter 603 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 6981. Midshipmen: annual assessment of mood among midshipmen

''(a) IN GENERAL.—The Secretary of the Navy shall direct the Superintendent of the Naval Academy to conduct at the Naval Academy during each Academy program year an assessment of the mood among midshipmen at the Academy. The Superintendent shall conduct each such assessment through a survey of midshipmen conducted for that purpose.

''(b) MATTERS TO BE ASSESSED.—Each assessment under this section shall be designed to assess the mood and perceptions of midshipmen with respect to the following at the Academy:

''(1) With respect to sexual harassment and sexual violence—

''(A) the incidence during the program year covered by such assessment of sexual harassment and sexual violence events, on or off the Academy reservation, that have been reported to officials of the Academy;

''(B) the incidence during the program year covered by such assessment of sexual harassment and sexual violence events, on or off the Academy reservation, that have not been reported to officials of the Academy;

''(C) the policies, training, and procedures of the Academy on sexual harassment and sexual violence involving midshipmen or other Academy personnel, including the enforcement of such policies; and

''(D) any other issues relating to sexual harassment and sexual violence involving midshipmen or other Academy personnel.

''(2) Race and ethnicity.

''(3) Religion.

''(4) Alcohol-related behavior.

''(5) Trust and confidence in the leadership of the Academy.

''(6) Fear of reprisal.

''(7) Trust and confidence in the response of the Academy to sexual assault.

''(8) Any other matters that the Secretary considers appropriate.

''(c) ANNUAL REPORTS.—(1) The Secretary of the Navy shall direct the Superintendent of the Academy to submit to the Secretary each year a report on the assessment conducted under this section for the preceding Academy program year.

''(2) Each report shall include the following:

''(A) The number of sexual assaults, rapes, and other sexual offenses involving midshipmen or other Academy personnel that have been reported to Academy officials during the program year covered by such report and, of those reported cases, the number that have been substantiated.

''(B) The policies, procedures, and processes implemented by the Secretary and the leadership of the Academy in response to sexual harassment and sexual violence involving midshipmen or other Academy personnel during such program year.

''(C) A plan for the actions that are to be taken in the following Academy program year regarding the prevention of and response to sexual harassment and sexual violence involving midshipmen or other Academy personnel.

''(D) The assessment of the Superintendent with respect to the matters specified in paragraphs (2) through (8) of subsection (b).

''(E) Any recommendations that the Superintendent considers appropriate in response to matters raised in or identified by the assessment.

''(F) Any other matters that the Superintendent considers appropriate.

''(3) The Secretary of the Navy shall transmit to the Secretary of Defense, and to the Board of Visitors of the Naval Academy, each report received by the Secretary of the Navy under this subsection, together with the comments of the Secretary of the Navy on such report.

''(4) The Secretary of Defense shall transmit each report received by the Secretary under this subsection, together with the comments of the Secretary on the report, to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 603 of such title is amended by adding at the end the following new item:

''6981. Midshipmen: annual assessment of mood among midshipmen.''.

(3) CONFORMING REPEAL.—Section 6980 of such title is amended by striking subsections (c) and (d).

(c) UNITED STATES AIR FORCE ACADEMY.—

(1) IN GENERAL.—Chapter 903 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 9362. Cadets: annual assessment of mood among cadets

''(a) IN GENERAL.—The Secretary of the Air Force shall direct the Superintendent of the Academy to conduct at the Academy during each Academy program year an assessment of the mood among cadets at the Academy. The Superintendent shall conduct each such assessment through a survey of cadets conducted for that purpose.

''(b) MATTERS TO BE ASSESSED.—Each assessment under this section shall be designed to assess the mood and perceptions of cadets with respect to the following at the Academy:

''(1) With respect to sexual harassment and sexual violence—

''(A) the incidence during the program year covered by such assessment of sexual harassment and sexual violence events, on or off the Academy reservation, that have been reported to officials of the Academy;

''(B) the incidence during the program year covered by such assessment of sexual harassment and sexual violence events, on or off the Academy reservation, that have not been reported to officials of the Academy;

''(C) the policies, training, and procedures of the Academy on sexual harassment and sexual violence involving cadets or other Academy personnel, including the enforcement of such policies; and

''(D) any other issues relating to sexual harassment and sexual violence involving cadets or other Academy personnel.

''(2) Race and ethnicity.

''(3) Religion.

''(4) Alcohol-related behavior.

''(5) Trust and confidence in the leadership of the Academy.

''(6) Fear of reprisal.

''(7) Trust and confidence in the response of the Academy to sexual assault.

''(8) Any other matters that the Secretary considers appropriate.

''(c) ANNUAL REPORTS.—(1) The Secretary of the Air Force shall direct the Superintendent of the Academy to submit to the Secretary each year a report on the assessment conducted under this section for the preceding Academy program year.

''(2) Each report shall include the following:

''(A) The number of sexual assaults, rapes, and other sexual offenses involving cadets or other Academy personnel that have been reported to Academy officials during the program year covered by such report and, of those reported cases, the number that have been substantiated.

''(B) The policies, procedures, and processes implemented by the Secretary and the leadership of the Academy in response to sexual harassment and sexual violence involving cadets or other Academy personnel during such program year.

''(C) A plan for the actions that are to be taken in the following Academy program year regarding the prevention of and response to sexual harassment and sexual violence involving cadets or other Academy personnel.

''(D) The assessment of the Superintendent with respect to the matters specified in paragraphs (2) through (8) of subsection (b).

''(E) Any recommendations that the Superintendent considers appropriate in response to matters raised in or identified by the assessment.

''(F) Any other matters that the Superintendent considers appropriate.

''(3) The Secretary of the Air Force shall transmit to the Secretary of Defense, and to the Board of Visitors of the Academy, each report received by the Secretary of the Air Force under this subsection, together with the comments of the Secretary of the Air Force on such report.

''(4) The Secretary of Defense shall transmit each report received by the Secretary under this subsection, together with the comments of the Secretary on the report, to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 903 of such title is amended by adding at the end the following new item:

''9362. Cadets: annual assessment of mood among cadets.''.

(3) CONFORMING REPEAL.—Section 9361 of such title is amended by striking subsections (c) and (d).

(d) CONFORMING REPEAL OF REQUIREMENT FOR FOCUS GROUPS.—Subsection (b) of section 532 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2205; 10 U.S.C. 4361 note) is repealed.

SA 2081. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division C, add the following:

TITLE XXXIII—NAVAL PETROLEUM RESERVES

SEC. 3301. DISPOSITION OF QUALIFIED OIL SHALE REVENUES.

Section 7439 of title 10, United States Code, is amended—

(1) in subsection (f)—

(A) in paragraph (1)—

(i) by striking ''all moneys received during the period specified in paragraph (2)'' and inserting ''during the period beginning on November 18, 1997, and ending on December 31, 2017, all amounts received''; and

(ii) by striking ''and shall not be subject to the distribution to the States pursuant to subsection (a) of such section 35'' and inserting ''for distribution in accordance with subsection (g)''; and

(B) by striking paragraph (2) and inserting the following:

''(2) Any amounts deposited under paragraph (1) shall not be subject to distribution to the States under section 35(a) of the Mineral Leasing Act (30 U.S.C. 191(a)).''; and

(2) by striking subsection (g) and inserting the following:

''(g) USE OF REVENUES.—

''(1) DEFINITIONS.—In this subsection:

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

''(B) STATE.—The term 'State' means the State of Colorado.

''(C) STATE FUND.—The term 'State fund' means the oil shale special fund established under Colo. Rev. Stat. 34–63–104.

''(2) DISTRIBUTION OF REVENUES.—Of the amounts deposited under subsection (f)(1)—

''(A) 50 percent shall be transferred from the Secretary of the Treasury to the State for deposit in the State fund, for use in accordance with paragraph (3); and

''(B) 50 percent shall be deposited in a special account of the Treasury, to be available to the Secretary without further appropriation until expended, for use in accordance with paragraph (4).

''(3) USE OF STATE FUND.—Amounts deposited in the State fund under paragraph (2)(A) shall be used by the State in accordance with the provisions of the State fund to assist State agencies, school districts, and political subdivisions of the State affected by the development and production of energy resources from oil shale land in planning for and providing facilities and services associated with the development and production.

''(4) USE OF SPECIAL ACCOUNT.—

''(A) IN GENERAL.—The Secretary shall use amounts deposited in the special account under paragraph (2)(B) only for 1 or more of the following purposes:

''(i) Any necessary environmental restoration, waste management, or environmental

compliance activities with respect to Oil Shale Reserve Numbered 3 that are—

''(I) the responsibility of the United States; and

''(II)(aa) identified in the report relating to Oil Shale Reserve Numbered 3 submitted by the Secretary to Congress in November 2005; or

''(bb) identified by the Secretary after the date of the submission of the report described in item (aa).

''(ii) Any necessary additional analysis, site characterization, and geotechnical studies or monitoring that the Secretary determines to be necessary to support environmental restoration, waste management, or environmental compliance with respect to Oil Shale Reserve Numbered 3.

''(iii) Financial assistance to local governments in the States of Colorado, Utah, and Wyoming affected by the development and production of energy resources from oil shale land in the form of grants awarded in a manner prescribed by the Secretary to carry out planning for, and providing infrastructure that may be necessary to address, community needs created by new energy production and development activities.

''(iv) Financial assistance to the States of Colorado, Utah, and Wyoming for purposes of—

''(I) conducting studies requested by the Secretary; or

''(II) carrying out coordination and consultation activities under this section.

''(v) Any additional administrative costs incurred by the Bureau of Land Management for the coordination and processing of use authorizations on Federal land, inspection and enforcement activities, and monitoring necessary to implement section 369 of the Energy Policy Act of 2005 (42 U.S.C. 15927).

''(B) COORDINATION.—To ensure accountability and demonstrated results, the Secretary shall coordinate with the Secretary of Energy, the State, local governments, and other interested persons in using amounts in the special account under this paragraph.''.

SA 2082. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title V, add the following:

SEC. 565. EMERGENCY FUNDING FOR LOCAL EDUCATIONAL AGENCIES ENROLLING MILITARY DEPENDENT CHILDREN.

(a) SHORT TITLE.—This section may be cited as the ''Help for Military Children Affected by War Act of 2007''.

(b) GRANTS AUTHORIZED.—The Secretary of Defense is authorized to award grants to eligible local educational agencies for the additional education, counseling, and other needs of military dependent children who are affected by war or dramatic military decisions.

(c) DEFINITIONS.—In this section:

(1) ELIGIBLE LOCAL EDUCATIONAL AGENCY.—The term ''eligible local educational agency'' means a local educational agency that—

(A)(i) had a number of military dependent children in average daily attendance in the schools served by the local educational agency during the school year preceding the school year for which the determination is made, that—

(I) equaled or exceeded 20 percent of the number of all children in average daily attendance in the schools served by such agency during the preceding school year; or

(II) was 1,000 or more,

whichever is less; and

(ii) is designated by the Secretary of Defense as impacted by—

(I) Operation Iraqi Freedom;

(II) Operation Enduring Freedom;

(III) the global rebasing plan of the Department of Defense;

(IV) the realignment of forces as a result of the base closure process;

(V) the official creation or activation of 1 or more new military units; or

(VI) a change in the number of required housing units on a military installation, due to the Military Housing Privatization Initiative of the Department of Defense; or

(B)(i) enrolls not less than 1 military dependent child affected by Operation Iraqi Freedom or Operation Enduring Freedom, as certified by the Secretary of Education; and

(ii) is not eligible for a payment under section 8002 or 8003 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7702, 7703).

(2) LOCAL EDUCATIONAL AGENCY.—The term ''local educational agency'' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(3) MILITARY DEPENDENT CHILD.—The term ''military dependent child''—

(A) means a child described in subparagraph (B) or (D)(i) of section 8003(a)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(a)(1)); and

(B) includes a child—

(i) who resided on Federal property with a parent on active duty in the National Guard or Reserve; or

(ii) who had a parent on active duty in the National Guard or Reserve but did not reside on Federal property.

(d) USE OF FUNDS.—Grant funds provided under this section shall be used for—

(1) tutoring, after-school, and dropout prevention activities for military dependent children with a parent who is or has been impacted by war-related action described in subclause (I), (II), or (III) of subsection (c)(1)(A)(ii);

(2) professional development of teachers, principals, and counselors on the needs of military dependent children with a parent who is or has been impacted by war-related action described in subclause (I), (II), or (III) of subsection (c)(1)(A)(ii);

(3) counseling and other comprehensive support services for military dependent children with a parent who is or has been impacted by war-related action described in subclause (I), (II), or (III) of subsection (c)(1)(A)(ii), including the hiring of a military-school liaison; and

(4) other basic educational activities associated with an increase in military dependent children.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Department of Defense $200,000,000 to carry out this section for fiscal year 2008 and such sums as may be necessary for each of the 3 succeeding fiscal years.

(2) SPECIAL RULE.—Funds appropriated under paragraph (1) are in addition to any funds made available to local educational agencies under section 561 or 562 of this Act or section 8003 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703).

SA 2083. Mr. DODD submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A, add the following:

TITLE XVI—MILITARY COMMISSION AND RELATED MATTERS

SEC. 1601. SHORT TITLE.

(a) SHORT TITLE.—This title may be cited as the ''Restoring the Constitution Act of 2007''.

(b) INEFFECTIVENESS OF CERTAIN PROVISIONS.—The amendments made by section 1023 of this Act shall not go into effect.

SEC. 1602. DEFINITION OF UNLAWFUL ENEMY COMBATANT.

Paragraph (1) of section 948a of title 10, United States Code, is amended to read as follows:

''(1) UNLAWFUL ENEMY COMBATANT.—The term 'unlawful enemy combatant' means an individual who is not a lawful enemy combatant and—

''(A) who directly participates in hostilities in a zone of active combat against the United States; or

''(B) who—

''(i) planned, authorized, committed, or intentionally aided the terrorist acts on the United States of September 11, 2001; or

''(ii) intentionally harbored any individual described in clause (i).

The term is used solely to designate individuals triable by military commission under this chapter.''.

SEC. 1603. CONSTRUCTION WITH GENEVA CONVENTIONS.

Subsection (g) of section 948b of title 10, United States Code, is amended to read as follows:

''(g) CONSTRUCTION WITH GENEVA CONVENTIONS.—To the extent that any provision of this chapter is determined to be inconsistent with the obligations of the United States under the Geneva Conventions, the Geneva Conventions shall prevail, and such provision shall be deemed to have no further force or effect.''.

SEC. 1604. DETERMINATION OF UNLAWFUL ENEMY COMBATANT STATUS BY COMBATANT STATUS REVIEW TRIBUNAL NOT DISPOSITIVE FOR PURPOSES OF JURISDICTION OF MILITARY COMMISSIONS.

Section 948d of title 10, United States Code, is amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

SEC. 1605. TRIAL COUNSEL AND DEFENSE COUNSEL.

(a) REPEAL OF AUTHORITY FOR CIVILIAN TRIAL COUNSEL.—Subsection (b) of section 948k of title 10, United States Code, is amended to read as follows:

''(b) MILITARY TRIAL COUNSEL.—Subject to subsection (e), trial counsel detailed for a military commission under this chapter must be a judge advocate (as that term is defined in section 801 of this title (article 1 of the Uniform Code of Military Justice)) who is—

''(1) a graduate of an accredited law school or is a member of the bar of a Federal court or of the highest court of a State; and

''(2) certified as competent to perform duties as trial counsel before general courts-martial by the Judge Advocate General of the armed force of which he is a member.''.

(b) AUTHORITY FOR CIVILIAN DEFENSE COUNSEL.—Subsection (c) of such section is amended to read as follows:

''(c) DEFENSE COUNSEL.—Subject to subsection (e), trial counsel detailed for a military commission under this chapter must be—

''(1) a judge advocate (as so defined) who is—

''(A) a graduate of an accredited law school or is a member of the bar of a Federal court or of the highest court of a State; and

''(B) certified as competent to perform duties as trial counsel before general courts-martial by the Judge Advocate General of the armed force of which he is a member; or

''(2) a civilian who is—

''(A) a member of the bar of a Federal court or of the highest court of a State; and

''(B) otherwise qualified to practice before the military commission pursuant to regulations prescribed by the Secretary of Defense.''.

(c) CONFORMING AMENDMENT.—Subsection (d)(1) of such section is amended by striking ''subsection (b)(1)'' and inserting ''subsection (b)''.

SEC. 1606. EXCLUSION FROM TRIAL BY MILITARY COMMISSION OF STATEMENTS OBTAINED BY COERCION.

Section 948r of title 10, United States Code, is amended by striking subsections (c) and (d) and inserting the following new subsection (c):

''(c) EXCLUSION OF STATEMENTS OBTAINED BY COERCION.—A statement obtained by use of coercion shall not be admissible in a military commission under this chapter, except against a person accused of coercion as evidence that the statement was made.''.

SEC. 1607. MODIFICATION OF AUTHORITIES ON RULES FOR MILITARY COMMISSIONS.

(a) RULES GENERALLY.—Subsection (a) of section 949a of title 10, United States Code, is amended to read as follows:

''(a) PROCEDURES AND RULES OF EVIDENCE.—(1) Pretrial, trial, and post-trial procedures, including elements and modes of proof, for cases triable by military commission under this chapter may be prescribed by the Secretary of Defense. Such procedures may not be contrary to or inconsistent with this chapter. Except as otherwise provided in this chapter or chapter 47 of this title, the procedures and rules of evidence applicable in trials by general courts-martial shall apply in trials by military commission under this chapter.

''(2) The Secretary of Defense may, in consultation with the Attorney General, make such exceptions in the applicability in trials by military commission under this chapter from the procedures and rules of evidence otherwise applicable in general courts-martial as may be required by the unique circumstances of the conduct of military or intelligence operations during hostilities. Such exceptions may not be contrary to or inconsistent with this chapter.''.

(b) EXCLUSION OF EVIDENCE SEIZED INSIDE THE UNITED STATES WITHOUT WARRANT.—Subsection (b)(2)(B) of such section is amended by inserting ''seized outside the United States'' after ''Evidence''.

(c) DISCRETION OF MILITARY JUDGE TO EXCLUDE HEARSAY EVIDENCE DETERMINED TO BE UNRELIABLE OR LACKING IN PROBATIVE VALUE.—Subsection (b)(2)(E)(ii) of such section is amended by striking ''if the party opposing the admission of the evidence demonstrates that the evidence is unreliable or lacking in probative value'' and inserting ''if the military judge determines, upon motion by counsel, that the evidence is unreliable or lacking in probative value''.

SEC. 1608. SELF-REPRESENTATION OF ACCUSED BEFORE MILITARY COMMISSIONS.

Section 949c of title 10, United States Code, is amended by adding at the end the following new subsection:

''(c) SELF-REPRESENTATION BY ACCUSED.—(1) Notwithstanding any provision of subsection (b), the accused may represent himself in his defense before a military commission under this chapter.

''(2) The accused's representation of himself in his defense shall be governed by such rules as the Secretary of Defense shall prescribe. Such rules, and any rights, privileges, or limitations under such rules, shall be consistent with rules applicable to self-representation by an accused in a criminal trial under the laws of the United States and international law.

''(3) If the accused represents himself under this subsection, the accused—

''(A) shall be assisted in his defense by military defense counsel detailed in accordance with subsection (b)(2); or

''(B) may be assisted in his defense by civilian defense counsel meeting the requirements of subsection (b)(3), together with military defense counsel so detailed.

''(4) Any civilian counsel assisting in the defense of an accused under this subsection shall comply with the provisions of subsection (b)(4).

''(5) Subsection (b)(7) shall not apply with respect to any defense counsel assisting in the defense of an accused under this subsection, except to the extent the accused is unable to carry out his defense.''.

SEC. 1609. ENHANCEMENT OF AUTHORITIES ON DISCOVERY OF WITNESSES AND OTHER EVIDENCE.

(a) DISCOVERY OF SOURCES, METHODS, AND ACTIVITIES RELATING TO CERTAIN GOVERNMENT ACTIONS.—Subsection (c) of section 949j of title 10, United States Code, is amended—

(1) in paragraph (2), by striking ''The military judge'' and inserting ''Except as provided in paragraph (3), the military judge''; and

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

''(3) Notwithstanding any other provision of this chapter, the military judge may, upon motion of defense counsel and at the discretion of the military judge, order trial counsel to disclose to defense counsel the sources, methods, or activities (including classified sources, methods, or activities) by which the United States obtained any out of court statement the United States intends to introduce at trial if the military judge determines, after ex parte review, in camera review, or both, that evidence of such sources, methods, or activities, as the case may be, might reasonably tend to affect the weight given to the out of court statement by the members of the military commission. The military judge shall revoke such an order in the event the United States elects not introduce the out of court statement concerned at trial.''.

(b) DISCRETION OF MILITARY JUDGE TO TAKE CERTAIN ACTIONS IF SUBSTITUTE FOR CLASSIFIED EXCULPATORY EVIDENCE IS INSUFFICIENT TO PROTECT RIGHT OF DEFENDANT TO FAIR TRIAL.—Subsection (d)(1) of such section is amended by adding at the end the following: ''If the military judge determines that the substitute is not sufficient to protect the right of the defendant to a fair trial, the military judge may—

''(A) dismiss the charges in their entirety;

''(B) dismiss the charges or specifications or both to which the information relates; or

''(C) take such other actions as may be required in the interest of justice.''.

SEC. 1610. REVIEW OF MILITARY COMMISSION DECISIONS BY UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES RATHER THAN COURT OF MILITARY COMMISSION REVIEW.

(a) REVIEW.—

(1) IN GENERAL.—Section 950f of title 10, United States Code, is amended to read as follows:

''§ 950f. Review by Court of Appeals for the Armed Forces

''The United States Court of Appeals for the Armed Forces, in accordance with procedures prescribed under regulations of the Secretary, shall review the record in each case that is referred to the Court by the convening authority under section 950c of this title with respect to any matter of law raised by the accused.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter VI of chapter 47A of such title is amended by striking the item relating to section 950f and inserting the following new item:

''950f. Review by Court of Appeals for the Armed Forces.''.

(b) CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Chapter 47A of title 10, United States Code, is further amended as follows:

(A) In section 950c(a), by striking ''the Court of Military Commission Review'' and inserting ''the United States Court of Appeals for the Armed Forces''.

(B) In section 950d, by striking ''the Court of Military Commission Review'' each place it appears and inserting ''the United States Court of Appeals for the Armed Forces''.

(C) In section 950g(a)(2), by striking ''the Court of Military Commission Review'' each place it appears and inserting ''the United States Court of Appeals for the Armed Forces''.

(D) In section 950h, by striking ''the Court of Military Commission Review'' each place it appears and inserting ''the United States Court of Appeals for the Armed Forces''.

(2) UNIFORM CODE OF MILITARY JUSTICE.—Section 867a(a) of title 10, United States Code (article 67a(a) of the Uniform Code of Military Justice), is amended by striking ''Decisions'' and inserting ''Except as provided in sections 950d and 950g of this title, decisions''.

SEC. 1611. SCOPE OF REVIEW OF DETENTION-RELATED DECISIONS.

(a) SCOPE OF REVIEW OF UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT.—Section 950g of title 10, United States Code, is amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

(b) SCOPE OF AUTHORITY FOR REVIEW OF MILITARY COMMISSION PROCEDURES AND ACTIONS.—Subsection (b) of section 950j of such title is amended to read as follows:

''(b) LIMITED REVIEW OF MILITARY COMMISSION PROCEDURES AND ACTIONS.—Except as otherwise provided in this chapter, section 2241 of title 28, and any other habeas corpus provision, no court, justice, or judge shall have jurisdiction to hear or consider any claim or cause of action whatsoever, including any action pending on or filed after October 17, 2006, relating to the prosecution, trial, or judgment of a military commission under this chapter, including challenges to the lawfulness of procedures of military commissions under this chapter.''.

(c) TERMINATION OF SUPERSEDED AUTHORITY FOR REVIEW OF CSRTS.—Section 1005(e) of the Detainee Treatment Act of 2005 (10 U.S.C. 801 note) is amended by striking paragraphs (2) through (4).

SEC. 1612. REPEAL OF PROHIBITION ON TREATY OBLIGATIONS AS ESTABLISHING GROUNDS FOR CERTAIN CLAIMS.

Section 5 of the Military Commissions Act of 2006 (Public Law 109–366; 120 Stat. 2631; 28 U.S.C. 2241 note) is repealed.

SEC. 1613. IMPLEMENTATION OF TREATY OBLIGATIONS.

(a) IN GENERAL.—Section 6(a) of the Military Commissions Act of 2006 (Public Law 109–366; 120 Stat. 2632; 18 U.S.C. 2441 note) is amended—

(1) in paragraph (2)—

(A) in the first sentence, by inserting after ''international character'' the following:

''and preserve the capacity of the United States to prosecute nationals of enemy powers for engaging in acts against members of the United States Armed Forces and United States citizens that have been prosecuted by the United States as war crimes in the past''; and

(B) by striking the second sentence; and

(2) in paragraph (3)—

(A) in subparagraph (A)—

(i) by striking ''the President has the authority for the United States to interpret the meaning and application of the Geneva Conventions and to promulgate'' and inserting ''the President has the authority, subject to congressional oversight and judicial review, to promulgate''; and

(ii) by striking ''higher standards and'';

(B) in subparagraph (B), by striking ''interpretations'' and inserting ''rules''; and

(C) by amending subparagraph (D) to read as follows:

''(D) The President shall notify other parties to the Geneva Conventions that the United States expects members of the United States Armed Forces and other United States citizens detained in a conflict not of an international character to be treated in a manner consistent with the standards described in subparagraph (A) and embodied in section 2441 of title 18, United States Code, as amended by subsection (b).''.

(b) MODIFICATION OF WAR CRIMES OFFENSES.—

(1) INCLUSION OF DENIAL OF TRIAL RIGHTS AMONG OFFENSES.—Paragraph (1) of section 2441(d) of title 18, United States Code, is amended by adding at the end the following new subparagraph:

''(J) DENIAL OF TRIAL RIGHTS.—The act of a person who intentionally denies one or more persons the right to be tried before a regularly constituted court affording all the judicial guarantees which are recognized as indispensable by civilized peoples as prescribed by common Article 3.''.

(2) INCLUSION OF IMPOSITION OF CRUEL, INHUMAN, OR DEGRADING TREATMENT OR PUNISHMENT AMONG OFFENSES.—Such section is further amended—

(A) in paragraph (1), by adding at the end the following new subparagraph:

''(K) CRUEL, INHUMAN, OR DEGRADING TREATMENT OR PUNISHMENT.—The act of a person who subjects, or conspires or attempts to subject, an individual in the custody or under the physical control of the United States Government, regardless of nationality or physical location, to cruel, inhuman, or degrading treatment or punishment.''; and

(B) in paragraph (2)—

(i) in subparagraph (D), by striking ''and'' at the end;

(ii) in subparagraph (E), by striking the period at the end and inserting ''; and''; and

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

''(F) the term 'cruel, inhuman, or degrading treatment or punishment' shall be applied for purposes of paragraph (1)(K) in accordance with the meaning given that term in section 6(c)(2) of the Military Commissions Act of 2006 (42 U.S.C. 2000dd–0).''.

(3) INCLUSION OF CERTAIN OTHER VIOLATIONS OF COMMON ARTICLE 3 AMONG OFFENSES.—Paragraph (1) of such section is further amended by adding at the end the following new subparagraph:

''(L) CERTAIN OTHER VIOLATIONS OF COMMON ARTICLE 3.—The act of a person not subject to chapter 47 of title 10 (the Uniform Code of Military Justice) who commits, or conspires or attempts to commit, an act not otherwise enumerated under this paragraph that constitutes a violation of common Article 3 and is an act which, if committed by a person subject to chapter 47 of title 10, would be punishable under that chapter by the penalty of death or confinement for one year or more.''.

(4) ADDITIONAL DEFINITIONAL MATTERS.—Paragraph (2) of such section is further amended—

(A) in subparagraph (D)—

(i) by striking clause (ii) and inserting the following new clause (ii):

''(ii) serious physical pain;''; and

(ii) in clause (iii), by striking ''(other than cuts, abrasions, or bruises)''; and

(B) in subparagraph (E)(ii), by striking ''and non-transitory''.

SEC. 1614. RESTORATION OF HABEAS CORPUS FOR INDIVIDUALS DETAINED BY THE UNITED STATES.

(a) RESTORATION.—Subsection (e) of section 2241 of title 28, United States Code, is repealed.

(b) CONFORMING AMENDMENT.—Subsection (b) of section 7 of the Military Commissions Act of 2006 (Public Law 109–366; 120 Stat. 2636; 28 U.S.C. 2441 note) is repealed.

SEC. 1615. EXPEDITED JUDICIAL REVIEW OF MILITARY COMMISSIONS ACT OF 2006.

Notwithstanding any other provision of law, the following rules shall apply to any civil action, including an action for declaratory judgment, that challenges any provision of the Military Commissions Act of 2006 (Public Law 109–366), or any amendment made by that Act, on the ground that such provision or amendment violates the Constitution or the laws of the United States:

(1) The action shall be filed in the United States District Court for the District of Columbia and shall be heard in that Court by a court of three judges convened pursuant to section 2284 of title 28, United States Code.

(2) An interlocutory or final judgment, decree, or order of the United States District Court for the District of Columbia in an action under paragraph (1) shall be reviewable as a matter of right by direct appeal to the Supreme Court of the United States. Any such appeal shall be taken by a notice of appeal filed within 10 days after the date on which such judgment, decree, or order is entered. The jurisdictional statement with respect to any such appeal shall be filed within 30 days after the date on which such judgment, decree, or order is entered.

(3) It shall be the duty of the United States District Court for the District of Columbia and the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of any action or appeal, respectively, brought under this section.

SEC. 1616. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by this title shall take effect on October 17, 2006, the date of the enactment of the Military Commissions Act of 2006 (Public Law 109–366), immediately after the enactment of that Act and shall apply to all cases, without exception, that are pending on or after such date.

(b) REVISIONS TO WAR CRIMES OFFENSES.—The amendments made by section 1613(b) shall take effect on the date of the enactment of this Act.

SA 2084. Mr. OBAMA (for himself and Mr. WHITEHOUSE) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VIII, add the following:

SEC. 876. TRANSPARENCY AND ACCOUNTABILITY IN MILITARY AND SECURITY CONTRACTING.

(a) REPORTS ON IRAQ AND AFGHANISTAN CONTRACTS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, the Secretary of State, the Secretary of the Interior, the Administrator of the United States Agency for International Development, and the Director of National Intelligence shall each submit to Congress a report that contains the information, current as of the date of the enactment of this Act, as follows:

(1) The number of persons performing work in Iraq and Afghanistan under contracts (and subcontracts at any tier) entered into by departments and agencies of the United States Government, including the Department of Defense, the Department of State, the Department of the Interior, and the United States Agency for International Development, respectively.

(2) The companies awarded such contracts and subcontracts.

(3) The total cost of such contracts.

(4) The total number of persons who have been killed or wounded in performing work under such contracts.

(b) DEPARTMENT OF DEFENSE REPORT ON STRATEGY FOR AND APPROPRIATENESS OF ACTIVITIES OF CONTRACTORS UNDER DEPARTMENT OF DEFENSE CONTRACTS IN IRAQ, AFGHANISTAN, AND THE GLOBAL WAR ON TERROR.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report setting forth the strategy of the Department of Defense for the use of, and a description of the activities being carried out by, contractors and subcontractors working in Iraq and Afghanistan in support of Department missions in Iraq, Afghanistan, and the Global War on Terror, including its strategy for ensuring that such contracts do not—

(1) have private companies and their employees performing inherently governmental functions;

(2) place contractors in supervisory roles over United States Government personnel; or

(3) threaten the safety of contractor personnel or United States Government personnel.

(c) LEGAL STATUS OF CONTRACT PERSONNEL.—

(1) INCLUSION OF CONTRACTORS UNDER MILITARY EXTRATERRITORIAL JURISDICTION ACT.—Paragraph (1)(A) of section 3267 of title 18, United States Code, is amended—

(A) in subparagraph (ii)(II), by inserting before the semicolon the following: ''or is carried out in a region outside the United States in which the Armed Forces are conducting a contingency operation''; and

(B) in subparagraph (iii)(II), by inserting before the semicolon the following: ''or is carried out in a region outside the United States in which the Armed Forces are conducting a contingency operation''.

(2) CONTINGENCY OPERATION DEFINED.—Such section is further amended by adding at the end the following:

''(5) The term 'contingency operation' has the meaning given that term in section 101(a)(13) of title 10.''.

(d) DEPARTMENT OF JUSTICE INSPECTOR GENERAL REPORT.—

(1) REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Inspector General of the Department of Justice shall, in consultation with the Inspector General of the Department of State, the Inspector General of the United States Agency for International Development, and the Special Inspector General for Iraq Reconstruction, submit to Congress a report.

(2) CONTENT OF REPORT.—The report shall include—

(A) a description of the status of Department of Justice investigations of abuses alleged to have been committed by contract personnel performing private security functions, other contract personnel, or contractors under covered contracts, which shall include—

(i) the number of complaints received by the Department of Justice;

(ii) the number of investigations into complaints opened by the Department of Justice;

(iii) the number of criminal cases opened by the Department of Justice; and

(iv) the number and result of criminal cases closed by the Department of Justice; and

(B) findings and recommendations about the capacity and effectiveness of the Department of Justice in prosecuting misconduct by such contract personnel.

(3) FORM.—The report shall be submitted in unclassified form, but may include a classified annex.

SA 2085. Mr. OBAMA (for himself and Mrs. MURRAY) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, add the following:

SEC. 703. POSTDEPLOYMENT MEDICAL AND MENTAL HEALTH SCREENINGS FOR MEMBERS OF THE ARMED FORCES.

Section 1074f(b) of title 10, United States Code, is amended—

(1) by inserting ''(1)'' before ''The system'';

(2) by striking the second sentence; and

(3) by adding at the end the following new paragraph:

''(2) The postdeployment examination shall be conducted not later than 90 days after the date of the return of a member to the United States from a deployment as described in subsection (a). The examination shall include a comprehensive medical and mental health assessment conducted on an individualized basis by personnel qualified to conduct such examinations.''.

SA 2086. Mr. OBAMA (for himself, Mr. BOND, Mrs. BOXER, Mrs. MCCASKILL, and Mrs. MURRAY) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle II of title V, add the following:

SEC. 593. DISCHARGE OF MEMBERS OF THE ARMED FORCES FOR PERSONALITY DISORDER.

(a) TEMPORARY MORATORIUM ON DISCHARGES.—Effective as of the date of the enactment of this Act, the Secretary of a military department may not, except as provided in subsection (b), discharge from the Armed Forces for personality disorder any member of the Armed Forces (including a member of the National Guard or Reserve) who has served on active duty in a combat zone until the later of the dates as follows:

(1) The date of the completion by the Secretary of Defense of a review of the policies and procedures of the Department of Defense for diagnosing a personality disorder in members of the Armed Forces.

(2) The date of the issuance by the Secretary of Defense of policies and procedures to ensure the appropriate use of discharge of members of the Armed Forces for personality disorder, which discharges shall be based on standard clinical diagnostic practices, including the practices outlined in the most recent edition of the Diagnostic Statistical Manual for Mental Disorders.

(3) The date of the establishment by the Secretary of Defense of an independent review board for discharges of members of the Armed Forces for personality discharge, including for members so discharged on or after September 12, 2001, and before the date of the enactment of this Act.

(4) The date of the submittal by the Secretary of Defense of a report to Congress on the progress in implementing the requirements of paragraphs (1) through (3).

(5) The date that is 45 days after the date of the submittal of the report referred to in paragraph (4), which period shall permit Congress to consider the report.

(b) EXCEPTION.—The limitation in subsection (a) shall not apply with respect to any member of the Armed Forces who provided false or misleading information, or omitted providing information about past criminal behavior, that is material to a discharge for personality disorder during recruitment for or enlistment in the Armed Forces.

SA 2087. Mr. LEVIN (for himself, Mr. REED, Mr. SMITH,Mr. HAGEL, Mr. KERRY, Ms. SNOWE, Mr. BIDEN, Mr. OBAMA, Mrs. CLINTON, and Mr. DURBIN) proposed an amendment to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle C of title XV, add the following:

SEC. 1535. REDUCTION AND TRANSITION OF UNITED STATES FORCES IN IRAQ.

(a) DEADLINE FOR COMMENCEMENT OF REDUCTION.—The Secretary of Defense shall commence the reduction of the number of United States forces in Iraq not later than 120 days after the date of the enactment of this Act.

(b) IMPLEMENTATION OF REDUCTION AS PART OF COMPREHENSIVE STRATEGY.—The reduction of forces required by this section shall be implemented as part of a comprehensive diplomatic, political, and economic strategy that includes sustained engagement with Iraq's neighbors and the international community for the purpose of working collectively to bring stability to Iraq. As part of this effort, the President shall direct the United States Permanent Representative to the United Nations to use the voice, vote, and influence of the United States at the United Nations to seek the appointment of an international mediator in Iraq, under the auspices of the United Nations Security Council, who has the authority of the international community to engage political, religious, ethnic, and tribal leaders in Iraq in an inclusive political process.

(c) LIMITED PRESENCE AFTER REDUCTION AND TRANSITION.—After the conclusion of the reduction and transition of United States forces to a limited presence as required by this section, the Secretary of Defense may deploy or maintain members of the Armed Forces in Iraq only for the following missions:

(1) Protecting United States and Coalition personnel and infrastructure.

(2) Training, equipping, and providing logistic support to the Iraqi Security Forces.

(3) Engaging in targeted counterterrorism operations against al Qaeda, al Qaeda affiliated groups, and other international terrorist organizations.

(d) COMPLETION OF TRANSITION.—The Secretary of Defense shall complete the transition of United States forces to a limited presence and missions as described in subsection (c) by April 30, 2008.

SA 2088. Mr. REED proposed an amendment to amendment SA 2087 proposed by Mr. LEVIN (for himself, Mr. REED, Mr. SMITH, Mr. HAGEL, Mr. KERRY, Ms. SNOWE, Mr. BIDEN, Mr. OBAMA, Mrs. CLINTON, and Mr. DURBIN) to the amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military actvities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes, as follows:

At the end of the amendment add the following:

This section shall take effect one day after the date of this bill's enactment.

SA 2089. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 2019 submitted by Mr. LEVIN (for himself and Mr. MCCAIN) and intended to be proposed to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 50, strike lines 11 and 12 and insert the following:

''(13) To develop a program on comprehensive pain management, including management of acute and chronic pain, to utilize current and develop new treatments for pain, and to identify and disseminate best practices on pain management.

''(14) Such other responsibilities as the Secretary shall specify.''.

SA 2090. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 2019 submitted by Mr. LEVIN (for himself and Mr. MCCAIN) and intended to be proposed to the H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 46, strike lines 17 and 18 and insert the following:

''(14) To develop a program on comprehensive pain management, including management of acute and chronic pain, to utilize current and develop new treatments for pain, and to identify and disseminate best practices on pain management.

''(15) Such other responsibilities as the Secretary shall specify.''.

SA 2091. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title III, add the following:

SEC. 358. AUTHORITY FOR DEPARTMENT OF DEFENSE TO PROVIDE SUPPORT FOR CERTAIN SPORTING EVENTS.

(a) PROVISION OF SUPPORT.—Section 2564 of title 10, United States Code, is amended—

(1) in subsection (c), by adding at the end the following new paragraphs:

''(4) A sporting event sanctioned by the United States Olympic Committee through the Paralympic Military Program.

''(5) Any national or international paralympic sporting event (other than a sporting event described in paragraph (1) through (4))—

''(A) that—

''(i) is held in the United States or any of its territories or commonwealths;

''(ii) is governed by the International Paralympic Committee; and

''(iii) is sanctioned by the United States Olympic Committee; and

''(B) for which participation exceeds 100 amateur athletes.''; and

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

''(g) FUNDING FOR SUPPORT OF CERTAIN EVENTS.—(1) Amounts for the provision of support for a sporting event described in paragraph (4) or (5) of subsection (c) shall be derived from the Support for International Sporting Competitions, Defense account established by section 5802 of the Omnibus Consolidated Appropriations Act, 1997 (10 U.S.C. 2564 note), notwithstanding any limitation under that section relating to the availability of funds in such account for the provision of support for international sporting competitions.

''(2) The total amount expended for any fiscal year to provide support for sporting events described in subsection (c)(5) may not exceed $1,000,000.''.

(b) SOURCE OF FUNDS.—Section 5802 of the Omnibus Consolidated Appropriations Act, 1997 (10 U.S.C. 2564 note) is amended—

(1) by inserting after ''international sporting competitions'' the following: ''and for support of sporting competitions authorized under section 2564(c)(4) and (5), of title 10, United States Code,''; and

(2) by striking ''45 days'' and inserting ''15 days''.

SA 2092. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title VI, add the following

SEC. 604. GUARANTEED PAY INCREASE FOR MEMBERS OF THE ARMED FORCES OF ONE-HALF OF ONE PERCENTAGE POINT HIGHER THAN EMPLOYMENT COST INDEX.

Section 1009(c)(2) of title 37, United States Code, is amended by striking ''fiscal years 2004, 2005, and 2006'' and inserting ''fiscal years 2009 through 2012''.

SA 2093. Mr. BROWN submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1532.

SA 2094. Mr. BROWN submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title V, add the following:

SEC. 510. EVALUATION OF POLICIES AND PRACTICES ON RECRUITMENT, RETENTION, AND PROMOTION OF OFFICERS WHO ARE MEMBERS OF MINORITIES.

(a) PANEL FOR EVALUATION.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall establish a panel of distinguished individuals in the private sector to carry out an evaluation of the policies, procedures, and practices of the military departments on the recruitment, retention, and promotion of commissioned officers of the Armed Forces who are members or minority groups to identify potential improvements to such policies, procedures, and practices in order to improve and enhance the recruitment, retention, and promotion of commissioned officers of the Armed Forces who are members of minority groups.

(b) REPORT.—Not later than 180 days after the establishment of the panel required by subsection (a), the panel shall submit to the Secretary and Congress a report on the evaluation carried out under that subsection, including—

(1) a description of the evaluation; and

(2) such recommendations for legislative or administrative action as the panel considers appropriate in order to improve and enhance the recruitment, retention, and promotion of commissioned officers of the Armed Forces who are members of minority groups.

SA 2095. Mr. BROWN submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VI, add the following:

SEC. 656. TRANSPORTATION OF REMAINS OF DECEASED MEMBERS OF THE ARMED FORCES AND CERTAIN OTHER PERSONS.

Section 1482(a)(8) of title 10, United States Code, is amended by adding at the end the following new sentence: ''When transportation of the remains includes transportation by aircraft, the Secretary concerned shall provide, to the maximum extent possible, for delivery of the remains by air to the commercial, general aviation, or military airport nearest to the place selected by the designee or, if such a selection is not made, nearest to the cemetery selected by the Secretary.''.

SA 2096. Mr. BROWN submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 501, between lines 2 and 3, insert the following:

SEC. 2842. COMPREHENSIVE ACCOUNTING OF FUNDING REQUIRED TO ENSURE TIMELY IMPLEMENTATION OF 2005 DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION RECOMMENDATIONS.

The Secretary of Defense shall submit to Congress with the budget materials for fiscal year 2009 a comprehensive accounting of the funding required to ensure that the plan for implementing the final recommendations of the 2005 Defense Base Closure and Realignment Commission remains on schedule.

SA 2097. Mr. BROWN submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title X, add the following:

SEC. 1044. REPORT ON COST OF REESTABLISHMENT OF THE READINESS OF THE ARMED FORCES TO STATUS BEFORE COMMENCEMENT OF HOSTILITIES IN IRAQ.

(a) REPORT REQUIRED.—The Secretary of Defense shall submit to the congressional defense committee a report setting forth the current estimate of the cost of reestablishing the readiness status of the Armed Forces to the readiness status of the Armed Forces immediately before the commencement of hostilities in Iraq in 2003, including any costs associated with replacement or repair of equipment and other assets of the Armed Forces.

(b) SUBMITTAL DATE.—The report required by subsection (a) shall be submitted not later than the date of the submittal to Congress of the budget of the President for fiscal year 2009 as submitted under section 1105(a) of title 31, United States Code.

SA 2098. Mr. BROWN submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title X, add the following:

SEC. 1044. REPORT ON COST OF TRANSITIONING TROOPS INTO MILITARY AND CIVILIAN LIFE IN THE UNITED STATES AFTER THE COMPLETION OF OPERATION IRAQI FREEDOM.

(a) REPORT REQUIRED.—The Secretary of Defense shall submit to the congressional defense committee a report setting forth the current estimate of the costs of transitioning members of the Armed Forces into military and civilian life in the United States after the completion of Operation Iraqi Freedom, including the costs of any logistics associated with the return of such members and their equipment to the United States and the costs of any transition assistance and other support programs anticipated to be required to assist such members in returning and adjusting to military or civilian life, as applicable, in the United States.

(b) SUBMITTAL DATE.—The report required by subsection (a) shall be submitted not later than the date of the submittal to Congress of the budget of the President for fiscal year 2009 as submitted under section 1105(a) of title 31, United States Code.

SA 2099. Mr. VOINOVICH (for himself, Mr. BAYH, Mr. BINGAMAN, Mr. BROWN, Mr. DOMENICI, Mr. LIEBERMAN, Mr. LOTT, and Mr. REED) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 354, after line 24, add the following:

SEC. 1070. EXTENSION OF DATE OF APPLICATION OF NATIONAL SECURITY PERSONNEL SYSTEM TO DEFENSE LABORATORIES.

Section 9902(c)(1) of title 5, United States Code, is amended by striking ''October 1, 2008'' each place such term appears and inserting ''October 1, 2011'' in each such place.

SA 2100. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XV, insert the following:

SEC. 1535. SENSE OF THE SENATE ON THE CONSEQUENCES OF A FAILED STATE IN IRAQ.

(a) FINDINGS.—The Senate makes the following findings:

(1) A failed state in Iraq would become a safe haven for Islamic radicals, including al Qaeda and Hezbollah, who are determined to attack the United States and United States allies.

(2) The Iraq Study Group report found that ''[a] chaotic Iraq could provide a still stronger base of operations for terrorists who seek to act regionally or even globally''.

(3) The Iraq Study Group noted that ''Al Qaeda will portray any failure by the United States in Iraq as a significant victory that will be featured prominently as they recruit for their cause in the region and around the world''.

(4) A National Intelligence Estimate concluded that the consequences of a premature withdrawal from Iraq would be that—

(A) Al Qaeda would attempt to use Anbar province to plan further attacks outside of Iraq;

(B) neighboring countries would consider actively intervening in Iraq; and

(C) sectarian violence would significantly increase in Iraq, accompanied by massive civilian casualties and displacement.

(5) The Iraq Study Group found that ''a premature American departure from Iraq would almost certainly produce greater sectarian violence and further deterioration of conditions.... The near-term results would be a significant power vacuum, greater human suffering, regional destabilization, and a threat to the global economy. Al Qaeda would depict our withdrawal as a historic victory.''

(6) A failed state in Iraq could lead to broader regional conflict, possibly involving Syria, Iran, Saudi Arabia, and Turkey.

(7) The Iraq Study group noted that ''Turkey could send troops into northern Iraq to prevent Kurdistan from declaring independence''.

(8) The Iraq Study Group noted that ''Iran could send troops to restore stability in southern Iraq and perhaps gain control of oil fields. The regional influence of Iran could rise at a time when that country is on a path to producing nuclear weapons.''

(9) A failed state in Iraq would lead to massive humanitarian suffering, including widespread ethnic cleansing and countless refugees and internally displaced persons, many of whom will be tortured and killed for having assisted Coalition forces.

(10) A recent editorial in the New York Times stated, ''Americans must be clear that Iraq, and the region around it, could be even bloodier and more chaotic after Americans leave. There could be reprisals against those who worked with American forces, further ethnic cleansing, even genocide. Potentially destabilizing refugee flows could hit Jordan and Syria. Iran and Turkey could be tempted to make power grabs.''

(11) The Iraq Study Group found that ''[i]f we leave and Iraq descends into chaos, the long-range consequences could eventually require the United States to return''.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Senate should commit itself to a strategy that will not leave a failed state in Iraq; and

(2) the Senate should not pass legislation that will undermine our military's ability to prevent a failed state in Iraq.

SA 2101. Mr. CRAIG submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VI, add the following:

SEC. 673. ENHANCEMENT OF EDUCATION BENEFITS FOR CERTAIN MEMBERS OF RESERVE COMPONENTS.

(a) ACCELERATED PAYMENT OF EDUCATIONAL ASSISTANCE FOR MEMBERS OF THE SELECTED RESERVE.—

(1) IN GENERAL.—Chapter 1606 of title 10, United States Code, is amended by inserting after section 16131 the following new section:

''§ 16131A. Accelerated payment of educational assistance

''(a) The educational assistance allowance payable under section 16131 of this title with respect to an eligible person described in subsection (b) may, upon the election of such eligible person, be paid on an accelerated basis in accordance with this section.

''(b) An eligible person described in this subsection is a person entitled to educational assistance under this chapter who is—

''(1) enrolled in an approved program of education not exceeding two years in duration and not leading to an associate, bachelors, masters, or other degree, subject to subsection (g); and

''(2) charged tuition and fees for the program of education that, when divided by the number of months (and fractions thereof) in the enrollment period, exceeds the amount equal to 200 percent of the monthly rate of educational assistance allowance otherwise payable with respect to the person under section 16131 of this title.

''(c)(1) The amount of the accelerated payment of educational assistance payable with respect to an eligible person making an election under subsection (a) for a program of education shall be the lesser of—

''(A) the amount equal to 60 percent of the established charges for the program of education; or

''(B) the aggregate amount of educational assistance allowance to which the person remains entitled under this chapter at the time of the payment.

''(2)(A) In this subsection, except as provided in subparagraph (B), the term 'established charges', in the case of a program of education, means the actual charges (as determined pursuant to regulations prescribed by the Secretary) for tuition and fees which similarly circumstanced individuals who are not eligible for benefits under this chapter and who are enrolled in the program of education would be required to pay. Established charges shall be determined on the following basis:

''(i) In the case of an individual enrolled in a program of education offered on a term, quarter, or semester basis, the tuition and fees charged the individual for the term, quarter, or semester.

''(ii) In the case of an individual enrolled in a program of education not offered on a term, quarter, or semester basis, the tuition and fees charged the individual for the entire program of education.

''(B) In this subsection, the term 'established charges' does not include any fees or payments attributable to the purchase of a vehicle.

''(3) The educational institution providing the program of education for which an accelerated payment of educational assistance allowance is elected by an eligible person under subsection (a) shall certify to the Secretary of Veterans Affairs the amount of the established charges for the program of education.

''(d) An accelerated payment of educational assistance allowance made with respect to an eligible person under this section

for a program of education shall be made not later than the last day of the month immediately following the month in which the Secretary of Veterans Affairs receives a certification from the educational institution regarding—

''(1) the person's enrollment in and pursuit of the program of education; and

''(2) the amount of the established charges for the program of education.

''(e)(1) Except as provided in paragraph (2), for each accelerated payment of educational assistance allowance made with respect to an eligible person under this section, the person's entitlement to educational assistance under this chapter shall be charged the number of months (and any fraction thereof) determined by dividing the amount of the accelerated payment by the full-time monthly rate of educational assistance allowance otherwise payable with respect to the person under section 16131 of this title as of the beginning date of the enrollment period for the program of education for which the accelerated payment is made.

''(2) If the monthly rate of educational assistance allowance otherwise payable with respect to an eligible person under section 16131 of this title increases during the enrollment period of a program of education for which an accelerated payment of educational assistance allowance is made under this section, the charge to the person's entitlement to educational assistance under this chapter shall be determined by prorating the entitlement chargeable, in the manner provided for under paragraph (1), for the periods covered by the initial rate and increased rate, respectively, in accordance with regulations prescribed by the Secretary of Veterans Affairs.

''(f) The Secretary of Veterans Affairs shall prescribe regulations to carry out this section. The regulations shall include requirements, conditions, and methods for the request, issuance, delivery, certification of receipt and use, and recovery of overpayment of an accelerated payment of educational assistance allowance under this section. The regulations may include such elements of the regulations prescribed under section 3014A of title 38 as the Secretary of Veterans Affairs considers appropriate for purposes of this section.

''(g) The aggregate amount of educational assistance payable under this section in any fiscal year for enrollments covered by subsection (b)(1) may not exceed $4,000,000.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1606 of such title is amended by inserting after the item relating to section 16131 the following new item:

''16131A. Accelerated payment of educational assistance.''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on October 1, 2008, and shall only apply to initial enrollments in approved programs of education after such date.

(b) ACCELERATED PAYMENT OF EDUCATIONAL ASSISTANCE FOR RESERVE COMPONENT MEMBERS SUPPORTING CONTINGENCY OPERATIONS AND OTHER OPERATIONS.—

(1) IN GENERAL.—Chapter 1607 of title 10, United States Code, is amended by inserting after section 16162 the following new section:

''§ 16162A. Accelerated payment of educational assistance

''(a) The educational assistance allowance payable under section 16162 of this title with respect to an eligible member described in subsection (b) may, upon the election of such eligible member, be paid on an accelerated basis in accordance with this section.

''(b) An eligible member described in this subsection is a member of a reserve component entitled to educational assistance under this chapter who is—

''(1) enrolled in an approved program of education not exceeding two years in duration and not leading to an associate, bachelors, masters, or other degree, subject to subsection (g); and

''(2) charged tuition and fees for the program of education that, when divided by the number of months (and fractions thereof) in the enrollment period, exceeds the amount equal to 200 percent of the monthly rate of educational assistance allowance otherwise payable with respect to the member under section 16162 of this title.

''(c)(1) The amount of the accelerated payment of educational assistance payable with respect to an eligible member making an election under subsection (a) for a program of education shall be the lesser of—

''(A) the amount equal to 60 percent of the established charges for the program of education; or

''(B) the aggregate amount of educational assistance allowance to which the member remains entitled under this chapter at the time of the payment.

''(2)(A) In this subsection, except as provided in subparagraph (B), the term 'established charges', in the case of a program of education, means the actual charges (as determined pursuant to regulations prescribed by the Secretary) for tuition and fees which similarly circumstanced individuals who are not eligible for benefits under this chapter and who are enrolled in the program of education would be required to pay. Established charges shall be determined on the following basis:

''(i) In the case of an individual enrolled in a program of education offered on a term, quarter, or semester basis, the tuition and fees charged the individual for the term, quarter, or semester.

''(ii) In the case of an individual enrolled in a program of education not offered on a term, quarter, or semester basis, the tuition and fees charged the individual for the entire program of education.

''(B) In this subsection, the term 'established charges' does not include any fees or payments attributable to the purchase of a vehicle.

''(3) The educational institution providing the program of education for which an accelerated payment of educational assistance allowance is elected by an eligible member under subsection (a) shall certify to the Secretary of Veterans Affairs the amount of the established charges for the program of education.

''(d) An accelerated payment of educational assistance allowance made with respect to an eligible member under this section for a program of education shall be made not later than the last day of the month immediately following the month in which the Secretary of Veterans Affairs receives a certification from the educational institution regarding—

''(1) the member's enrollment in and pursuit of the program of education; and

''(2) the amount of the established charges for the program of education.

''(e)(1) Except as provided in paragraph (2), for each accelerated payment of educational assistance allowance made with respect to an eligible member under this section, the member's entitlement to educational assistance under this chapter shall be charged the number of months (and any fraction thereof) determined by dividing the amount of the accelerated payment by the full-time monthly rate of educational assistance allowance otherwise payable with respect to the member under section 16162 of this title as of the beginning date of the enrollment period for the program of education for which the accelerated payment is made.

''(2) If the monthly rate of educational assistance allowance otherwise payable with respect to an eligible member under section 16162 of this title increases during the enrollment period of a program of education for which an accelerated payment of educational assistance allowance is made under this section, the charge to the member's entitlement to educational assistance under this chapter shall be determined by prorating the entitlement chargeable, in the manner provided for under paragraph (1), for the periods covered by the initial rate and increased rate, respectively, in accordance with regulations prescribed by the Secretary of Veterans Affairs.

''(f) The Secretary of Veterans Affairs shall prescribe regulations to carry out this section. The regulations shall include requirements, conditions, and methods for the request, issuance, delivery, certification of receipt and use, and recovery of overpayment of an accelerated payment of educational assistance allowance under this section. The regulations may include such elements of the regulations prescribed under section 3014A of title 38 as the Secretary of Veterans Affairs considers appropriate for purposes of this section.

''(g) The aggregate amount of educational assistance payable under this section in any fiscal year for enrollments covered by subsection (b)(1) may not exceed $3,000,000.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1607 of such title is amended by inserting after the item relating to section 16162 the following new item:

''16162A. Accelerated payment of educational assistance.''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on October 1, 2008, and shall only apply to initial enrollments in approved programs of education after such date.

(c) ENHANCEMENT OF EDUCATIONAL ASSISTANCE FOR RESERVE COMPONENT MEMBERS SUPPORTING CONTINGENCY OPERATIONS AND OTHER OPERATIONS.—

(1) ASSISTANCE FOR THREE YEARS CUMULATIVE SERVICE.—Subsection (c)(4)(C) of section 16162 of title 10, United States Code, is amended by striking ''for two continuous years or more.'' and inserting ''for—

''(i) two continuous years or more; or

''(ii) an aggregate of three years or more.''.

(2) CONTRIBUTIONS FOR INCREASED AMOUNT OF EDUCATIONAL ASSISTANCE.—Such section is further amended by adding at the end the following new subsection:

''(f) CONTRIBUTIONS FOR INCREASED AMOUNT OF EDUCATIONAL ASSISTANCE.—(1)(A) Any individual eligible for educational assistance under this section may contribute amounts for purposes of receiving an increased amount of educational assistance as provided for in paragraph (2).

''(B) An individual covered by subparagraph (A) may make the contributions authorized by that subparagraph at any time while a member of a reserve component, but not more frequently than monthly.

''(C) The total amount of the contributions made by an individual under subparagraph (A) may not exceed $600. Such contributions shall be made in multiples of $20.

''(D) Contributions under this subsection shall be made to the Secretary concerned. Such Secretary shall deposit any amounts received as contributions under this subsection into the Treasury as miscellaneous receipts.

''(2) Effective as of the first day of the enrollment period following the enrollment period in which an individual makes contributions under paragraph (1), the monthly amount of educational assistance allowance applicable to such individual under this section shall be the monthly rate otherwise provided for under subsection (c) increased by—

''(A) an amount equal to $5 for each $20 contributed by such individual under paragraph (1) for an approved program of education pursued on a full-time basis; or

''(B) an appropriately reduced amount based on the amount so contributed as determined under regulations that the Secretary of Veterans Affairs shall prescribe, for an approved program of education pursued on less than a full-time basis.''.

SA 2102. Mr. PRYOR (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed to amendment SA 2019 submitted by Mr. LEVIN (for himself and Mr. MCCAIN) and intended to be proposed to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 16, between lines 16 and 17, insert the following:

(vii) A standard for the appointment of a physician or other health care professional who is independent of the medical evaluation board and who shall—

(I) serve to inform the servicemember of the process and procedures for the medical evaluation board; and

(II) provide the servicemember with advice and counsel regarding the medical condition of the servicemember and the findings and recommendations of the medical evaluation board.

SA 2103. Mr. CARDIN (for himself, Mr. BIDEN, and Mr. FEINGOLD) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

SEC. 1234. GOVERNMENT ACCOUNTABILITY OFFICE REPORT ON PREVENTION OF MASS ATROCITIES.

(a) REPORT REQUIRED.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives a report assessing the capability of the Secretary of Defense and the Secretary of State to provide training and advice to the command of an international intervention force that seeks to prevent mass atrocities.

(b) CONTENT.—The report required under subsection (a) shall include the following:

(1) An evaluation of any doctrine currently used by the Secretary of Defense or the Secretary of State to prepare for training and advising the command of an international intervention force.

(2) An assessment of the current capability of the Secretary of Defense and the Secretary of State to provide training and advice to the command of an international intervention force in keeping with the ''responsibility to protect'' doctrine described in paragraphs 138 through 140 of the outcome document of the High-level Plenary Meeting of the General Assembly adopted by the United Nations in September 2005.

(3) An assessment of the potential capability of the Secretary of Defense and the Secretary of State to support the development of new doctrine for training and advising an international intervention force in keeping with the ''responsibility to protect'' doctrine.

(4) Recommendations as to the steps necessary to allow the Secretary of Defense and the Secretary of State to provide more effective training and advice to international intervention forces.

(c) INTERNATIONAL INTERVENTION FORCE.—For the purposes of this section, ''international intervention force'' means a military force that—

(1) is authorized by an international organization such as the United Nations, the Economic Community of West African States (ECOWAS), the North Atlantic Treaty Organization (NATO), the European Union, or the African Union; and

(2) has a mission that is narrowly focused on the protection of civilian life and the prevention of mass atrocities such as genocide.

SA 2104. Mr. OBAMA (for himself and Mr. WHITEHOUSE) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VIII, add the following:

SEC. 876. TRANSPARENCY AND ACCOUNTABILITY IN MILITARY AND SECURITY CONTRACTING.

(a) REPORTS ON IRAQ AND AFGHANISTAN CONTRACTS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, the Secretary of State, the Secretary of the Interior, the Administrator of the United States Agency for International Development, and the Director of National Intelligence shall each submit to Congress a report that contains the information, current as of the date of the enactment of this Act, as follows:

(1) The number of persons performing work in Iraq and Afghanistan under contracts (and subcontracts at any tier) entered into by departments and agencies of the United States Government, including the Department of Defense, the Department of State, the Department of the Interior, and the United States Agency for International Development, respectively.

(2) The companies awarded such contracts and subcontracts.

(3) The total cost of such contracts.

(4) The total number of persons who have been killed or wounded in performing work under such contracts.

(b) DEPARTMENT OF DEFENSE REPORT ON STRATEGY FOR AND APPROPRIATENESS OF ACTIVITIES OF CONTRACTORS UNDER DEPARTMENT OF DEFENSE CONTRACTS IN IRAQ, AFGHANISTAN, AND THE GLOBAL WAR ON TERROR.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report setting forth the strategy of the Department of Defense for the use of, and a description of the activities being carried out by, contractors and subcontractors working in Iraq and Afghanistan in support of Department missions in Iraq, Afghanistan, and the Global War on Terror, including its strategy for ensuring that such contracts do not—

(1) have private companies and their employees performing inherently governmental functions;

(2) place contractors in supervisory roles over United States Government personnel; or

(3) threaten the safety of contractor personnel or United States Government personnel.

(c) LEGAL STATUS OF CONTRACT PERSONNEL.—

(1) INCLUSION OF CONTRACTORS UNDER MILITARY EXTRATERRITORIAL JURISDICTION ACT.—Paragraph (1)(A) of section 3267 of title 18, United States Code, is amended—

(A) in subparagraph (ii)(II), by inserting before the semicolon the following: ''or is carried out in a region outside the United States in which the Armed Forces are conducting a contingency operation''; and

(B) in subparagraph (iii)(II), by inserting before the semicolon the following: ''or is carried out in a region outside the United States in which the Armed Forces are conducting a contingency operation''.

(2) CONTINGENCY OPERATION DEFINED.—Such section is further amended by adding at the end the following:

''(5) The term 'contingency operation' has the meaning given that term in section 101(a)(13) of title 10.''.

(d) DEPARTMENT OF JUSTICE INSPECTOR GENERAL REPORT.—

(1) REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Inspector General of the Department of Justice shall, in consultation with the Inspector General of the Department of State, the Inspector General of the United States Agency for International Development, and the Special Inspector General for Iraq Reconstruction, submit to Congress a report.

(2) CONTENT OF REPORT.—The report shall include—

(A) a description of the status of Department of Justice investigations of abuses alleged to have been committed under all Federal agency contracts and subcontracts in support of military and reconstruction efforts in Iraq and Afghanistan, including—

(i) the number of complaints received by the Department of Justice;

(ii) the number of investigations into complaints opened by the Department of Justice;

(iii) the number of criminal cases opened by the Department of Justice; and

(iv) the number and result of criminal cases closed by the Department of Justice; and

(B) findings and recommendations about the capacity and effectiveness of the Department of Justice in prosecuting misconduct by such contract personnel.

(3) FORM.—The report shall be submitted in unclassified form, but may include a classified annex.

SA 2105. Mr. NELSON of Nebraska (for Mr. JOHNSON) submitted an amendment intended to be proposed by Mr. NELSON, of NE to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title V, add the following:

SECTION 565. HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.

The Secretary of Education shall—

(1) deem each local educational agency that received a fiscal year 2007 basic support payment for heavily impacted local educational agencies under section 8003(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(2)) as eligible to receive a fiscal year 2008 basic support payment for heavily impacted local educational agencies under such section; and

(2) make a payment to such local educational agency under such section for fiscal year 2008.

SA 2106. Mr. OBAMA (for himself and Mrs. MCCASKILL, and Mr. HARKIN) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1070. PROHIBITION ON DISCRIMINATION IN EMPLOYMENT AGAINST CERTAIN FAMILY MEMBERS CARING FOR RECOVERING MEMBERS OF THE ARMED FORCES.

(a) PROHIBITION.—A family member of a recovering servicemember described in subsection (b) shall not be denied retention in employment, promotion, or any benefit of employment by an employer on the basis of the family member's absence from employment as described in that subsection, for a period of not more than 52 workweeks.

(b) COVERED FAMILY MEMBERS.—A family member described in this subsection is a family member of a recovering servicemember who is—

(1) on invitational orders while caring for the recovering servicemember;

(2) a non-medical attendee caring for the recovering servicemember; or

(3) receiving per diem payments from the Department of Defense while caring for the recovering servicemember.

(c) TREATMENT OF ACTIONS.—An employer shall be considered to have engaged in an action prohibited by subsection (a) with respect to a person described in that subsection if the absence from employment of the person as described in that subsection is a motivating factor in the employer's action, unless the employer can prove that the action would have been taken in the absence of the absence of employment of the person.

(d) DEFINITIONS.—In this section:

(1) The term ''benefit of employment'' has the meaning given such term in section 4303 of title 38, United States Code.

(2) The term ''caring for'', used with respect to a recovering servicemember, means providing personal, medical, or convalescent care to the recovering servicemember, under circumstances that substantially interfere with an employee's ability to work.

(3) The term ''employer'' has the meaning given such term in section 4303 of title 38, United States Code, except that the term does not include any person who is not considered to be an employer under title I of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611 et seq.) because the person does not meet the requirements of section 101(4)(A)(i) of such Act (29 U.S.C. 2611(4)(A)(i)).

(4) The term ''family member'', with respect to a recovering servicemember, has the meaning given that term in section 411h(b) of title 37, United States Code.

(5) The term ''recovering servicemember'' means a member of the Armed Forces, including a member of the National Guard or a Reserve, who is undergoing medical treatment, recuperation, or therapy, or is otherwise in medical hold or medical holdover status, for an injury, illness, or disease incurred or aggravated while on active duty in the Armed Forces.

SA 2107. Mr. BROWN (for himself and Mr. VOINOVICH, and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 593, add the following:

(g) GARY LEE MCKIDDY.—Subsection (a) applies with respect to Garry Lee McKiddy for conspicuous acts of gallantry and intrepidity at the risk of his life and beyond the call of duty between October 25, 1969, and May 6, 1970, the day he died during a combat operation in Cambodia while serving as a Specialist Four in the 1st Cavalry Division of the United States Army during the Vietnam era.

SA 2108. Mrs. CLINTON (for herself, Mr. FEINGOLD, and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

SEC. 1205. REPORT ON PLANNING AND IMPLEMENTATION OF UNITED STATES ENGAGEMENT AND POLICY TOWARD DARFUR.

(a) REQUIREMENT FOR REPORTS.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of State shall submit to the appropriate congressional committees a report on the policy of the United States to address the crisis in Darfur, in eastern Chad, and in north-eastern Central African Republic, and on the contributions of the Department of Defense and the Department of State to the North Atlantic Treaty Organization (NATO), the United Nations, and the African Union in support of the current African Union Mission in Sudan (AMIS) or any covered United Nations mission.

(b) ELEMENTS.—Each report under subsection (a) shall include the following:

(1) An assessment of the extent to which the Government of Sudan is in compliance with its obligations under international law and as a member of the United Nations, including under United Nations Security Council Resolutions 1706 (2006) and 1591 (2005), and a description of any violations of such obligations, including violations relating to the denial of or delay in facilitating access by AMIS and United Nations peacekeepers to conflict areas, failure to implement responsibilities to demobilize and disarm the Janjaweed militias, obstruction of the voluntary safe return of internally displaced persons and refugees, and degradation of security of and access to humanitarian supply routes.

(2) A comprehensive explanation of the policy of the United States to address the crisis in Darfur, including the activities of the Department of Defense and the Department of State.

(3) A comprehensive assessment of the impact of a no-fly zone for Darfur, including an assessment of the impact of such a no-fly zone on humanitarian efforts in Darfur and the region and a plan to minimize any negative impact on such humanitarian efforts during the implementation of such a no-fly zone.

(4) A description of contributions made by the Department of Defense and the Department of State in support of NATO assistance to AMIS and any covered United Nations mission.

(5) An assessment of the extent to which additional resources are necessary to meet the obligations of the United States to AMIS and any covered United Nations mission.

(c) FORM AND AVAILABILITY OF REPORTS.—

(1) FORM.—Each report submitted under this section shall be in an unclassified form, but may include a classified annex.

(2) AVAILABILITY.—The unclassified portion of any report submitted under this section shall be made available to the public.

(d) REPEAL OF SUPERSEDED REPORT REQUIREMENT.—Section 1227 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2426) is repealed.

(e) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(B) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

(2) COVERED UNITED NATIONS MISSION.—The term ''covered United Nations mission'' means any United Nations-African Union hybrid peacekeeping operation in Darfur, and any United Nations peacekeeping operating in Darfur, eastern Chad, or northern Central African Republic, that is deployed on or after the date of the enactment of this Act.

SA 2109. Mrs. CLINTON (for herself and Mr. WHITEHOUSE) submitted an amendment intended to be proposed by her to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXXI, add the following:

Subtitle D—Nuclear Terrorism Prevention

SEC. 3131. SHORT TITLE.

This subtitle may be cited as the ''Nuclear Terrorism Prevention Act of 2007''.

SEC. 3132. DEFINITIONS.

In this subtitle:

(1) The term ''Convention on the Physical Protection of Nuclear Material'' means the Convention on the Physical Protection of Nuclear Material, signed at New York and Vienna March 3, 1980.

(2) The term ''formula quantities of strategic special nuclear material'' means uranium–235 (contained in uranium enriched to 20 percent or more in the U–235 isotope), uranium–233, or plutonium in any combination in a total quantity of 5,000 grams or more computed by the formula, grams = (grams contained U–235) + 2.5 (grams U–233 + grams plutonium), as set forth in the definitions of ''formula quantity'' and ''strategic special nuclear material'' in section 73.2 of title 10, Code of Federal Regulations.

(3) The term ''Nuclear Non-Proliferation Treaty'' means the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968, and entered into force March 5, 1970 (21 UST 483).

(4) The term ''nuclear weapon'' means any device utilizing atomic energy, exclusive of the means for transporting or propelling the device (where such means is a separable and divisible part of the device), the principal purpose of which is for use as, or for the development of, a weapon, a weapon prototype, or a weapon test device.

SEC. 3133. FINDINGS.

Congress makes the following findings:

(1) The possibility that terrorists may acquire and use a nuclear weapon against the United States is the most horrific threat that our Nation faces.

(2) The September 2006 ''National Strategy for Combating Terrorism'' issued by the White House states, ''Weapons of mass destruction in the hands of terrorists is one of the gravest threats we face.''

(3) Former Senator and cofounder of the Nuclear Threat Initiative Sam Nunn has stated, ''Stockpiles of loosely guarded nuclear weapons material are scattered around the world, offering inviting targets for theft or sale. We are working on this, but I believe that the threat is outrunning our response.''.

(4) Existing programs intended to secure, monitor, and reduce nuclear stockpiles, redirect nuclear scientists, and interdict nuclear smuggling have made substantial progress, but additional efforts are needed to reduce the threat of nuclear terrorism as much as possible.

(5) Former United Nations Secretary-General Kofi Annan has said that a nuclear terror attack ''would not only cause widespread death and destruction, but would stagger the world economy and thrust tens of millions of people into dire poverty''.

(6) United Nations Security Council Resolution 1540 (2004) reaffirms the need to combat by all means, in accordance with the Charter of the United Nations, threats to international peace and security caused by terrorist acts, and directs all countries, in accordance with their national procedures, to adopt and enforce effective laws that prohibit any non-state actor from manufacturing, acquiring, possessing, developing, transporting, transferring, or using nuclear, chemical, or biological weapons and their means of delivery, in particular for terrorist purposes, and to prohibit attempts to engage in any of the foregoing activities, participate in them as an accomplice, or assist or finance them.

(7) The Director General of the International Atomic Energy Agency, Dr. Mohammed ElBaradei, has said that it is a ''race against time'' to prevent a terrorist attack using a nuclear weapon.

(8) The International Atomic Energy Agency plays a vital role in coordinating efforts to protect nuclear materials and to combat nuclear smuggling.

(9) Legislation sponsored by Senator Richard Lugar, Senator Pete Domenici, and former Senator Sam Nunn has resulted in groundbreaking programs to secure nuclear weapons and materials and to help ensure that such weapons and materials do not fall into the hands of terrorists.

SEC. 3134. SENSE OF CONGRESS ON THE PREVENTION OF NUCLEAR TERRORISM.

It is the sense of Congress that—

(1) the President should make the prevention of a nuclear terrorist attack on the United States of the highest priority;

(2) the President should accelerate programs, requesting additional funding as appropriate, to prevent nuclear terrorism, including combating nuclear smuggling, securing and accounting for nuclear weapons, and eliminating, removing, or securing and accounting for formula quantities of strategic special nuclear material wherever such quantities may be;

(3) the United States, together with the international community, should take a comprehensive approach to reducing the danger of nuclear terrorism, including by making additional efforts to identify and eliminate terrorist groups that aim to acquire nuclear weapons, to ensure that nuclear weapons worldwide are secure and accounted for and that formula quantities of strategic special nuclear material worldwide are eliminated, removed, or secure and accounted for to a degree sufficient to defeat the threat that terrorists and criminals have shown they can pose, and to increase the ability to find and stop terrorist efforts to manufacture nuclear explosives or to transport nuclear explosives and materials anywhere in the world;

(4) within such a comprehensive approach, a high priority must be placed on ensuring that all nuclear weapons worldwide are secure and accounted for and that all formula quantities of strategic special nuclear material worldwide are eliminated, removed, or secure and accounted for; and

(5) the International Atomic Energy Agency should be funded appropriately to fulfill its role in coordinating international efforts to protect nuclear material and to combat nuclear smuggling.

SEC. 3135. SENIOR ADVISOR TO THE PRESIDENT FOR THE PREVENTION OF NUCLEAR TERRORISM.

(a) DESIGNATION OF POSITION.—The President shall designate an individual to serve in the Executive Office of the President as the Senior Advisor to the President for the Prevention of Nuclear Terrorism.

(b) DUTIES.—The Senior Advisor to the President, under the direction of the Assistant to the President for National Security Affairs, shall be responsible for—

(1) advising the President on all matters relating to preventing nuclear terrorism and responding to a nuclear terrorism event;

(2) directing and coordinating the formulation of United States policies for preventing nuclear terrorism, including—

(A) developing plans, including timelines, measurable milestones, and targets to which the departments and agencies of the United States Government can be held accountable, to better prevent nuclear terrorism;

(B) identifying and addressing gaps, duplication, and inefficiencies in existing programs and taking other appropriate actions to overcome obstacles to accelerated progress to prevent nuclear terrorism;

(C) overseeing and coordinating the development, by the departments and agencies of the United States Government, of accelerated and strengthened program implementation strategies and diplomatic strategies with respect to the prevention of nuclear terrorism;

(D) overseeing and coordinating the development of budget requests for programs to prevent nuclear terrorism and ensuring that such requests adequately reflect the priority of the threat of nuclear terrorism; and

(E) identifying such new initiatives to prevent nuclear terrorism as may be needed; and

(3) coordinating United States efforts to implement such policies.

SEC. 3136. MINIMUM SECURITY STANDARD FOR NUCLEAR WEAPONS AND FORMULA QUANTITIES OF STRATEGIC SPECIAL NUCLEAR MATERIAL.

(a) POLICY.—It is the policy of the United States to work with the international community to take all possible steps to ensure that all nuclear weapons around the world are secure and accounted for and that all formula quantities of strategic special nuclear material are eliminated, removed, or secure and accounted for to a level sufficient to defeat the threats posed by terrorists and criminals.

(b) INTERNATIONAL NUCLEAR SECURITY STANDARD.—In furtherance of the policy described in subsection (a), and consistent with the requirement for ''appropriate effective'' physical protection contained in United Nations Security Council Resolution 1540 (2004), as well as the Nuclear Non-Proliferation Treaty and the Convention on the Physical Protection of Nuclear Material, the President, in consultation with the Senior Advisor to the President for the Prevention of Nuclear Terrorism and relevant Federal departments and agencies, shall seek the broadest possible international agreement on a global standard for nuclear security that—

(1) ensures that nuclear weapons and formula quantities of strategic special nuclear material are secure and accounted for to a sufficient level to defeat the threats posed by terrorists and criminals;

(2) takes into account the limitations of equipment and human performance; and

(3) includes steps to provide confidence that the needed measures have in fact been implemented.

(c) INTERNATIONAL EFFORTS.—In furtherance of the policy described in subsection (a), the President, in consultation with the Senior Advisor to the President for the Prevention of Nuclear Terrorism and relevant Federal departments and agencies, shall—

(1) work with other countries and the International Atomic Energy Agency to assist as appropriate, and if necessary, work to convince, the governments of any and all countries in possession of nuclear weapons or formula quantities of strategic special nuclear material to ensure that security is upgraded to meet the standard described in subsection (b) as rapidly as possible and in a manner that—

(A) accounts for the nature of the terrorist and criminal threat in each such country; and

(B) ensures that any measures to which the United States and any such country agree are sustained after United States and other international assistance ends;

(2) ensure that United States financial and technical assistance is available as appropriate to countries for which the provision of such assistance would accelerate the implementation of, or improve the effectiveness of, such security upgrades; and

(3) work with the governments of other countries to ensure that effective nuclear security rules, accompanied by effective regulation and enforcement, are put in place to govern all nuclear weapons and formula quantities of strategic special nuclear material around the world.

SEC. 3137. ANNUAL REPORT.

(a) IN GENERAL.—Not later than September 1 of each year, the President, in consultation with the Senior Advisor to the President for the Prevention of Nuclear Terrorism and relevant Federal departments and agencies,

shall submit to Congress a report on the security of nuclear weapons, formula quantities of strategic special nuclear material, radiological materials, and related equipment worldwide.

(b) ELEMENTS.—The report required under subsection (a) shall include the following:

(1) A section on the programs for the security and accounting of nuclear weapons and the elimination, removal, and security and accounting of formula quantities of strategic special nuclear material and radiological materials, established under section 3132(b) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (50 U.S.C. 2569(b)), which shall include the following:

(A) A survey of the facilities and sites worldwide that contain nuclear weapons or related equipment, formula quantities of strategic special nuclear material, or radiological materials.

(B) A list of such facilities and sites determined to be of the highest priority for security and accounting of nuclear weapons and related equipment, or the elimination, removal, or security and accounting of formula quantities of strategic special nuclear material and radiological materials, taking into account risk of theft from such facilities and sites, and organized by level of priority.

(C) A prioritized diplomatic and technical plan, including measurable milestones, metrics, estimated timetables, and estimated costs of implementation, on the following:

(i) The security and accounting of nuclear weapons and related equipment and the elimination, removal, or security and accounting of formula quantities of strategic special nuclear material and radiological materials at such facilities and sites worldwide.

(ii) Ensuring that security upgrades and accounting reforms implemented at such facilities and sites worldwide using the financial and technical assistance of the United States are effectively sustained after such assistance ends.

(iii) The role that international agencies and the international community have committed to play, together with a plan for securing contributions.

(D) An assessment of the progress made in implementing the plan described in subparagraph (C), including a description of the efforts of foreign governments to secure and account for nuclear weapons and related equipment and to eliminate, remove, or secure and account for formula quantities of strategic special nuclear material and radiological materials.

(2) A section on efforts to establish and implement the international nuclear security standard described in section 3136(b) and related policies.

(c) FORM.—The report may be submitted in classified form but shall include a detailed unclassified summary.

SA 2110. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXVIII, add the following:

SEC. 2864. SENSE OF CONGRESS ON DEPARTMENT OF DEFENSE ACTIONS TO ADDRESS ENCROACHMENT OF MILITARY INSTALLATIONS.

(a) FINDINGS.—In light of the initial report of the Department of Defense submitted pursuant to section 2684a(g) of title 10, United States Code, and of the RAND Corporation report entitled ''The Thin Green Line: An Assessment of DoD's Readiness and Environmental Protection Initiative to Buffer Installation Encroachment'', Congress makes the following findings:

(1) Development and loss of habitat in the vicinity of, or in areas ecologically related to, military installations, ranges, and airspace pose a continuing and significant threat to the readiness of the Armed Forces.

(2) The Range Sustainability Program (RSP) of the Department of Defense, and in particular the Readiness and Environmental Protection Initiative (REPI) involving agreements pursuant to section 2684a of title 10, United States Code, have been effective in addressing this threat to readiness with regard to a number of important installations, ranges, and airspace.

(3) Increasing and appropriate emphasis is being given to regional, landscape-scale efforts such as the Southeast Regional Partnership for Planning and Sustainability (SERPPAS) and the Western Regional Partnership (WRP).

(4) The opportunities to take effective action to protect installations, ranges, and airspace from encroachment is in many cases transient, and delay in taking action will result in either higher costs or permanent loss of the opportunity effectively to address encroachment.

(5) With the exception of the Air Force, the military departments are working to fully integrate the authority provided by section 2684a of title 10, United States Code, into their programs to address encroachment.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Department of Defense should—

(1) develop additional policy guidance on the further implementation of the Range and Environmental Protection Initiative (REPI), to include additional emphasis on protecting biodiversity and on further refining procedures;

(2) continue to give emphasis to regional, landscape-scale partnerships and initiatives such as the Southeastern Regional Partnership for Planning and Sustainability (SERPPAS) and the Western Regional Partnership (WRP);

(3) give greater emphasis to effective cooperation and collaboration on matters of mutual concern with other Federal agencies charged with managing Federal land;

(4) ensure that the Department of the Air Force takes full advantages of the authorities provided by section 2684a of title 10, United States Code, in addressing encroachment adversely affecting, or threatening to adversely affect, the installations, ranges, and military airspace of the Air Force; and

(5) provide significant additional resources to the program, to include dedicated staffing at the installation level and additional emphasis on outreach programs at all levels.

(c) REPORTING REQUIREMENTS.—

(1) RECOMMENDATIONS FOR PROPOSED LEGISLATION.—The Secretary of Defense shall include with the budget justification materials submitted to Congress in support of the budget of the President for fiscal year 2009 (as submitted with the budget of the President under section 1105 of title 31, United States Code)—

(A) recommendations for proposed legislation to address the issues highlighted by the Department of Defense in Chapter 6 of the initial report submitted to Congress under section 2684a(g) of title 10, United States Code; or

(B) an explanation of the reasons for not recommending any such legislation.

(2) REPORTING OF CERTAIN ACTIONS TAKEN.—The Secretary of Defense shall include information on actions taken to address the matters addressed under subsection (b) in the report submitted to Congress by not later than March 1, 2008, under section 2684a(g) of title 10, United States Code.

SA 2111. Mr. DODD submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XV, add the following:

SEC. 1535. REDEPLOYMENT REQUIREMENTS AND SPENDING RESTRICTIONS RELATED TO MILITARY OPERATIONS IN IRAQ.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) there is no military solution to the ongoing conflict in Iraq;

(2) the President should change direction in Iraq if he wants to find a solution to the conflict in that country; and

(3) the President should launch a new diplomatic offensive in order to promote reconciliation and stability in Iraq, by appointing a special envoy to engage Iraqi leaders, regional leaders, and international organizations, such as the United Nations and the Arab League.

(b) REDEPLOYMENT OF UNITED STATES COMBAT FORCES.—

(1) REDEPLOYMENT REQUIRED.—The Secretary of Defense shall begin the phased redeployment of members of the Armed Forces from Iraq not later than 30 days after the date of the enactment of this Act, and shall redeploy all such forces, except those who are essential for the limited purposes set forth in paragraph (2), by April 30, 2008.

(2) EXCEPTION FOR LIMITED PURPOSES.—The requirement to redeploy forces under paragraph (1) does not apply to forces essential—

(A) to conduct targeted operations, limited in duration and scope, against members of al Qaeda and other international terrorist organizations;

(B) to provide security for United States infrastructure and personnel; or

(C) to train and equip Iraqi security forces.

(c) ARMED FORCES READINESS.—Upon completion of the redeployment required under subsection (b), funds authorized to be appropriated by this title for Operation Iraqi Freedom may be available to be expended in accordance with the lists of program priorities or requirements not included in the President's proposed budget for fiscal year 2008 submitted to the Committees on Armed Forces of the Senate and the House of Representatives by the Chief of the National Guard Bureau, the Chief of Staff of the Army, the Commandant of the Marine Corps, the Chief of Staff of the Air Force, and the Chief of Naval Operations. Such amounts may not exceed—

(1) $1,000,000,000 for the National Guard Reserve Equipment Account;

(2) $10,288,000,000 for the Army;

(3) $3,189,600,000 for the Marine Corps;

(4) $16,943,600,000 for the Air Force; and

(5) $5,657,000,000 for the Navy.

(d) LIMITATION ON USE OF FUNDS IN EVENT OF FAILURE TO REDEPLOY FORCES.—Twenty-five percent of the funds appropriated or otherwise made available for the Department of

Defense for fiscal year 2008 for activities in Iraq may not be obligated or expended unless the number of members of the Armed Forces deployed in Iraq by December 31, 2007, is at least 50,000 fewer than the number so deployed as of July 11, 2007, unless the President certifies to the congressional defense committees that it is still possible to redeploy all such forces, except those who are essential for the limited purposes set forth in subsection (b)(2), by April 30, 2008.

(e) REPORT.—Not later than 60 days after the date of the enactment of this Act, and every 30 days thereafter until May 31, 2008, the Secretary of Defense shall submit to the congressional defense committees a report on the status of redeployment efforts under this section.

(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as prohibiting funding for personal protective equipment or other equipment or materiel necessary for improving the safety of members of the Armed Forces.

SA 2112. Mr. GREGG submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title V, add the following:

SEC. 583. STUDY ON IMPROVING SUPPORT SERVICES FOR CHILDREN, INFANTS, AND TODDLERS OF MEMBERS OF THE ACTIVE AND RESERVE COMPONENTS UNDERGOING DEPLOYMENT.

(a) STUDY REQUIRED.—

(1) STUDY.—The Secretary of Defense shall conduct a study to evaluate the feasibility and advisability of entering into a contract or other agreement with a private sector entity having expertise in the health and well-being of families and children, infants, and toddlers in order to enhance and develop support services for children of members of the Active and Reserve Components who are deployed.

(2) TYPES OF SUPPORT SERVICES.—In conducting the study, the Secretary shall consider the need—

(A) to develop materials for parents and other caretakers of children of members of the Active and Reserve Components who are deployed to assist such parents and caretakers in responding to the adverse implications of such deployment (and the death or injury of such members during such deployment) for such children, including the role such parents and caretakers can play in addressing and mitigating such implications;

(B) to develop programs and activities to increase awareness throughout the military and civilian communities of the adverse implications of such deployment (and the death or injury of such members during such deployment) for such children and their families and to increase collaboration within such communities to address and mitigate such implications;

(C) to develop training for early child care and education, mental health, health care, and family support professionals to enhance the awareness of such professionals of their role in assisting families in addressing and mitigating the adverse implications of such deployment (and the death or injury of such members during such deployment) for such children; and

(D) to conduct research on best practices for building psychological and emotional resiliency in such children in coping with the deployment of such members.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report containing the results of the study conducted under subsection (a).

SEC. 584. STUDY ON ESTABLISHMENT OF PILOT PROGRAM ON FAMILY-TO-FAMILY SUPPORT FOR FAMILIES OF DEPLOYED MEMBERS OF THE ACTIVE AND RESERVE COMPONENTS.

(a) STUDY.—The Secretary of Defense shall carry out a study to evaluate the feasibility and advisability of establishing a pilot program on family-to-family support for families of deployed members of the Active and Reserve Components. The study shall include an assessment of the following:

(1) The effectiveness of family-to-family support programs in—

(A) providing peer support for families of deployed members of the Active Reserve and Components;

(B) identifying and preventing family problems in such families;

(C) reducing adverse outcomes for children of such families, including poor academic performance, behavioral problems, stress, and anxiety; and

(D) improving family readiness and post-deployment transition for such families.

(2) The feasibility and advisability of utilizing spouses of members of the Armed Forces as counselors for families of deployed members of the Active and Reserve Components, in order to assist such families in coping throughout the deployment cycle.

(3) Best practices for training spouses of members of the Armed Forces to act as counselors for families of deployed members of the Active and Reserve Components.

(b) REPORT.—The Secretary of Defense shall submit to Congress a report containing the results of the study conducted under subsection (a) not later than 180 days after the date of the enactment of this Act.

SA 2113. Mr. THUNE submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VIII, add the following:

SEC. 827. MULTIYEAR PROCUREMENT AUTHORITY FOR THE DEPARTMENT OF DEFENSE FOR THE PURCHASE OF SYNTHETIC FUELS.

(a) MULTIYEAR PROCUREMENT AUTHORIZED.—Chapter 141 of title 10, United States Code, as amended by section 826 of this Act, is further amended by adding at the end the following new section:

"§ 2410r. Multiyear procurement authority: purchase of synthetic fuels

"(a) MULTIYEAR CONTRACTS AUTHORIZED.—Subject to subsections (b) and (c), the Secretary of Defense may enter into contracts for a period not to exceed 10 years for the purchase of synthetic fuels.

"(b) LIMITATIONS ON CONTRACTS FOR PERIODS IN EXCESS OF FIVE YEARS.—The Secretary may exercise the authority in subsection (a) to enter a contract for a period in excess of five years only if the Secretary determines, on the basis of a business case prepared by the Department of Defense, that—

"(1) the proposed purchase of fuels under such contract is cost effective for the Department of Defense; and

"(2) it would not be possible to purchase fuels from the source in an economical manner without the use of a contract for a period in excess of five years.

"(c) LIMITATION ON LIFECYCLE GREENHOUSE GAS EMISSIONS.—The Secretary may not purchase synthetic fuels under the authority in subsection (a) unless the lifecycle greenhouse gas emissions from such fuels are not greater than the lifecycle greenhouse gas emissions from similar conventional petroleum-based fuels.

"(d) SYNTHETIC FUEL DEFINED.—In this section, the term 'synthetic fuel' means any liquid, gas, or combination thereof that—

"(1) can be used as a substitute for petroleum or natural gas (or any derivative thereof, including chemical feedstocks); and

"(2) is produced by chemical or physical transformation of domestic sources of energy.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 141 of such title, as so amended, is further amended by adding at the end the following new item:

"2410r. Multiyear procurement authority: purchase of synthetic fuels.".

SA 2114. Mr. CRAIG (for himself and Mr. AKAKA) submitted an amendment intended to be proposed to amendment SA 2019 submitted by Mr. LEVIN (for himself and Mr. MCCAIN) and intended to be proposed to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 43, strike lines 8 through 11 and insert the following:

"(b) PARTNERSHIPS.—The Secretary shall ensure that the Center collaborates to the maximum extent practicable with the Department of Veterans Affairs, institu-

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SA 2115. Mr. CRAIG (for himself and Mr. AKAKA) submitted an amendment intended to be proposed to amendment SA 2019 submitted by Mr. LEVIN (for himself and Mr. MCCAIN) and intended to be proposed to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 47, strike lines 15 through 18 and insert the following:

"(b) PARTNERSHIPS.—The Secretary shall ensure that the Center collaborates to the maximum extent practicable with the National Center for Post-Traumatic Stress

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SA 2116. Mr. CHAMBLISS (for himself, Mr. COLEMAN, Mr. ISAKSON, and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal

year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title VI, add the following:

SEC. 683. NATIONAL GUARD YELLOW RIBBON REINTEGRATION PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Defense, in coordination with the Chief of the National Guard Bureau, shall establish a national combat veteran reintegration program to provide National Guard members and their families with sufficient information, services, referral, and proactive outreach opportunities throughout the entire deployment cycle. This program shall be known as the Yellow Ribbon Reintegration Program. The Secretary may also use funds made available to carry out this section to support reintegration programs for members of the Army Reserve, Marine Corps Reserve, Navy Reserve, and Air Force Reserve and their families.

(b) PURPOSE.—The Yellow Ribbon Reintegration Program shall consist of informational events and activities for Reserve Component members, their families, and community members through the four phases of the deployment cycle:

(1) Pre-Deployment.

(2) Deployment.

(3) Demobilization.

(4) Post-Deployment-Reconstitution.

(c) CONSULTATION.—The National Guard Bureau Chief shall consult with the following parties during establishment of the program:

(1) The Adjutant General of the Minnesota National Guard and officials associated with the State's ''Beyond the Yellow Ribbon'' Reintegration Program, the Adjutant General of New Hampshire, the Adjutant General of Oregon, and the Adjutant General of Washington.

(2) Adjutants General of the remaining States and territories.

(d) ORGANIZATION.—

(1) EXECUTIVE AGENT.—The Secretary shall designate the National Guard Bureau as the Department of Defense executive agent for the Yellow Ribbon Reintegration Program.

(2) ESTABLISHMENT OF THE OFFICE FOR REINTEGRATION PROGRAMS.—

(A) IN GENERAL.—The National Guard Bureau shall establish the Office for Reintegration Programs within the National Guard Bureau Joint Staff. The office shall administer all reintegration programs in coordination with State National Guard organizations. The office shall be responsible for coordination with existing National Guard family and support programs. The Directors of the Army National Guard and Air National Guard may appoint liaison officers to work with the permanent office staff. The office shall closely coordinate with the Army National Guard and Air National Guard Directorates for Manpower and Personnel with respect to existing family support structure, mobilization schedules, training schedules, training plans and programs, and any other personnel issues.

(B) ESTABLISHMENT OF A CENTER FOR EXCELLENCE IN REINTEGRATION.—The Office for Reintegration Programs shall establish a Center for Excellence in Reintegration within the office. The Center shall collect and analyze ''lessons learned'' and suggestions from State National Guard organizations with existing or developing reintegration programs. The Center shall also assist in developing training aids and briefing materials and training representatives from State National Guard organizations. Representatives from State National Guard organizations with successful reintegration programs may augment the office staff.

(3) ADVISORY BOARD.—

(A) APPOINTMENT.—The Chief of the National Guard Bureau shall appoint an advisory board to analyze and report areas of success and areas for necessary improvements. The advisory board shall include, but is not limited to, the Director of the Army National Guard, the Director of the Air National Guard, the Assistant Secretary of Defense for Reserve Affairs, an Adjutant General on a rotational basis as determined by the Chief of the National Guard Bureau, the Director of the National Guard Bureau Manpower and Personnel Directorate (J-1), and any other Department of Defense, Federal Government agency, or outside organization as determined by the Chief of the National Guard Bureau. The members of the advisory board may designate representatives in their stead.

(B) SCHEDULE.—The advisory board shall meet on a schedule as determined by the Chief of the National Guard Bureau.

(C) INITIAL REPORTING REQUIREMENT.—The advisory board shall issue internal reports as necessary and shall submit an initial report to the Committees on Armed Services not later than 180 days after the end of a one-year period from establishment of the Office for Reintegration Programs. This report shall contain—

(i) an evaluation of the reintegration program's implementation by State National Guard organizations;

(ii) an assessment of any unmet resource requirements;

(iii) an assessment of the reintegration program's further inclusion of other Reserve Component members and the necessity for further expansion to incorporate all the Reserve Components; and

(iv) recommendations regarding closer coordination between the Office of Reintegration Programs and State National Guard organizations.

(D) ANNUAL REPORTS.—The advisory board shall submit annual reports to the Committees on Armed Services of the Senate and the House of Representatives following the initial report by the first week in March of subsequent years following the initial report.

(4) STATE DEPLOYMENT CYCLE SUPPORT TEAMS.—The Office for Reintegration Programs shall employ personnel to administer the Yellow Ribbon Reintegration Program at the State level. The Chief of the National Guard Bureau shall assign State Deployment Cycle Support Team members based on State need, geographical dispersion, and military population. The Office for Reintegration Programs is encouraged to employ wounded service members and returning combat veterans whenever possible. The primary function of team members shall be—

(A) developing and managing the reintegration curriculum;

(B) contracting and recruiting for necessary service providers; and

(C) ensuring that providers' skills adapt to the unique military nature of the reintegration program.

(e) PROGRAM.—

(1) IN GENERAL.—The Office for Reintegration Programs shall analyze the demographics, placement of State Family Assistance Centers (FAC), and FAC resources before a mobilization alert is issued to affected State National Guard organizations. The Office of Reintegration Programs shall consult with affected State National Guard organizations following the issuance of a mobilization alert and implement the reintegration events in accordance with the Reintegration Program phase model.

(2) PRE-DEPLOYMENT PHASE.—The Pre-Deployment Phase shall constitute the time from first notification of mobilization until deployment of the mobilized National Guard unit. Events and activities shall focus on providing education and ensuring the readiness of service members, families, and communities for the rigors of a combat deployment.

(3) DEPLOYMENT PHASE.—The Deployment Phase shall constitute the period from deployment of the mobilized National Guard unit until the unit arrives at a demobilization station inside the continental United States. Events and services provided shall focus on the challenges and stress associated with separation and having a member in a combat zone. Information sessions shall utilize State National Guard resources in coordination with the Employer Support of Guard and Reserve Office, Transition Assistance Advisors, and the State Family Programs Director.

(4) DEMOBILIZATION PHASE.—

(A) IN GENERAL.—The Demobilization Phase shall constitute the period from arrival of the National Guard unit at the demobilization station until its departure for home station. In the interest of returning members as soon as possible to their home stations, reintegration briefings during the Demobilization Phase shall be minimized. State Deployment Cycle Support Teams are encouraged, however, to assist demobilizing members in enrolling in the Department of Veterans Affairs system using Form 1010EZ during the Demobilization Phase. State Deployment Cycle Support Teams may provide other events from the Initial Reintegration Activity as determined by the State National Guard organizations. Remaining events shall be conducted during the Post-Deployment-Reconstitution Phase.

(B) INITIAL REINTEGRATION ACTIVITY.—The purpose of this reintegration program is to educate service members about the resources that are available to them and to connect members to service providers who can assist them in overcoming the challenges of reintegration.

(5) POST-DEPLOYMENT-RECONSTITUTION PHASE.—

(A) IN GENERAL.—The Post-Deployment-Reconstitution Phase shall constitute the period from arrival at home station until 180 days following demobilization. Activities and services provided shall focus on reconnecting service members with their families and communities and providing resources and information necessary for successful reintegration. Reintegration events shall begin with elements of the Initial Reintegration Activity program that were not completed during the Demobilization Phase.

(B) 30-DAY, 60-DAY, AND 90-DAY REINTEGRATION ACTIVITIES.—The State National Guard organizations shall hold reintegration activities at the 30-day, 60-day, and 90-day interval following demobilization. These activities shall focus on reconnecting service members and family members with the service providers from Initial Reintegration Activity to ensure service members and their families understand what benefits they are entitled to and what resources are available to help them overcome the challenges of reintegration. The Reintegration Activities shall also provide a forum for service members and families to address negative behaviors related to combat stress and transition.

(C) SERVICE MEMBER PAY.—Service members shall receive appropriate pay for days spent attending the Reintegration Activities at the 30-day, 60-day, and 90-day intervals.

(D) MONTHLY INDIVIDUAL REINTEGRATION PROGRAM.—The Office for Reintegration Programs, in coordination with State National Guard organizations, shall offer a monthly reintegration program for individual service members released from active duty or formerly in a medical hold status. The program

shall focus on the special needs of this service member subset and the Office for Reintegration Programs shall develop an appropriate program of services and information.

(f) FUNDING.—For purposes of carrying out this section, the following amounts may be available:

(1) From amounts authorized to be appropriated by section 421(9) for the Army National Guard for personnel, $100,000,000.

(2) From amounts authorized to be appropriated by section 301(5) for operation and maintenance, Defense-wide activities, $23,000,000.

SA 2117. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title IV, add the following:

SEC. 416. REVISION OF AUTHORIZED VARIANCES IN END STRENGTHS FOR SELECTED RESERVE PERSONNEL.

(a) INCREASE.—Section 115(f)(3) of title 10, United States Code, is amended by striking ''2 percent'' and inserting ''3 percent''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2007, and shall apply with respect to fiscal years beginning on or after that date.

SA 2118. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 1061(b), add following:

(8) If any plan referred to in paragraph (7) includes replacing or modifying warheads—

(A) an assessment of the estimated cost of the replacement or modification of warheads under such plan during the 10-year period beginning on the date of the implementation of such plan; and

(B) a statement of the anticipated schedule for the replacement of warheads in the stockpile over time.

SA 2119. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 871(b), add following:

(5) INSPECTOR GENERAL REPORT ON PILOT PROGRAM ON IMPOSITION OF FINES FOR NONCOMPLIANCE OF PERSONNEL WITH CLAUSE.—Not later than January 30, 2008, the Inspector General of the Department of Defense shall submit to Congress a report assessing the feasibility and advisability of carrying out a pilot program for the imposition of fines on contractors or subcontractors for personnel who violate or fail to comply with applicable requirements of the clause required by this section as a mechanism for enhancing the compliance of such personnel with the clause. The report shall include—

(A) an assessment of the feasibility and advisability of carrying out the pilot program; and

(B) if the Inspector General determines that carrying out the pilot program is feasible and advisable—

(i) recommendations on the range of contracts and subcontracts to which the pilot program should apply; and

(ii) a schedule of fines to be imposed under the pilot program for various types of personnel actions or failures.

SA 2120. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 415, between lines 2 and 3, insert the following:

(C) activities for the coordination of research technology development and concepts of operations on improvised explosive defeat with the military departments, the Defense Agencies, the combatant commands, the Department of Homeland Security, and other appropriate departments and agencies of the Federal Government.

SA 2121. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VIII, add the following:

SEC. 827. MODIFICATION OF AUTHORITIES RELATING TO UNDEFINITIZED CONTRACTUAL ACTIONS.

(a) APPROVAL REQUIRED FOR CERTAIN ACTIONS.—Section 2326 of title 10, United States Code, is amended—

(1) by redesignating subsections (b) through (g) as subsections (c) through (h), respectively; and

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

''(b) APPROVAL REQUIRED FOR CERTAIN ACTIONS.—(1) A contracting officer may not take an action described in paragraph (2) unless the contracting officer has documented the need for the action in writing and received the approval of the head of the contracting activity.

''(2) An action described in this paragraph is an action as follows:

''(A) Entry into an undefinitized contractual action for or on behalf of the Department of Defense.

''(B) Obligation of more than 25 percent of the negotiated overall ceiling price for an undefinitized contractual action before the contractual terms, specifications, and price are definitized.

''(C) Obligation of more than 50 percent of the negotiated overall ceiling price for an undefinitized contractual action before the contractual terms, specifications, and price are definitized.''.

(b) ALLOWABLE PROFIT.—Subsection (f) of such section, as redesignated by subsection (a)(1) of this section, is amended to read as follows:

''(f) ALLOWABLE PROFIT.—A contracting officer shall—

''(1) address the reduced cost risk to a contractor with respect to costs incurred pursuant to an undefinitized contractual action before the contractual terms, specifications, and price are definitized by allowing a profit or fee on such costs that does not exceed 50 percent of the profit or fee that would otherwise be allowable for such costs; and

''(2) ensure that the profit allowed with respect to costs incurred during the performance of the remaining part of the contract reflects any reduced risk to the contractor with respect to such performance.''.

(c) SCOPE OF UNDEFINITIZED CONTRACTUAL ACTIONS.—Paragraph (1) of subsection (h) of such section, as so redesignated, is amended by striking ''procurement action'' and inserting ''procurement action (including a contract, a task or delivery order issued against an existing contract, or a modification that changes the scope of an existing contract)''.

(d) CONFORMING AMENDMENT.—Paragraph (3) of subsection (c) of such section, as so redesignated, is amended by striking ''subsection (g)'' and inserting ''subsection (h)''.

(e) ANNUAL REPORTS.—Not later than 30 days after the end of each of fiscal years 2008 through 2012, the Secretary of Defense shall submit to the congressional defense committees a report on undefinitized contractual actions that are not definitized within established time frames and not-to-exceed guidelines. Each report shall include the following:

(1) The number and total dollar value of undefinitized contractual actions entered into for or on behalf of the Department of Defense that have not been definitized—

(A) within 180 days of award;

(B) before 40 percent of the work is complete; and

(C) before 50 percent of the funds have been obligated.

(2) The actions that the Department of Defense has taken and plans to take to reduce the number and dollar value of undefinitized contractual actions in each of the categories listed in paragraph (1).

SA 2122. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VIII, add the following:

SEC. 827. INDEPENDENT MANAGEMENT REVIEWS OF CONTRACTS FOR SERVICES.

(a) REVIEWS REQUIRED.—Section 2330 of title 10, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (d); and

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

''(c) INDEPENDENT MANAGEMENT REVIEWS.—(1) Each senior official responsible for the

management of acquisition of contract services shall ensure that an independent management review is conducted on an annual basis for any contract for services entered for or on behalf of the Department of Defense valued in excess of—

''(A) $250,000,000, in the case of a contract awarded to a single contractor; or

''(B) $1,000,000,000, in the case of a contract awarded to multiple contractors.

''(2) An independent management review under this subsection shall be conducted by a team of Department of Defense employees with an expertise in the acquisition of contract services who do not have direct responsibility for the management of the contract to be reviewed.

''(3) Each independent management review of a contract for services conducted under this subsection shall, at a minimum—

''(A) evaluate contract performance in terms of cost, schedule and requirements;

''(B) assess the contracting mechanisms used, including the use of competition, the contract structure and type, the definition of contract requirements, cost and pricing methods, the award and negotiation of task orders, and management and oversight mechanisms;

''(C) evaluate the contractor's use, management, and oversight of subcontractors;

''(D) review the staffing of contract management and oversight functions;

''(E) assess alternative contracting approaches;

''(F) make specific recommendations to ensure that the contract is managed and performed in a manner that is consistent with applicable requirements of law and regulation and best protects the interests of the Department of Defense; and

''(G) develop lessons learned that can be applied to other contracts for services entered for or on behalf of the Department of Defense.

''(4) An annual review shall not be required under this subsection for any contract under which the work has been substantially completed (as determined by the Secretary of Defense).''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply to contracts awarded before, on, or after that date.

(2) LIMITATION ON FUTURE EXERCISE OF OPTIONS UNDER COVERED CONTRACTS.—Beginning on the date that is one year after the date of the enactment of this Act, no option shall be exercised under a contract that is subject to the requirements of subsection (c) of section 2330 of title 10, United States Code (as amended by subsection (a) of this section), unless an independent management review of the contract has been performed in accordance with the requirements of such subsection (c) in the previous year.

SA 2123. Mr. CARPER (for himself and Mrs. MCCASKILL) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VIII, add the following:

SEC. 865. CONTINGENCY CONTRACTING TRAINING FOR PERSONNEL OUTSIDE THE ACQUISITION WORKFORCE.

(a) TRAINING REQUIREMENT.—Section 2333 of title 10, United States Code is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection (e):

''(e) TRAINING FOR PERSONNEL OUTSIDE ACQUISITION WORKFORCE.—(1) The joint policy for requirements definition, contingency program management, and contingency contracting required by subsection (a) shall provide for training of military personnel outside the acquisition workforce (including operational field commanders and officers performing key staff functions for operational field commanders) who are expected to have acquisition responsibility, including oversight duties associated with contracts or contractors, during combat operations, post-conflict operations, and contingency operations.

''(2) Training under paragraph (1) shall be sufficient to ensure that the military personnel referred to in that paragraph understand the scope and scale of contractor support they will experience in contingency operations and are prepared for their roles and responsibilities with regard to requirements definition, program management (including contractor oversight), and contingency contracting.

''(3) The joint policy shall also provide for the incorporation of contractors and contract operations in mission readiness exercises for operations that will include contracting and contractor support.''.

(b) COMPTROLLER GENERAL REPORT.—Section 854(c) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2346) is amended by adding at the end the following new paragraph:

''(3) COMPTROLLER GENERAL REPORT.—Not later than 180 days after the date on which the Secretary of Defense submits the final report required by paragraph (2), the Comptroller General of the United States shall—

''(A) review the joint policies developed by the Secretary, including the implementation of such policies; and

''(B) submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the extent to which such policies. and the implementation of such policies, comply with the requirements of section 2333 of title 10, United States Code (as so added).''.

SA 2124. Mr. NELSON of Nebraska (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XV, add the following:

SEC. 1535. TRANSITION OF MISSION OF UNITED STATES FORCES IN IRAQ.

(a) IN GENERAL.—Commencing as of the date of the enactment of this Act, the President shall immediately begin the transition of mission for all United States forces in Iraq.

(b) TRANSITION OF MISSION.—United States forces in Iraq shall be limited to—

(1) protecting United States personnel and infrastructure in Iraq;

(2) continuing the training and equipping of Iraqi security forces;

(3) securing Iraq's borders in order to halt and prevent the influx of foreign and al Qaeda fighters into Iraq; and

(4) continuing the conduct of counterterrorism operations against al Qaeda, al Qaeda-affiliated forces, and other terrorist groups engaged in destabilization efforts in Iraq.

(c) GOAL FOR ACTIONS.—The goal of completing the transition and redeployment of United States forces to a new mission in accordance with this section shall be March 31, 2008, as outlined in the report of the Iraq Study Group.

SA 2125. Mrs. FEINSTEIN (for herself, Mr. HARKIN, Mr. DODD, Mrs. CLINTON, Mr. BROWN, MR. BINGAMAN, Mr. KENNEDY, MR. WHITEHOUSE, and Mr. OBAMA) submitted an amendment intended to be proposed by her to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following new section:

SECTION 1070. REQUIRED CLOSURE OF GUANTANAMO BAY DETENTION FACILITY.

(a) CLOSURE OF DETENTION FACILITY.—Not later than one year after the date of the enactment of this Act—

(1) the President shall close the Department of Defense detention facility at Guantanamo Bay, Cuba; and

(2) all detainees held at such facility shall be transferred from the facility.

(b) RESTRICTION ON TRANSFER OF DETAINEES OUTSIDE THE UNITED STATES.—No detainee transferred under subsection (a)(2) who is kept in the custody or control of the United States may be transferred to a facility that is located outside the continental United States.

(c) REPORTING REQUIREMENTS.—

(1) IMPLEMENTATION PLAN.—Not later than 90 days after the date of the enactment of this Act, the President shall submit to Congress a report describing plans to implement subsection (a), including the legal justification for continuing to detain any individual under United States custody under such plans.

(2) UPDATES.—The President shall keep Congress fully and currently informed of the steps taken to implement subsection (a).

(d) RULES OF CONSTRUCTION.—

(1) NO ADDITIONAL DETENTION AUTHORITY.—Nothing in this section shall be construed as altering or adding to existing authorities for the detention or treatment of individuals in United States custody.

(2) IMMIGRATION STATUS.—The transfer of an individual under subsection (a) shall not be considered an entry into the United States for purposes of immigration status.

SA 2126. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. FLEXIBILITY IN PAYING ANNUITIES TO CERTAIN FEDERAL RETIREES WHO RETURN TO WORK.

Section 9902(j) of title 5, United States Code, is amended to read as follows:

''(j) PROVISIONS RELATING TO REEMPLOYMENT.—

''(1) Except as provided under paragraph (2), if an annuitant receiving an annuity from the Civil Service Retirement and Disability Fund becomes employed in a position within the Department of Defense, his annuity shall continue. An annuitant so reemployed shall not be considered an employee for purposes of chapter 83 or 84.

''(2)(A) An annuitant receiving an annuity from the Civil Service Retirement and Disability Fund who becomes employed in a position within the Department of Defense following retirement under section 8336(d) or 8414(b) shall be subject to section 8344 or 8468.

''(B) The Secretary of Defense may, under procedures and criteria prescribed under subparagraph (C), waive the application of the provisions of section 8344 or 8468 on a case-by-case or group basis, for employment of an annuitant referred to in subparagraph (A) in a position in the Department of Defense.

''(C) The Secretary shall prescribe procedures for the exercise of any authority under this paragraph, including criteria for any exercise of authority and procedures for a delegation of authority.

''(D) An employee as to whom a waiver under this paragraph is in effect shall not be considered an employee for purposes of subchapter III of chapter 83 or chapter 84.

''(3) An annuitant receiving an annuity from the Civil Service Retirement and Disability Fund who was employed in a position within the Department of Defense following retirement under section 8336(d) or 8414(b) after the date of enactment of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 103–160) shall, within 90 days after the Department of Defense issues regulations on this subsection and after the Department takes reasonable efforts to notify employees, be able to elect to be covered by paragraph (1) or (2) of this subsection.''.

SA 2127. Mr. WEBB (for himself and Mrs. MCCASKILL) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 236, line 8, strike ''and accounting for'' and insert ''accounting for, and keeping appropriate records of''.

On page 236, between lines 14 and 15, insert the following:

(C) a process for the registration and identification of armored vehicles, helicopters, and other military vehicles operated by contractors and subcontractors performing private security functions in an area of combat operations;

On page 236, line 15, strike ''(C)'' and insert ''(D)''.

On page 236, beginning on line 15, strike ''for the reporting of all incidents in which—''and insert ''under which contractors are required to report all incidents, and persons other than contractors are permitted to report incidents, in which—''.

On page 236, line 19, strike ''or''.

On page 236, strike line 22 and insert the following:

ations are filled or injured; or

(iii) persons are killed or injured, or property is destroyed, as a result of conduct by contractor personnel;

On page 236, line 23, strike ''(D)'' and insert ''(E)''.

On page 236, line 23, strike ''investigating—''and insert ''the independent review and, where appropriate, investigation of—''.

On page 236, line 25, strike ''(C)'' and insert ''(D)''.

On page 237, line 4, strike ''(E)'' and insert ''(F)''.

On page 237, line 8, strike ''(F)'' and insert ''(G)''.

On page 237, strike line 15 and insert the following:

(ii) predeployment training requirements for personnel performing private security functions in an area of combat operations, addressing the requirements of this section, resources and assistance available to contractor personnel, country information and cultural training, and guidance on working with host country nationals; and

On page 237, line 16, strike ''(ii)'' and insert ''(iii)''.

On page 237, line 16, strike ''rules of engagement'' and insert ''rules on the use of force''.

On page 238, beginning on line 15, strike ''and accounting for'' and insert ''accounting for, and keeping appropriate records of''.

On page 238, strike line 23 and insert the following:

ations;

(iii) registration and identification of armored vehicles, helicopters, and other military vehicles operated by contractors and subcontractors performing private security functions in an area of combat operations; and

On page 238, line 24, strike ''(iii)'' and insert ''(iv)''.

On page 239, line 4, strike ''or''.

On page 239, strike line 7 and insert the following:

bat operations are killed or injured; or

(III) persons are killed or injured, or property is destroyed, as a result of conduct by contractor personnel;

On page 239, line 10, strike ''comply with—'' and insert ''are briefed on and understand their obligation to comply with—''.

On page 240, line 3, strike ''rules of engagement'' and insert ''rules on the use of force''.

SA 2128. Mr. REID (for Mr. LAUTENBERG) proposed an amendment to the resolution S. Res. 226, recognizing the month of November 2007 as ''National Homeless Youth Awareness Month''; as follows:

On page 3 line 5 after ''November.'' Strike the period and insert ''2007.''

SA 2129. Mr. REID (for Mr. LAUTENBERG) proposed an amendment to the resolution S. Res. 226, recognizing the month of November 2007 as ''National Homeless Youth Awareness Month''; as follows:

Amend the title to read:

''Recognizing the month of November 2007 as ''National Homeless Youth Awareness Month''.

SA 2130. Mrs. DOLE submitted an amendment intended to be proposed by her to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

SEC. 1234. REPORT ON SECURITY CAPABILITIES NEEDED TO STABILIZE DARFUR, SUDAN.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States should assemble a multinational coalition to stabilize the Darfur region of Sudan; and

(2) the United States Government, with the concurrence of the Government of Chad, should help provide for the necessary improvements to the airfield located in Abeche, Chad, in order to support potential multinational operations, facilitate a possible United Nations deployment to Chad and Darfur, and support humanitarian operations.

(b) REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of State, shall submit to Congress a report on the security capabilities needed to stabilize Darfur.

(2) CONTENT.—The report required under paragraph (1) shall—

(A) identify countries and multinational organizations, including the North Atlantic Treaty Organization, with the capacity to contribute to the stabilization of Darfur;

(B) describe the current operational status of the airfield located in Abeche, Chad, and include recommendations for upgrades to the Abeche airfield to support enhanced operations and a large increase in air traffic, including a cost-estimate for such upgrades; and

(C) identify the level of forces needed to achieve and maintain stability in Darfur.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. LEVIN. Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on July 11, 2007, at 9 a.m., in order to conduct a hearing on the nominations of the Honorable Bijan Rafiekian, of California, to be a member of the Board of Directors of the Export-Import Bank of the United States; Ms. Diane G. Farrell, of Connecticut, to be a member of the board of directors of the Export-Import Bank of the United States; Mr. William Herbert Heyman, of New York, to be a director of the Securities Investor Protection Corporation; Mr. William S. Jaisen, of Virginia, to be a Director of the Securities Investor Protection Corporation; and Mr. Mark S. Shelton, of Kansas, to be a Director of the Securities Investor Protection Corporation.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Wednesday, July 11, 2007, at 10 a.m. room 253 of the Russell Senate Office Building.

The hearing will examine the weather and environmental satellite programs of the National Oceanic and Atmospheric Administration, including the role of the National Aeronautics and Space Administration in developing such satellites.

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

COMMITTEE ON FINANCE

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Wednesday, July 11, 2007, at 10 a.m., in room 215 of the Dirksen Senate Office Building, to hear testimony on ''Carried Interest, Part 1.''

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate, on Wednesday, July 11, 2007, at 10 a.m. in order to conduct a hearing entitled ''Strengthening the Unique Role of the Nation's Inspectors General.''

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

COMMITTEE ON THE JUDICIARY

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate in order to conduct a hearing entitled ''Preserving Prosecutorial Independence: Is the Department of Justice Politicizing the Hiring and Firing of U.S. Attorneys?—Part VI'' on Wednesday, July 11, 2007, at 10 a.m. in Dirksen Senate Office Building, room 226.

Witness list

Sara M. Taylor, Formerly Deputy Assistant to the President and Director of Political Affairs, The White House.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. LEVIN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on July 11, 2007 at 2:30 p.m. to hold a closed hearing.

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

SUBCOMMITTEE ON CLEAN AIR AND NUCLEAR SAFETY

Mr. LEVIN. Mr. President, I ask unanimous consent that the Subcommittee on Clean Air and Nuclear Safety be authorized to meet during the session of the Senate on Wednesday, July 11, 2007, at 10 a.m. in room 406 of the Dirksen Senate Office Building in order to conduct a hearing entitled, ''Review of EPA's Proposed Revision to the Ozone NAAQS.''

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

PRIVILEGES OF THE FLOOR

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. I ask unanimous consent that Julie Blanks, a legislative fellow in my office, be granted the privilege of the floor during the remainder of the debate on H.R. 1585.

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

NATIONAL HOMELESS YOUTH AWARENESS MONTH

Mr. REID. Madam President, I ask unanimous consent that the HELP Committee be discharged from further consideration of S. Res. 226 and that the Senate then proceed to its consideration.

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

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 226) recognizing the month of November as ''National Homeless Youth Awareness Month.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Madam President, I ask unanimous consent that the amendment at the desk be considered and agreed to, the resolution, as amended, be agreed to, the preamble be agreed to, and the title amendment at the desk be agreed to; that the motions to reconsider be laid upon the table en bloc; and that any statements relating thereto be printed in the RECORD.

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

The amendment (No. 2128) was agreed to, as follows:

On page 3 line 5 after ''November,'' strike the period and insert ''2007.''

The resolution (S. Res. 226), as amended, was agreed to.

The preamble was agreed to.

The amendment (No. 2129) was agreed to, as follows:

Amend the title to read:

Recognizing the month of November 2007 as ''National Homeless Youth Awareness Month''.

The resolution, as amended, with its preamble, reads as follows:

(The resolution will be printed in a future edition of the RECORD.)

NATIONAL SAVE FOR RETIREMENT WEEK

Mr. REID. Madam President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration and the Senate now proceed to the consideration of S. Res. 240.

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

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 240) designating October 21 through October 27, 2007, as ''National Save for Retirement Week.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Madam 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. 240) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 240

Whereas the cost of retirement continues to rise, in part, because people in the United States are living longer than ever before, the number of employers providing retiree health coverage continues to decline, and retiree health care costs continue to increase at a rapid pace;

Whereas Social Security remains the bedrock of retirement income for the great majority of the people of the United States, but was never intended by Congress to be the sole source of retirement income for families;

Whereas recent data from the Employee Benefit Research Institute indicates that, in the United States, less than ⅔ of workers or their spouses are currently saving for retirement and that the actual amount of retirement savings of workers lags far behind the amount that is realistically needed to adequately fund retirement;

Whereas many employees have available to them through their employers access to defined benefit and defined contribution plans to assist them in preparing for retirement;

Whereas many employees may not be aware of their retirement savings options and may not have focused on the importance of and need for saving for their own retirement;

Whereas many employees may not be taking advantage of workplace defined contribution plans at all or to the full extent allowed by the plans or under Federal law; and

Whereas all workers, including public- and private-sector employees, employees of tax-exempt organizations, and self-employed individuals, can benefit from increased awareness of the need to save for retirement and the availability of tax-advantaged retirement savings vehicles to assist them in saving for retirement: Now, therefore, be it

Resolved, That the Senate—

(1) designates October 21 through October 27, 2007, as ''National Save for Retirement Week'';

(2) supports the goals and ideals of National Save for Retirement Week, including raising public awareness about the importance of adequate retirement savings and the availability of employer-sponsored retirement plans; and

(3) calls on the Federal Government, States, localities, schools, universities, nonprofit organizations, businesses, other entities, and the people of the United States to observe the week with appropriate programs and activities with the goal of increasing the retirement savings of all the people of the United States.

ORDERS FOR THURSDAY, JULY 12, 2007

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m., tomorrow morning, July 12; that on Thursday, following the prayer and pledge, the Journal of proceedings be approved

to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that there then be a period of morning business for 30 minutes, with Senators permitted to speak therein, with the time equally divided and controlled between the two leaders or their designees; that at the close of morning business, the Senate resume consideration of H.R. 1585, the Department of Defense authorization bill, and then proceed to the McCain or designee amendment, as provided for under a previous order.

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

ORDER FOR ADJOURNMENT

Mr. REID. Madam President, I ask unanimous consent that at the conclusion or yielding back of the time controlled by Senator SALAZAR, Senator WARNER be recognized for up to 10 minutes, and that at the conclusion of Senator WARNER's remarks, the Senate stand adjourned under the previous order.

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

Mr. REID. Madam President, I appreciate the consideration of my colleagues for letting me squeeze in time to complete the Senate's work for today and to say a few nice things about the great Lady Bird Johnson.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will now be in a period of morning business, with Senators permitted to speak for up to 10 minutes each, and the Senator from Colorado, Mr. SALAZAR, in control of the first 60 minutes.

The Senator from Colorado is recognized.

Mr. SALAZAR. Madam President, let me first say I join with the majority leader in sending our condolences to the Johnson family and in remembering the great life Lady Bird Johnson lived and the contributions she made to our Nation.

During this period of morning business we will be speaking in the following order: First, Senator COLLINS, and then I will follow her; following my statement, Senator ALEXANDER; following Senator ALEXANDER's statement, Senator PRYOR; and then following his statement, if he is able to get here from another commitment, we will have Senator NELSON from Florida also speak on this issue.

With that, I yield the floor to my colleague from Maine, Senator COLLINS.

NEW IRAQ STRATEGY

Ms. COLLINS. Madam President, let me start by thanking the Senator from Colorado for his courtesy to me this evening as well as my friend from Tennessee.

I rise today to join my distinguished colleagues from both sides of the aisle in discussing a bipartisan way forward on what is the greatest challenge facing our country; that is, the war in Iraq. I commend the two leaders of this effort, Senator SALAZAR and Senator ALEXANDER, for their leadership in crafting a well-grounded strategy based on the recommendations of the Iraq Study Group.

I have repeatedly expressed my strong opposition to the President's strategy of sending tens of thousands of additional troops to Iraq. Despite that opposition and the opposition of many others, the administration pushed forward with its plan, arguing that the surge would give the Iraqi Government the time and space necessary to make the political compromises that are necessary to end the continued sectarian violence. Unfortunately, my initial concerns about the surge strategy have proven to be well-founded.

First, there has been a terrible loss of life among our troops over the past few months. In fact, 331 American soldiers were killed from April to June—the highest 3-month level of the war. One such soldier was SGT Joel House, a brave and patriotic Mainer whose funeral I attended in Lee, ME, just last week. Our troops have sacrificed so much.

Second, the fact is that the Iraqi Government has utterly failed to pursue the political reforms necessary to quell the sectarian violence. Our troops have done their part, but the fact is virtually all the experts agree that a solution to the sectarian violence is found in political reforms, not in military action. When you combine the increased sacrifice of our troops and the unwillingness or inability of the Iraqi leaders to act, it is not surprising that more and more Americans are questioning the President's strategy in Iraq.

It is clear our country needs a new direction in Iraq. We need a new strategy that will redefine our mission and set the stage for a significant but gradual withdrawal of our troops over the next year. We do not have to search far and wide for this new policy. It is right before us. It has already been mapped out in the unanimous recommendations of the bipartisan Baker-Hamilton Iraq Study Group. The Iraq Study Group's recommendations chart the path forward and remain just as viable today as they were when they were first released in December.

The Baker-Hamilton report sets forth three core principles for salvaging a measure of stability for Iraq and the surrounding region.

First, the report says the United States must shift the primary mission of its military forces in Iraq from combat to training, with the goal of removing all combat brigades not necessary for training, force protection, and counterterrorism activities against al-Qaida and other foreign jihadists by March of 2008. Shifting the mission of our troops to a new and more defined and narrower set of goals will ultimately encourage the Iraqi military to step up to the plate while lowering U.S. casualty rates, relieving our servicemembers of heavy deployment schedules, and improving the long-term readiness of our military.

Second, the Iraq Study Group Report states that U.S. support for the Iraqi Government should be conditioned on Iraq making progress in meeting specific benchmarks.

In May, Senator WARNER and I authored legislation to require the President to provide two reports to Congress—one which will be released tomorrow and the other on September 15—on whether the Iraqis are meeting 18 benchmarks essential to achieving political reconciliation. Although we have not yet seen the report that is scheduled to be released tomorrow, from everything I have heard, the Iraqi Government is extremely unlikely to have met any of the benchmarks we have laid out. The Warner-Collins proposal also included a provision to condition the release of reconstruction funds to progress made by the Iraqi Government. Surely, if the Iraqis are not passing the political reforms that are necessary, the United States should not continue to provide reconstruction funds. This requirement which is in the law now is also consistent with the Iraq Study Group's recommendations.

Third, the Iraq Study Group says the United States must launch a new diplomatic effort in the region to ensure Iraq's long-term stability, or to help ensure its stability. Iraq cannot be addressed effectively in isolation from other major regional issues and interests. Both the international community and Iraq's immediate neighbors are clearly not doing enough to foster its stability, and it is long past time for that to change. Senator SALAZAR and Senator ALEXANDER have incorporated these recommendations into legislation I have cosponsored and into the amendment we will be offering to the Defense authorization bill. How significant it is that this amendment enjoys widespread, bipartisan support because it is long past time for a new bipartisan approach to the war in Iraq.

Iraqi leaders must reach political agreements in order to achieve reconciliation, and their failure to do so is unfair to our American troops who are making such grave sacrifices. The responsibility for Baghdad's internal security and for halting the sectarian violence must rest primarily with the Government of Iraq and the Iraqi security forces. At the same time, it is important we continue the mission of fighting al-Qaida and the counterterrorism mission. But an open-ended commitment of American forces in Iraq simply does not provide the Iraqi Government with the incentives it needs to adopt the political reforms that give Iraq the best chance of quelling the sectarian violence. Ultimately,

resolving the sectarian violence requires a solution in which the Sunni minority is more fully integrated into the power structures and oil revenues are more equitably distributed among Iraq's citizens.

This war and the way it has been prosecuted has cost our Nation so much over the past 4 years. It has cost us the lives of our men and women in uniform, and it has cost us billions of dollars. While our Nation's Armed Forces have sacrificed gravely, they continue to answer the call of duty. They inspire us, but they have more than done their part. Many of our Nation's soldiers, sailors, marines, and airmen have been to Iraq more than once. This, of course, has been so hard on them, and it has also been difficult for the families they leave behind.

We especially need to thank our National Guard members and our reservists. Far too much has been asked of these citizen soldiers, their families, and employers. Whether they are from Maine or Michigan or Minnesota or Mississippi, these citizen soldiers have put their lives on the line and their jobs and families aside to answer the call of duty. But we as a nation are asking too much of them given the failures of the administration's policies in Iraq.

We must chart a new course. Now is the time to demonstrate to these servicemembers and their families and to the American people at large that we in Congress can move past politics, partisan politics on the critical issues facing our country as we seek a new direction in Iraq. We must demonstrate that we can build a bipartisan approach to bringing a responsible conclusion to this war, and that is exactly what the Salazar-Alexander amendment would do. It is based on well-thought-out, careful, balanced, bipartisan, and unanimous recommendations of the Iraq Study Group, and I hope my fellow Senators will join us in supporting this measure.

Madam President, again, my thanks to the chief sponsors of this amendment for accommodating my schedule.

I yield the floor.

Mr. SALAZAR. Madam President, let me first of all say thank you to Senator COLLINS for her work and for her seeking a solution to Iraq and joining with the other cosponsors of this legislation. As is so often the case, SUSAN COLLINS is part of a group of people in the Senate who try to find a solution to the problems our Nation faces. So I appreciate her comments, and I appreciate her being a cosponsor of this legislation as well.

I rise tonight in this period of morning business to speak in support of amendment No. 2063, which is the amendment to implement the recommendations of the Iraq Study Group. I wish to say first of all that this is probably the most bipartisan amendment we have seen to deal with Iraq. I thank Senator ALEXANDER for his help and his leadership in terms of getting this legislation drafted. It is legislation we have been working on for a long period of time with members of the Baker-Hamilton Commission, with Secretary Baker and Lee Hamilton, and we will refer to them later on.

I wish to say a particular thanks to my colleagues who have joined with us in this effort, including Senator PRYOR of Arkansas, Senator CASEY, Senator LINCOLN, Senator NELSON of Florida, Senator LANDRIEU, and Senator MCCASKILL, all of whom on this side of the aisle have shown great leadership in trying to find a new way forward in Iraq.

I also thank my Republican colleagues, including Senator LAMAR ALEXANDER, who has worked tirelessly on this effort for the last several months, as well as Senator BENNETT, Senator GREGG, Senator COLLINS, Senator SUNUNU, and Senator DOMENICI for being a part of this effort, wherein 13 Members of the Senate have come together and have said that if we deal with what is the most difficult national issue we face today—and that is the war in Iraq and foreign policy in the Middle East—and how it is that we move forward to try to put together the Humpty Dumpty that has been created in that part of the world, we are going to have to do it in a bipartisan way. It is going to require Democrats and Republicans understanding that we need a new way forward in Iraq.

Despite all of the debate and rhetoric we have heard on the floor of the Senate and around the country on the issue of Iraq, the truth is that there was only one group that has taken a substantive, in-depth, coherent look at the problem in Iraq and throughout the Middle East and has created a roadmap on how to salvage stability in Iraq and try to do our best to create peace in the Middle East. That is the Iraq Study Group, chaired by Lee Hamilton and Jim Baker, along with distinguished Americans who served on that Commission for the last year. Their report came out in December, not long ago. It was the only comprehensive way forward that has been laid out in a bipartisan way since we began this effort in Iraq now many years ago.

Madam President, before I speak more about my amendment, I want to say thank you to Senator LEVIN and Senator WARNER, and others on the Armed Services Committee, who worked so hard in bringing the Defense authorization bill to the floor. I admire Senator LEVIN and the members of the committee and the thoughtful leadership they bring to us on national security issues. I have been proud to support Senator LEVIN in his call for a change in the policy in Iraq. He recognized long ago that we need to chart a new course in our Iraq war policy. Now is the time. This is the place. This is the week, and next week, when we will hopefully craft that policy. I share Senator LEVIN's goal, which is peace and stability in the Middle East and the safe return home of our troops who are now in harm's way.

As we debate this issue, I hope we will keep in mind the sacrifices our soldiers and airmen and sailors and marines are making on the ground today in Iraq. We must be ever mindful that on these fundamental issues of war and peace there ought to be an American way forward. That American way forward should not be a Democratic, a Republican, or an Independent way forward; it ought to be an American way forward because we have over 150,000 of our men and women in uniform in harm's way tonight as we debate this issue on the Senate floor.

It is a personal issue. When we think about what has happened to the men and women who have died in this war in Iraq, we should all think about the weight we have on our shoulders because it is a significant weight, but it pales in comparison to the weight and the sacrifice we ask our men and women in uniform to bear every day in the fields of Iraq and Afghanistan. So it is to them, who are serving, that we owe the best policy we can develop in the Senate.

In Iraq, 3,601 Americans have been killed since the beginning of the war. All of us who have gone to Walter Reed and other hospitals and visited with the brave men and women who have come home without arms and legs, those who have suffered from brain injuries and other kinds of injuries that will stay with them for the rest of their lives—there are almost 27,000 of them who have suffered those kinds of wounds in Iraq. From my State of Colorado, we have 51 people who have been killed in Iraq since the beginning of the war. We have another 443 who have been wounded. Just from Fort Carson alone, which is the home of many of our soldiers who served in Iraq, we have had 215 casualties from Fort Carson in El Paso County.

It is to these men and women that we have a solemn obligation to make sure we develop the kind of policy they deserve to have as they fight on behalf of a mission for the United States of America. They deserve a policy that changes their role in Iraq from combat to a much more limited role, focused on training and on equipping the Iraqi forces. They deserve a policy that includes a major and new diplomatic offensive led by the United States but aimed at gathering all of Iraq's neighbors around the table. They deserve a policy that underscores the need for a comprehensive diplomatic approach, which is critical to creating the conditions necessary for a troop withdrawal so that we can bring our troops home safely and back to their families. They deserve a policy that conditions U.S. political, economic, and military support on Iraq's progress in meeting specific benchmarks. The Government of Iraq simply must take on a greater responsibility for the fate of their country. It is foremost their responsibility.

These are the broad principles which I believe should guide us as we consider

the various amendments to the bill. I hope we can come together across party lines—Democrats and Republicans—to support a change in strategy in Iraq.

I have been pleased to join with colleagues from both sides of the aisle in crafting an amendment that I believe will result in that constructive change. Our amendment is simple. It implements the recommendations of the Iraq Study Group. I believe the work of that group is a model for how we can come together in good faith. The Iraq Study Group was comprised of our finest and most experienced public servants in America, equally drawn from both political parties. They worked together for months to reach consensus on a comprehensive set of recommendations as required by the U.S. Congress in legislation that funded and created the Iraq Study Group. I appeal to my colleagues on both sides of the aisle to take a fresh look at the group's report and consider how we can use it as part of the solution in creating a successful policy in Iraq.

We will have much more to say about our amendment at a later point in the debate. But as we consider Iraq's policy, I hope we can agree that we must change course. I hope we can agree that the brave men and women serving in Iraq deserve our best effort to reach common ground. I hope we can agree on a path forward that will create a better future for Iraq, for the Middle East, and a better and more peaceful future for the United States of America.

Madam President, to recap, our bipartisan amendment, which now has 13 cosponsors, would essentially do three things.

First, it would require a mission change for our country in Iraq. This would be our national policy and our national law if our proposed legislation becomes law and is signed by the President. That change, as set forth in the Iraq Study Group Report and in our legislation, would remove our troops from a combat mission over to a training mission and a mission that is specifically defined to chase al-Qaida. That more limited mission is an appropriate one for us here, and that limited mission is one that I believe has the bipartisan support of most Members of the Senate.

Secondly, this legislation also conditions, for the first time, the efforts of the United States of America and Iraq on the progress that is made by the Iraqi Government in terms of meeting the benchmarks identified in our legislation. It conditions, for the first time, the Iraqi Government stepping up to the plate and doing what they should be doing, which is providing the functional government that brings about security for their own people. It ought not to be the responsibility of the U.S. Government to be in the middle of policing a civil war in Iraq.

Third, the legislation sets forth a comprehensive, diplomatic approach to deal with the issues not only in Iraq but also in the region. The fact is, as those of us who have been in that region over the last several years know, there are places in that region—countries that have been sitting on their hands and have not been helping bring about stability in Iraq. We also know Iran and Syria and other countries have been playing a negative role in terms of achieving the goal of stability in Iraq. At the end of the day, it will take an international effort and a regional peace plan to bring about the stability we all want not only for Iraq but for the Middle East.

In conclusion, I will say this about the Iraq Study Group and their recommendations. Some Members of the Senate have characterized this amendment as not doing much. Some Members of the Senate will probably come to the floor at some point in the debate and say this legislation is too prescriptive; it tells the President too much what to do. Well, we will handle those particular criticisms.

The one I wish to deal with briefly is this sense that we have gotten from some Members of the Senate that the Iraq Study Group recommendations happened a long time ago and they are no longer relevant today. I know of no one who spent as much time studying these issues of Iraq and the challenges we face there than former Congressman Lee Hamilton, the Chairman of the Commission. This is what Lee Hamilton had to say with respect to this legislation:

> The recommendations of the Iraq Study Group are as timely and urgent today as they were in December.

Madam President, I hope that my colleagues open their hearts and their minds to the direction set forth in the Iraq Study Group Report and that they join the bipartisan effort with the Presiding Officer and the Senator from Tennessee and other colleagues who are cosponsors of this amendment to this legislation.

I know my colleague from Tennessee, Senator ALEXANDER, is on the floor. I yield to him.

(Mr. SALAZAR assumed the Chair.)

Mr. ALEXANDER. Mr. President, I thank the Presiding Officer, Mr. SALAZAR, the Senator from Colorado, for his impressive leadership in helping our Senate and our Congress and our President and our country find a consensus about where we go from here in Iraq. That is, as he said, truly our most urgent and difficult issue. It is on the minds of every single Senator every day. It is the first thing on my mind. It deserves to be. Adding up the lives, the dollars—$10 billion a month, 3,600 lives, and many wounded—it is a difficult situation.

Mr. President, the occupant of the chair has said this himself. It struck me that we should spend less time in what we think of as the world's greatest deliberative body lecturing Baghdad about coming up with a political consensus and more time working together ourselves to come up with a political consensus about what to do in Iraq. After all, they are an infant democracy and we are the oldest democracy; we ought to be able to do more than make speeches and have partisan votes. Of course, we respect each other's positions, but at some point, there is consensus about where we go from here.

We owe it to our troops fighting there, when they look at Washington, not to see us shouting at one another but saying, yes, we can agree on why you are there, where we are going to be in a while, what our goals are, and say to the rest of the Middle East that we know what we are doing in Iraq, give them a chance to flourish and say we in the U.S. have free debate, but we are capable of coming to a conclusion, especially on our most urgent issue. That is why this report is so important.

When I saw this report in December, what attracted me about it was, first, the members of this group—Larry Eagleburger, Secretary of State for Bush 1; Vernon Jordan, National Urban League, a close friend of President Clinton's; Ed Meese, President Reagan's Attorney General; Justice Sandra Day O'Connor; Leon Panetta, President Clinton's Chief of Staff; William Perry, Secretary of Defense for Clinton; Chuck Robb, former U.S. Senator; Alan Simpson, the former Republican whip; and, at one point, Roberts Gates, who is now the Secretary of Defense in this administration. They unanimously agreed, after 9 months, about what to do in Iraq. In 9 months, they unanimously agreed.

I thought that perhaps President Bush, in January, in the State of the Union Address, would invite them to sit in the gallery, as Presidents often do, and point to them and say: There they are, nine of our most distinguished Americans who have been working for 9 months trying to understand where to go on our most difficult issue.

They say there is no magic formula. They say it is grave and deteriorating. They say the consequences of the cost, but they have a recommendation and it is a sensible recommendation, and the President might have said it is not my recommendation, it is theirs, but I accept their recommendation and I invite you to do the same.

I think the President would have received a good deal of bipartisan support in this body had he done that. The President and our country need that. A President's job is to see an urgent need, to develop a strategy to meet it, and to persuade at least half the people he is right. Even if President Bush is right about the current strategy, he hasn't persuaded a broad enough number of Americans that he is right or a broad enough number in this body that he is right in order to sustain his policy in Iraq.

A part of Presidential leadership is recognizing that adjustments have to be made to take into account the views

of others and then, having done that, to go forward. That is Presidential leadership. It is not Presidential weakness. It is what I wish President Bush had done in January, and I said so then, and I said so in March on the floor of the Senate. I have learned sometimes you have to say things two or three times around here before anybody hears.

Senator SALAZAR heard it. We talked about it and the outgrowth is this legislation that Senator SALAZAR worked so well on to develop, and so expertly, which Secretary Baker and Congressman Hamilton have told me accurately represents the recommendations of the Baker-Hamilton group.

Exactly what does Baker-Hamilton do? One, it establishes a long-term presence for the United States in Iraq but a limited one. Two, it says as soon as security conditions on the ground permit—and it estimates that would be a year—we would move our combat forces out of the combat business and into the support, training, and equipment business in Iraq. And third, it steps up regional and diplomatic efforts to cause others in the region to help Iraq succeed.

That is it. Those three things. There are 79 recommendations in this book. I am not sure all of us would agree with all of them. But that is not the point. There is a new direction for the United States in Iraq in this book, and if we were to adopt it and the President were to agree with it, what our legislation says is the President should formulate a comprehensive plan to implement the recommendations of the Iraq Study Group. That in plain English to me means the President would take all these recommendations, call together his advisers, come up with a plan, and do his best to implement it.

Would he be able to implement every provision? I doubt it. Would he say this was recommended in December and I didn't get the law until September, so I am going to adjust some timetables? I would expect so. Would he have some improvements to make and some suggestions to make? I would guess he would. But he would come up with a comprehensive plan, and then he would proceed with it. Then, of course, we would have our constitutional duty to review it. We don't have to approve it under our recommendation, we just review it and we appropriate money and we have other things we could do. But what we could say to our troops, the world, and the country is that we have found a common way forward in Iraq. We know what we are doing, and we are doing it together. And that is the job of our Government.

The Senator from Colorado dealt with a couple of objections that have been made. Let me deal with three or four very quickly. We will have other time to do that. I see the Senator from Arkansas is here. I am looking forward to what he has to say.

One objection that was made was this may be dated. It was December. One Senator said this was a snapshot taken some time ago and times have changed. I don't see this as a snapshot. I see the war in Iraq as more like a movie. You go into it after 15 minutes or you go into it 30 minutes after it started and it is the same movie. You see the same characters. It is the same story. A few adjustments might have to be made, but it is the same story. And as Lee Hamilton said, the recommendations are as relevant today as they were in December. And I would say that February would have been a better time than March to adopt the recommendations. April would have been better than March. Today is better than last month, and last month would be better than today. The sooner they are adopted, the better.

A second point. One Senator said this doesn't have many teeth in it. I used to work in the White House for a wise man named Bryce Harlow 40 years ago. I was an impatient young man. I said: Mr. Harlow, we need to do more of this or more of that. I forget the issue.

He said: Lamar, in the White House, just a little tilt here makes a great big difference out there.

That was a very wise statement. If the President of the United States and the Congress of this country were to agree this month on a new course in Iraq that defined a limited long-term role, shifted the mission from combat to training, support, and equipment over a period of months, subject to unexpected developments on the ground, and stepped up our diplomatic and political efforts, that is a major shift in strategy.

Next, I have heard from the other side that it has too many teeth, too prescriptive on the President. That is not the way I read it. Sometimes that comes from this side. The White House has some worries about that as well. But that is not the way I read our amendment. It is the sense of the Congress that the President and the Congress should agree that the way forward in Iraq is to implement this and the President should formulate a comprehensive plan to do so.

I assume the way the President does that is he gets the law in September, and he sits down with his advisers. I suppose the first person he would sit down with is General Petraeus whose advice we are all looking forward to. He would ask his advice about the surge, ask the Joint Chiefs what they think, ask a lot of people, and then within a few weeks, send us his plan. That is what we ask him to do.

It is not so prescriptive either about the changes in troops on the ground because it says in another section, section 1552, that while we intend to move our troops out of the combat business into support, equipping, and training business—and the goal is within about a year to do that—that it is subject to unexpected developments on the ground.

Here is what the report itself actually said:

By the first quarter of 2008, subject to unexpected developments in the security situation on the ground, all combat brigades not necessary for force protection could be out of Iraq. At that time, U.S. combat forces in Iraq could be deployed only in units embedded with Iraqi forces, in rapid-reaction and special operations teams, and in training, equipping, advising, force protection, and search and rescue. Intelligence and support efforts would continue. Even after the United States has moved all combat brigades out of Iraq, we would maintain a considerable military presence in the region, with our still significant force in Iraq and with our powerful air, ground, and naval deployments in Kuwait, Bahrain, and Qatar.

In other words, when we move out of the combat business into these other areas, we still have troops there, we still are able to go after al-Qaida, we still can protect the troops who are there, and we are sending a message to the rest of the Middle East: Stay out, give Iraq a chance to flourish.

The other thing I have heard, and I say this in conclusion—I thank you, Mr. President, for your time—is that all people hear in the debate in the Senate is discord. I hear another message. It is not as loud as the discord, it is not as loud as the partisan votes, but I hear a lot of consensus. It may surprise some people to hear me say that. I hear a lot of consensus and the seeds of that consensus are in the Iraq Study Group report.

For example, the administration has already begun to act on some of the recommendations in the Iraq Study Group report by increasing the number of troops embedded in Iraqi forces, using milestones to chart progress, by meeting with Iraq's neighbors, including Iran and Syria. The President's National Security Adviser has pointed to the Iraq Study Group report as valuable. The President himself has spoken well of it.

Across the aisle on the Democratic side, where there is a great desire by many Members for a fixed timetable, which is not a part of the Iraq Study Group, the Democratic proposals still have been guided by this document. For example, working on milestones for improvement in Iraq, limiting the role of the United States to one of training and equipping and counterterrorism operations and stating as a goal the drawdown of combat forces by a year from now. That is all part of over there. I hear more consensus than I do discord.

I guess my message to my colleagues is much the same as the Senator from Colorado said. We have a responsibility to vote and state our convictions, but we also have a job to do, and our job to do is to look for a way to come to some consensus about where we are going from here in Iraq and agree on it so when our troops look back, they know we support them, we really support them because we know what they are doing. And when the Middle East looks it up, they know to stay out. And when the rest of the world looks at this great deliberative body, they know occasionally on the foremost issue facing our

time, we can come to a conclusion, we can join hands with the President, even though we may debate with him and say, OK, Mr. President, let's have a new strategy, one on which we agree, we together, and that we need to do.

We have an opportunity that is very rare, and it is impressive to have seven Democratic Senators and six Republican Senators on this subject at this time supporting a comprehensive recommendation. One of our former colleagues, Senator Daniel Patrick Moynihan, wrote a book about Boss Plunkitt of Tammany Hall. Since I said some respectful advice to my colleagues about what I thought our job was, I say to the President respectfully: Mr. President, one of Boss Plunkitt's favorite maxims was: When you seize your opportunities, you take them. This is an opportunity for the President to develop bipartisan support for a way forward in Iraq that has a long-term presence there, but limited, with a different mission for our combat troops and enhanced political and regional support.

I respectfully suggest that January would have been the best time to seize this opportunity, but today is a much better time than September.

I thank the Chair and I congratulate him for his leadership.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, I want to be on the record as thanking you for your leadership on this legislation. You shared it with me more than a couple of months ago now. I know you worked on it for a number of months before that. The Senate and the American people owe Senator KEN SALAZAR of Colorado a real debt of gratitude for drafting this legislation and pushing it to the point it has gotten to today.

I open by reading the first two paragraphs of the executive summary of the Iraq Study Group. This was written 6 months ago. It says:

> The situation in Iraq is grave and deteriorating. There is no path that can guarantee success, but the prospects can be improved.
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> In this report, we make a number of recommendations for actions to be taken in Iraq, the United States, and the region. Our most important recommendations call for new and enhanced diplomatic and political efforts in Iraq and the region, and a change in the primary mission of U.S. forces in Iraq that will enable the United States to begin to move its combat forces out of Iraq responsibly. We believe that these two recommendations are equally important and reinforce one another. If they are effectively implemented, and if the Iraqi government moves forward with national reconciliation, Iraqis will have an opportunity for a better future, terrorism will be dealt a blow, stability will be enhanced in an important part of the world, and America's credibility, interests, and values will be protected.

That was true when it was written 6 months ago, and it is still very relevant today.

Today, I want to talk about amendment No. 2063 and encourage my colleagues to consider voting for it and even cosponsoring it. One of the things Senator SALAZAR did when he drafted this amendment is he worked very hard to try to honor the integrity of the findings and the recommendations of the Baker-Hamilton group, and he has done that. You can look at each paragraph of amendment No. 2063 and see that it reflects the essence of what the Iraq Study Group was trying to communicate to us.

In fact, we have had a couple of colleagues come to us in the last several days and say: Well, if you will just change this paragraph or this sentence or this one word, or if we can just work a little bit on this text, then I might be a cosponsor. Well, the problem there is, if we change that, then we would be trying to change what the Iraq Study Group recommended, and we are not going to do that. The purpose of this amendment is to take this bipartisan commission's work and put it into legislation.

Some people ask: Who made up this group? What is so magic about the Iraq Study Group? Well, let me tell you, it has two former Secretaries of State, it has the former chairman of the House Foreign Affairs Committee, it has a former Supreme Court Associate Justice, it has a former White House Chief of Staff, it has a former Secretary of Defense, and two former United States Senators. This is a group that comes together with a lot of intelligence, with a lot of experience, and with a lot of knowledge about the region and international affairs and history.

I think the Iraq Study Group is the best effort that America has yet put forward on a thoughtful, responsible approach to Iraq. One of the things I like about the Iraq study group's recommendations and their conclusions is it is not just setting an artificial timetable. I am a little bit out of sync with some of my Democratic colleagues on wanting to set a timetable on Iraq. I don't think we ought to have a public timetable in the law. I know many of my Democratic colleagues disagree with me, and a few of my Republican colleagues do as well. But the thing I like about the Iraq Study Group legislation, the Salazar-Alexander amendment, is, it is much more comprehensive than simply a timetable. In fact, it is more comprehensive than just military.

It tries to take a different approach. It really tries to change American policy in Iraq. And it is a multifaceted approach on trying to deal with the issues in Iraq and the region. So what you are looking at with the Iraq Study Group is you are not just looking at a military solution. General Petraeus has said if we just have a military solution we are going to lose. So the Iraq Study Group anticipates that, and it says we need a diplomatic solution, an economic solution, a political solution, and a military solution. I think it is the most comprehensive approach that anyone has put forward yet on Iraq.

Again, this is a bipartisan group that has come together, and this amendment is bipartisan. We have seven Democrats and six Republicans. By this time tomorrow we may have seven and seven, or eight and eight, or some combination thereof. We don't know exactly the number of cosponsors we will end up with, but certainly we hope we will have a solid majority of Senators who will support this amendment when it has a chance to come up.

As Senator SALAZAR said, and Senator ALEXANDER echoed, part of what this bill does is it gets U.S. forces out of the business of combat and into the business of training and equipping others. And, really, what we are trying to do is stabilize Iraq.

One thing I think the Iraq Study Group does over and over, for several pages in its findings, in its report, on several pages, is it talks about diplomacy and regional diplomacy and how important it is to have the neighborhood, so to speak, around Iraq—people inside Iraq and around the region—to have a part in stabilizing Iraq and making the region more stable and stronger.

I have heard a couple of criticisms, such as my colleagues mentioned tonight, and one is that it is too prescriptive, that our legislation is too prescriptive. Another is that it doesn't do anything. And those are kind of polar opposite criticisms. In fact, there is an old saying that when you are settling a lawsuit, if both sides are unhappy, maybe you have a good settlement. So I would say in this situation, at least one way to look at it is both sides are unhappy.

We are trying to thread the needle. We are trying to find a bipartisan solution on Iraq, a bipartisan consensus in this body. In fact, I would say this: With all due respect to my colleagues, and my House colleagues, and the President, the last thing in the world we should ever have a party-line vote on is Iraq. We have 150,000 troops in Iraq. They are getting shot at every day. They are putting their lives on the line for this country and for Iraq every single day. There are people out there trying to kill them, trying to maim them, trying to blow them up—you name it—every day. We should never have a party-line vote on Iraq. We just shouldn't do it. And this amendment right here, this is an effort to try to bring the consensus that we need on Iraq.

Senator ALEXANDER told me a couple of months ago, he said: You know, we talk about needing a political consensus in Baghdad. He said: What we really need is a political consensus in Washington, DC, on Iraq. And I think he is right. The Salazar-Alexander amendment tries to get to that consensus.

I will say this: For the Senators who believe this amendment doesn't do anything, I disagree. I think this is a significant step in a new direction, in a positive direction for Iraq. In fact, you can look at the amendment itself, and it has 13 sections. It is true that 3 of

the 13 are sense-of-Congress sections—3 out of 13. But that means 10 of 13 are binding, 10 of 13 actually change U.S. policy and have requirements that have teeth. I would encourage my colleagues who mistakenly believe this amendment doesn't do anything to actually look at the language of the amendment and they will see it is a very significant improvement over our current policy in Iraq.

Some people say it is too prescriptive. In other words, it binds the President's hands too much. I disagree. When you look at the language that Senator SALAZAR and members of the Iraq Study Group came up with when they drafted this, really what you are talking about is laying out some very specific things but also giving the President quite a bit of flexibility. And I think that is important. He is the Chief Executive. He is the Commander in Chief, and I think Senator SALAZAR and Senator ALEXANDER have found the right balance in drafting this amendment.

The last thing I will say in closing, going back to the Iraq Study Group Report that came out this past December, and back to the executive summary—I started with reading the first two paragraphs of the executive summary, so let me conclude by reading the last two paragraphs of the executive summary in the Iraq Study Group Report:

> It is the unanimous view of the Iraq study group that these recommendations offer a new way forward for the United States in Iraq and the region. They are comprehensive and need to be implemented in a coordinated fashion. They should not be separated or carried out in isolation. The dynamics of the region are as important to Iraq as events within Iraq.
>
> The challenges are daunting. There will be difficult days ahead. But by pursuing this new way forward, Iraq, the region, and the United States of America can emerge stronger.

Again, I think those words were true 6 months ago, I think they are relevant today, and I think we need to give the Iraq Study Group recommendations a chance to succeed.

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

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Might I inquire as to the floor? I understand it is available to anyone at this time; no time constraints? I would like to speak for a few minutes.

The PRESIDING OFFICER. The Senator has been allocated 10 minutes under the previous order.

Mr. WARNER. Fine. I thank the Presiding Officer, and I wish to commend the Presiding Officer for his work, as, indeed, my good friend, Senator ALEXANDER, and this colleague.

I must state, with a sense of total modesty, that my contribution tonight would be just to express some concerns. I have followed the work of your group. Very kindly, the principals on this have invited me to join, but I have thus far not done so because I can't find yet the answers to some critical issues I have in mind.

First, I say to my colleagues that I had a little to do with starting the group now known as Baker-Hamilton, or the Iraq Study Group. I think I worked with my colleague who did the major part of the work, Congressman FRANK WOLF, and then we engaged a local, highly recognized, and well-qualified group in Washington associated with studies to take on some of the infrastructure. It was a remarkable recruiting of talent, which my colleague recited, and I think they did a very credible and fine job.

It was a major contribution at a time in the fall of 2006 when there was a great deal of concern among many of us about the situation in Iraq. I had returned in that fall from a trip to Iraq and expressed publicly my thoughts that the country was just drifting aimlessly sideways, and that remark, together with remarks of others of a similar nature, sparked the intensity of the administration's undertaking their, I think, very thorough review leading up to the President's remarks when he announced a change in strategy on January 10, 2007.

Now, I have referred to the Iraq Study Group work. I think there were 7, 8, 9 months that they studied, with hearings and so forth. But when they put pen to paper and wrote it, it was a snapshot of the situation that faced this Nation and, indeed, our partners, the coalition forces, in Iraq. They made certain assumptions at that time which led to the strategy they outlined.

Among those assumptions was that we had reason to believe the Iraqi Government, freely elected, in place, was going to become a truly representative unity government of all factions. They committed a certain number of benchmarks, and it was thought at that time that those benchmarks could be met. That, I think is fair to say, was an assumption they had.

Our country, together with our coalition partners, had been in training with the Iraqi forces for some 2 years plus at that time, building up their own internal army, national guard, and police force. So the Iraq Study Group, in my judgment, took a snapshot of the situation in the fall of 2006, put it to paper, and it was in the President's framework of things that were considered when he derived his policy and enunciated it in January.

I, together with, I think, the colleagues on the Senate floor tonight, said to the President, after his announcement on January 10, that I was concerned that more of the Iraq Study Group concept was not infused into his new strategy. I remember specifically addressing the issue of the sectarian violence, now described by some as a civil war of some stage, and injecting the American GI, who really had no background in the complicated culture of the Muslim religion and the Muslim people, into that situation.

And I am not in any way denigrating that religion or that culture. Indeed, it is one of the oldest and, I think, most respected on Earth today. But, nevertheless, there are among the Muslim religion a few who really are dead set on changing the world—we know all about that—and now they are wreaking utter havoc, primarily in Iraq, and to an extent now in Afghanistan.

But that snapshot and those assumptions have not been borne out. We do not have any real evidence before us today, or real basis for much hope as to what this Iraqi Government might achieve in the foreseeable future. The President specifically said on January 10, the Armed Forces of Iraq will take the lead. We will be largely in a supporting role. We will embed forces, we will train, we will supply, but they are taking more of the lead. In fact, they have to a limited extent but not to the extent that I believe are the hopes and expectations that were raised in the President's January 10 framework of remarks. Certainly the Government has not performed as we had hoped and expected. The Armed Forces are making a contribution today but not to the degree that was anticipated in the fall of 2006.

I could go on and recite other concerns I have about this report, namely, can anyone point to where the Department of Defense sat down and studied the strategy in this report and has reached conclusions as to whether it would work better than the current strategy? Would it bring about a greater strength of government? Would it bring about a greater will, simple will among the Iraqi forces, to take on more and more responsibility?

I think, before we recommend to this body and, indeed, if it were to pass and become legislation, to the President, that he consider implementing a major portion, as this amendment describes, of the recommendations of the Iraq Study Group, someone better bring forth a careful military analysis of what might occur given the situation today—not the situation in the fall of 2006—of what would happen if we made a shift in strategy from the one now employed to this.

That is essential, if we are asking Senators to support that. Show us some analytical study of this strategy and how it would bring about greater results than the current strategy being employed.

There is great credibility attached to this report, primarily because of the extraordinary membership—their experience, their achievements in the private and public sector. Do we know for a fact that all members of that committee are endorsing the concept that now the Senate should lift their report as written and prepared some 8 months ago? Are there not some among that group who might question today whether the assumptions that they had that led to their report are still there to support now a shift of strategy? I don't know. I don't see that evidence. I

wish to see something from the members, each one, because I think it would be difficult if we shifted to this Iraq Study Group and one or more of the members of that group got up in the public and said: What we said then is simply not going to work today.

I think that is important because you are trading on the credibility of men and women of clear conscience, extraordinary backgrounds, who did, I think, a very fine job as best they could based on facts which have largely changed, or facts or assumptions that have not materialized.

We talk about a bipartisan resolution. I think the colleagues tonight joined me some weeks ago in putting together a consensus of a bipartisan nature, to go forward and to guide this Nation. It was, somewhat to my surprise, taken almost verbatim by the appropriators and included in the recent appropriations bill—I say recent, it was 6 or 8 weeks ago—and is now the law.

Part of that report that I wrote together with colleagues here said we ought to have an independent analysis of the Iraqi security forces as they exist today and what they might represent 2, 3, 4, 5 months into the future. I must say—I say it with a sense of humility—I persuaded a former commandant of the Marine Corps, Jim Jones, a man who has enormous credibility on both sides of the Congress, House and Senate, to head that group. I have met with him. He brought in distinguished retired military officers. Tonight, as we are here debating, they are in Iraq, preparing a report for this Congress and for the President as to their best judgment as to the military proficiency, the capability and will to fight of the Iraqi forces today and what is the likelihood that will improve in the months to come, because so much of all of our strategy, be it the surge strategy or any strategy, is dependent on that. As the President has said most eloquently: When they stand up, we will stand down.

I believed we needed an independent study, not to criticize the Department of Defense which for months has provided report after report of their analysis, but we ought to get a second opinion. That is now being prepared and will be brought forth, I think, in large part and made public prior to the President making his September 15 analysis.

That report we put together, which was adopted by the appropriators, the bill we had here, required the President to report to the Congress on or before July 15. I believed it was very important for colleagues to have a current analysis by the President, drawing upon the CENTCOM Commander, Admiral Fallon, drawing upon General Petraeus and other elements of the administration, to provide the Congress with a set of facts so, on the assumption we leave here early in August on a recess, we have a current analysis provided by the executive branch.

That report will be forthcoming. I think it is imminent. I happen to know the dates—I think we do—but I am not at liberty to divulge them tonight.

That report will also analyze the benchmarks, which benchmarks we recited in that bill which was voted on by this Chamber, or adopted by over 50 votes. We had to have a 60-vote margin. We couldn't make the 60 but we made it over 50. They will talk about each of the benchmarks and whether the Iraqi Government has made them and, if they have not, what the administration has done to try to encourage the Government to meet those benchmarks.

At this point in time there is a lot of conscientious work going on directed at the September timeframe when reports by General Jones and his group will come forth, the President will make another report, I am hopeful that the intelligence components of our Government will have an upgraded National Intelligence Estimate—so much is to be learned, when all this information is brought to the attention of the American public and to the Congress in the first weeks of September.

It is my urging that colleagues at this time in the debate on this bill, the annual authorization bill, try not to preempt and prejudge how this information will be formulated and given to the American public early in September.

I will close with a bit of a personal story. In 1951, 1952, I was privileged to serve in the United States Marine Corps. I was with a squadron of fighter bombers in old, cold Korea during that winter. I was a ground officer, a staff officer. I don't claim any fame whatsoever. I was doing my duty. But I watched those aviators as they would take off every day. I had occasion, because of my duties, to go up to visit the infantry and watch them.

At the same time, in the fall of 1951–1952, there was sort of a conference going on, largely in Panmunjon and elsewhere, to try to bring about peace and resolve that conflict. I remember these individuals who had to go out in harm's way each day, many of them, and said: I am wondering if I am going to be the last soldier, marine, or airman to take the last bullet because next time we may wake up and they have resolved this problem.

It dawned on them, but they went on and performed their duties. I say there is some parallel to this situation. Were the Senate to adopt this piece of work—about which I say to my colleagues, you have worked hard on, your hearts are in it—it would send a signal that what the soldiers, sailors, airmen, and marines are doing today, carrying out the orders of the Commander in Chief, it would put in question that strategy. Their minds would go through that same thought: Well, if they are going to change it, why don't we change it right away? Because I don't want to be the last soldier to take the last bullet, if we are going to change this strategy and this strategy is not achieving the goals that were laid down.

It has the possibility of bringing about a great concern of those young people, so valiantly fighting and giving life and limb to carry out the orders of the President.

I think we have to pause, reflect on what we say and what we do as we are working on this bill. It seems to me the President is Commander in Chief and has made a decision. He is within, I think, 48 hours going to release this report and speak to the Nation. Practically speaking, this amendment I presume will not be brought up—I know as a fact—prior to his statement. But it seems to me we ought to listen carefully to what he has to say and his resolve as to what strategy we should be following in the ensuing days and weeks to come. I translate that into the minds of these young people fighting this fight and their families here at home, so worried, understandably, about the welfare of their loved ones.

I say to my colleagues, have you looked at the intelligence? I have taken it upon myself to go out to the various entities of the intelligence part of our community and specifically asked them about what they think the consequences would be if there were a change to this strategy. I am not at liberty to give their responses but I urge you to access on your own initiative that information and reflect upon it as you move forward and you endeavor to persuade other colleagues to join you in this endeavor.

Mr. President, I thank you for the opportunity to come tonight to express my views to good friends, friends who worked with me and did work with me on that piece of legislation which eventually became a part of the appropriations bill and is now the law of the land. That is the legislation that requires the President in 48 hours to make a report to the Nation and to the Congress and to lay down what his intentions are for the weeks to come, until he gives his next report on September 15.

I yield the floor.

The PRESIDING OFFICER (Mr. PRYOR). The Senator from Colorado.

Mr. SALAZAR. I ask unanimous consent that we have another up to 15 minutes in morning business, equally divided between myself and Senator ALEXANDER.

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

Mr. SALAZAR. Mr. President, I want to respond to some of the concerns and comments from my distinguished friend, the great Senator from Virginia. He and I had the opportunity to travel to Iraq and to Afghanistan about a year or so ago. There is no one on this Senate floor that I respect any more than the Senator from Virginia. I consider him to be a colleague and a role model in the working relationship that he and the chairman of the Armed Services today, Senator LEVIN, have. It is, I think, an example of how we ought

to do things on the Senate floor more often. The fact that we have a Department of Defense authorization bill, which is a very good bill, in front of the Senate today is a manifestation and a testament to the great work and the bipartisan spirit of Senator WARNER and Senator LEVIN. It is with great respect I offer these comments on some of the concerns that he raised.

First, with respect to the Iraq Study Group report being simply a snapshot of what was happening in December, I respectfully disagree with that assessment of what they did. It was not as if on December 15 or the day that the Iraq Study Group delivered their recommendations that they said this is a picture of what is happening in Iraq today. What the Iraq Study Group did is they took a look at the history of what had happened in Iraq. They took a look at the regional conflicts and at the dynamics that were driving the conflicts in that region and they reached a number of different conclusions which were as true in December as they are today, and which were as true, frankly, a year before December as they are today.

So it was not a snapshot, it was taking an assessment of the historic conflict in the region, some of which has gone on not for 4 or 5 years but 10 years, 100 years, 1,000 years, in some cases, in terms of the sectarian conflict we see today in Iraq.

It was out of that history that they came up with what they perceived to be the best way forward for the country in terms of how we dealt not only with the issue of Iraq but the very integrated issue of the Middle East conflict with respect to the whole future of not only Iraq but also the neighbors in that region.

So it was not a snapshot, from my point of view. In our dealings with both Congressman Hamilton and Secretary Baker, as we came forward and fashioned this legislation, it was their view that this legislation was, in fact, the best way forward. It was written in consultation with input from Senator ALEXANDER. I reached out to both Congressman Hamilton as well as Secretary Baker. This amendment was written with their best thoughts in mind on how we could faithfully implement the recommendations of the Iraq Study Group.

So I daresay that the characterizations that cochairman of the commission, Hamilton, had to say yesterday about the importance and current relevancy of this recommendation of the Iraq Study Group are still as relevant today as they were in December. In fact, Congressman Hamilton said the Baker-Hamilton Commission recommendations today were, in fact, as relevant as they were in December and that the urgency of the implementation of those recommendations, if I may paraphrase him, was even more urgent today than it was back in December as we continue to drift sideways, spiral downward frankly, in the conditions in Iraq.

I do not argue it was a snapshot. It was a recommendation that came out after an indepth study by some of the best experts in the world, including our military advisers. Secondly, my friend from Virginia also says that circumstances have changed in Iraq, that the Iraqi Government may not be as functional as any of us would want the Iraq Government to be.

Well, the fact of the matter is that no one has sent the clear direction by law to the Iraqi Government that support from America to the Iraqi Government and to the Iraqi people is dependent on them making progress on the ground. This legislation does that specifically, as the Iraq Study Group recommends.

Thirdly, there were lots of military advisers that were involved in providing advice, counsel, and guidance to the Iraq Study Group. It included ADM James Ellis, GEN John Keane, GEN Edward Meyer, GEN Joseph Ralston, LTG Roger Schultz and hundreds of other people who were consulted for their expertise in the formulation of the recommendations that went into the Iraq Study Group.

Finally, I would say that of all the debate we have had on Iraq, the fundamental reality still remains the same. There is only the one group chartered, in part because of the leadership of the Senator from Virginia, that took a comprehensive look at the situation in Iraq and the Middle East and came up with a set of recommendations that were comprehensive in nature.

When you look at the bipartisan composition of that commission, they spoke on what is in the best interests of America based on the best information they were able to acquire from around the world and the best military and foreign policy experts we have. So, in my view, the Iraq Study Group recommendations are still as relevant today as they were in December.

I would urge my colleagues to join us in this bipartisan effort.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. I thank the Senator from Virginia for coming back to the floor from another engagement and offering his comments on our proposal. He has made an extraordinary effort to do that at a late hour in the evening. I am grateful to him for that.

I hope he will not mind my saying that I have seen him agonize over this war. We have talked about it privately, going many months back before many Senators did, about how do we reconcile our national interests with the lives of young men and women from Virginia and Tennessee, which we have to think about every day.

He was one of the first to raise questions about our strategy. Because he did and because of his background as Navy Secretary and his service in World War II and in the Korean War and his senior position on Armed Services, everyone paid attention when JOHN WARNER spoke.

We have paid attention to his advice every step of the way. What I would like to say, very briefly, in response to my friend from Virginia, is this: I would hope that over the next few days as we consider this, that he will think a little differently about his own contribution to the shift in direction our country needs.

His first contribution, in addition to his statement, is the Iraq Study Group report. He was a little too modest about it. He had a major role in getting it started. If he had not, we would not have the kind of membership on the Iraq Study Group that we had with Secretary Baker and the leaders of so many different administrations.

Their recommendations need not be put on the bookshelf as a bookend, they need to be used.

Having said that, I can understand how he and the President and others might be concerned that if one were to read our proposal too prescriptively, they would say: Well, how can we pick up 79 recommendations and say, Mr. President, do all of those things.

The way I read our amendment, we do not do that. The way I read our amendment we say very simply that the President and the Congress agree the way forward in Iraq is to implement this comprehensive set of recommendations, and the President himself should formulate a comprehensive plan to do so.

In another part of the amendment, when we get to the part about when the troops come home or when the troops' mission moves from a combat mission to a support and equipping mission, that is all subject to unexpected developments in the security situation on the ground.

So I would say with respect to my colleague from Virginia, that another way—and perhaps I am reading it wrong, but the way I read it, another way to read this is to say: Let's take the wisdom of this group of 10 people, one of them who has ended up as Secretary of Defense in this administration, and say: That gives us a framework. We can adopt that together. And then, Mr. President, you take these recommendations and you draw up a plan.

This is not going to be a plan that the Senator from Colorado and I drew up. The President is the only one authorized to draw it up. As it affects troops, it is subject to security developments on the ground; there is no fixed deadline of any kind here.

I assume that what the President would do, if he were to receive this as a law, which might be September by the time it got all the way through the conferences, the first person he would sit down with is General Petraeus and say: Tell me again about the surge. How are things on the ground? What is your recommendation?

The second thing he might do is sit down with General Jones and say: Tell me, General, what have you found out about the position of the Iraqi forces?

Then I think he would call in the Joint Chiefs and the intelligence folks and say: I have to develop a plan. Give me your advice about what works and what does not work. Then he would present us the plan within 90 days. But it is not subject to our approval. It is his plan.

Now, we can then do what we can do with our constitutional duties about it. But the one thing I am afraid we will miss if we do not move to adopt the recommendations now of the Iraq Study Group is the bipartisan support that was in that group that the Senator from Virginia helped to create and the bipartisan support that is on this floor for those recommendations. The President doesn't have that now. Without that, he cannot sustain a long-term mission in Iraq of any kind, I am afraid. I think we have to have one of some kind over a long time.

So I think this goes about as far as it can within this group to say to the President: Okay. We can agree with you. But now you draw up the plan according to these structures.

I greatly respect the Senator from Virginia. I will continue to listen to him. I am deeply grateful to him for coming back to the floor tonight. I thank him for his direction in helping to make possible the Iraq Study Group plan, General Jones' study. I know we will have many more discussions. But the one thing I do not want the President to lose is the opportunity to borrow for our long-term strategy the bipartisan support in this document and the bipartisan support on this floor.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I have had the privilege of serving in this body for 29 years. I have never met a finer gentleman than my colleague from Tennessee. I thank you for your gracious reference to this humble Senator.

I simply say that this has been a constructive debate. We have an honest difference of opinion. But I would urge that perhaps you check into some of the analysis that has been performed in certain segments of the Government about the current operations and how the benchmarks, so to speak—or maybe I withdraw those words—the points of strategy that are in the Iraq Study Group will or will not adopt.

I would simply say the obvious to my colleagues, that that report of the Iraq Study Group is still on the President's desk. I do not think he requires the need of the Senate to tell him what is in it. He knows. He looked at it, I have been given that assurance, very carefully before he devised his January 10 strategy.

The concern, the greatest concern I have is sort of sending out a signal we have throughout, that this strategy would be working better than this current strategy. I frankly felt that and expressed that on January 10. But I have to accept the fact that he is the Commander in Chief. He made the decision. He decided not, at this time, to implement the framework of the Baker-Hamilton report but to go ahead with the surge.

I am hesitant to criticize him now. I criticized pretty heavily, if you look at the CONGRESSIONAL RECORD, in January. I urged in several speeches that more of this Iraq Study Group concept be incorporated in the surge strategy. But having done that, I feel obligated now to support the President because he is committed to follow the law of the land as originated in this Chamber in a bill which I sponsored, and I believe my distinguished colleague from Tennessee did vote for. That bill, almost in its entirety, was incorporated into the appropriations bill by the conference of the House and the Senate, and it is the law of the land.

I hope the report that will be forthcoming in 48 hours reflects the seriousness of how the President approached the mandates of the Congress: Report to us on July 15. I have every reason he will do a report no later than September 15. At that time, he will have the benefit of a surge which is now, as envisioned, fully staffed and implemented by our complement of soldiers, together with such other Iraqi complements and perhaps some coalition forces, and we will then have been shown, did the surge work.

I, frankly, think the surge, if allowed to continue in the September timeframe, will have achieved a measure of what they set out to do. But the corollary obligation of the Iraqi Government to accept an improved security situation in Baghdad, created by the sacrifice of soldiers, sailors, and airmen, and marines in the surge, and the Iraqi fighters with them, they will not have taken advantage of what was achieved by that enormous sacrifice. That is my great concern. I hope I am wrong.

But in the time that remains, I am doubtful the concept that greater security in the Baghdad region will translate into greater activity and accomplishments by the Iraqi Government.

While there may be some military success, I don't see the signs now of the success that was anticipated by the Iraqi Government.

I close by saying I thank you for the opportunity. I commend you for your hard work and what you believe in. That is important in this institution, your own personal involvement and will to fight for what you believe. But I do urge you to take a look at what the intelligence community is looking at, determine the current military analysis. I say to my colleague from Colorado, indeed, there were a number of witnesses, professional retired witnesses with military experience that contributed to this. But again, they were looking at a situation and a factual basis that has substantially changed. I say to my colleagues, look at the intelligence, get some military analysis, and then think through carefully if the President has this on his desk still, it is there, do we need to pass a bill in the Senate and send a signal that would begin to engender some doubt in what we are doing now as being the best course of action and the risks associated with the men and women trying to carry forward and respond to the orders of the Commander in Chief. That is my fervent plea to you.

I yield the floor.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. The Senate stands adjourned until 9:30 a.m. tomorrow morning.

Thereupon, the Senate, at 9:12 p.m., adjourned until Thursday, July 12, 2007, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate July 11, 2007:

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

JOHN S. BRESLAND, OF NEW JERSEY, TO BE A MEMBER OF THE CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD FOR A TERM OF FIVE YEARS. (REAPPOINTMENT)

JOHN S. BRESLAND, OF NEW JERSEY, TO BE CHAIRPERSON OF THE CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD FOR A TERM OF FIVE YEARS, VICE CAROLYN W. MERRITT, TERM EXPIRING.

CHARLES RUSSELL HORNER SHEARER, OF DELAWARE, TO BE A MEMBER OF THE CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD FOR A TERM OF FIVE YEARS, VICE CAROLYN W. MERRITT, TERM EXPIRING.

TENNESSEE VALLEY AUTHORITY

THOMAS C. GILLILAND, OF GEORGIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY FOR THE REMAINDER OF THE TERM EXPIRING MAY 18, 2011, VICE WILLIAM BAXTER, RESIGNED.

WILLIAM H. GRAVES, OF TENNESSEE, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY FOR A TERM EXPIRING MAY 18, 2012. (REAPPOINTMENT)

SUSAN RICHARDSON WILLIAMS, OF TENNESSEE, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY FOR A TERM EXPIRING MAY 18, 2012. (REAPPOINTMENT)

DEPARTMENT OF HEALTH AND HUMAN SERVICES

DIANE D. RATH, OF TEXAS, TO BE ASSISTANT SECRETARY FOR FAMILY SUPPORT, DEPARTMENT OF HEALTH AND HUMAN SERVICES, VICE WADE F. HORN, RESIGNED.

INTERNATIONAL MONETARY FUND

DANIEL D. HEATH, OF NEW HAMPSHIRE, TO BE UNITED STATES ALTERNATE EXECUTIVE DIRECTOR OF THE INTERNATIONAL MONETARY FUND FOR A TERM OF TWO YEARS, VICE MARGRETHE LUNDSAGER, TERM EXPIRED.

DEPARTMENT OF STATE

MARK KIMMITT, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF STATE (POLITICAL-MILITARY AFFAIRS), VICE JOHN HILLEN, RESIGNED.

ROBIN RENEE SANDERS, OF NEW YORK, 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 FEDERAL REPUBLIC OF NIGERIA.

GENE ALLAN CRETZ, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO LIBYA.

EXECUTIVE OFFICE OF THE PRESIDENT

DONALD M. KERR, OF VIRGINIA, TO BE PRINCIPAL DEPUTY DIRECTOR OF NATIONAL INTELLIGENCE, VICE GENERAL MICHAEL V. HAYDEN, UNITED STATES AIR FORCE, RESIGNED.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. THOMAS G. MILLER, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED

WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

GEN. WILLIAM E. WARD, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. MICHAEL J. TROMBETTA, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIGADIER GENERAL CHARLES A. ANDERSON, 0000
BRIGADIER GENERAL KEVIN J. BERGNER, 0000
BRIGADIER GENERAL DANIEL P. BOLGER, 0000
BRIGADIER GENERAL JAMES E. CHAMBERS, 0000
BRIGADIER GENERAL BERNARD S. CHAMPOUX, 0000
BRIGADIER GENERAL ROBERT W. CONE, 0000
BRIGADIER GENERAL ANTHONY A. CUCOLO III, 0000
BRIGADIER GENERAL YVES J. FONTAINE, 0000
BRIGADIER GENERAL MARK A. GRAHAM, 0000
BRIGADIER GENERAL DAVID D. HALVERSON, 0000
BRIGADIER GENERAL MICHAEL D. JONES, 0000
BRIGADIER GENERAL PURL K. KEEN, 0000
BRIGADIER GENERAL DAVID B. LACQUEMENT, 0000
BRIGADIER GENERAL RAYMOND V. MASON, 0000
BRIGADIER GENERAL JOHN F. MULHOLLAND, JR., 0000
BRIGADIER GENERAL THEODORE C. NICHOLAS, 0000
BRIGADIER GENERAL PATRICK J. O'REILLY, 0000
BRIGADIER GENERAL JOHN E. STERLING, JR., 0000
BRIGADIER GENERAL RANDOLPH P. STRONG, 0000
BRIGADIER GENERAL MERDITH W. B. TEMPLE, 0000
BRIGADIER GENERAL WILLIAM J. TROY, 0000
BRIGADIER GENERAL PETER M. VANGJEL, 0000
BRIGADIER GENERAL DENNIS L. VIA, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. DAVID ARCHITZEL, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. JOHN D. STUFFLEBEEM, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS CHIEF OF THE BUREAU OF MEDICINE AND SURGERY AND SURGEON GENERAL AND FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 601 AND 5137:

To be vice admiral

REAR ADM. (SELECTEE) ADAM M. ROBINSON, JR., 0000

EXTENSIONS OF REMARKS

STATEMENT IN HONOR OF JUDGE RONNIE WHITE

HON. RUSS CARNAHAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2007

Mr. CARNAHAN. Madam Speaker, I rise today to recognize Judge Ronnie White, who recently retired from the Missouri Supreme Court.

Ronnie White was born in St. Louis, Missouri in 1953, and received degrees from St. Louis Community College, St. Louis University, and the University of Missouri-Kansas City School of Law.

Judge White has a long and storied career in public service. This work included jobs as a Public Defender, at the St. Louis City Counselor's office, and as a State legislator in the Missouri House of Representatives.

Since 1994, Judge White has been serving the State of Missouri as a Judge. From 1994 to 1995, he served as a Judge for the Eastern District of the Missouri Court of Appeals.

He was appointed by my father, Governor Mel Carnahan, in 1995 and served on the Supreme Court of Missouri until his retirement last week.

During his tenure on the Supreme Court, from 2003 to 2005, he served as the State's first African-American Chief Justice.

Judge White's service to Missouri has extended well beyond being a lawyer and a Judge. He has also been dedicated to numerous other causes, having served on boards of the St. Louis Housing Authority, the Regional Justice Information Services Commission, and the Maria Droste Residence for Women.

I am privileged to call Judge Ronnie White a friend, and am honored to pay tribute to him today for his great service to our State.

HONORING DR. JAN ACHENBACH OF NORTHWESTERN UNIVERSITY ON RECEIVING THE 2005 NATIONAL MEDAL OF SCIENCE

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2007

Mr. LIPINSKI. Madam Speaker, I rise today to honor an exceptional professor and scientist at Northwestern University, Dr. Jan D. Achenbach. His seminal contributions in the area of wave propagation in solids and his pioneering work in quantitative non-destructive evaluation have earned him the 2005 National Medal of Science, the Nation's highest award for lifetime achievement in fields of scientific research. As a graduate of Northwestern University with a degree from Dr. Achenbach's Department of Mechanical Engineering, I am especially proud to recognize his accomplishments and thank him for his years of dedication in the field.

Dr. Achenbach, who joined Northwestern in 1963, serves as the Walter P. Murphy Professor and Distinguished McCormick School Professor in the Department of Mechanical Engineering, Civil and Environmental Engineering and Engineering Science, and Applied Mathematics. For more than 40 years, Dr. Achenbach has devoted his time and energy to the research of solid mechanics and quantitative nondestructive evaluation, making major contributions in the field of propagation of mechanical disturbances in solids. He has developed methods for flaw detection and characterization by ultrasonic scattering methods. He also has achieved valuable results on earthquake mechanisms, on the mechanical behavior of composite materials under dynamic loading conditions, and on the vibrations of solid propellant rockets.

In addition, Dr. Achenbach is founder of Northwestern's Center for Quality Engineering and Failure Prevention, a state-of-art laboratory for quality control in structural mechanics, with profound impact on the aircraft industry, particularly the monitoring of aging aircraft.

Dr. Achenbach was awarded the 2003 National Medal of Technology, the Nation's highest honor for technological innovation. He was elected a member of the National Academy of Engineering in 1982, a member of the National Academy of Sciences in 1992 and a fellow of the American Academy of Arts and Sciences in 1994. In 1999, he was elected a Corresponding Member of the Royal Dutch Academy of Sciences. He is also an honorary member of the American Society of Mechanical Engineers and a fellow of ASME, ASA, SES, AMA, and AAAS. His awards include the Timoshenko Medal and the William Prager Medal.

Today, I ask my colleagues to join me in honoring Dr. Jan Achenbach for his tireless efforts in pioneering scientific research in engineering. He has done nothing less than an extraordinary job in his field and is truly deserving of the National Medal of Science. I congratulate Jan for this outstanding honor.

RECOGNIZING AND HONORING JACK VALENTI

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2007

Mr. RANGEL. Madam Speaker, I stand today to recognize and honor Jack Valenti: a man from humble beginnings who achieved widespread recognition and respect in a career of remarkable and memorable accomplishments. I would also like to introduce an article from the New York Times entitled, ''Walking with Presidents and (Hollywood's) Kings.'' His recent passing is a great loss to his family and many friends.

Jack Valenti, the son of a tax clerk and grandchild of Sicilian immigrants, was born September, 1921 in Houston, Texas. He admirably served the United States during World War II as a member of the Army Air Corps, earning the Distinguished Flying Cross; and later received his Master of Business Administration from Harvard University. After graduating from Harvard, Valenti returned home to Texas where he co-founded an advertising and political consulting agency, ''Weekley & Valenti,'' in 1952.

Fellow Texan and Vice President Lyndon B. Johnson called on Valenti to organize President Kennedy's trip to Houston; and was subsequently invited to Fort Worth and Dallas the next day where Valenti found himself an eyewitness to President Kennedy's assassination. After President Kennedy's death in 1963, Valenti accompanied Vice President Lyndon B. Johnson aboard Air Force One as Johnson took the oath of the office of the President. Valenti had the honor of writing Johnson's first address to the American public as President and the privilege of serving as President Johnson's special assistant.

Following his work in the White House, Valenti worked for the Motion Picture Association of America (MPAA) where he served as President for 38 years. In 1968 he created the MPAA film rating system. Although some changes have occurred along the way, this voluntary movie rating system is still used to date. Even as Valenti worked in Hollywood, he continued to play a hand in government as a pro-copyright lobbyist.

As a husband, father of three, lobbyist and MPAA President, Valenti will be greatly missed. He served his nation through both the private and public sector. While we are all saddened by his passing, we are grateful for his contributions and achievements concerning our federal government and motion picture industry. He will never be forgotten.

WALKING WITH PRESIDENTS AND (HOLLYWOOD'S) KINGS

(By Jeanine Basinger)

The first time I heard Jack Valenti speak, I noted that he was dapper, unexpectedly handsome and short. He had arrived at a meeting of the trustees of the American Film Institute to nominate his friend Kirk Douglas for the annual Life Achievement Award. When he had finished and whirled out, he was still dapper and unexpectedly handsome, but he had grown very big in stature.

I had witnessed Mr. Valenti in action, an in-the-flesh version of his autobiography, ''This Time, This Place: My Life in War, the White House, and Hollywood.'' He had exuded charm, established himself as everyone's pal with a few harmless anecdotes, taken the room by surprise with a passionate (and well-prepared) speech and rapidly moved on to his next battle, confident he'd get what he came for. (He did; Mr. Douglas got the award.)

Mr. Valenti, who died on April 26, was a warrior, and he knew how to win. He just looked harmless.

Mr. Valenti was born in Houston, the grandchild of Sicilian immigrants, and his parents taught him loyalty, love of the United States and the importance of education, values he never surrendered or compromised.

Still, ''a fierce ambition burned in me,'' he wrote. ''I wanted to see more, know more and feel more than what seemed to be my lot.'' He found three major combat zones in which to achieve his dreams—war, politics and movie-making—and he writes about each in a different manner.

Mr. Valenti's earliest chance to make something of himself came in World War II. He entered the Army Air Corps and flew a B–25 on 51 combat missions over Europe, earning the Distinguished Flying Cross for his valor. His descriptions of that time, that place, are among the most vivid in his book. His prose throbs with memories of an experience that was simultaneously exhilarating, terrifying and ''brutal, callous and cruel.''

After the war Mr. Valenti completed his education at Harvard Business School and returned to Texas, joining with a friend to form a highly successful advertising agency. When Vice President Lyndon B. Johnson, a fellow Texan, asked Mr. Valenti to organize President John F. Kennedy's visit to Houston, scheduled for Nov. 21, 1963, Mr. Valenti managed on short notice to mastermind a flawless event. Pleased and impressed, Johnson impulsively invited him to go along on the next leg of Kennedy's journey: a brief hop to Fort Worth and Dallas, set for the next day.

Mr. Valenti went, and found himself eyewitness to the assassination of one American president and the emergency swearing in of another aboard Air Force One. Mr. Valenti would never again return to his life as an adman in Houston. That fateful Nov. 22 and its aftermath became the defining event of his life, a frame to hold his story, a shadow over it but also a foundation under it.

Mr. Valenti served three years in the Johnson White House as a top presidential aide. In this section of the book he is circumspect. He's a shrewd observer but careful with what he shares. Since he supervised Johnson's speeches, decided whom the president would see (or not see) and where he would go (or not go) to speak (or not speak), a reader wishes for more. If Jack Valenti were a great writer (he's not), a tattletale or even a Judas (he's not), his book could have been one of the most important historical pictures of the tormented decade of the 1960s in the United States.

Mr. Valenti left Washington in 1966 when Lew Wasserman, the chief executive of MCA Universal Studios, offered him the opportunity to become the head of the Motion Picture Association of America. To accept, Mr. Valenti had to face Johnson's wrath, and it says a lot about him that he did face it, carried the day and ended up still friends with that mercurial politician.

Writing about Hollywood, Mr. Valenti is looser, more willing to tell tales. His good-old-boy Texas storytelling skills are brought into irreverent play. He wryly describes his first meeting with the combined studio moguls (''the most skeptical audience in the Western world''). Full of Oval Office confidence, Mr. Valenti gave a rousing speech defining his job problems, only to hear Jack Warner, the tough-guy head of Warner Brothers, calmly tell him, ''Your biggest problem will be the people sitting around this table.''

Ultimately, Mr. Valenti learned how to operate in Hollywood: ''In any meeting, I had to know who could carry the room at a particularly sensitive moment.'' He does not state the obvious: it was usually he.

His most enduring legacy from those years was his establishment in 1968 of the motion picture rating system, for which he fought ferociously and which he defended without apology. In the preface to his book Mr. Valenti warns the reader that he is writing for his grandchildren. In other words, he's going to censor himself. Just as he kept a lid on fear under combat stress, a lid on President Johnson (no doubt a lid the size of Kansas) and a lid on the leaders of Hollywood, Mr. Valenti keeps his memoir firmly under control. He tells only what he wants to tell, disappearing behind platitudes or quotations from Emerson, Faulkner and others when camouflage is needed.

To compensate, he never apologizes for being a Democrat and gives opinions on literature (''I never fathomed James Joyce''), Cary Grant (''getting Cary to pick up the restaurant check was a miracle few had ever witnessed''), Oscar night (''a ghastly piece of business'') and more.

Mr. Valenti is only indirectly the hero of his own story, but he's still a clever adman who knows how to sell his product. What emerges is a portrait of a man who was not, as some might think, merely a political toady. In his own way he was strong and relentless, with a tough definition for leadership: ''I have my own formula, which is quite simple. It is rooted in the ability to engage in courtship, to cosset talent, to understand the human condition and to make decisions fast.''

When Mr. Valenti died at 85 of complications from a stroke, he had already unknowingly written his own most honest epitaph: ''The professional does his job right every time, without regard for anything else.'' He had lived his life as a gentleman and a patriot, always the smooth operator (with scruples), but a man of steel whenever that became necessary. He might have been the last of the breed.

REMEMBERING THE INNOCENT LOST DURING SREBRENICA GENOCIDE

HON. RUSS CARNAHAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2007

Mr. CARNAHAN. Madam Speaker, I rise today to express my deepest sympathy for the thousands who lost their lives on this, the 12th anniversary of the Srebrenica genocide.

We should remember all of the innocent people who were brutally killed by honoring their lives and remembering their struggle for freedom during the 3-year conflict in Srebrenica, a city in Bosnia and Herzegovina.

This conflict was the largest massacre and genocide of civilians in Europe since World War II.

In my district, I have the largest Bosnian population outside of Bosnia today. Approximately 40,000 Bosnians reside in the St. Louis, MO, area.

Of these, upwards of 5,000 are survivors of the Srebrenica massacre.

As a Representative of my Bosnian-American friends in St. Louis, I understand that this tragedy continues to affect many of my constituents.

We must commemorate those who died, hold those who are responsible accountable, and honor the brave survivors.

It is important for us to remember this dark chapter in history to learn from it for the benefit of our future generations.

HONORING DR. TOBIN MARKS OF NORTHWESTERN UNIVERSITY ON RECEIVING THE 2005 NATIONAL MEDAL OF SCIENCE

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2007

Mr. LIPINSKI. Madam Speaker, I rise today to honor an exceptional professor and scientist at Northwestern University, Dr. Tobin J. Marks. His pioneering research in the areas of homogenous and heterogeneous catalysis, organo-f-element chemistry, new electronic and photonic materials, and diverse areas of coordination and solid state chemistry, has earned him the 2005 National Medal of Science, the Nation's highest award for lifetime achievement in fields of scientific research. As a graduate of Northwestern University, I am especially proud to recognize his accomplishments and thank him for his years of dedication.

Dr. Marks, who joined Northwestern in 1970, serves as the Vladimir N. Ipatieff Research Professor of Chemistry in the Weinberg College of Arts and Sciences, and Professor of Materials Science and Engineering. He is recognized as a leader in the development and understanding of single-site polymerization catalysis, which is now a multi-billion dollar industry. He designed a co-catalyst that led to what is now a standard process for producing better polyolefins. Found in everything from sandwich wrap to long underwear, these versatile and inexpensive plastics are lighter in weight and more recyclable than previous plastics.

He also is conducting cutting-edge research of new materials that have remarkable electrical, mechanical, interfacial, and photonic properties. In his molecular optoelectronics work, Marks designs arrays of ''smart'' molecules that will self-assemble into, or spontaneously form, structures that can conduct electricity, switch light on and off, detect light, and turn sunlight into electricity. These structures could lead to the world's most, versatile and stable light-emitting diodes, LEDs, and to flexible ''plastic'' transistors.

During his career, Marks has received numerous honors, including the American Institute of Chemists Gold Medal, the John C. Bailar Medal from the University of Illinois at Urbana-Champaign, the Sir Edward Frankland Prize Lectureship of the British Royal Society of Chemistry, and the Karl Ziegler Prize of the German Chemical Society. He also is a recipient of three American Chemical Society, ACS, national awards and the ACS Chicago Section's 2001 Josiah Willard Gibbs Medal, regarded by many as the highest award given to chemists next to the Nobel Prize. He was elected to the National Academy of Sciences and the American Academy of Arts and Sciences in 1993.

Today, I ask my colleagues to join me in honoring Dr. Tobin Marks for his tireless efforts in pioneering scientific research in chemistry. He has done nothing less than an extraordinary job in his field and is truly deserving of the National Medal of Science. I congratulate Tobin for this outstanding honor.

A TRIBUTE TO THE PASADENA-FOOTHILLS ASSOCIATION OF REALTORS

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2007

Mr. SCHIFF. Madam Speaker, I rise today to honor the Pasadena-Foothills Association of Realtors, (PFAR), which will be celebrating its 100th anniversary this year. For the past century, the Pasadena-Foothills Association of Realtors has remained committed to its members and to its community.

Founded in 1907 as the Pasadena Realty Board dedicated to ''promoting good fellowship and fair dealing within the industry,'' the association has grown in size from 26 members in 1908 to approximately 2400 members in 2007. In recent years, the Pasadena-Foothills Association of Realtors has not only met their original objectives but has surpassed them, taking on projects both inside and outside the world of real estate and demonstrating through generosity and service what a tremendous asset it is to the community.

The Pasadena-Foothills Association of Realtors is comprised of many remarkable individuals who have served admirably in their communities including Warren Dorn and Jo Heckman. In 1955, at age 36, Mr. Dorn became the youngest mayor in Pasadena history and in 1956 was elected to the Los Angeles County Board of Supervisors. The first female President of the Association in 1960 and the first woman elected to the Board of Directors in 1975, Ms. Heckman moved seamlessly to the realm of public service by becoming Pasadena's first female Mayor in 1980.

In keeping with their public minded traditions, PFAR made a large charitable contribution of $2,100 to the Pasadena-Altadena Community Chest in 1957. Since then, the association and its members have been active participants in many organizations throughout the greater Pasadena area. In the 1980s, programs such as ''Thanksgiving Food to Needy Families,'' ''Christmas Tournament of Toys,'' and ''Adopt-A-School'' were implemented. In 1999, in response to requests made by local teachers, PFAR founded the program ''REALTORS for Music,'' donating boxes of sheet music and numerous instruments to public schools in the area. In 2002, the association sponsored a blood drive and also started the ''REALTORS for Reading'' program, which collected 2,000 books for area school libraries in its first year alone. In addition, PFAR raised $86,000 in 2004, over $100,000 in 2005 and $116,000 in 2006 for local charities from popular events such as the Taste of Pasadena Festival and the Wreath Auction.

It is my pleasure to honor the Pasadena-Foothills Association of Realtors on its 100th anniversary of dedicated service to the community. I ask all members to join me in commending their efforts.

HONORING MASTER SERGEANT HULAN D. GREAVES

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2007

Mrs. CAPPS. Madam Speaker, today I rise to pay tribute to MSgt Hulan D. Greaves as he retires from the Air Force. He has been assigned to Detachment 1, 345 Training Squadron at Port Hueneme since 2003 and currently serves as Alfa Company Gas Phase Head.

Master Sergeant Greaves was raised in Barbados and attended the Seventh Day Adventist School. In 1977, he came to the United States with his parents and resided in Brooklyn, NY, before joining the Air Force in 1986. Following his graduation from basic training, Greaves attended Technical Training School at Chaunte AFB, IL, and graduated as a General Purpose Vehicle Mechanic. After graduation, Sergeant Greaves was assigned to 27 Transportation Squadron, Cannon AFB, NM. After 2 years in New Mexico, he departed for Germany and was assigned to the 4th Air Support Operations Center, where he spent 4 years before relocating to Andersen AFB, Guam. Greaves then returned to Germany before he was assigned, in 1998, to Eglin AFB, FL to 16 Electronic Warfare Squadron as Vehicle Manager.

In April 2003, Master Sergeant Greaves was selected for instructor duty and reported to Port Hueneme, CA. Master Sergeant Greaves currently holds an Associate's Degree in Vehicle Maintenance from the Community College of the Air Force and holds a Bachelor's Degree in Applied Science from Troy State University in Troy, AL. He has completed course 12, NCO Academy and Airmen Leadership School. Master Sergeant Greaves' decorations include Air Force Commendation Medal with 3 oak clusters, Air Force Achievement Medal with I oak cluster, Joint Meritorious Unit Award, AF Outstanding Unit Award with 4 oak clusters, AF Good Conduct Medal with 1 silver oak leaf, National Defense Service Medal with 1 bronze star, Southwest Asia Service Medal with 1 bronze star, Humanitarian Service Medal, AF Overseas Ribbon Short, AF Overseas Ribbon Long with 3 oak leaf clusters, AF Longevity Service with 3 oak leaf clusters, USAF NCO PME Graduate Ribbon with 2 oak leaf clusters and the AF Training Ribbon.

Madam Speaker, I am honored today to pay tribute to MSgt Hulan D. Greaves and thank him for his tireless dedication to our country and wish him the best in retirement.

ACKNOWLEDGEMENT OF ANOINTED VOICES' CONTRIBUTIONS TO NEW YORK CITY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2007

Mr. RANGEL. Madam Speaker, I stand today to recognize the inspirational and commendable work of Anointed Voices as part of the therapeutic ministries of the Bowery Mission in New York City and to enter into the record an article from the New York Times entitled ''Recovering Addicts Sing of Faith and Hope.''

Anointed Voices is an a cappella group, started in 2006, housed in the Bowery Mission: a faith based organization that serves the homeless, helps people fight their addictions to alcohol or drugs, and assists individuals with leading lives independent of substance abuse. It is considered one of New York City's most successful homeless shelters, providing compassionate and life-changing care to the city's most vulnerable populations.

The men who sing in the a cappella group were once homeless and struggling with addiction yet somehow found their way to the Mission. Their life stories reveal the power of faith and the power of individual will to overcome life's most challenging obstacles. They went from losing everything to becoming a voice of inspiration and encouragement to others. Anointed Voices sings in prisons and hospitals to the incarcerated, the youth, and the sick. Everyone who has had the pleasure and experience to hear their message has been both moved and impressed.

I am truly pleased to know that not only have these men turned their lives around, they are also empowering others to do the same.

AT THE BOWERY MISSION, SONGS OF FAITH AND REDEMPTION

(By Dalton Walker)

Inside an empty chapel in Lower Manhattan, Dwight Walker stood with his back facing the empty rows of pews. His voice began to rise with songs that included words like faith, found and lost. Five other men joined him.

''The storm is passing over—have faith in the Lord,'' Mr. Walker sang in the sanctuary at the Bowery Mission.

The six men are known as Anointed Voices, an a cappella group that sings and preaches in churches, in hospitals, before youth groups and in prisons.

Theirs is a small tale of redemption—of how hard work, willpower and faith can sometimes lead people away from lives of desolation. All were homeless at some point, struggling with drug and alcohol addiction. All forged a new path at the Bowery Mission, a faith-based organization that serves the homeless.

''The message is, no matter where you come from, there is a place God has given you,'' said James Macklin, 67, a member of Anointed Voices and director of outreach for the mission. ''The only thing one has to do is mine for this goal and make a human being all he can be.''

In 2004, Ien Williams, 46, lost everything to his cocaine addiction: his marriage, his truckdriving business and his home in Queens. He carried his possessions in two suitcases through the streets of Manhattan.

Someone told him about the Bowery Mission, and though he was wary of its emphasis on Christianity, he decided he had nothing to lose by going there. Spending time there helped him beat his addiction, he said, and now Mr. Williams lives at the mission, on the Bowery near Rivington Street, where he is in charge of housekeeping duties. The other singers call him ''the minister'' because of his preaching.

''For me, it's a total worship experience,'' Mr. Williams said. ''I sense the presence of God. This is where I'm safe.''

The life stories of the other singers—Eugene Chisholm, Dennis Ogarra and Carroll Baylor—are strikingly similar to Mr. Williams's. Three of the six live at the mission, while the others have found their own places.

Mr. Ogarra helped found Anointed Voices in 2006 and recruited Mr. Walker and Mr. Williams. The others joined soon after.

Elvon R. Borst, manager of alumni programs at the mission, was impressed when she heard the group perform recently at a church in the Bronx.

''It seems to me that the men really try to deliver a message of encouragement and hope,'' she said.

Mr. Macklin serves as the group's coordinator, arranging four or five performances a month. Some churches have been particularly welcoming, impressed with their music and their message.

''Everyone,'' Mr. Macklin said, ''deserves a second chance.''

Two years ago, Mr. Walker, at 39 the youngest of the six members, was using large amounts of crack cocaine. His awakening came, he said, when he was shoved into a van in Manhattan with a bag over his head. The details, he said, are vague because he was high on crack. The next thing he remembers was a bright light shining through the bag into his eyes, he said. It was the police.

Mr. Walker eventually found his way to the Bowery Mission. ''This has helped me stay clean, helped me develop a relationship with God,'' he said.

Mr. Ogarra, 49, who was born and raised in Brooklyn, joined the Army to escape living on the streets. He was stationed in Kansas at Fort Riley, but before long he was back to his old ways—using crack and cocaine and abusing alcohol.

After he was discharged from the Army he moved back to Brooklyn. ''I took the habit with me,'' Mr. Ogarra said.

His addictions kept his life in chaos, preventing him from holding a steady job, and leading to the breakup of his marriage. In 2005, he said, he stood on a Long Island Rail Road platform on Atlantic Avenue and thought about killing himself. But something stopped him, he said, and someone who spotted him called the police. An officer suggested he seek help at the Bowery Mission.

''I was just mixed up,'' Mr. Ogarra said. ''I drank many years away. I did many things. I had no direction, no drive and no hope.''

The mission has kept him free of drugs. and the musical group has given him a more hopeful view of life. He now lives in Washington Heights and has a job with U.S. Security Associates, a nationwide security firm.

''It's a godsend I got here,'' Mr. Ogarra said. ''I've learned to trust in my faith. If! was to give up I would be lost.''

A tear rolled down Mr. Ogarra's right cheek as he spoke. But as the six men talked about their lives and prepared for another singing performance, there were plenty of jokes and laughter, too. ''We're kind of like a family,'' Mr. Macklin said.

TRIBUTE TO JOHN R. HOGNESS

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2007

Mr. McDERMOTT. Madam Speaker, the City of Seattle and our Nation recently lost one of the great leaders in the field of medicine, Dr. John R. Hogness, a friend, colleague, and constituent. Dr. Hogness contributed to the common good throughout his 85 years of life.

John wasn't merely a community asset, although he was that; John was a national treasure and we shall miss him.

Dr. Hogness served with distinction as the first president of the Institute of Medicine of the National Academy of Sciences.

Under John's leadership, the Institute grew to become a trusted, independent voice, at times courageous, at times bold, but always fair and forward thinking. The high standards Dr. Hogness applied to himself always became trademarks of the organizations he led. And he led some of America's best institutions, including the University of Washington.

Dr. John Hogness served as a president of the University of Washington, dean of the medical school, and vice president for medical affairs. The UW is an internationally acclaimed institution today, in part, because of the significant contributions made by Dr. John Hogness.

He never forgot his roots as a medical doctor and never forgot that medicine is about healing the pain and suffering of people.

Throughout his distinguished career, John believed that academia had a role and responsibility to champion the common good, and so Dr. Hogness long advocated for a national health plan because he believed that everyone had a right to receive medical treatment.

John was just as comfortable filling in for a rural medical doctor in Omak who wanted to take a vacation as he was creating a new department of bioengineering at the University of Washington. Of course, he excelled at both, drawing on his intellect, sense of humor, modesty and commitment to public service.

While this may not be your stereotypical academic, it defines Dr. John Hogness. From time to time, John might have been out of step with the status quo, but he was never out of touch with the people medicine was intended to help, or the medical advances that could save more lives and ease more suffering.

John once remarked that he was most proud of his role in creating an innovative regional medical education program serving Alaska, Washington, Idaho, Montana and Wyoming. Medical students attend the University of Washington's School of Medicine, the only medical school in the five states, but the young doctors intern in all five states.

It makes the rural practice of medicine real to young doctors and reality to rural communities throughout the region.

The long list of achievements can be summed up simply by knowing that Dr. John Hogness did so much for so many.

Rather than mourn his passing, I hope that we celebrate the life of Dr. John Hogness by remembering he was an intellectual giant who never forgot how to make house calls.

RECOGNIZING THE ACCOMPLISHMENTS OF SAMMIE OLKINETZKY

HON. TOM COLE

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2007

Mr. COLE of Oklahoma. Madam Speaker, today I rise to honor one of Oklahoma's genuine treasures, Ms. Sammie Olkinetzky, who recently observed her 50th anniversary as a church choir director.

Through her service as a choir director, hundreds of Oklahomans were encouraged to develop their singing abilities, utilize their gifts to entertain others, and most importantly, express praise to God through their talents.

Ms. Olkinetzky was born and raised in Ada, Oklahoma. She attended the University of Oklahoma and received a master's degree in music education.

Her first appointment as a choir director came in 1957 to Trinity Lutheran Church in Norman. While at Trinity, Ms. Olkinetzky had the opportunity to lead two children's choirs, the St. Timothy Choir and the Bach Choir, as well as a choir for adult church members. In 1963, Ms. Olkinetzky served as a dual choir director to both Trinity Lutheran Church and University Lutheran Church, which had recently partnered their choir with the Trinity congregation.

Madam Speaker, I ask my colleagues to join me in congratulating Sammie Olkinetzky for her fifty years of service. She has spent decades enriching the cultural and spiritual life of residents in the fourth district. I want to thank Ms. Olkinetzky for all of her contributions to the state of Oklahoma.

TRIBUTE TO DAVID F. DUNHAM

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2007

Mr. McGOVERN. Madam Speaker, I rise today in recognition of David F. Dunham who has retired after 35 years of public service with the Social Security Administration.

Mr. Dunham began working with the United States Postal Service in 1971 while attending the University of Massachusetts-Lowell. In 1972 he began work with the Social Security Administration at the Western Program Service Center. Later that year he transferred to Worcester, Massachusetts as a Claims Representative. He continued working in the Worcester area until his retirement. He was promoted to Operations Supervisor in 1984.

In addition to his work as Operations Supervisor, Mr. Dunham is recognized as one of the most gifted and talented instructors in the Boston Region. He taught numerous Service Representative and Claims Representative classes and many of his students are now successful Social Security Administration employees and supervisors assigned throughout New England.

During his years of hard work, Mr. Dunham has come to exemplify public service. This spirit can be seen outside of his professional life as well. Mr. Dunham has participated in several local motorcycle rides for charity and is involved with activities and outreach programs with his church. It is a great pleasure to offer him my sincere congratulations for his accomplishments and retirement.

Madam Speaker, I am certain that the entire House of Representatives joins me in congratulating David Dunham for his outstanding service with the Social Security Administration and in wishing him a happy and healthy retirement with his partner Rick, his daughter Jerusha, and son-in-law Sean.

RECOGNIZING THE RECREATIONAL BOATING COMMUNITY AND THE BOATING INDUSTRY OF THE UNITED STATES

SPEECH OF

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 2007

Ms. SÁNCHEZ of California. Mr. Speaker, I rise in support of H. Res. 505, recognizing the

contributions of the recreational boating community and the boating industry to the prosperity of the United States. This resolution, introduced by my colleague RON KLEIN, is an important way to highlight the vital role that the boating industry plays in the U.S. economy: it generates more than $39,000,000,000 annually as it provides 380,000 American jobs.

However, I also rise to draw the House's attention to the serious problem of propeller injuries associated with recreational boating. A typical three blade propeller running at 3,200 rpm can inflict 9,600 impacts on the human body in just one minute, and a 13-inch blade can travel from head to toe on a person of average height in less than one tenth of a second. Given the speed at which these propellers turn, it is no surprise that propeller injuries frequently result in dismemberment and death.

According to the United States Coast Guard Annual Boating Statistics Reports, there were 239 accidents involving propellers in 2005 alone. Thirty-one of these injuries were fatal, and the rest were typically very severe. Sadly, the number of propeller accidents may even be larger than the report describes. The Coast Guard acknowledges that many boating accidents go unreported, either because victims are unaware of regulations requiring them to report or because the trauma of an accident leaves them little time to think about reporting.

I commend the efforts of the brave men and women of the U.S. Coast Guard, but I recognize that they lack the resources or manpower to maintain accurate records of recreational boating accidents. A 1992 study carried out by Johns Hopkins University found that, compared to the average one hundred propeller-related accidents reported by the Coast Guard; each year between 1976 and 1990, the actual number may have been closer to 2,000 to 3,000 per year.

As we rise to honor the contributions of the recreational boating community, we must also commit to doing more to protect the members of that community. We must pay special attention to children and young adults, the boating community's most vulnerable members, who sustain 40 percent of all propeller injuries.

When considering how we might reduce propeller injuries, one potential area of improvement lies in the make-up of the National Boating Safety Advisory Council (NBSAC), which consults with the U.S. Coast Guard in setting federal regulations. Ensuring that a sufficient portion of the NBSAC membership has no direct or indirect financial ties to the boating industry would be a step toward ensuring the airing of a diversity of views and improving the efficacy of the consultations and resulting federal regulations.

I invite my colleagues to take this opportunity to learn more about propeller injuries and to consider how we might work together to minimize them while continuing to support this vital industry.

DEPARTMENT OF THE INTERIOR, ENVIRONMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

SPEECH OF

HON. PAUL W. HODES

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 26, 2007

The House in Committee of the Whole House of the State of the Union had under consideration the bill (H.R. 2643) making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2008, and for other purposes:

Mr. HODES. Madam Chairman, I rise today to urge my colleagues to vote against Rep. LAMBORN's amendment to the Interior-Environment Appropriations bill which would slash the funding for the National Endowment of the Arts. The NEA has suffered deep cuts over the last decade. It is time for a new direction in supporting the arts in America.

America's global competitiveness relies on a creative, thoughtful citizenry, and funding the NEA has been proven to produce just that by funding artists, arts organizations and arts education.

Students with an education rich in the arts have better grade point averages in core academic subjects, score better on standardized tests, and have lower drop-out rates than students without arts education.

Creative thinkers are our innovators, our visionaries, and our leaders. Investing in their development is an American priority.

Support for the arts means supporting good business. The arts industry: Supports 5.7 million full-time jobs; generates $104.2 billion in household income; generates $7.9 billion in local government revenue; generates $9.1 billion in State government revenue; and generates $12.6 billion in Federal income tax.

But beyond all the statistics demonstrating the importance of the arts in education and in our economy is the clear reality that money spent supporting the arts is a crucial investment in America's lasting legacy. For long after we are gone our artistic creation will survive.

This Amendment is a shortsighted attempt to strangle an agency that does amazing work for the people of this country. I know firsthand what is done with the few dollars awarded through the NEA.

I stand today to ask my colleagues on both sides of the aisle to reject this amendment and fund the NEA, which encourages creative thinking and the creative economy.

SUPPORTING HOME OWNERSHIP AND RESPONSIBLE LENDING

SPEECH OF

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2007

Mrs. JONES of Ohio. Madam Speaker, I rise today in support of H. Res. 526, supporting home ownership and responsible lending.

A recent study released by the Center of Responsible Lending reveals 2.2 million subprime home loans made in recent years have already failed or will end in foreclosure this year at a cost of 164 billion to consumers.

Despite low interest rates and a favorable economic environment during the past several years, the subprime market has experienced record high foreclosure rates. In 2006 alone there were more than 1.2 million foreclosures, a 42 percent increase from 2005. I am sad to report that my home state of Ohio has one of the highest foreclosure rates in the nation.

As you may know a number of factors drive sub prime foreclosures, including adjustable rate mortgages with steep built-in rate and payment increases, prepayment penalties, limited income documentation, and no escrow for taxes and insurance. Often individuals who are eligible for prime rates are steered into accepting high-cost subprime mortgage rates without fully understanding the risks of the mortgage products they choose. People are being manipulated by aggressive mortgage brokers and lending firms into taking subprime rates. It is our responsibility to keep them from being exploited.

Unfortunately many of these individuals are African Americans in urban areas, targeted by lending firms with these high-cost loans. In the last several years, poor neighborhoods with large minority populations like Cleveland, Chicago, Philadelphia and Atlanta have experienced a sharp rise in foreclosures, in some cases more than doubling over the past decade. In Cuyahoga County alone, where Cleveland is located, the foreclosure rate is 17 percent, 12 percent higher than the national average.

Madam Speaker, we must put an end to these practices that are hurting consumers and prohibiting them from achieving the American dream of home ownership. I urge my colleagues to support my Predatory Mortgage Lending Practices Reduction Act, H.R. 2061 and H. Res. 546 so we may prevent predatory lending and ensure the fiscal security of the American people.

FOREIGN INVESTMENT AND NATIONAL SECURITY ACT OF 2007

SPEECH OF

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2007

Mr. KING of New York. Mr. Speaker, I rise today in strong opposition to the Senate's revision of what was a solid, balanced bill, H.R. 556, the "Foreign Investment and National Security Act of 2007." This bill fails to make a number of very much needed reforms to the Committee on Foreign Investment in the United States ("CFIUS"). I am disappointed that the legislation, passed by the Senate and considered today, makes changes to the bill originally passed by the House, that significantly weaken the legislation.

As originally passed by the House, H.R. 556 ensured that the Director of National Intelligence (DNI) is given adequate time to conduct a thorough analysis of proposed transactions. If the DNI identified complex issues that could not be resolved within that initial 30-day review, the transaction would be sent to a 45-day investigation. These intelligence reviews were missing during the Dubai Ports debacle last year and are absolutely vital to our

homeland security. The Senate version shortshrifts these intelligence reviews and requires the DNI to complete his work within 20 days. It fails to consider more complicated cases that may require additional scrutiny.

In addition, the bill passed by the House both last year and this year would have elevated the Secretary of Homeland Security to a position as Vice-Chair of CFIUS and required both the Departments of Treasury and Homeland Security to approve all CFIUS findings. This was a sensible approach that balanced foreign investment with national security. In the post-9/11 world, homeland security considerations must be our first consideration, not our last. Elevating the Secretary of Homeland Security to the Vice-Chair position would have ensured that while we encourage foreign investment, we would never again side-step the security of our homeland. The legislation we are considering today does not include this important provision.

The Senate's revision would allow a simple majority to overrule the Secretary of Homeland Security or Defense with respect to whether or not a transaction should receive a more thorough vetting through a National Security Investigation. The House bill had required an investigation if any Committee member thought it necessary to protect our national security. Further, the mechanism for approving the Committee's findings is conspicuously absent from the Senate language, whereas the House allowed for any dissenting Committee member to push the transaction to the President for his consideration.

Each of these provisions was included to prevent a future Dubai Ports scenario. Elevating the Secretary of Homeland Security as Vice-Chair would have ensured that the DHS's concerns were seriously addressed by the Department of Treasury. Giving the DNI adequate time to conduct a thorough review would have guaranteed that Members would get more than a shrug of the shoulders when asking pointed questions about Dubai's reported ties to the Taliban. Rollcall votes would have demanded accountability for what was an ill-informed decision.

I cannot in good faith support this legislation because it fails to make the vital changes noted above to improve the current CFIUS process. We are missing an opportunity to enact reforms that will ensure that a debacle like the Dubai Ports World transaction does not happen again.

I will therefore vote against H.R. 556.

INTRODUCTORY STATEMENT OF TELECOMMUNICATIONS BILL

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2007

Mr. RANGEL. Madam Speaker, today I am introducing legislation to provide tax incentives to encourage greater diversity of ownership in telecommunications businesses. My bill is a response to the increasing ownership of television and radio properties by large media companies.

I strongly believe that promoting diverse viewpoints on the airwaves is an important public policy goal. The only way to accomplish that goal is to broaden the ownership of broadcast stations. The television and radio spectrum is a limited resource. The trend in recent years has been toward a greater concentration of ownership in the hands of large media companies. We need to reverse that trend.

Madam Speaker, small businesses that wish to enter telecommunications businesses face significant barriers. To enter a broadcast industry, a small business must purchase an existing property. Owners of those properties find it much easier to sell to large businesses than to small businesses. Therefore, small businesses quite often do not have a seat at the table when there are negotiations over the sale of broadcast properties.

My bill would reduce those barriers by providing limited deferral of capital gain taxes when a telecommunications property is sold to a small business. This would provide the sellers of those properties a positive incentive to consider a small business purchaser.

Large segments of our society historically have been underrepresented in the ownership of radio and television properties. I believe that it is vital that those groups have access to the television and radio spectrum so that their views are represented on our airwaves. As a result, my bill increases the capital gain tax deferral when the sale is to a small business owned and controlled by individuals from these historically underrepresented groups.

Madam Speaker, I understand that some may attack my bill as being the re-enactment of a flawed prior program. The provisions in my bill are quite similar to the tax certificate program that was repealed by the Congress in 1995. I do not quarrel with those who assert that there were abuses in that program. However, it is unfortunate that the Congress chose repeal and not reform because that program had been effective in accomplishing its goal of expanding ownership of radio and television businesses. In 1978, before the implementation of that program, only .05 percent of all broadcast stations in this country were owned by minority groups. By 1994, the year before the program was repealed, the program had succeeded in increasing minority ownership 60-fold to 3 percent. Since that program was repealed, the number of minority-owned broadcast properties has declined.

The bill that I am introducing today is designed to prevent any potential abuses. It is limited to small business purchasers, it contains restrictions on the number of purchases that can be made by anyone business, it contains recapture provisions to prevent the use of the small business as a front for another party, and it contains provisions designed to prevent avoidance of the ownership requirements through options or other sophisticated transactions.

All small businesses, regardless of their ownership, would be eligible for the benefits of my bill. I believe this incentive is appropriate so that the views of many different groups are heard on our Nation's airwaves. The bill simply attempts to ensure that small businesses, including minority-owned small businesses, have a seat at the table when a broadcast property is being sold.

Madam Speaker, I am hopeful that we will be able to deal with this issue on a bipartisan basis. We should all support the goal of expanding diversity in ownership of broadcast properties. I am pleased that in the past Senator MCCAIN introduced a similar proposal in the Senate. I am hopeful that we can find bipartisan support in the House.

INTRODUCTION OF THE DISTRICT OF COLUMBIA MEDICAID REIMBURSEMENT ACT OF 2007

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2007

Ms. NORTON. Madam Speaker, I introduce the District of Columbia Medicaid Reimbursement Act of 2007 today to raise the Federal medical assistance percentage, FMAP, the Federal contribution from the Federal Government from 70 percent to 75 percent, and to reduce the District's unique role as the only city that pays the full local cost of Medicaid, a program that is carried by States and counties in our country. New York City, the jurisdiction that powers the economy of New York State, contributes a 25 percent local share to Medicaid while the State pays 25 percent, less than the District's statutorily mandated 30 percent contribution. I introduce this bill because the District's continuing responsibility for most Medicaid costs that are typically borne by entire states is a major component of the District's structural deficit and threatens the stability of the city itself, according to the District's Chief Financial Officer, CFO.

The District's CFO reports that rapidly increasing Medicaid costs put the city at risk. In FY2005, these costs accounted for $1.4 billion, or 22 percent, of the city's gross funds budget. Total program costs have risen 42 percent since 1999, and are projected to increase by another $39 million this year. Yet the District, unlike other cities which have lost significant populations, has no State economy to share this burden. More than 25 percent of District children and adults are enrolled in Medicaid, compared to 12 percent in Maryland and just 9 percent in Virginia. On average, the District spends over $7,000 per enrollee, while Maryland and Virginia spend $5,509 and $5,177, respectively, reflecting serious health conditions that are concentrated among big city residents in this majority African-American city.

The D.C. Medicaid Reimbursement Act of 2007 is the seventh in the "Free and Equal D.C." series. This series of bills addresses inappropriate and often unequal restrictions placed only on the District and no other U.S. jurisdiction. Although today's bill cannot address the entire structural problem that the District faces because the city is not part of a state, the bill would eliminate the greater percentage the District pays by allowing a 25 percent city contribution, rather than the current contribution that is even greater than New York City's.

In 1997, as part of the Balanced Budget Act, Congress recognized that State costs were too costly for any one city to shoulder. To alleviate the resulting financial crisis, Congress increased the Federal Medicaid contribution to the District from 50 to 70 percent, and took responsibility for a few State costs—prisons and courts—relieving the immediate burden, but the city continues to carry most State costs.

In 1997, a formulaic error in the Medicaid Disproportionate Share Hospital, DSH, allotment reduced the 70 percent FMAP share,

and as a result, the District received only $23 million instead of the $49 million due. I was able to secure a technical correction to the Balanced Budget Act of 1999, partially increasing the annual allotment to $32 million from FY2000 forward. I appreciate that in 2005, Congress responded to my effort to get an additional annual increase of $20 million in the budget reconciliation bill, bringing D.C.'s Medicaid reimbursement payments to $57 million as intended by the Balanced Budget Act. However, this amount did not reimburse the District for the years a Federal error denied the city part of its Federal contribution, and in any case, of course, was not intended to meet the structural problem this bill partially addresses.

The District has taken important steps on its own to reduce Medicaid costs through greater efficiency, and to treat and prevent conditions that prove costly when hospitalization or expensive treatments become necessary. The District Medicaid agency won Federal recognition as one of only two Medicaid programs nationwide to exceed the Federal Government's child immunization goal for school-age children at 95 percent, and improved its fraud surveillance, recovering $15 million in fraudulently billed funds. The city's novel D.C. Health Care Alliance, for which Federal approval is pending, would allow coverage of residents and provide more early and preventative care, avoiding huge Medicaid costs when health conditions become severe and Medicaid becomes the only option.

I urge my colleagues to join me in supporting this increase that will help my city's most needy residents.

NEW MEXICO WATER PLANNING ASSISTANCE ACT

SPEECH OF

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2007

Mrs. WILSON of New Mexico. Mr. Speaker, I rise today to support the New Mexico Water Planning Assistance Act, H.R. 1904.

The New Mexico Water Planning Assistance Act would assist the State of New Mexico with the development of comprehensive State water plans that will help the State more effectively manage our most precious natural resource—water.

I introduced the New Mexico Water Planning Assistance Act on April 17, 2007, and Senator DOMENICI and Senator BINGAMAN introduced companion legislation in the Senate on January 10, 2007.

Mr. Speaker, this legislation directs the Secretary of the Interior to: provide to New Mexico technical assistance and grants for the development of comprehensive State water plans; conduct water resources mapping in New Mexico; and conduct comprehensive studies of groundwater resources in New Mexico to assess the quantity, quality, and interaction of groundwater and surface water resources.

The legislation also directs the Secretary, subject to the availability of appropriations, to allocate: $5 million to develop hydrologic models of eight New Mexico river systems; $2.5 million to complete the hydrologic models for the San Juan River and other Southwest New Mexico river systems; and $4.5 million for statewide digital orthophotography mapping. The Federal cost share shall be on a 50-50 match basis, and all Federal funds are to be non-reimbursable.

Chaco Canyon in northwestern New Mexico was the home to many indigenous southwestern peoples from A.D. 850 to 1250. Unfortunately, the Chacoans ingenuity in storing and channeling water was not enough to save them from a 50-year drought that began in 1130. The Chacoan pueblo people left Chaco Canyon in stages and established a string of pueblos along the Rio Grande and a few other desert rivers.

Mr. Speaker, the U.S. Army Corps of Engineers, U.S. Bureau of Reclamation, and State conservancy and irrigation districts flood control and reclamation projects along New Mexico's river systems that store water during wet years for use during dry years help ensure that New Mexico's current population will not have to relocate during extended periods of drought—like the Chacoans were forced to do more than eight centuries ago.

However, like much of the West, the demands on New Mexico's ground and fresh water resources are immense and growing. For example, the First Congressional District of New Mexico is bisected by the Rio Grande. The flows of the Middle Rio Grande serve the biggest city in New Mexico, Albuquerque, many smaller cities, six Indian pueblos, and a network of agriculture users. Many of these farmers irrigate the same land as their Spanish ancestors did over 4 centuries ago. In addition there is the endangered silvery minnow, which, under a 2003 U.S. Fish and Wildlife Service Biological Opinion, requires 180 miles of continuous minimum river flow in the Middle Rio Grande.

New Mexico has an average allotment of 393,000 acre-feet of Rio Grande water under the 1938 interstate compact that apportions the Rio Grande between Colorado, New Mexico, Texas, and Mexico. These demands have stretched this allotment to the limit. Further complicating the picture is the fact that Article VII of the Rio Grande Compact severely restricts New Mexico's ability to store native water upstream at Heron, Abiquiu, El Vado, or Cochiti Reservoir.

Thus far, New Mexico's water managers have been able to stretch New Mexico limited water supplies to meet the expanding demands of New Mexico cities, industries, Indian pueblos, and endangered species, without widespread displacement of its historical agriculture users. By providing Federal water planning assistance to New Mexico's water managers this important legislation will help stretch New Mexico's limited water resources; and, as a result, will help prevent waters conflict in New Mexico well into the future.

I urge my colleagues to support H.R. 1904.

RECOGNITION OF THE 2007 SANTA ROSA COUNTY OUTSTANDING FARM FAMILY

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2007

Mr. MILLER. Madam Speaker, it is a great honor for me to rise today to extend congratulations to the Rufus Hayes family for being selected the 2007 Santa Rosa County Outstanding Farm Family. Since 1969, the Hayes family has been actively involved in farming in Northwest Florida.

Both Rufus and his wife Sandy have been involved with Santa Rosa County in my district for over several decades. Rufus started the family ranch in 1969 with just a barn and a few horses, and Sandy worked with the county school system in addition to keeping the books for the family ranch. Cutting horses was Rufus's specialty, and over the years many more services were added that helped others in the community. Not only were there riding lessons, boarding services, and tack sales, the Hayes Ranch also had cattle and even buffalo for horse training.

Of their four children, seven grandchildren, and one great grandchild, many also participate in the operation of and activity on the ranch. Their son Phil raises bucking bulls, produces bull riding events, and breaks horses just like his father did when he first started the ranch. The ranch also has week-long riding camps offered by Phil's wife Becky, and their daughter Jill helps with these camps as well as taking care of the horses boarded there. The rest of the family are regular visitors to the ranch, helping Rufus and Sandy with day-to-day operations as well as enjoying the recreation on the Hayes Ranch such as family picnics and fishing in the many ponds.

Madam Speaker, on behalf of the United States Congress, I would like to offer my sincere commendation to a family that is a role model for all of us. A deep sense of civic contribution and values has been instilled through all the generations of the Rufus Hayes family. It is my hope that this family tradition continues for many more generations.

TRIBUTE TO THE 50TH WEDDING ANNIVERSARY OF GOYO AND CONSUELO LOPEZ

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2007

Mr. CUELLAR. Madam Speaker, I rise today to honor the 50th wedding anniversary of Goyo and Consuelo Lopez. This is a monumental event.

Mr. and Mrs. Lopez met as students playing in the Longhorn Band at University of Texas at Austin. Mr. Lopez had a successful career working for the weekly newspaper, ''The South Texas Citizen.'' Mrs. Lopez began work as a music teacher in 1966 due to her love of music, and is now currently retired from teaching after a 41-year career. They have five children: Armando, Steven, Michael, Goyo, and Cynthia.

Madam Speaker, I am honored to have had the opportunity to recognize the dedication and great love that Goyo and Consuelo have shown for each other in their 50 years of marriage. I ask you to join me in honoring them on the celebration of their wedding anniversary and wish them health and happiness for years to come.

REMEMBERING THE MASSACRE AT SREBRENICA

HON. JOHN W. OLVER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2007

Mr OLVER. Madam Speaker, I rise today in remembrance of one of the greatest tragedies of our lifetime. Today marks the 12th anniversary of the massacre in Srebrenica during the Bosnian war. On July 11, 1995 more than 7,000 Bosnian Muslims were systematically murdered by Serbian military and paramilitary forces in the largest massacre of civilians in Europe since World War II.

Beginning in April 1992, aggression and ethnic cleansing perpetrated by Bosnian Serb forces, while taking control of the surrounding territory, resulted in a massive influx of Bosnians seeking protection in Srebrenica and its environs, which the United Nations Security Council designated a ''safe area'' in Resolution 819 on April 16, 1993. Despite the visage of international protection, thousands of Muslim men and boys were slaughtered before the eyes of the world as part of a deliberate campaign of ethnic terror and genocide.

As we look back and remember the massacre in Srebrenica, it is not enough simply to mark its anniversary on the calendar. While we mourn the victims of these shocking events, we must also look to the present and to the future. When confronted with the horrors of the Holocaust the world proclaimed, ''Never Again.'' Since that time we have witnessed the genocide in Rwanda, Cambodia, and, as we are reminded on this date, Bosnia. Today we are faced with an ongoing genocide in Darfur. Once again, thousands of innocent people are being attacked, raped, and murdered. And once again, it is not enough to stand by and express regret as these events unfold before our eyes. On this somber anniversary, let us affirm our commitment, not merely with words but with deeds, to the pledge ''Never Again.''

INTRODUCTION OF THE KENDELL FREDERICK CITIZENSHIP ASSISTANCE ACT OF 2007

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2007

Mr. CUMMINGS. Madam Speaker, I rise today to introduce the Kendell Frederick Citizenship Assistance Act of 2007, which will assist over 68,000 non-citizens serving in the U.S. military in their quest to become citizens of the United States. Their sacrifice on behalf of this Nation is great; therefore, those who protect our country as non-citizens should undoubtedly be able to quickly bypass unwarranted red tape when applying for citizenship.

This legislation honors the memory of 21-year-old Army Reserve Spc. Kendell K. Frederick, a resident of Baltimore County and native of Trinidad who was stationed in Iraq when he made the decision to become a U.S. citizen. On October 19, 2005, after trying for more than a year to become a citizen and having his application delayed at least five times due to miscommunication and misinformation in the processing of his fingerprints, Kendell had no other choice but to travel with a convoy to a base to resolve this issue. Unfortunately, he was killed on the way by a roadside bomb, never realizing his dream of becoming an American citizen.

Spc. Frederick died while trying to show his gratitude to this country, to a Nation that finally showed its appreciation far too late by awarding him citizenship posthumously. Surely, it did not have to be this way. This legislation corrects this wrong by removing unnecessary hurdles that our non-citizen armed service members have been required to undergo in applying for citizenship along with ensuring that they are provided with assistance from the military and immigration officials, especially during their deployment. Specifically, the Act would assist our non-citizen men and women in uniform on the pathway to citizenship by making the following needed adjustments:

requires the Department of Homeland Security use the fingerprints taken by the military at induction for citizenship applications;

requires non-citizen military service members to submit their citizenship applications within 24 months of enlistment;

requires the Department of Homeland Security to create a dedicated customer service 1–800 phone line for service members and their families to call with questions;

requires the Department of Homeland Security to promptly update and revise its written and electronic citizenship application, instructions and guidebook within 30 days of any material change in the law or regulation; and

ensures executive agency accountability to Congress by requiring a GAO report documenting how the Department of Homeland Security currently handles military service members' citizenship applications as well as the training that DHS personnel receive regarding military citizenship applications.

Non-citizens are 5 percent of the total active duty U.S. military service members. According to the United States Citizenship and Immigration Services (USCIS), between September 11, 2001 and December 2006, 84 non-citizen armed services members (including Spc. Frederick) killed in action have been awarded posthumous citizenship. For their sacrifice, these non-citizens more than deserve not to be entangled in overly burdensome bureaucratic red tape.

Therefore, I urge my colleagues to support our troops by supporting this bill.

SWEARING IN OF POLICE OFFICER JOANNE McNELIS INTO THE MALVERNE POLICE DEPARTMENT

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2007

Mrs. McCARTHY of New York. Madam Speaker, I rise today to honor a true American hero and a trailblazer from the 4th Congressional District. Joanne McNelis will make history when she is sworn into the Village of Malverne's Police Department.

Her actions will reverberate long after her service has finished. This is a historic moment. She will become the first female police officer in the 80-year history of the Village of Malverne. Those that follow after her will have a hole in the glass ceiling that Joanne McNelis created. Joanne's decision could not have been easy. It is never a simple matter to do something that had long been the purview of men. She has demonstrated significant courage—physical and emotional.

The daughter of one New York City Police Officer and the wife of another, law enforcement has always been in her blood. Joanne McNelis continues a long line of devoted public servants. She will risk her life to protect and serve her fellow citizens of Malverne. Her willingness to sacrifice her comfort and safety will make her village a safer place.

Madam Speaker, I ask that my colleagues join me today in recognizing the outstanding courage and the extraordinary achievement of Joanne McNelis. Together with her family and friends, I applaud Joanne for her dedication to her community and her sense of duty. I wish her continued success, and am honored to have her as a member of my district.

IN RECOGNITION OF THE HONORABLE JO ANN C. STEVENSON'S RETIREMENT AS CHIEF UNITED STATES BANKRUPTCY JUDGE FOR THE WESTERN DISTRICT OF MICHIGAN

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2007

Mr. EHLERS. Madam Speaker, I rise today to offer recognition of the Honorable Jo Ann C. Stevenson's retirement as Chief U.S. Bankruptcy Judge for the Western District of Michigan. Judge Stevenson was the first woman in the Western District of Michigan to be appointed to the Federal bench.

Judge Stevenson graduated cum laude from the Detroit College of Law in 1979. Upon graduation, Judge Stevenson clerked for the Honorable Vincent J. Brennan in the Michigan Court of Appeals and later for the Honorable Cornelia G. Kennedy in the U.S. Sixth Circuit Court of Appeals. While employed in the corporate insolvency practice group at the firm of Hertzberg, Jacob, and Weingarten in Detroit, MI, she was appointed a U.S. Bankruptcy Judge on December 23, 1987. In the course of her career, Judge Stevenson has authored several hundred opinions, of which approximately 95 percent have been affirmed on appeal.

During the time Judge Stevenson was on the bench, she also taught Bankruptcy Reorganization and Debtor/Creditor Relations at her alma mater. She has given numerous presentations and speeches and participated in many panels, including conferences for the Federal Bar Association Bankruptcy Seminar, the Conference for Chief Bankruptcy Judges, the American Bankruptcy Institute, the Grand Rapids Bar Association, the University of Michigan Institute of Public Policy Studies and the Sixth Circuit Judicial Conference.

Judge Stevenson has also been an active member of the Women Lawyer's Association of Michigan, the National Association of Women Judges, the Grand Rapids Bar Association, the Federal Bar Association, the American Inns of Court, the Joint Steering Committee for the Gender Fairness Task Force

and a Racial/Ethnic Task Force in the Sixth Circuit, and the Standing Local Rules Committee for the U.S. Bankruptcy Court for the Western District of Michigan.

Judge Stevenson's departure from the bench will certainly mark a new chapter in her life, which will surely be as successful as her legal career. Though she plans to remain active in the Grand Rapids area, she plans to enjoy spending more time with her husband, Marshall Grate, and her many grandchildren.

I ask my colleagues to join me in thanking her for her service and in wishing her a long, happy retirement.

HONORING SERGEANT RONALD D. SLOCKETT

HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2007

Mr. LAMPSON. Madam Speaker, it is with great pride that I stand before you today to honor the memory of an admirable man and fallen officer, Sergeant Ronald D. Slockett of the Sugar Land Police Department. His memory continues to represent the many brave Americans who put their lives in the line of fire every day to keep our cities and states safe. It is for his unwavering commitment to his duty and dedication to serving his community that the Police Department will be commemorating his sacrifice with a 21-gun salute to be held on the steps of Sugar Land City Hall on July 2nd.

Twenty years ago, while the Nation was celebrating its Independence Day, Sergeant Slockett patrolled the streets. During a routine traffic stop, suspects in the car shot and fatally wounded the veteran policeman. The perpetrators were drug traffickers who were holding hostages in the vehicle with the intent to harm them. Sergeant Slockett's courageous actions that fateful night will always be remembered with admiration, and today, he is recognized as the only Sugar Land Police Department officer to be killed in the line of duty.

Those who knew him recalled his ''humor and fast wit,'' and his ''gift to make you laugh.'' His daughter described him ''as a perfect father,'' while others expressed their respect for his bravery. Simply said, Sergeant Slockett's energy and dedication continues to inspire many in the field. I am proud to honor his commendable contribution as a fallen soldier safeguarding our families and homes.

TRANSITIONAL MEDICAL ASSISTANCE AND ABSTINENCE EDUCATION PROGRAM EXTENSION

SPEECH OF

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2007

Ms. HARMAN. Mr. Speaker, providing health insurance to those working their way out of welfare is vitally important. However, pairing a program that actually helps American families with one that extends funding for abstinence-only education is truly insulting. To stay healthy, our adolescents must receive accurate information about protecting themselves from sexually transmitted infection. Federal funding should not be squandered on programs that are not medically accurate or scientifically proven to prevent disease and unintended pregnancy. This is especially true as we struggle to find funding to provide American youth with health insurance. Our children deserve better than this.

Politics often requires compromises. But make no mistake; my vote is a vote for working families, and not against proven programs to reduce unwanted teen pregnancies and sexually transmitted infections. The Transitional Medical Assistance program will require future extensions, and I will continue to fight for programs that provide real information and protection for our children.

TRIBUTE TO ANNE THERESA HAWK

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2007

Ms. SCHAKOWSKY. Madam Speaker, It is my honor to recognize and pay tribute to Anne Theresa Hawk, who celebrated her 100th birthday on June 29, 2007.

Anne was born on June 29, 1907 in Cloverdale, OH. She spent her childhood on a farm in Gainesville, TX, where she attended school in a one-room schoolhouse. The eighth of nine children, Anne is the last surviving member of her family.

Chicago has been Anne's home since she was 22 years old and it is also the place where she met her husband and where they raised their beautiful family. A loving caregiver, she has selflessly dedicated her love and energy to her three children, six grandchildren, and three great grandchildren. Over time, Anne has become quite a formidable scrabble player. She is also a writer, and she penned a memoir of her childhood in Texas called Hills Are for Climbing.

On behalf of the people of the Ninth Congressional District of Illinois, it is my privilege to congratulate Anne Theresa Hawk on this momentous occasion. You are a true inspiration, an asset to the community, and a wonderful woman. I wish you continued good health and happiness.

HONORING ST. JOSEPH HEALTH SYSTEM

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2007

Mr. THOMPSON of California. Madam Speaker, I rise today to recognize St. Joseph Health System, which has received a prestigious 2007 Great Workplace Award from the Gallup Organization recognizing the company as one of the twelve best places to work worldwide. St. Joseph Health System operates hospitals and clinics throughout California and is an important healthcare provider for residents of California's First District.

The First District is home to three of St. Joseph's hospitals: Redwood Regional Hospital in Fortuna, St. Joseph Hospital in Eureka, and Queen of the Valley Medical Center in Napa. I have had a long and productive working relationship with these hospitals—as has my wife, Jan, who fondly recalls her days working in Queen of the Valley with Sister Ann.

These hospitals have been fixtures in the North Coast health care delivery system for decades. St. Joseph Hospital in Eureka opened in 1920 in response to the influenza epidemic. It was the first full-service hospital in that area, staffed by 18 Sisters and one lay nurse. Today, St. Joseph Health System is the second largest employer in Humboldt County.

Queen of the Valley Medical Center in Napa is recognized as one of the region's premier treatment centers. Founded over 40 years ago, today it specializes in cardiovascular medicine and a full range of cancer prevention, diagnostic, and treatment services.

St. Joseph Health System is one of the ministries of the St. Joseph Sisters of Orange, a religious order dedicated to social justice, education, and healthcare. In addition to the order's work at St. Joseph Health System, they are a sponsoring religious order of Loyola Marymount University and provide funding for Taller San Jose, a center for the empowerment and education of Latino young adults living in poverty.

Madam Speaker, it is appropriate at this time that we congratulate St. Joseph Health System for receiving a 2007 Great Workplace Award, and acknowledge the contributions they have made to the health of citizens throughout California and the other states in which they serve.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, July 12, 2007 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JULY 17

Time to be announced
Veterans' Affairs
Business meeting to markup the nomination of Charles L. Hopkins, of Massachusetts, to be an Assistant Secretary of Veterans Affairs (Operations, Preparedness, Security and Law Enforcement).
Room to be announced

10 a.m.
Foreign Relations
African Affairs Subcommittee
To hold hearings to examine the efficacy of democratic developments in Sub-Sahara Africa.
SD–419

Commerce, Science, and Transportation
Aviation Operations, Safety, and Security Subcommittee
To hold hearings to examine improving air services to small and rural communities.
SR–253

Environment and Public Works
To hold hearings to examine the nominations of Robert Boldrey, of Michigan, to be a Member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation, Kristine L. Svinicki, of Virginia, to be a Member of the Nuclear Regulatory Commission, and R. Lyle Laverty, of Colorado, to be Assistant Secretary of the Interior for Fish and Wildlife.
SD–406

Homeland Security and Governmental Affairs
To hold hearings to examine federal acquisition, focusing on ways to strengthen competition and accountability.
SD–342

Judiciary
To hold hearings to examine the prosecution of Ignacio Ramos and Jose Compean.
SD–226

2:30 p.m.
Homeland Security and Governmental Affairs
Federal Financial Management, Government Information, Federal Services, and International Security Subcommittee
To continue hearings to examine the readiness of the Census Bureau for the 2010 census.
SD–342

Foreign Relations
To hold hearings to examine protocol Amending the Convention Between the Government of the United States of America and the Government of the Republic of Finland for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and on Capital, signed at Helsinki May 31, 2006 (the ''Protocol'') (Treaty Doc. 109–18), protocol Amending the Convention Between the Government of the United States of America and the Government of the Kingdom of Denmark for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income signed at Copenhagen May 2, 2006 (the ''Protocol'') (Treaty Doc.109–19), and protocol Amending the Convention Between the United States of America and the Federal Republic of Germany for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and Capital and to Certain Other Taxes, Signed on August 29, 1989, signed at Berlin June 1, 2006 (the ''Protocol''), along with a related Joint Declaration (Treaty Doc.109–20), and Convention Between the Government of the United States of America and the Government of the Kingdom of Belgium for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and accompanying Protocol, signed on November 27, 2006, at Brussels (the ''proposed Treaty'') (Treaty Doc. 110–3).
SD–419

Health, Education, Labor, and Pensions
Retirement and Aging Subcommittee
To hold hearings to examine the federal response to the Alzheimer's epidemic.
SD–628

Veterans' Affairs
To hold hearings to examine Department of Veterans Affairs and Department of Defense education issues.
SD–562

JULY 18

9:30 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine modernization of Federal Housing Administration programs.
SD–538

10 a.m.
Commerce, Science, and Transportation
To hold an oversight hearing to examine the federal response to ensuring the safety of Chinese imports.
SR–253

Health, Education, Labor, and Pensions
Business meeting to consider S. 625, to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, S. 1183, to enhance and further research into paralysis and to improve rehabilitation and the quality of life for persons living with paralysis and other physical disabilities, S. 1551, to amend the Public Health Service Act with respect to making progress toward the goal of eliminating tuberculosis, and S. 579, to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer, and other pending calendar business.
SD–106

Judiciary
To continue oversight hearings to examine the Department of Justice.
SH–216

10:30 a.m.
Aging
To hold hearings to examine abuse of elderly citizens, focusing on prevention methods.
SD–628

2 p.m.
Small Business and Entrepreneurship
To hold hearings to examine increasing government accountability and ensuring fairness in small business contracting.
SR–428A

JULY 19

9:30 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine the semi-annual monetary policy report to the Congress.
SD–538

2:30 p.m.
Homeland Security and Governmental Affairs
Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee
To hold hearings to examine the mayoral proposal to reform the District of Columbia's public school system, focusing on assessments, assurances, and accountability.
SD–342

2:45 p.m.
Judiciary
To hold hearings to examine pending judicial nominations.
SD–226

JULY 24

10 a.m.
Commerce, Science, and Transportation
To hold hearings to examine the protection of children on the internet.
SR–253

JULY 25

9:30 a.m.
Veterans' Affairs
To hold an oversight hearing to examine Department of Veterans Affairs health care funding.
SD–562

JULY 31

10 a.m.
Commerce, Science, and Transportation
To hold hearings to examine the nominations of Thomas J. Barrett, of Alaska, to be Deputy Secretary of Transportation, Ronald Spoehel, of Virginia, to be Chief Financial Officer, National Aeronautics and Space Administration, and William G. Sutton, Jr., of Virginia, to be an Assistant Secretary of Commerce.
SR–253

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S8967–S9067

Measures Introduced: Nine bills and one resolution were introduced, as follows: S. 1763–1771, and S. Res. 268. **Page S9019**

Measures Passed:

National Homeless Youth Awareness Month: Committee on Health, Education, Labor and Pensions was discharged from further consideration of S. Res. 226, recognizing the month of November 2007 as ''National Homeless Youth Awareness Month'', and the resolution was then agreed to, after agreeing to the following amendment proposed thereto:

Reid (for Lautenberg) Amendment No. 2128, of a perfecting nature.

Reid (for Lautenberg) Amendment No. 2129, to amend the title. **Page S9057**

National Save for Retirement Week: Committee on the Judiciary was discharged from further consideration of S. Res. 240, designating October 21 through October 27, 2007, as ''National Save for Retirement Week'', and the resolution was then agreed to. **Page S9057**

Measures Considered:

National Defense Authorization Act: Senate continued consideration of H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel, taking action on the following amendments proposed thereto: **Pages S8972–S9013**

Adopted:

By a unanimous vote of 97 yeas (Vote No. 242), Lieberman Modified Amendment No. 2073 (to Amendment No. 2011), to require a report on support provided by the Government of Iran for attacks against coalition forces in Iraq. **Pages S8981–S9002**

Withdrawn:

Webb Amendment No. 2012 (to Amendment No. 2011), to specify minimum periods between deployment of units and members of the Armed Forces for Operation Iraqi Freedom and Operation Enduring Freedom. **Pages S8972–80**

By 52 yeas to 45 nays (Vote No. 243), Hagel/Levin Amendment No. 2032 (to Amendment No. 2011), to limit the length of deployment of members of the Armed Forces for Operation Iraqi Freedom. Pursuant to the unanimous-consent agreement of Wednesday, July 11, 2007, requiring 60 votes for the adoption of the amendment, it is withdrawn, having failed to achieve 60 votes in the affirmative. **Pages S9003–06, S9010**

By 41 yeas to 55 nays (Vote No. 244), Graham Modified Amendment No. 2078 (to Amendment No, 2011), to express the sense of Congress on length of time between deployments for members of the Armed Forces. Pursuant to the unanimous-consent agreement of Wednesday, July 11, 2007, requiring 60 votes for the adoption of the amendment, it is withdrawn, having failed to achieve 60 votes in the affirmative. **Pages S9006–10**

Pending:

Nelson (NE) (for Levin) Amendment No. 2011, in the nature of a substitute. **Page S8972**

Nelson (FL) Amendment No. 2013 (to Amendment No. 2012), to change the enactment date. **Page S8972**

Levin Amendment No. 2087 (to Amendment No. 2011), to provide for a reduction and transition of United States forces in Iraq. **Pages S8980–81**

Reed Amendment No. 2088 (to Amendment No. 2087), to change the enactment date. **Pages S8980–81**

During consideration of this measure today, Senate also took the following action:

By 56 yeas to 41 nays (Vote No. 241), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to close further debate on Webb Amendment No. 2012 (to Amendment No. 2011) (listed above). **Page S8980**

A unanimous-consent agreement was reached providing for further consideration of the bill at approximately 10:00 a.m. on Thursday, July 12, 2007, and that Senator McCain, or his designee, be recognized to offer a relevant first-degree amendment, and that Senator Levin then be recognized to offer a relevant second-degree amendment. **Pages S9057–58**

Nominations Received: Senate received the following nominations:

John S. Bresland, of New Jersey, to be a Member of the Chemical Safety and Hazard Investigation Board for a term of five years.

John S. Bresland, of New Jersey, to be Chairperson of the Chemical Safety and Hazard Investigation Board for a term of five years.

Charles Russell Horner Shearer, of Delaware, to be a Member of the Chemical Safety and Hazard Investigation Board for a term of five years.

Thomas C. Gilliland, of Georgia, to be a Member of the Board of Directors of the Tennessee Valley Authority for the remainder of the term expiring May 18, 2011.

William H. Graves, of Tennessee, to be a Member of the Board of Directors of the Tennessee Valley Authority for a term expiring May 18, 2012.

Susan Richardson Williams, of Tennessee, to be a Member of the Board of Directors of the Tennessee Valley Authority for a term expiring May 18, 2012.

Diane D. Rath, of Texas, to be Assistant Secretary for Family Support, Department of Health and Human Services.

Daniel D. Heath, of New Hampshire, to be United States Alternate Executive Director of the International Monetary Fund for a term of two years.

Mark Kimmitt, of Virginia, to be an Assistant Secretary of State (Political-Military Affairs).

Robin Renee Sanders, of New York, to be Ambassador to the Federal Republic of Nigeria.

Gene Allan Cretz, of New York, to be Ambassador to Libya.

Donald M. Kerr, of Virginia, to be Principal Deputy Director of National Intelligence.

26 Army nominations in the rank of general.

3 Navy nominations in the rank of admiral.

Pages S9066–67

Messages from the House: **Page S9017**

Measures Referred: **Page S9017**

Measures Placed on the Calendar: **Page S9017**

Executive Communications: **Pages S9017–19**

Additional Cosponsors: **Pages S9019–21**

Statements on Introduced Bills/Resolutions: **Pages S9021–26**

Additional Statements: **Page S9015**

Amendments Submitted: **Pages S9026–56**

Authorities for Committees to Meet: **Pages S9056–57**

Privileges of the Floor: **Page S9057**

Record Votes: Four record votes were taken today. (Total—244) **Pages S8980, S9002, S9010**

Adjournment: Senate convened at 9:30 a.m. and adjourned at 9:12 p.m., until 9:30 a.m. on Thursday, July 12, 2007. (For Senate's program, see the remarks of the Majority Leader in today's Record on pages S9057–58.)

Committee Meetings

(Committees not listed did not meet)

NOMINATIONS

Committee on Banking, Housing, and Urban Affairs: Committee concluded a hearing to examine the nominations of Bijan Rafiekian, of California, and Diane G. Farrell, of Connecticut, both to be Members of the Board of Directors of the Export-Import Bank of the United States, and William Herbert Heyman, of New York, William S. Jasien, of Virginia, and Mark S. Shelton, of Kansas, all to be Directors of the Securities Investor Protection Corporation, after the nominees testified and answered questions in their own behalf.

UNITED STATES WEATHER AND ENVIRONMENTAL SATELLITES

Committee on Commerce, Science, and Transportation: Committee concluded a hearing to examine United States weather and environmental satellites, focusing on their readiness for the 21st century, after receiving testimony from Mary Kicza, Assistant Administrator for Satellite and Information Services National Environmental Satellite, Data, and Information Service, National Oceanic and Atmospheric Administration, Department of Commerce; Michael H. Freilich, Director, Earth and Science Division, Science Mission Directorate, National Aeronautics and Space Administration; David Powner, Director, Information Technology Management Issues, Government Accountability Office; Antonio J. Busalacchi, Jr., University of Maryland Earth System Science Interdisciplinary Center, College Park; and Greg J. Holland, National Center for Atmospheric Research (NCAR), Boulder, Colorado.

OZONE NAAQS

Committee on Environment and Public Works: Subcommittee on Clean Air and Nuclear Safety concluded a hearing to examine the Environmental Protection Agency's proposed revision to the Ozone National Ambient Air Quality Standards (NAAQS), after receiving testimony from Stephen L. Johnson, Administrator, Environmental Protection Agency; James D. Werner, Delaware Department of Natural Resources and Environmental Control, Dover; Mayor George L. Grace, Saint Gabriel, Louisiana, on behalf of the National Conference of Black Mayors; Michelle L. Bell, Yale University School of Forestry

and Environmental Studies, New Haven, Connecticut; Vickie Patton, Environmental Defense, Boulder, Colorado; and Roger O. McClellan, Albuquerque, New Mexico.

CARRIED INTERESTS

Committee on Finance: Committee concluded a hearing to examine the federal income tax treatment of carried interests, the right to receive a percentage of private equity, venture capital, hedge funds, or similar investment profits without an obligation to contribute capital to the fund, focusing on current taxation of carried interests, the use of carried interests by both small and large partnerships in industries as diverse as real estate and natural resources, and the similarity of the current tax treatment for carried interests and other analogous areas, after receiving testimony from Eric Solomon, Assistant Secretary of the Treasury for Tax Policy; Peter R. Orszag, Director, Congressional Budget Office; Andrew J. Donohue, Director, Division of Investment Management, U.S. Securities and Exchange Commission; Kate D. Mitchell, Scale Venture Partners, Foster City, California; and Mark P. Gergen, University of Texas School of Law, Austin.

INSPECTORS GENERAL

Committee on Homeland Security and Governmental Affairs: Committee concluded a hearing to examine ways to strengthen the unique role of the Nation's Inspectors General, after receiving testimony from Clay Johnson III, Deputy Director for Management, Office of Management and Budget; Glenn A. Fine, Inspector General, Department of Justice; Earl E. Devaney, Inspector General, Department of the Interior; Eleanor Hill, King and Spalding, LLP; and Danielle Brian, Project on Government Oversight (POGO), Washington, D.C.

PRESERVING PROSECUTORIAL INDEPENDENCE (PART VI)

Committee on the Judiciary: Committee continued hearings to examine the Department of Justice politicizing the hiring and firing of United States Attorneys, focusing on preserving prosecutorial independence (Part VI), receiving testimony from Sara M. Taylor, former Deputy Assistant to the President and Director of Political Affairs for the White House.

Hearing recessed subject to the call.

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: 20 public bills, H.R. 2989–3008; and 5 resolutions, H. Res. 535–539, were introduced. Pages H7655–56

Additional Cosponsors: Pages H7656–57

Reports Filed: Reports were filed today as follows:

H.R. 2900, to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and for medical devices and to enhance the postmarket authorities of the Food and Drug Administration with respect to the safety of drugs (H. Rept. 110–225);

H. Res. 533, providing for consideration of the bill (H.R. 2956) to require the Secretary of Defense to commence the reduction of the number of United States Armed Forces in Iraq to a limited presence by April 1, 2008 (H. Rept. 110–226);

H. Res. 534, providing for consideration of the bill (H.R. 1851) to reform the housing choice voucher program under section 8 of the United States Housing Act of 1937 (H. Rept. 110–227);

H.R. 1144, to waive the non-Federal share of the cost of certain disaster assistance provided in connection with Hurricanes Katrina and Rita, with amendments (H. Rept. 110–228);

H.R. 781, to redesignate Lock and Dam No. 5 of the McClellan-Kerr Arkansas River Navigation System near Redfield, Arkansas, authorized by the Rivers and Harbors Act approved July 24, 1946, as the "Colonel Charles D. Maynard Lock and Dam" (H. Rept. 110–229); and

H.R. 735, to designate the Federal building under construction at 799 First Avenue in New York, New York, as the "Ronald H. Brown United States Mission to the United Nations Building" (H. Rept. 110–230). Page H7654

Chaplain: The prayer was offered by the guest Chaplain, Dr. Calvin V. French, Pastor Emeritus, Community of Christ Church, Washington, DC.

Page H7493

Suspensions—Proceedings Resumed: The House agreed to suspend the rules and pass the following measures which were debated on Tuesday, July 10th:

Supporting home ownership and responsible lending: H. Res. 526, to support home ownership and responsible lending, by a ⅔ yea-and-nay vote of 411 yeas to 7 nays, Roll No. 609; **Page H7505**

Providing for the extension of transitional medical assistance (TMA) and the abstinence education program through the end of fiscal year 2007: S. 1701, to provide for the extension of transitional medical assistance (TMA) and the abstinence education program through the end of fiscal year 2007, by a ⅔ yea-and-nay vote of 291 yeas to 126 nays, Roll No. 610—clearing the measure for the President; and **Pages H7505–06**

Foreign Investment and National Security Act of 2007: Concur in Senate amendment to H.R. 556, to ensure national security while promoting foreign investment and the creation and maintenance of jobs, to reform the process by which such investments are examined for any effect they may have on national security, and to establish the Committee on Foreign Investment in the United States, by a ⅔ yea-and-nay vote of 370 yeas to 45 nays, Roll No. 614—clearing the measure for the President.

Pages H7558–59

Suspensions—Failed: The House failed to agree to suspend the rules and pass the following measures which were debated on Tuesday, July 10th:

Eightmile Wild and Scenic River Act: H.R. 986, amended, to amend the Wild and Scenic Rivers Act to designate certain segments of the Eightmile River in the State of Connecticut as components of the National Wild and Scenic Rivers System, by a ⅔ yea-and-nay vote of 239 yeas to 173 nays, Roll No. 615 and **Pages H7627–28**

Providing for a feasibility study of alternatives to augment the water supplies of the Central Oklahoma Master Conservancy District and cities served by the District: H.R. 1337, amended, to provide for a feasibility study of alternatives to augment the water supplies of the Central Oklahoma Master Conservancy District and cities served by the District, by a ⅔ yea-and-nay vote of 208 yeas to 211 nays, Roll No. 616. **Page H7628**

College Cost Reduction Act of 2007: The House passed H.R. 2669, to provide for reconciliation pursuant to section 601 of the concurrent resolution on the budget for fiscal year 2008, by a recorded vote of 273 ayes to 149 noes, Roll No. 613.

Pages H7506–58

Rejected the Roskam motion to recommit the bill to the Committee on Education and Labor with instructions to report the same back to the House promptly with an amendment, by a recorded vote of 199 ayes to 223 noes, Roll No. 612. **Pages H7555–58**

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill, modified by the amendment printed in part A of H. Rept. 110–224, shall be considered as adopted.

Page H7517

Rejected:

McKeon amendment in the nature of a substitute (printed in part B of H. Rept. 110–224) that sought to reduce subsidies in the loan programs and to invest the majority of the savings in the Pell Grant program by providing increases of $350 in 2008 and $100 each year thereafter. The amendment also provided a plan for improved consumer information and public accountability with respect to college costs (by a yea-and-nay vote of 189 yeas to 231 nays, Roll No. 611). **Pages H7545–55**

Agreed that the Clerk be authorized to make technical and conforming changes to reflect the actions of the House. **Page H7559**

H. Res. 531, the rule providing for consideration of the bill, was agreed to by a yea-and-nay vote of 222 yeas to 197 nays, Roll No. 608, after agreeing to order the previous question by a yea-and-nay vote of 221 yeas to 198 nays, Roll No. 607.

Pages H7496–H7505

National Historical Publications and Records Commission—Appointment: The Chair announced the Speaker's appointment of Representative Larson (CT) to the National Historical Publications and Records Commission. **Page H7559**

Suspensions: The House agreed to suspend the rules and pass the following measures:

SSI Extension for Elderly and Disabled Refugees Act: H.R. 2608, to amend section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide, in fiscal years 2008 through 2010, extensions of supplemental security income for refugees, asylees, and certain other humanitarian immigrants, and to amend the Internal Revenue Code to collect unemployment compensation debts resulting from fraud; **Pages H7559–66**

Recognizing the month of November as "National Homeless Youth Awareness Month": H. Res. 527, to recognize the month of November as "National Homeless Youth Awareness Month";

Pages H7566–68

Food and Drug Administration Amendments Act of 2007: H.R. 2900, amended, to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and for medical devices and to enhance the postmarket authorities of the Food and Drug Administration with respect to the safety of drugs, by a ⅔ yea-and-nay vote of 403 yeas to 16 nays, Roll No. 617; **Pages H7568–H7606, H7629**

Celebrating the 500th anniversary of the first use of the name "America": H. Res. 287, amended, to celebrate the 500th anniversary of the first use of the name "America"; **Pages H7607–09**

Recognizing 2007 as the Year of the Rights of Internally Displaced Persons in Colombia: H. Res. 426, amended, to recognize 2007 as the Year of the Rights of Internally Displaced Persons in Colombia, and to offer support for efforts to ensure that the internally displaced people of Colombia receive the assistance and protection they need to rebuild their lives successfully; **Pages H7609–14**

Condemning the decision by the University and College Union of the United Kingdom to support a boycott of Israeli academia: H. Res. 467, amended, to condemn the decision by the University and College Union of the United Kingdom to support a boycott of Israeli academia, by a ⅔ yea-and-nay vote of 414 yeas with none voting "nay" and 2 voting "present", Roll No. 618; **Pages H7614–16, H7629–30**

Agreed to amend the title so as to read: "Condemning the decision by the leadership of the University and College Union of the United Kingdom to support a boycott of Israeli academia.". **Page H7630**

Expressing support for the new power-sharing government in Northern Ireland: H. Res. 482, amended, to express support for the new power-sharing government in Northern Ireland, by a ⅔ yea-and-nay vote of 413 yeas to 1 nay with 1 voting "present", Roll No. 619; **Pages H7617–20, S7630–31**

Expressing the sense of the House of Representatives in opposition to efforts by major natural gas exporting countries to establish a cartel or other mechanism to manipulate the supply of natural gas to the world market for the purpose of setting an arbitrary and nonmarket price or as an instrument of political pressure: H. Res. 500, amended, to express the sense of the House of Representatives in opposition to efforts by major natural gas exporting countries to establish a cartel or other mechanism to manipulate the supply of natural gas to the world market for the purpose of setting an arbitrary and nonmarket price or as an instrument of political pressure; **Pages H7620–23**

Recognizing the 100th anniversary of the University of Central Arkansas: H. Res. 436, to recognize the 100th anniversary of the University of Central Arkansas; and **Pages H7623–25**

Commending the Appalachian State University football team for winning the 2006 National Collegiate Athletic Association Division I–AA Football Championship: H. Res. 210, amended, to commend the Appalachian State University football team for winning the 2006 National Collegiate Athletic Association Division I–AA Football Championship. **Pages H7625–27**

Moment of Silence: The House observed a moment of silence in honor of Lady Bird Johnson. **Pages H7628–29**

Commission on International Religious Freedom—Reappointment: The Chair announced the Speaker's reappointment of the following members on the part of the House to the Commission on International Religious Freedom: Ms. Felice Gaer of Paramus, New Jersey, for a two-year term ending May 14, 2009, to succeed herself and, upon the recommendation of the Minority Leader, Ms. Nina Shea of Washington, DC, for a two-year term ending May 14, 2009, to succeed herself. **Page H7631**

British-American Interparliamentary Group—Appointment: The Chair announced the Speaker's appointment of the following Members of the House of Representatives to the British-American Interparliamentary Group, in addition to Representative Chandler, Chairman, appointed on March 30, 2007: Representative Wu, Vice Chairman; Representatives Pomeroy, Clyburn, Etheridge, Davis (CA), Bishop (NY), Petri, Boozman, Boustany, Crenshaw, and Wilson (SC). **Page H7638**

Quorum Calls—Votes: Eleven yea-and-nay votes and two recorded votes developed during the proceedings of today and appear on pages H7504, H7504–05, H7505, H7506, H7555, H7557–58, H7558, H7558–59, H7627–28, H7628, H7629, H7629–30, and H7630–31. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at midnight.

Committee Meetings

LABOR, HHS, EDUCATION, AND RELATED AGENCIES; TRANSPORTATION, HUD, AND RELATED AGENCIES APPROPRIATIONS FOR FISCAL YEAR 2008

Committee on Appropriations: Ordered reported, as amended, the following appropriations for fiscal year

2008: Labor, Health and Human Services, Education, and Related Agencies; and Transportation, and Housing and Urban Development, and Related Agencies.

GLOBAL SECURITY ASSESSMENT

Committee on Armed Services: Held a hearing on global security assessment. Testimony was heard from Thomas Fingar, Deputy Director, National Intelligence, Analysis, Office of the Director of National Intelligence; and Robert Cardillo, Deputy Director, Analysis, Defense Intelligence Agency, Department of Defense.

GLOBAL WAR AGAINST TERRORISTS

Committee on Armed Services: Subcommittee on Terrorism, Unconventional Threats and Capabilities held a hearing on Strategic Communications and Comparative Ideas: Winning the Hearts and Minds in the Global War Against Terrorists. Testimony was heard from Linton Wells II, Distinguished Research Fellow Force Transformation Chair; Frank Kramer, former Assistant Secretary, International Security Policy, Department of Defense; and public witnesses.

PAYCHECK FAIRNESS ACT

Committee on Education and Labor: Subcommittee on Workforce Protections held a hearing on H.R. 1338, Paycheck Fairness Act. Testimony was heard from public witnesses.

WIRELESS INNOVATION AND CONSUMER PROTECTION

Committee on Energy and Commerce: Subcommittee on Telecommunications and the Internet held a hearing on Wireless Innovation and Consumer Protection. Testimony was heard from Tony Clark, Commissioner, Public Service Commission, State of North Dakota; and public witnesses.

HEDGE FUNDS RISKS

Committee on Financial Services: Held a hearing on Hedge Funds and Systemic Risk: Perspectives of The President's Working Group on Financial Markets. Testimony was heard from Kevin M. Warsh, member, Board of Governors, Federal Reserve System; Robert Steel, Under Secretary, Domestic Finance, Department of the Treasury; Jim Overdahl, Chief Economist, CFTC; and Erik R. Sirri, Director, Division of Market Regulation, SEC.

BANK CUSTOMER OVERDRAFT PROTECTION

Committee on Rules: Granted, by a voice vote, a structured rule. The rule provides 1 hour of a hearing entitled ''Overdraft Protection: Fair Practices for Consumers.'' Testimony was heard from public witnesses.

EFFECTS OF PASSPORT DELAYS

Committee on Foreign Affairs: Held a hearing on Passport Delays: Affecting Security and Disrupting Free Travel and Trade. Testimony was heard from Maura Harty, Assistant Secretary, Bureau of Consular Affairs, Department of State; and Paul Rosenzweig, Acting Assistant Secretary, Policy and Counselor to the Under Secretary, Policy, Department of Homeland Security.

KYOTO PROTOCOL UPDATE

Committee on Foreign Affairs: Subcommittee on Asia, the Pacific, and the Global Environment held a hearing on the Kyoto Protocol: An Update. Testimony was heard from Harlan Watson, Special Representative and Senior Climate Negotiator, Bureau of Oceans and International Environment and Scientific Affairs, Department of State; and public witnesses.

PRESIDENTIAL CLEMENCY—USE AND ABUSE

Committee on the Judiciary: Held a hearing on the Use and Misuse of Presidential Clemency Power for Executive Branch Officials. Testimony was heard from Rogert C. Adams, Office of the Pardon Attorney, Department of Justice; former Ambassador Joseph C. Wilson IV; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Natural Resources: Held a hearing on the following measures: S. 375, To waive application of the Indian Self-Determination and Education Assistance Act to a specific parcel of real property transferred by the United States to 2 Indian tribes in the State of Oregon; H.R. 1696, To amend the Ysleta del Sur Pueblo and Alabama and Coushatta Indian Tribes of Texas Restoration Act to allow the Ysleta del Sur Pueblo tribe to determine blood quantum requirement for membership in that Tribe; H.R. 2863, To authorize the Coquille Indian Tribe of the State of Oregon to convey land and interests in land owned by the Tribe; and a measure To authorize the Saginaw Chippewa Tribe of Indians of the State of Michigan to convey land and interest in land owned by the Tribe. Testimony was heard from Representative Reyes; Michael R. Smith, Deputy Bureau Director, Field Operations, Bureau of Indian Affairs, Department of the Interior; and public witnesses.

SMALL INVESTOR HEDGE FUND RISKS

Committee on Oversight and Government Reform: Subcommittee on Domestic Policy held a hearing on After Blackstone: Should Small Investors Be Exposed to Risks of Hedge Funds? Testimony was heard from

Andrew Donahue, Director, Division of Investment Management, SEC; and public witnesses.

SECTION 8 VOUCHER REFORM ACT OF 2007

Committee on Rules: Granted, by a voice vote, a structured rule. The rule provides 1 hour of general debate on H.R. 1851, Section 8 Voucher Reform Act of 2007, equally divided and controlled by the chairman and ranking minority member of the Committee on Financial Services. The rule waives all points of order against consideration of the bill except clauses 9 and 10 of Rule XXI. The rule provides that the amendment in the nature of a substitute recommended by the Committee on Financial Services now printed in the bill shall be considered as an original bill for the purpose of amendment and shall be considered as read. The rule waives all points of order against the amendment in the nature of a substitute except for clause 10 of Rule XXI. The rule makes in order only those amendments printed in the Rules Committee report accompanying the resolution. The further amendments made in order may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. All points of order against the amendments except for clauses 9 and 10 of Rule XXI are waived. The rule provides one motion to recommit with or without instructions. The rule provides that, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker. Testimony was heard from Chairman Frank and Representatives Rush, Biggert and Chabot.

RESPONSIBLE REDEPLOYMENT FROM IRAQ ACT

Committee on Rules: Granted, by a voice vote, a closed rule. The rule provides 4 hours of debate on H.R. 2956, Responsible Redeployment from Iraq Act, with 3 hours equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services and 1 hour equally divided and controlled by the Committee on Foreign Affairs.

The rule waives all points of order against the bill and its consideration except those arising under clause 9 or 10 of rule XXI. The rule provides that the bill shall be considered as read. The rule provides one motion to recommit. Finally, the rule permits the Chair, during consideration of the bill, to postpone further consideration of it to a time designated by the Speaker. Testimony was heard from Chairman Skelton and Representatives Wolf, Shays and English of Pennsylvania.

GREEN CHEMISTRY RESEARCH AND DEVELOPMENT ACT OF 2007

Committee on Science and Technology: Ordered reported, as amended, H.R. 2850, Green Chemistry Research and Development Act of 2007.

GREEN REVOLUTION—SMALL BUSINESSES AT THE FOREFRONT

Committee on Small Business: Held a hearing on Small Businesses at the Forefront of the Green Revolution: What More Needs to Be Done to Keep Them Here. Testimony was heard from the following Mayors: Marty Blum, Santa Barbara, California; and Adrian Fenty, District of Columbia; and public witnesses.

HIGH RISK MOTOR CARRIER SAFETY

Committee on Transportation and Infrastructure: Subcommittee on Highways and Transit held a hearing on Motor Carrier Safety: The Federal Motor Carrier Safety Administration's Oversight of High Risk Carriers. Testimony was heard from the following officials of the Department of Transportation: John H. Hill, Administrator, Federal Motor Carrier Safety Administration; and Calvin L. Scovel III, Inspector General; Deborah A. P. Hersman, member, National Transportation Safety Board; Susan A. Fleming, Director, Physical Infrastructure Issues, GAO; and public witnesses.

AMTRAK CAPITAL NEEDS

Committee on Transportation and Infrastructure: Subcommittee on Railroads, Pipelines, and Hazardous Materials held a hearing on Amtrak Capital Needs. Testimony was heard from Alexander Kummant, President and CEO, National Railroad Passenger Corporation (AMTRAK).

VETERANS' HEALTH CARE IMPROVEMENT ACT OF 2007

Committee on Veterans' Affairs, Subcommittee on Health approved for full Committee action, as amended, H.R. 2874, Veterans' Health Care Improvement Act of 2007.

BRIEFING—HOT SPOTS

Permanent Select Committee on Intelligence: Met in executive session to receive a briefing on Hot Spots. The Committee was briefed by departmental witnesses.

FISA

Permanent Select Committee on Intelligence: Met in executive session to hold a hearing on FISA. Testimony was heard from departmental witnesses.

COMMITTEE MEETINGS FOR THURSDAY, JULY 12, 2007

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: business meeting to mark up proposed legislation making appropriations for the Departments of Transportation and Housing and Urban Development, and Related Agencies, for the fiscal year ending September 30, 2008, and H.R. 2829, making appropriations for financial services and general government for the fiscal year ending September 30, 2008, 2 p.m., SD–106.

Committee on Banking, Housing, and Urban Affairs: Subcommittee on Securities, Insurance and Investment, to hold hearings to examine cross-border exchange mergers, focusing on the global view, 10 a.m., SD–538.

Committee on Commerce, Science, and Transportation: to hold hearings to examine telephone number portability, 10 a.m., SR–253.

Committee on Energy and Natural Resources: to hold hearings to examine the nominations of Clarence H. Albright, of South Carolina, to be Under Secretary of Energy, Lisa E. Epifani, of Texas, to be Assistant Secretary of Energy for Congressional and Intergovernmental Affairs, and James L. Caswell, of Idaho, to be Director of the Bureau of Land Management, Department of the Interior, 9:30 a.m., SD–366.

Subcommittee on National Parks, to hold hearings to examine S. 488 and H.R. 1100, bills to revise the boundary of the Carl Sandburg Home National Historic Site in the State of North Carolina, S. 617, to make the National Parks and Federal Recreational Lands Pass available at a discount to certain veterans, S. 824 and H.R. 995, bills to amend Public Law 106–348 to extend the authorization for establishing a memorial in the District of Columbia or its environs to honor veterans who became disabled while serving in the Armed Forces of the United States, S. 955, to establish the Abraham Lincoln National Heritage Area, S. 1148, to establish the Champlain Quadricentennial Commemoration Commission and the Hudson-Fulton 400th Commemoration Commission, S. 1380, to designate as wilderness certain land within the Rocky Mountain National Park and to adjust the boundaries of the Indian Peaks Wilderness and the Arapaho National Recreation Area of the Arapaho National Forest in the State of Colorado, and S. 1182, to amend the Quinebaug and Shetucket Rivers Valley National Heritage Corridor Act of 1994 to increase the authorization of appropriations and modify the date on which the authority of the Secretary of the Interior terminates under the Act, and S. 1728, to amend the National Parks and Recreation Act of 1978 to reauthorize the Na Hoa Pili O Kaloko-Honokohau Advisory Commission, 2:30 p.m., SD–366.

Committee on Finance: to hold hearings to examine airport airways trust fund, focusing on the future of aviation financing, 10 a.m., SD–215.

Committee on Health, Education, Labor, and Pensions: to hold hearings to examine the nomination of 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, Department of Health and Human Services, 10 a.m., SD–G50.

Committee on Homeland Security and Governmental Affairs: Permanent Subcommittee on Investigations, to hold hearings to examine certain vulnerabilities in the government's procedures for licensing radiological materials, focusing on the effectiveness of the Nuclear Regulatory Commission's materials licensing policies and procedures, and the vulnerability of those licenses to counterfeiting, 9 a.m., SD–342.

Ad Hoc Subcommittee on State, Local, and Private Sector Preparedness and Integration, to continue hearings to examine the state of public-private collaboration in preparing for and responding to national catastrophes, 2 p.m., SD–342.

Committee on Indian Affairs: to hold an oversight hearing to examine transportation issues in Indian country, 9:30 a.m., SR–485.

Committee on the Judiciary: business meeting to consider S. 1060, to reauthorize the grant program for reentry of offenders into the community in the Omnibus Crime Control and Safe Streets Act of 1968, to improve reentry planning and implementation, S. 1145, to amend title 35, United States Code, to provide for patent reform, an original bill entitled, ''School Safety and Law Enforcement Improvements Act'', S. Res. 248, honoring the life and achievements of Dame Lois Browne Evans, Bermuda's first female barrister and Attorney General, and the first female Opposition Leader in the British Commonwealth, S. Res. 236, supporting the goals and ideals of the National Anthem Project, which has worked to restore America's voice by re-teaching Americans to sing the national anthem, S. Res. 261, expressing appreciation for the profound public service and educational contributions of Donald Jeffry Herbert, fondly known as ''Mr. Wizard'', and the nominations of William Lindsay Osteen, Jr., of North Carolina, to be United States District Judge for the Middle District of North Carolina, Martin Karl Reidinger, of North Carolina, to be United States District Judge for the Western District of North Carolina, Timothy D. DeGiusti, of Oklahoma, to be United States District Judge for the Western District of Oklahoma, Janis Lynn Sammartino, of California, to be United States District Judge for the Southern District of California, Rosa Emilia Rodriguez-Velez, of Puerto Rico, to be United States Attorney for the District of Puerto Rico, and Joe W. Stecher, of Nebraska, to be United States Attorney for the District of Nebraska, 10 a.m., SD–226.

Select Committee on Intelligence: to hold closed hearings to examine certain intelligence matters, 2:30 p.m., SH–219.

House

Committee on Agriculture, Subcommittee on General Farm Commodities and Risk Management, hearing to review trading of energy-based derivatives, 10 a.m., 1300 Longworth.

Committee on Appropriations, to consider the following appropriations for fiscal year 2008: supplemental Energy and Water Development, and Related Agencies; and the

Commerce, Justice, Science, and Related Agencies, 10 a.m., 2359 Rayburn.

Subcommittee on Agriculture, Rural; Development, Food and Drug Administration, and Related Agencies, to consider appropriations for Fiscal Year 2008, 3 p.m., 2362A Rayburn.

Subcommittee on Defense, executive, to consider appropriations for Fiscal Year 2008, 1 p.m., H–140 Capitol.

Committee on Armed Services, Subcommittee on Military Personnel, hearing on mental health, 10 a.m., 2118 Rayburn.

Subcommittee on Oversight and Investigations, hearing on A Third Way: Alternatives for Iraq's Future, (Part 1), 3 p.m., 2212 Rayburn.

Subcommittee on Readiness, hearing to receive testimony on emerging contaminants and environmental management at Department of Defense installations, 2 p.m., 2118 Rayburn.

Committee on Education and Labor, Subcommittee on Healthy Families and Communities, and the Subcommittee on Crime, Terrorism and Homeland Security of the Committee on the Judiciary, joint hearing on Juvenile Justice and Delinquency Prevention Act: Overview and Perspectives, 2 p.m., 2175 Rayburn.

Committee on Foreign Affairs, Subcommittee on Africa and Global Health, hearing on Beyond Oil and Gas: African Growth and Opportunity Act's Benefits to Africa, 10:30 a.m., 2172 Rayburn.

Subcommittee on International Organizations, Human Rights and Oversight, hearing on Ideals vs. Reality in Human Rights and U.S. Foreign Policy: The Cases of Azerbaijan, Cuba, and Egypt, 2 p.m., 2172 Rayburn.

Committee on Homeland Security, Subcommittee on Emergency Communications, Preparedness, and Response, hearing entitled ''Challenges Facing First Responders in Border Communities,'' 2 p.m., 1539 Longworth.

Committee on the Judiciary, Subcommittee on Commercial and Administrative Law, hearing on the Continuing Investigation into the U.S. Attorneys Controversy and Related Matters, followed by consideration of issuing subpoena to the Republic National Committee, 10 a.m., 2141 Rayburn.

Subcommittee on Crime, Terrorism and Homeland Security, hearing on the Drug Enforcement Administration's Regulation of Medicine, 10 a.m., 2237 Rayburn.

Committee on Natural Resources, Subcommittee on Fisheries, Wildlife and Oceans, hearing on H.R. 2010, National Offshore Aquaculture Act, 10 a.m., 1334 Longworth.

Subcommittee on National Parks, Forests and Public Lands, hearing on the following bills: H.R. 105, Northern Neck National Heritage Area Study Act; H.R. 1083, To amend the Act establishing the Rivers of Steel National Heritage Area in order to include Butler County, Pennsylvania, within the boundaries of that heritage area; H.R. 1145, Muscle Shoals National Heritage Area Act; H.R. 1297, Freedom's Way National Heritage Area Act; H.R. 1815, To extend the authorization for the Coastal Heritage Trail in the State of New Jersey; and H.R. 1885, Santa Cruz Valley National Heritage Area Act, 10 a.m., 1324 Longworth.

Committee on Oversight and Government Reform, Subcommittee on Federal Workforce, Postal Services and the District of Columbia, hearing on Ensuring a Merit-Based Employment System: An Examination of the Merit Systems Protection Board and the Office of Special Counsel, 2 p.m., 2154 Rayburn.

Subcommittee on National Security and Foreign Affairs, hearing on Pakistan at the Crossroads; Afghanistan in the Balance, 10 a.m., 2154 Rayburn.

Committee on Small Business, hearing SBA's Microloan and Trade Programs, 10 a.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Coast Guard and Maritime Transportation, hearing on Transportation Worker Identification Card System, 10 a.m., 2167 Rayburn.

Subcommittee on Water Resources and Environment, hearing on Reauthorization of the Beaches Environmental Assessment and Coastal Health Act, 2 p.m., 2167 Rayburn.

Committee on Veterans' Affairs, Subcommittee on Economic Opportunity, hearing on Federal Procurement, 2 p.m., 334 Cannon.

Subcommittee on Health and the Subcommittee on Disability Assistance and Memorial Affairs, hearing on issues facing Women and Minority Veterans, 10 a.m., 334 Cannon.

Committee on Ways and Means, Subcommittee on Income Security and Family Support, hearing on Children Who ''Age Out'' of the Foster Care System, 10 a.m., B–318 Rayburn.

Permanent Select Committee on Intelligence, Subcommittee on Intelligence Community Management, executive, hearing on Intelligence Community Management, 1 p.m., H–405 Capitol.

Subcommittee on Terrorism, Human Intelligence Analysis and Counterterrorism, executive, hearing on Nuclear Terrorism, 10 a.m., H–405 Capitol.

Select Committee on Energy Independence and Global Warming, hearing entitled ''Plugging into Energy Independence with 150 MPG Vehicles,'' 10 a.m., 2318 Rayburn.

Next Meeting of the SENATE

9:30 a.m., Thursday, July 12

Senate Chamber

Program for Thursday: After the transaction of any morning business (not to extend beyond 30 minutes), Senate will continue consideration of H.R. 1585, National Defense Authorization Act, and certain Senators will be recognized to offer amendments.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Thursday, July 12

House Chamber

Program for Thursday: Consideration of H.R. 2956—Responsible Redeployment from Iraq Act (Subject to a Rule). Possible consideration of H.R. 1851—Section 8 Voucher Reform Act of 2007 (Subject to a Rule).

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