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No. 117

House of Representatives

The House was not in session today. Its next meeting will be held on Monday, July 23, 2007, at 10:30 a.m.

Senate

FRIDAY, JULY 20, 2007

The Senate met at 10:01 a.m. and was called to order by the Honorable SHERROD BROWN, a Senator from the State of Ohio.

PRAYER

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

Let us pray.

Our Father, be with our lawmakers not only in great moments but also in the repetitive and common tasks of life. Make them children of faith and heirs of peace. May they tackle even mundane responsibilities with integrity and faithfulness, cheerfulness and kindness, optimism and civility. Give them wisdom to be patient with others, ever lenient to their faults and ever prompt to praise their virtues. May they bear with one another's burdens and so fulfill Your law. Keep them ever mindful of the brevity of life and of the importance of being faithful in life's little things.

You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable SHERROD BROWN 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 assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 20, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SHERROD BROWN, a Senator from the State of Ohio, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

Mr. REID. Mr. President, we will be in session today with speeches in morning business and Senators allowed to speak for up to 15 minutes each. Senator DORGAN, though, under an order entered last night, may speak for up to 30 minutes.

We all know this has been a long, hard week. We have had numerous votes. I express my appreciation for staff who have worked so hard all week—2 days in a row, and then last night we ended sometime this morning. So I appreciate very much the hard work of all the very loyal, dedicated staff.

There will be no rollcall votes today. Next week, I am happy to report and recognize we will have a lot to do. Monday we are going to work on another education measure, a higher education

measure. There is an order that has been entered which provides for the possibility—I say possibility—of 12 first-degree amendments, and, of course, second-degree amendments. But this all must be completed within 8 hours. First-degree amendments will be limited to 30 minutes, and second-degree amendments will be limited to 15 minutes, so we are going to, hopefully, conclude this matter on Monday. If all the amendments are not offered, it would, of course, shorten the time.

The two managers are Senators KENNEDY and ENZI, who did such a good job on the bill yesterday, until they lost control of it with the rules we have here, which I hope—I see my friend in the Chamber, the distinguished junior Senator from Utah. I hope as one of the key members of the Rules Committee—being the ranking member of the Rules Committee—he and Senator FEINSTEIN will look at a way we can change these rules. What went on last night was ridiculous. There is no way to stop that unless the rules are changed, and we should change those rules. I think it can be done with the Rules Committee. We have to take a look at that. It did not help anybody.

But, anyway, that is what happened. But it is not going to be that way on this matter on Monday. As I said, Senators KENNEDY and ENZI managed the bill very well, until it ran into the rule we have that allows unending amendments on any subject forever, literally, before you get to final passage.

So we will have multiple votes starting at about 5:15 on Monday. Members should plan accordingly.

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



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S9645

MEASURE PLACED ON THE
CALENDAR—H.R. 980

Mr. REID. Mr. President, I understand that H.R. 980 is at the desk and due for a second reading. Is that right?

The ACTING PRESIDENT pro tempore. That is correct.

Mr. REID. Mr. President, it is my understanding the clerk is going to report the matter.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 980) to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

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

The ACTING PRESIDENT pro tempore. Objection is heard.

The bill will be placed on the calendar.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business, with Senators permitted to speak for up to 15 minutes each.

The Senator from Utah is recognized.

NAKED SHORT SELLING

Mr. BENNETT. Mr. President, after all the fireworks and contention on some previous issues this week, I rise to speak about something that has very little interest to most Americans but tremendous interest, I believe, to a certain portion of our economy. I want to use this opportunity to call it to the attention of the Senate.

I am talking about a practice that occurs in the stock market that has the very interesting name of naked short selling. That conjures up all kinds of interesting images in many people's minds, but this is what it is: It is a practice where somebody sells short a particular stock and never ever has to cover the sale.

Now, even that may be too much stock-market-type jargon for people to understand what I am talking about. So let me quote from an article that appeared in the Wall Street Journal a few weeks ago.

Mr. President, I ask unanimous consent that the article be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. BENNETT. Quoting from the article, it says:

The naked [short selling] debate is a product of the revolution that has occurred in stock trading over the past 40 years. Up to the 1960s, trading involved hundreds of messengers crisscrossing lower Manhattan with bags of stock certificates and checks. As trading volume hit 15 million shares daily, the New York Stock Exchange had to close for part of each week to clear the paperwork backlog.

As an insert in the quotation, I remember those days. I was trading in the stock market at the time, and having the market shut down to clear the back office paperwork was not an unusual experience. Going back to the article:

That led to the creation of DTCC—

Those are initials for the Depository Trust and Clearing Corporation—

which is regulated by the SEC.

If I might, as an aside, I do not think that last statement is true. I am not sure that the SEC has control over the DTCC.

Almost all stock is now kept at the company's central depository and never leaves there. Instead, a stock buyer's brokerage account is electronically credited with a "securities entitlement." This electronic credit can, in turn, be sold to someone else.

Replacing paper with electrons has allowed stock-trading volume to rise to billions of shares daily. The cost of buying or selling stock has fallen to less than 3.5 cents a share, a tenth of paper-era costs.

But to keep trading moving at this pace, the system can provide cover for naked shorting, critics argue. If the stock in a given transaction isn't delivered in the 3-day period, the buyer, who paid his money, is routinely given electronic credit for the stock. While the SEC calls for delivery in three days, the agency has no mechanism to enforce that guideline.

This is where the practice of naked short selling comes in. I did not really understand it until I had some investment bankers—not the kind you find on Wall Street but the more modest kind you find in Salt Lake City—sit me down in front of a screen and show me what happens with stock trading. To put it in the simplest terms, someone who wants to sell short—that is, sell stock he does not own—will place a sale order.

Now, when I first sold short as a participant in the market, my broker gave me this crude little poem to remember. He said: "He who sells what isn't his'n, must buy it back or go to prison." He said: You have to understand, if you sell a stock short, the time is going to come when you are going to have to buy it back to cover that sale by delivering shares. In the days the Wall Street Journal talked about, that meant buying a crinkly piece of paper—a stock certificate—and delivering it so you have covered your short sale.

Today, that is not the case because all of the stock certificates are gone, and the crinkly pieces of paper have been replaced by electronic impulses in a computer. So this is what happens. A short seller enters the market and says: I want to short—I want to sell—1,000 shares of XYZ stock. That means

at some point he has to produce 1,000 shares to cover his sale. How do you do that? You borrow the shares, and then you buy them back at some future time.

All right. From whom do you borrow them? The DTCC. They have all the shares on deposit, and so you go to the DTCC and you say: I want to borrow 1,000 shares of XYZ stock. They say: Fine, we have them on deposit. We will lend them to you so you can use them for your short sale.

All right, everything is fine—except in this electronic age, it is possible for you to keep shuffling around the electronic impulses that represent the stock and never ever have to buy it back.

Stop and think about that. That is a pretty good business plan. You can sell as much as you want and never ever have to pay for it. If a stock is trading at \$5 a share, you could go in and sell 1,000 shares, and you get paid \$5,000 for selling 1,000 shares, and you never have to buy them. Because you are constantly moving around the electronic impulses that represent those shares, you never have to cover.

Now, when you talk to the DTCC people, they say: No, we always make sure there is a delivery. And if there is not, it is not our fault. It is not our responsibility to police this. It is up to the brokerage houses to do this.

The SEC has spent enough time looking at this and enough time talking to me that they issued to me a three-page letter outlining the steps they have taken to stop the practice of naked short selling.

Mr. President, I ask unanimous consent that their letter be included in the RECORD at the conclusion of my remarks.

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

(See exhibit 2.)

Mr. BENNETT. I think the SEC letter goes a long way—the SEC actions go a long way. Without getting too technical about it, they have taken a number of steps to prevent what are called "fails to deliver" and, therefore, to try to stop the naked short-selling situation.

But I have discovered something that appears to be a way around the SEC rules. Here is the transaction: Broker A shorts 1,000 shares. At the end of 13 days, which is the period he has to produce the shares, he has been unable to find any—probably hasn't even looked—but he has this requirement under the SEC rule to produce 1,000 shares. So he goes to broker B and says quietly: Sell me a thousand shares. Broker B says: I don't have any. Broker A says: It doesn't matter, sell me a thousand shares so I can cover. Broker B: All right. I will sell you a thousand shares so you can cover and there will be no passage of money; this is a deal between the two of us—a rollover. At the end of 13 days, broker B has to deliver a thousand shares, so broker A

sells the same 1,000 phantom shares back to broker B, and they ping-pong these back and forth for as long as they want.

So you can have a situation where people are selling shares that don't exist, taking commissions on the sale, and the profits of the sale, and never, ever having to produce the shares.

I think it is serious enough that we ought to have a hearing about this in the Banking Committee. I have spoken to the chairman of the Banking Committee, Senator DODD, and asked him if it wouldn't be possible for us to have such a hearing at some point in the future. He has expressed a willingness to do that. I understand we can't set a time for that right now; there are too many other things going on in the Banking Committee. But I am delighted to know he is willing to cooperate with us in examining this issue.

I would like to suggest several things I would like to discuss at that hearing. First, by the way, I want the officials of the DTCC to have the opportunity to come in and explain how it works. I have seen letters to the editor in the Wall Street Journal, where they say this article is inaccurate, and I don't want to be relying on this article if it is inaccurate. I think a congressional hearing is a good place for those who are running the DTCC to explain to us how it works. I would like the SEC to come in and give us their background and information as to how their rules are working to try to stop the naked short selling. But I have these two additional recommendations that I would hope we could get done by regulation and, if not, I am prepared to introduce legislation to deal with them.

First, I think there should be a rule which says there cannot be borrowing, that brokers cannot borrow for short sales more stock than is on deposit with the DTCC. I think that is obvious. If there are 3 million shares of XYZ Company on deposit at the DTCC, people should not be able to short sell 4 million shares. I have seen the situation where people with these small companies—and all this happens primarily in little companies—people with small companies, in an effort to defend their stock against the short sales that are rolling over, are buying stock, and it is electronically credited to them and end up on paper, or at least on computer, owning more shares than exist. How can that be? If somebody buys the stock for his company and ends up owning 110 percent of the issued stock, and people are still selling that stock, you know you are dealing with phantom shares.

So my first recommendation would be that the DTCC cannot make available as loans for short sellers more stock than they have on deposit. Once they have reached the point that 100 percent of the shares they have on deposit have been loaned out, they can't loan out any more. I think that is an obvious commonsense recommendation, but it doesn't apply now.

Secondly, I think there ought to be a rule which says a broker cannot be paid a commission on a short sale until the shares are delivered. Back to the business model. The broker sells \$5,000 worth of stock. He can do it every day. He can get \$5,000 every day, without ever having to cover the stock, and he gets a commission on making the sale. So if you say, no, there will be no commissions paid until the stock is delivered, you will have a significant impact on stopping this activity.

Now, people who hear the complaints about naked short selling say: It only represents a tiny percentage of the trillions of dollars' worth of trading activity that goes on in American markets every day. They are right. It is only a tiny percentage. But that is small comfort to those who have gotten a few dollars together, formed a business, gone to the market to try to raise some capital to support the business, put on the marketplace, say, 25 percent of their shares, holding the other 75 percent for themselves, and then getting some support in the market so that the shares edge up from 25 cents to 50 cents to \$1, to \$1.25 and then suddenly see the short sellers come in and say: OK, we will drive that stock back down from \$1.25 to 2.5 cents, and we will do it by selling stock that doesn't exist and in the process we will ruin the company.

The one thing that convinced me this was real was when the investment bankers sat me down in front of a screen and showed me the stock trading of a company that has been out of business for 3 years, and the stock trades regularly, every 13 days. You know exactly what they are doing. The brokers are rolling the stock back and forth every 13 days, so they are meeting the SEC requirements—they are delivering—but the shares they are delivering to each other back and forth do not exist. The company was driven out of business by the short sellers who made it impossible for them to go to the capital markets.

As I said in my opening remarks, this is a tiny matter. It does not involve very many people, but to the people who are involved, it, frankly, can be a matter of life and death. There are enough of them starting businesses and creating entrepreneurial activity in the United States that we owe it to them to find out exactly what is going on with respect to this activity. That is why I have asked Chairman DODD to consider a hearing on this matter to let us hear from the SEC, to let us hear from the DTCC, and to let us hear from those in the marketplace who have actual experience and see if the present SEC rules are sufficient or if we need to do additional things along the lines of the two items I have suggested.

I yield the floor.

[From the Wall Street Journal, July 5, 2007]
EXHIBIT 1

BLAME THE "STOCK VAULT"?

CLEARINGHOUSE FAULTED ON SHORT-SELLING ABUSE; FINDING THE NAKED TRUTH

(By John R. Emshwiller and Kara Scannell)

Depository Trust & Clearing Corp. is a little-known institution in the nation's stock markets with a seemingly straightforward job: It is the middleman that helps ensure delivery of shares to buyers and money to sellers.

About 99% of the time, trades are completed without incident. But about 1% of the shares valued at about \$2.5 billion on a given day—aren't delivered to the buyer within—the requisite three days, for one reason or another.

These "failures to deliver" have put DTCC in the middle of a long-running fight over whether unscrupulous investors are driving down hundreds of small companies' share prices.

At issue is a nefarious twist on short-selling, a legitimate practice that involves trying to profit on a stock's falling price by selling borrowed shares in hopes of later replacing them with cheaper ones. The twist is known as "naked shorting"—selling shares without borrowing them.

Illegal except in limited circumstances, naked shorting can drive down a stock's price by effectively increasing the supply of shares for the period, some people argue.

There is no dispute that illegal naked shorting happens. The fight is over how prevalent the problem is—and the extent to which DTCC is responsible. Some companies with falling stock prices say it is rampant and blame DTCC as the keepers of the system where it happens. DTCC and others say it isn't widespread enough to be a major concern.

The Securities and Exchange Commission has viewed naked shorting as a serious enough matter to have made two separate efforts to restrict the practice. The latest move came last month, when the SEC further tightened the rules regarding when stock has to be delivered after a sale. But some critics argue: the SEC still hasn't done enough.

The controversy has put an unaccustomed spotlight on DTCC. Several companies have filed suit against DTCC regarding delivery failure. DTCC officials say the attacks are unfounded and being orchestrated by a small group of plaintiffs' lawyers and corporate executives looking to make money from lawsuits and draw attention away from problems at their companies.

HISTORIC ROOTS

The naked-shorting debate is a product of the revolution that has occurred in stock trading over the past 40 years. Up to the 1960s, trading involved hundreds of messengers crisscrossing lower Manhattan with bags of stock certificates and checks. As trading volume hit 15 million shares daily, the New York Stock Exchange had to close for part of each week to clear the paperwork backlog.

That led to the creation of DTCC, which is regulated by the SEC. Almost all stock is now kept at the company's central depository and never leaves there. Instead, a stock buyer's brokerage account is electronically credited with a "securities entitlement." This electronic credit can, in turn, be sold to someone else.

Replacing paper with electrons has allowed stock-trading volume to rise to billions of shares daily. The cost of buying or selling stock has fallen to less than 3.5 cents a share, a tenth of paper-era costs.

But to keep trading moving at this pace, the system can provide cover for naked

shorting, critics argue. If the stock in a given transaction isn't delivered in the three-day period, the buyer, who paid his money, is routinely given electronic credit for the stock. While the SEC calls for delivery in three days, the agency has no mechanism to enforce that guideline.

"PHANTOM STOCK"

Some delivery failures linger for weeks or months. Until that failure is resolved, there are effectively additional shares of a company's stock rattling around the trading system in the form of the shares credited to the buyer's account, critics say. This "phantom stock" can put downward pressure on a company's share price by increasing the supply.

DTCC officials counter that for each undelivered share there is a corresponding obligation created to deliver stock, which keeps the system in balance. They also say that 80% of the delivery failures are resolved within two business weeks.

There are legitimate reasons for delivery failures, including simple clerical errors. But one illegitimate reason is naked shorting by traders looking to drive down a stock's price.

Critics contend DTCC has turned a blind eye to the naked-shorting problem.

DENVER LAWSUIT

In a lawsuit filed in Nevada state court, Denver-based Nanopierce Technologies Inc. contended that DTCC allowed "sellers to maintain significant open fail to deliver" positions of millions of shares of the semiconductor company's stock for extended periods, which helped push down Nanopierce's shares by more than 50%. The small company, which is now called Vyta Corp., trades on the electronic OTC Bulletin Board market. In recent trading, the stock has traded around 40 cents. A Nevada state court judge dismissed the suit, which prompted an appeal by the company.

DTCC says the roughly dozen other cases against it have almost all been dismissed or not pursued by the plaintiffs.

Nanopierce garnered support from the North American Securities Administrators Association, which represents state stock regulators. The group filed a brief arguing that if the company's claims were correct, its shareholders "have been the victims of fraud and manipulation at the hands of the very entities that should be serving their interest."

DTCC'S DEFENSE

DTCC General Counsel Larry Thompson calls the Nanopierce claims "pure invention." DTCC officials say the main responsibility for resolving delivery failures lies with the brokerage firms. DTCC nets the brokerage firms' positions but it is the brokerages that manage their individual client accounts and know which client failed to deliver their stock.

DTCC officials say that Nanopierce had internal business problems—including heavy losses—to explain its stock-price drop. DTCC received support in the suit from the SEC, which filed a brief defending the trade-processing system and arguing that federal regulation pre-empted state-court review.

In January 2005, the SEC made an initial swipe at the naked-shorting problem by requiring that if delivery failures in a particular stock reached a high enough level, many of those failures would have to be resolved within 13 business days. But some failures weren't covered by the rule. The SEC action in June aimed to cover those remaining delivery failures. Naked shorting could "undermine the confidence of investors" in the stock market, SEC Chairman Christopher Cox says.

However, it doesn't seem likely that the SEC's latest move will end the debate that

has been raging in the market for years. While lauding the SEC action, critics are questioning whether it is sufficient. The SEC still hasn't taken all the steps necessary to ensure "a free and transparent market" as required under federal securities laws, says James W. Christian, a Houston attorney who represents several companies that claim to have been damaged by naked shorting.

Among other things, authorities need to make public much more trading data related to stock-delivery failures, he says.

Critics contend that DTCC and the SEC have been too secretive with delivery-failure data, depriving the public of important information about where naked shorting might be taking place. Currently, DTCC's delivery-failure data can only be obtained through a Freedom of Information Act request to the SEC, which has released some statistics that are generally two months old.

In light of the controversy, DTCC has proposed making more information available and the SEC says it is looking at releasing aggregate delivery-failure data on a quarterly basis.

EXHIBIT 2

This memorandum has been compiled by the staff of the SEC. This document has not been approved by the Commission and does not necessarily represent the Commission's views.

MEMORANDUM

To: Mike Nielsen, Office of Senator Robert F. Bennett.

From: James A. Brigagliano, Associate Director, Division of Market Regulation; Victoria L. Crane, Special Counsel, Division of Market Regulation.

CC: Josephine Tao, Assistant Director, Division of Market Regulation.

Re: June 20, 2007 Meeting.

Date: July 13, 2007.

I. INTRODUCTION

During our meeting on June 20, 2007 regarding various short sale-related items, Senator Bennett requested that we prepare a memorandum outlining initiatives taken by the Commission and staff of the Commission's Division of Market Regulation ("Division Staff") that we discussed during the meeting. Accordingly, this memorandum discusses: (a) remarks by Chairman Cox at the June 13 Open Commission Meeting regarding rulemaking related to abusive "naked" short selling, (b) the expansion of short interest reporting requirements to over-the-counter ("OTC") equity securities and the increased frequency of short interest reporting, (c) public disclosure by the Commission of fails to deliver data, (d) proposed amendments to eliminate the options market maker exception to the close-out requirements of Rule 203(b)(3) of Regulation SHO, (e) amendments to Rule 105 of Regulation M, and (f) examinations by self-regulatory organization ("SRO") and Commission staff to ensure that options market makers are complying with the close-out requirements of 203(b)(3) of Regulation SHO.

After you have reviewed the below information, please let us know if there is any additional information you would like us to provide.

II. DISCUSSION

A. Remarks by Chairman Cox at the June 13 Open Commission Meeting

On June 13, 2007 at an Open Commission Meeting at which the Commission considered recommendations by Division Staff related to short selling, Chairman Cox stated that he had "... asked the staff to examine whether the market would benefit from further rulemaking specifically designed to correct the practice of abusive naked short sell-

ing. Such a rule holds the potential of streamlining the prosecution of this form of market manipulation and, if today's measures leave any doubt, would direct still more Commission power to stamping out such abuses. With its recommendation, the staff should report the level of fails pre- and post-adoption of the rules we consider today so we can assess their effectiveness."

Pursuant to Chairman Cox's request, Division Staff is currently examining whether or not the market would benefit from such further rulemaking.

B. Short Interest Reporting

On February 3, 2006 the Commission approved an NASD rule proposal to amend NASD Rule 3360 to expand monthly short interest reporting to OTC equity securities. The approval order is available on the Commission's website at <http://www.sec.gov/rules/sro/nasd.shtml>, or in the Federal Register at 71 FR 7101.

Recently, on March 6, 2007 the Commission approved rule proposals by the NASD, New York Stock Exchange LLC, and the American Stock Exchange LLC to increase the frequency of short interest reporting requirements from monthly to twice per month. The SROs requested, and the Commission approved, an implementation date of 180 days following Commission approval to allow firms sufficient time to make any necessary systems changes to comply with the new reporting requirements. The approval order is available on the Commission's website at <http://www.sec.gov/rules/sro/nasd/2007/34-55406.pdf>, or in the Federal Register at 72 FR 4756.

C. Public Disclosure of fails to Deliver Data

In response to requests from the public that the Commission has received regarding disclosure of fails to deliver data, including inquiries from various members of Congress, the Commission is considering whether to post on its website aggregate fails to deliver data that the Commission's Office of Economic Analysis receives from the Depository Trust and Clearing Corp. The data would not include confidential broker information and would likely be on a delayed basis.

D. Proposed Amendments to Eliminate the Options Market Maker Exception

On July 14, 2006, the Commission proposed amendments to limit the duration of the options market maker exception to the close-out requirements of Rule 203(b)(3) of Regulation SHO. The Commission proposed to narrow the options market maker exception in Regulation SHO because it is concerned about large and persistent fails to deliver in threshold securities attributable, in part, to the options market maker exception, and concerns that such fails to deliver might have a negative effect on the market in these securities.

Based, in part, on commenters' concerns that they would be unable to comply with the amendments to the options market maker exception as proposed in the 2006 Proposing Release, and statements indicating that options market makers might be violating the current exception, on June 13, 2007, the Commission approved re-proposed amendments to the options market maker exception that would eliminate that exception to the close-out requirements of Regulation SHO. In addition, the proposed amendments seek comment on two alternative proposals to elimination of the options market maker exception that would provide a narrow options market maker exception that would require excepted fails to deliver to be closed out within specific time-frames.

The proposing release has not yet been published on the Commission's website or in the Federal Register. We anticipate that the

release will be publicly available within the next few weeks. The Commission approved a shortened comment period of 30 days from publication of the release in the Federal Register.

E. Amendments to Rule 105 of Regulation M

Rule 105 governs short selling in connection with a public offering. It is a prophylactic anti-manipulation rule that promotes a market environment that is free from manipulative influences around the time that offerings are priced. The rule fosters pricing integrity by prohibiting activity that interferes with independent market dynamics prior to pricing offerings, by persons with a heightened incentive to manipulate.

The current rule prohibits persons from covering a short sale with offering securities if the short sale occurred during a defined restricted period (usually five days) prior to pricing. The Commission is aware of strategies to conceal the prohibited covering and persistent noncompliance with the rule. Thus, in December 2006, the Commission proposed amendments that would have prohibited a person selling short during the Rule 105 restricted period from purchasing securities in the offering.

On June 20, 2007 the Commission approved amendments that would generally make it unlawful for a person to purchase in an offering covered by Rule 105 if the person sold short during the restricted period unless they made a bona fide pre-pricing purchase meeting certain conditions. The amendments will be effective 30 days from the date of publication of the release in the Federal Register.

F. Options Market Makers and the Close-Out Requirement of Regulation SHO

As we discussed in more detail during our meeting, SRO and Commission staff are currently examining options market makers for compliance with the close-out requirements of Rule 203(b)(3) of Regulation SHO.

Should you have additional questions, please do not hesitate to contact Matt Shimkus in our Office of Legislative and Intergovernmental Affairs at (202) 551-2010.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from North Dakota is recognized for up to 30 minutes.

IRAQ

Mr. DORGAN. Mr. President, on Wednesday morning of this week, following a discussion and debate—and we had a fairly robust debate—about the issue of Iraq and the war in Iraq, on Wednesday morning of this week, the President's Homeland Security Adviser, Frances Townsend, was on the ABC "Good Morning America" program, and she said some things about al-Qaida, about terrorists, that reminded me of a period several years ago, prior to the start of the Iraq war. It reminded me of being in a room where top secret, classified briefings are given to Members of Congress—briefings by the now Secretary of State, briefings by the Vice President, briefings by the head of the CIA, Condoleezza Rice, Mr. Tenet, Vice President CHENEY, and others participated in these top secret briefings.

They told us things in those top secret briefings leading up to the decision about the authorization to use force against Iraq. They told us things we now know not to have been true.

Did they know that when they told us? I don't know. We now know, of course, that their claim that Saddam Hussein was trying to acquire yellow cake from Niger for nuclear weapons was bogus. Their claim that he was acquiring aluminum tubes to reconstitute a nuclear threat was not accurate. Their claim that he had mobile chemical weapons labs was not accurate.

By the way, on that one, it only had a single source, a man we later learned who had the code name of "Curve Ball." We also later learned that he was a fabricator and an alcoholic. Their claim was based on a single source we now discover to have been a fabricator. He was a former taxicab driver, for God's sake, in Baghdad. A single source gave rise to the description to the world and to this Congress in top secret, classified briefings that there were mobile chemical weapons laboratories in Iraq.

The list of baseless or unsupported claims goes on. The reconstitution of nuclear weapons, weapons of mass destruction, connections with al-Qaida, we now know, of course, the facts were at odds with what we were being told about these and the other claims they used to support going to war.

The reason I mention this is that at Wednesday's appearance by the President's Homeland Security Adviser, Frances Townsend, on the morning show on ABC, reminded me a bit of what we experienced several years ago from this administration. A description by Frances Townsend about terrorism and the terrorist threat and al-Qaida is completely, and was completely, at odds with what we know to be the truth.

Let me go through a bit of what the President's Homeland Security Adviser said when she was being interviewed about the National Intelligence Report issued this week.

First, the report said al-Qaida is rebuilding, retraining, and getting ready to strike in the United States again. In light of that report, Ms. Townsend was asked if she still believed the United States is winning the war against al-Qaida and terrorism. "Absolutely," she said. "Absolutely, we are winning."

She was asked about Pakistan and, specifically, about allowing al-Qaida to have a safe haven in the country of Pakistan. She said: Well, it is a sovereign country, and the President of Pakistan has been a good partner in our war against terrorism.

When asked, she said: The United States is "safer" today against al-Qaida because, she said: "We have challenged them and we are on the offensive and the game is overseas."

It is almost as if the President and his top homeland security adviser failed to read the National Intelligence Estimate. It made clear that al-Qaida is rebuilding its operational capacity and terrorism is the number one threat to our homeland. Those are the facts. That's reality.

But even if she failed to read the NIE, perhaps she could have been ex-

pected to read the newspapers, because they too have made it clear for a long time that al-Qaida is rebuilding and that the terrorists are getting ready to strike us again.

Let me go through a couple of examples.

On July 16, if one was reading in recent days, one would read an article by Joshua Partlow in the Washington Post. It said sectarian violence, a civil war, was the war in Iraq, not al-Qaida. It spelled this out with facts:

The western Baghdad district of west Rashid confounds the prevailing narrative from the top U.S. military officials that the Sunni insurgent group al-Qaida in Iraq is the city's most formidable and disruptive force. Over the past several months, the [Shiite] Mahdi Army has transformed the composition of the district's neighborhoods by ruthlessly killing and driving out Sunnis and denying basic services to residents who remain.

Pretty clear. Shiite and Sunni violence, not al-Qaida.

One might have read the newspaper reports on June 26, in the McClatchy papers:

While the U.S. presses its war against insurgents linked to al-Qaida in Iraq, Osama bin Laden's group is recruiting, regrouping, and rebuilding in a new sanctuary along the border between Afghanistan and Pakistan, senior military intelligence and law enforcement officials said. The threat from radical Islamic enclaves in Waziristan is more dangerous than that from Iraq, which President Bush and his aides called the "central front" of the war on terrorism, said some current and former U.S. officials and experts. Bin Laden himself is believed to be hiding in the region, guiding a new generation of lieutenants and inspiring allied extremist groups in Iraq and other parts of the world.

That is unbelievable. Al-Qaida is alive and well in Pakistan and Afghanistan. Let me say that again: It is "recruiting, regrouping and rebuilding" in this area. And bin Laden himself is believed to be hiding there, in that sanctuary. This is not Iraq, Mr. President. Did the President or his homeland security advisor read this article?

Or perhaps one could go back to a New York Times article in February entitled "Senior leaders of al-Qaida operating from Pakistan."

Over the past year terrorists have set up a band of training camps in the tribal regions near the Afghan border, according to American intelligence and counterterrorism officials. American officials said there is mounting evidence that Osama bin Laden and his deputy, al-Zawahiri, have been steadily building an operations hub in the mountainous Pakistani tribal area of north Waziristan.

Bin Laden and al-Qaida are "steadily building an operations hub" in Pakistan is the report.

Now, to the adviser to the President in the White House on terrorism issues, let me say this to her: August 2001, the Presidential Daily Briefing Report put in the hands of President George W. Bush one month before the attacks of September 11, the title was: "Bin Laden Determined to Strike in U.S."

That was in August of 2001, the PDB, put in the President's hands.

What was the report in July 2007? The intelligence assessment from the

U.S. National Counterterrorism Center in July 2007 says this: "al-Qaida better positioned to strike the West."

Think of that. Six years have intervened—6 years. And the President's Homeland Security Adviser, one who deals with this issue of terrorism and counterterrorism, says that we are "winning" the war on terrorism; things are going just fine; things are better. Yet, in 6 years, we go from this Presidential daily briefing entitled "Bin Laden Determined to Strike in United States" in August of 2001 to this assessment 6 years later: "Al-Qaida Better Positioned to Strike the West."

I ask the question: Are we really winning? I think we would expect the Homeland Security Adviser to be dealing with facts.

Let me describe the facts as stated by the National Intelligence Estimate. The National Intelligence Estimate was released in both a classified and unclassified version. The unclassified version says:

Al-Qaida is and will remain the most serious terrorist threat to the homeland. . . .

It went on to say:

We assess the group has protected or regenerated key elements of its homeland attack capability, including: a safe haven in the Pakistan Federally Administered Tribal Areas, operational lieutenants, and its top leadership.

Now we have a report that says Osama bin Laden and his top deputies are in a safe haven. Six years after they murdered thousands of Americans, they are in a safe haven.

There ought not be 1 square inch of ground on this planet that ought to be a safe haven for the leaders of al-Qaida. Ms. Townsend says, when asked about it, "Well, Pakistan is a sovereign country."

What does that mean? Therefore, a safe haven for al-Qaida and bin Laden must be all right? No. Absolutely not. There is no sovereignty anywhere in this world for Osama bin Laden, al-Zawahiri, and the al-Qaida leadership. There ought not be safe harbor or safe haven or sovereignty anywhere in this world for them.

What have we done? Instead of deciding to destroy Osama bin Laden, al-Zawahiri, and the al-Qaida leadership, our country decided, based on information provided by the administration that I referred to earlier, to invade Iraq. It was information we now know not to have been true—deliberate or not, I don't know, but information about yellow cake, aluminum tubes, chemical weapons labs, and about weapons of mass destruction which was not true. Based on that, we decided to take action against Iraq.

The facts are these: Al-Qaida was not in Iraq before we invaded. It is there now. But, it is not the central feature in Iraq. Our intelligence estimates tell us that. The central part of Iraq is sectarian violence, with Shia killing Sunni, Sunni killing Shia, and Shia and Sunni killing American soldiers. It is a civil war, a religious war of sorts,

with problems between the Shia and Sunni that date back many centuries.

Now people ask this question, and reasonably so: Should we, 6 years after 2001, the devastating attack against our country that killed thousands of innocent Americans, should we expect or have expected that we would have brought to justice, dead or alive, the leadership of al-Qaida and destroyed them? In my judgment, the answer to that is yes.

The Homeland Security Adviser at the White House, Francis Townsend, says: Well, we are winning. I wish that were true, but it is an assessment that comes only by ignoring all of the facts. Just read the National Intelligence Estimate.

This administration made a calculation that turns out to have been wrong on many fronts. Instead of fighting terrorism first, which I think most Americans would have understood and accepted and believed—the most critical element in the fight to provide security for our future—instead of fighting terrorism first, this administration decided to take action in other areas. We now have more than 160,000 American troops in Iraq. Many are going door to door in Baghdad today as I speak. It is the case that there is an al-Qaida presence in Iraq because Iraq has attracted terrorists. As I said, the intelligence community itself has said that is not the central feature of what is happening in Iraq. The central feature of what is going on in Iraq is the sectarian violence and a civil war.

That is why the majority of this Congress decided it is time to change course. It has not been the case that the descriptions by those who want to change course in this Chamber have said let's decide immediately, precipitously, to withdraw all troops. That is not the case. Troops would remain to fight the terrorist elements that do exist in Iraq where they can be fought successfully, for force protection, and to train Iraqi troops. After all, the Iraqi troops will be necessary and the Iraqi soldiers and the police force will be necessary to provide security in the country.

It is long past time for this country to say to the Iraqis: You now have a new government. Saddam Hussein is dead. He was executed after a trial for his crimes and atrocities. He is gone. He was a brutal dictator. But, Saddam Hussein is dead. You have a new constitution, you have a new government, and now the question remains: Do you have the will to take back your own country and provide for your own security? Are there sufficient able-bodied Iraqis to take back the security responsibilities for their country? If not, there is no amount of time in which American soldiers and this country can provide security for a country in the middle of a civil war.

So we must change course. That change in course, in my judgment, is what will allow us to fight terrorism first. If we do not do that, we will, 6

years from now, continue to read about Osama bin Laden and the al-Qaida leadership in a safe harbor or safe haven, living free, escaping justice, and planning additional attacks against this country.

My point is, what has happened, in my judgment, is wrong. The first and central fight is the fight against terrorism. We are not waging that fight because those who attacked this country previously are now in a safe haven planning additional attacks against our country. That comes from the National Intelligence Estimate, not me. That NIE represents the best assessment by our country's best intelligence professionals from 16 different intelligence agencies.

One cannot solve a problem if one is going to ignore the facts or distort the facts. I said that Ms. Townsend on Wednesday morning basically misrepresented what is happening. It seems as if she has failed to see, or refuses to see, all of the evidence that exists, the evidence we have received in the National Intelligence Estimate and other evidence as well, that al-Qaida and bin Laden are stronger today than they have been for many years.

They are getting stronger, not weaker; they are planning more attacks, not hiding; they are recruiting and rebuilding, not running; and they want to strike us again as much as they every have.

But, they are in Pakistan, in a safe haven. They are in the border area near Afghanistan, not Iraq.

It doesn't surprise me that this administration is on a course that is not the course that represents this country's best interests. President Bush has said on previous occasions that we will deal not only with the terrorists who dare attack this country, we will deal with those who harbor and feed them and house them. That was the President's statement. The President said that, as a part of our offensive against terror, we will also confront the regimes that harbor and support terrorists.

When President Bush was asked about Osama bin Laden, he said:

I don't think much about Osama bin Laden. I don't care much about bin Laden.

But, Bin Laden and al-Qaida represent the principal threat to this country. That is why Senator CONRAD and I offered the amendment we did on the Defense authorization bill last week.

The very day Ms. Townsend appeared on television, Wednesday, here is the New York Times' headline: "Same People, Same Threat." That's right, "Same People, Same Threat."

Nearly six years after the September 11 attacks, and hundreds of billions of dollars and thousands of lives expended in the name of the war on terror, we are faced with the "Same People, Same Threat" as attacked American on September 11. I pose a single, insistent question: Are we safer? This is what the New York Times reported:

. . . After years of war in Afghanistan and Iraq and targeted kills in Yemen, Pakistan,

and elsewhere, the major threat to the United States has the same name and the same basic look at 2001: al-Qaida, led by Osama bin Laden and Ayman al-Zawahiri, plotting attacks from mountain hide-outs near the Afghan-Pakistani border.

The intelligence report, the most formal assessment since the September 11 attacks about the terrorist threat facing the United States, concludes that the United States is losing ground on a number of fronts in the fight against al-Qaida and describes the terrorist organization as having "significantly strengthened over the past two years."

If ever we needed good leadership, thoughtful leadership, leadership that will act on the facts and understand the facts and not misrepresent the facts, it is now, at a time when a terrorist organization is planning additional attacks against this country. For this administration to say that things are fine, we are winning, don't worry, and there is a sovereign, apparently, safe haven for the leadership for those who plan to attack us, that is unbelievable, and it must change. If the administration won't change it, the Congress and the American people must change it.

COMPETENT LEADERSHIP

Mr. DORGAN. Mr. President, a number of us have been concerned about the issue of competence for some long while. I take no pleasure in coming to the floor to point out someone's flaws or weaknesses or areas where we are not succeeding, but it seems to me that this country has to be brutally honest with itself, and that includes this administration, in terms of what it is doing, how well, what kinds of changes are necessary to fix what is wrong to safeguard and provide security for this country.

One of the examples of serious trouble with respect to solving problems and addressing issues was the response to Hurricane Katrina. This devastating hurricane hit our country, and it laid bare a whole area of the gulf coast. It was unbelievable what it did to families, homes, and structures. The consequences of it and the cost of it and its toll on human lives and treasure are not even yet calculated.

I think everybody in this country saw what happened as a result of the response of FEMA. I come from a State in which flooding 10 years ago caused the evacuation of a city of 50,000 people—the largest evacuation of an American city since the Civil War. We understand FEMA. They rushed in in the middle of that unbelievable flood in the Red River, where almost the entire city of Grand Forks, ND, was evacuated. FEMA rushed in. Under James Lee Witt, it had become a world-class organization. It did an unbelievable job. I cannot say enough about that organization. FEMA was first rate. I think everybody in that city who was helped by that organization understood the quality of the Federal Emergency Management Agency.

Fast forward and discover that the major appointments to FEMA under

this administration were political cronies who had no experience in emergency response or preparedness. So it wasn't surprising that FEMA deteriorated dramatically as an agency, and its response to Hurricane Katrina was abysmal.

I want to describe it with one photograph, if I might. This describes what happened with respect to Katrina. I am describing this because this week something happened that finally ended the chapter on this sorry story. This man is Paul Mullinax, sitting in front of an 18-wheel truck in Florida. His truck is a refrigerated truck, and it is used to haul ice. Katrina hit, and one of the needs in the deep South, when people and property and everything was devastated and they were trying to figure out how to deal with it, they needed ice in the middle of that scorching heat. So FEMA contracted with truckers to haul ice in 18-wheel trucks, refrigerated trucks, to help the victims of Katrina.

Here is Paul Mullinax in the photo. Paul was in Florida at the time. He got a call and was invited to contract to haul ice. He drove his 18-wheeler to New York City and picked up a load of ice. Let me tell you where he went. I have a map. Paul went from Florida up to New York City to pick up some ice—in Newburg, NY. Then they told him to go to Carthage, MO, with the ice. He went there, to Missouri, to deliver ice. FEMA said, when he got there: No, we want you to go to Montgomery, AL, with your truckload of ice for the victims of Katrina.

Then he got to Montgomery, AL, and here is what happened to him. He, with over 100 other truckers, refrigerated trucks holding ice for the victims of Katrina, sat for 12 days. This is a picture of Paul Mullinax sitting in his lawn chair, with a little grill. For 12 days, he sat there. Finally, they said to him: We want you to take your ice to Massachusetts.

Think of this. Taxpayers paid over \$15,000 for this load of ice. He was told the ice was for the victims of Katrina, and hundreds of other truckers had the same circumstance. He was sent from Missouri to Alabama, sat for a dozen days on the tarmac of a military installation, and then told he should take that ice up to Massachusetts and put it in storage.

This week, 2 years later, after spending over \$20 million, that ice was taken out of storage in Massachusetts and discarded because they felt it was probably contaminated after 2 years. So finally it ends, the saga about hauling ice to the victims of Katrina.

How do I know Paul Mullinax? I asked Paul Mullinax to come to Washington to testify about what happened. He didn't want to do it. I sat in a parking lot of a grocery store one Sunday on the phone with Paul Mullinax and said: Paul, I want you to come to a hearing we are holding to tell this story. People need to understand what is wrong. Only by understanding what is wrong can we get this fixed.

Paul came up to Washington, DC, and testified before a hearing and told us what had happened. Some people wouldn't believe it. You are going to haul ice from New York to Missouri to Mississippi and then are told to offload it at a warehouse in Massachusetts, ice for the victims of Katrina? If there is one story that demonstrates the complete absurd incompetence of the response to Hurricane Katrina, it is the story of Paul Mullinax, a good American who wanted to do the right thing, and in contracting with the Federal agency that was incompetent came up with this absurd experience.

I have tried since to find out who was the decision maker in Government, who decides we are going to haul ice from New York to Massachusetts through Missouri and Mississippi that is supposed to go to victims of Hurricane Katrina, and we are going to spend all of that money and do it incompetently, who was responsible, who made those decisions, and you cannot find out who that unnamed person is who makes that kind of Byzantine decision that in my judgment fleeces the American taxpayer, that injures those who were victims of Hurricane Katrina by not getting the ice to the victims who needed it.

I wanted my colleagues to know, because I have spoken about this before, that this week at last—at long, long last—the ice that was put in storage as a result of this gross incompetence has now been discarded because they felt perhaps after 2 years the ice was contaminated.

It is a sad story, in my judgment, of the fleecing of America. My hope is we have sufficiently embarrassed and sufficiently made accountable those in FEMA and in this administration so that this will never, ever happen again. It is not what the taxpayers deserve, and it certainly isn't what the victims of Hurricane Katrina deserve.

That same incompetence, regrettably, is steeped in other areas of an administration that, as I indicated as of Wednesday morning's interview with Ms. Townsend, seems content to ignore facts.

I have come to the floor on occasion and spoken well of those who I think do a good job in this administration and elsewhere. I wish I could do that this morning. It is very important for this Congress and this country, when we see incompetence and when we see we are developing a strategy that doesn't work and is not going to work, that we must change course, we must expect better.

My hope is a group of us in Congress, through the hearings I have held on these issues and through the discussions of Senator REID and others who have worked on it in our caucus in the last couple of weeks, my hope is that we will change course with respect to the issue of Iraq, for example, which is the overriding important issue.

I hope one of the changes in course will be we decide our priorities are to

fight terrorism first, and that is not what we are now doing. Let us decide to fight terrorism first. That ought to be the goal. If the terrorist camps are reconstituted, if the threat to our country from al-Qaida, Osama bin Laden, and al-Zawahiri represents a greater threat now, then we must, it seems to me, change course to address that threat, and that threat requires us to fight terrorism first.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

PETE GEREN

Mr. CARPER. Mr. President, I hoped to speak earlier this week when we were engaged in debate on the Defense authorization bill. That was a night, I am sure our Acting President pro tempore recalls, when folks didn't get much sleep around here. A lot of my colleagues decided as they spoke they wanted to speak for a long time. As a result, I suspect fewer than half of us got to speak, and I had just a few thoughts I wanted to share with respect to not just the Defense authorization bill but the war in which we find ourselves in Iraq and Afghanistan.

Before I do that, I wish to mention that I think it was last Friday at the end of the regular business session—maybe it was Thursday—we went through the Executive Calendar. As the Senator from Ohio knows, on the Executive Calendar we actually take up nominations submitted by the committee that need confirmation by the Senate and we deal with those. Oftentimes, if they are not controversial, we deal with them by unanimous consent.

One of the nominations that came before us last week, under unanimous consent, was that of Pete Geren, who had been nominated to be Secretary of the Army. Our Acting President pro tempore spent a number of years in the House of Representatives. I was there 10 years. I think he was there for about as long, maybe even longer.

One of the finest people I ever served with in the House of Representatives was a Democratic Congressman from Texas who actually succeeded Jim Wright. Jim Wright stepped down as our Speaker, resigned from the Congress, there was a special election, and who ended up getting elected but Pete Geren. He became a Congressman for four terms and was admired by Democrats and Republicans alike. Before that, he had served as an aid to a legendary Senator from Texas, a fellow named Lloyd Bentsen, who was also our party's nominee for Vice President.

Pete went to Georgia Tech and the University of Texas. He got a law de-

gree from the University of Texas, married well, had three kids, and ended up here in the Congress with all of us. He resigned after his fourth term and went back to Texas to become a businessperson and to practice law. He did that for I think about 5 years, and lo and behold, he got a call from a Republican administration to ask him to serve in the Department of Defense, where he was a senior aid in the Secretary's office, a role he played for I think about 3 or 4 years.

Subsequent to that, Pete Geren was asked to serve in a variety of roles. He has been our Acting Secretary of the Air Force, he has been the Under Secretary of the Army, the Interim Secretary of the Army, and for the last week or so now, he has been the Secretary of the Army.

I ask unanimous consent to have printed in the RECORD his statement before the Armed Services Committee, his confirmation hearing statement.

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

[Congressional Hearings, June 19, 2007]

SENATE ARMED SERVICES COMMITTEE HOLDS HEARING ON THE NOMINATION OF PRESTON GEREN TO BE SECRETARY OF THE ARMY

GEREN: Mr. Chairman and Senator Warner and members of the committee, it truly is an honor to be before you today as the president's nominee.

I want to thank the president for his confidence in me and Dr. Gates for his confidence, as well. It's truly a privilege to have this opportunity.

Let me thank Senator Hutchison and Senator Cornyn for their very kind remarks, two great leaders for our state and two great leaders in this Senate, and I deeply appreciate, and I know my family did, as well, their kind and generous remarks.

Mr. Chairman, I'd also like to note Senator Hutchison's predecessor, who was the person who brought me into public life, Senator Lloyd Bentsen, and had it not been for the opportunity to work for Senator Bentsen, I'm confident I would not have the opportunities to serve in our government today.

Senator Bentsen passed away over the past year, a great American, a great Senator, and I want to acknowledge my debt to him.

Senator, I had introduced my family earlier. I've got, as you do, three wonderful girls, three great kids, and, again, I want to thank them for standing with me and standing with Beckie and me in our time here in Washington and all the time.

My family and I came to Washington planning a three-year hitch and six years later, we're still here.

I joined the Department of Defense in August 2001, expecting a peacetime assignment in business transformation of the Department of Defense. Then came September 11 and the war.

There's a sense of mission working among our military during time of war that's hard to walk away from. For the past six years, I've watched soldiers, sailors and airmen go off to war and I've watched their families stand steadfast and unwavering in their support of their departed loved ones and live with the uncertainty of whether he or she would return home.

And they live with a certainty that there would be birthdays, holidays, anniversaries, graduations and the ups and downs of everyday life that their loved one would miss for

12 months, originally, and now 15 months and too often watch those families live with a loss when their loved one did not return.

I've been inspired by the selfless service of our soldiers and humbled by the sacrifice of their families. I've held staff and leadership jobs in the Pentagon over these past six years and consider it the privilege of a lifetime to have the opportunity to work on behalf of our men and women in our nation's military and their families during the time of war.

Our grateful nation cannot do enough and I'm honored to play a part, a supporting role in their service to our nation on the front lines.

When I came before you seeking confirmation as under secretary of the Army, I told you my top priority would be taking care of soldiers and their families. I reaffirm that commitment today with a greater understanding of that responsibility.

My year as under secretary of the Army taught me much. My four months as acting secretary of the Army has taught me much more.

We have over 140,000 soldiers in Iraq and Afghanistan. We can never take our eye off of that ball. They're counting on their Army, big Army, to continue to provide them the training, equipment and leadership to take the fight to the enemy and defend themselves.

They count on their Army leadership back home to move the bureaucracy on the home front. They count on their secretary and their chief to stand up for them, get them what they need when they need it.

We must act with urgency every day, every day, to meet their needs. Today, the issue is MRAP. Tomorrow, it will be different. The enemy is forever changing and forever adapting.

Mr. Chairman, further, as an Army, we pledge never to leave a fallen comrade. That is not an abstract notion. That means on the battlefield, in the hospital, or in an outpatient clinic or over a life of dependency, if that is what's required to fulfill this pledge.

I've witnessed the cost in human terms and to the institution of the Army when we break faith with that pledge, as a handful did at Walter Reed. A few let down the many and broke that bond of trust.

But I have seen soldiers, enlisted, NCOs and officers respond when they learned that someone has let down a soldier. They step up and they make it right. They make it better and they do not rest until the job is done and they expect and demand accountability.

And I've seen the strain of multiple deployments on soldiers' families. A wife and mother said recently, "I can hold the family together for one deployment. Two is harder and three is harder still." Over half of our soldiers today are married with families. Over 700,000 children are in the families of our soldiers.

The health of the all volunteer force depends on the health of those families. We must expect that our future offers an era of persistent conflict. We will continue to ask much of the Army family. We must meet the needs of our families, provide them with a quality of life comparable to the quality of their service and sacrifice.

It's the right thing to do and the future of our all volunteer force depends on it.

And as President Lincoln pledged to us as a nation, our duty does not stop when our soldier or our nation leaves the field of battle. We must care for those who have borne the battle, his widow and his orphan.

That commitment extends over the horizon and we have learned we have much to do to fulfill that commitment. Lately, we have come face to face with some of our shortcomings, a complex disability system that

can frustrate and fail to meet the needs of soldiers, a system that often fails to acknowledge, understand and treat some of the most debilitating, yet invisible wounds of war, leaving soldiers to return from war only to battle bureaucracy at home and leaving families at a loss on how to cope.

The Department of Defense, working with the Veterans Affairs Department and this committee and this Congress have a opportunity that does not come along often to move our nation a quantum leap forward in fulfillment of that commitment. We cannot squander this opportunity.

And, Mr. Chairman and Senator Warner, I commend this committee for the step forward you all took last week in your bill to start the process of meeting the needs of those wounded warriors and we look forward to working with you, again, to push that initiative.

Mr. Chairman, members of the committee, thank you for all you do for our soldiers and their families. The Army has no greater friend than this committee.

Article 1, Section 8 of the Constitution makes the Army and the Congress full partners in the defense of our nation and in the service of our soldiers and their families.

If confirmed, I look forward to continuing to work with you in discharging our duty to those soldiers.

I look forward to your questions. Thank you.

LEVIN: Secretary Geren, thank you for a heartfelt and a powerful statement. I can't remember that I've ever heard a better one, frankly, coming from a nominee. It was very personal and I think it had power.

I wish every American, every soldier and everyone of their families could have heard your opening statement.

Mr. CARPER. Subsequent to his giving his statement, the chairman of the committee, CARL LEVIN, and later on Senator JOE LIEBERMAN—both praised the statement, Senator LEVIN saying, "I can't remember that I've ever heard a better one, frankly, coming from a nominee. . . ." He said it was "a heartfelt and a powerful statement."

One of my favorite sayings is: In politics, friends come and go, but our enemies accumulate. For a lot of us in this business, that is the truth. Pete Geren is the exception to that rule. He is admired and liked by people with whom he served in the House and Senate, Democrat and Republican. For a Democrat in Congress ending up to be asked to serve as Acting Secretary and Secretary of the Army is a compliment and really reflective of the kind of person he is. He is a person who tries to figure out what is the right thing to do and to do it. He routinely, consistently treats other people the way he would want to be treated. He has great values, great work ethic, and is just a terrific public servant to the people of this country.

I am delighted he has now been asked to serve and was confirmed by all of us unanimously to serve as our Secretary of the Army. It is a big job, a tough job at a tough time to serve in that capacity, but I know he will have our full support. He certainly has my support and my long-time admiration.

IRAQ

Mr. CARPER. Mr. President, I would like to step back for a few minutes and

reflect on the debate that occurred here a few nights ago with respect to the war in Iraq. One of the things I like to do is to try to see if we can't find consensus—rather than just disagreeing on issues, to try to find ways to bring us together. I have been reflecting a good deal on that debate.

I had an opportunity, along with two of our colleagues, Senator BEN NELSON and Senator MARK PRYOR, to have a breakfast meeting with Secretary Gates at the Pentagon earlier this week. That was the first time I had ever had a chance to spend any personal time with Secretary Gates, who came to us as one of the people who served on the Iraq Study Group. You may recall that, Mr. President, he served there for most of its time and has been president of Texas A&M. He served in a number of leadership posts here in earlier administrations and was a senior official in intelligence. He is a very bright, able guy and also of very good heart, someone who, over breakfast with us, was remarkably candid in his observations, not someone who tried to sugar-coat what is going on in Iraq but who just was as honest and forthright with us. That was enormously refreshing.

He is a person of strong intellect, obviously, and a person who dealt with a faculty senate at Texas A&M and I think is not uncomfortable dealing with the U.S. Senate. I have been told by any number of people who have been presidents of universities that the transition to working here in this body is not all that hard. If you can work with a faculty senate, you can work with the U.S. Senate. We have a couple of people here, ironically, who have been university presidents and now serve here, among them LAMAR ALEXANDER from the University of Tennessee.

I left the breakfast meeting actually feeling encouraged about maybe the prospects, somewhere down the line, of finding consensus.

Here in the United States, our patience grows thin with respect to our involvement there. We have been involved for over 4 years. We have lost thousands of lives, we spent hundreds of billions of dollars—money we have largely borrowed from folks such as the Chinese, South Koreans, and Japanese because these are moneys we don't have, so we simply increase our Nation's indebtedness to pay for this war. Meanwhile, those in this country who pay the taxes, whose sons and daughters, husbands and wives have gone over and been shot at, in some cases been shot, hurt, wounded, in some cases killed—they paid the price and have borne the burden. In many cases, they are tired of it, as I think most of us are. We would like to see the beginning of the end and, frankly, a new beginning at the same time for the people of Iraq.

I think for the most part most of us realize we are going to have a military involvement there, we are going to

have a presence in Iraq, maybe for several years. If you look at Kosovo, we have been out of Kosovo for 10 years, but we are still there militarily. The war ended in Korea over 50 years ago; we still have a significant military presence there. I think it is likely we are going to have a military presence in Iraq for some time. The question is, What should they be doing? What should our troops be doing?

Today, as you know, we are policing a civil war, trying to keep Sunnis and Shiites from killing each other while at the same time going after insurgents and training Iraqi troops and trying to help secure the borders of Iraq. My hope is a year from now—and I suggest a year from now—we will still have troops in Iraq, probably tens of thousands, hopefully not 140,000 or 150,000 troops. What will they be doing? My hope is they will not be policing a civil war. My hope is they will not have to be involved in trying to keep Sunnis from killing Shiites and vice versa. My expectation is there is going to continue to be a need to train and equip and supply Iraqi armed forces and police. There will be a need for our troops to protect U.S. assets, the embassy, and other physical infrastructure we have, that we own or occupy. There will be a need in some cases to join the Iraqis in counterinsurgency operations against the really bad guys. There may be an opportunity and need for us to help police the borders of Iraq with Syria and Iran, borders which leak like sieves today.

Those are the kinds of responsibilities I suspect our troops will be called upon to perform. But my hope is we will not need as many of them, not nearly as many of them, that they will not be as numerous nor as visible and hopefully not as much in danger as they have been the last 4 years.

On the Iraqi side, what I heard 4½ weeks ago, about a month ago when I was last there, is a lot of the Iraqis don't want us to be there in such great numbers. They don't want us to be as visible. They don't want us to be as numerous. Iraqi Prime Minister Maliki suggested about a week ago that whenever we are ready to step out they are ready to step up. I wish that were true. He later sort of spoke again or someone stepped in, one of his spokespeople stepped in and said that is not exactly what he said or what he meant.

I believe the Iraqis are not of one mind with regard to our presence. Some would like it if we would leave tomorrow, but a number realize we have sacrificed and given our life's blood, a lot of money, a lot of patience with them, and I think for a lot of the folks there they realize that and they appreciate that. But they don't want us to be as numerous or visible, and eventually they want to have their country back with us not as an occupying force, although some may see us as that, but have us playing a diminishing role.

What I think we have here is a growing consensus in this country to begin

reducing our presence—not this month, not this summer, maybe not until later this year. I think we need to send a signal, our President needs to send a signal to the people of our country, to the Congress, that this is not going to continue forever. We don't want it to, it is not sustainable, and it should not be our responsibility forever. Eventually, the Iraqi people have to decide whether they want a country. They have to step up. They have to be willing to make the difficult choices that at least to this point in time their leaders have been reluctant or unable to do.

I don't want to provide a strong defense for inaction on behalf of the Iraqi Parliament and Iraqi leaders, but I remind us, and we have seen it here this week, the U.S. Senate, an institution that has been around for over 200 years, how hard it is for us to come to consensus on difficult issues. We saw that as recently as last night. We saw that as recently as 2 nights earlier, when we were up all night. We, in a country that has worked with democracy and democratic traditions for over 200 years, should not be surprised that in a country where they have basically 2 years of experience, in the middle of a war and insurgency, sometimes they struggle through a democratic process to make difficult situations. It is not a surprise to me, and I don't think it should be a surprise to them or to any one of us.

Having said that, I am impatient with their inability to make tough decisions. Around here, sometimes we will hold off making a difficult decision unless we are almost staring into the abyss, we have almost no choice, they have figuratively a gun to our heads, and then when we find ourselves in that predicament, Congress—House, Senate, Democrats, Republican, the administration—will come to a consensus.

The Iraqi Parliament, Iraqi leaders are, in my view, at that abyss. When I was over there a month ago with Senator McCASKILL, we met with, among others, the Deputy Prime Minister of Iraq, an impressive fellow. He is a Kurd, from the northern part of the country. His name is Salih. We were talking about a sense of urgency and the fact that the Iraqi leaders don't feel this sense of urgency about making the difficult decisions, about sharing oil wealth and power, any decision with respect to the greater involvement for the Sunnis, providing an opportunity for the Baathist party folks, who enjoyed great power under the old regime but who basically are enjoying no responsible role at all, to give them a role to play—those kinds of decisions; municipal elections out in the provinces—they are supposed to have them, and they have not had them.

But I talked with Deputy Prime Minister Salih. We spoke about the lack of a sense of urgency on behalf of his country's leaders. He readily acknowledged that was the case.

I was looking for a sports analogy to draw with him and his countrymen,

and I said to him: Do you play basketball here? I know you play soccer—you call it football, but do you all play basketball here?

He said: We do. We don't play baseball or what you call football, but we do play some basketball.

I said: Do you recall that basketball is a four-quarter game? The Iraqi leader and the Iraqi Parliament are acting as if you are in the first quarter of the game. In truth, you are in the fourth quarter. This is the fourth quarter of the game. It is not a game, but it is the fourth quarter. We are late into the fourth quarter.

I said to the Deputy Primary Minister: Have you ever heard of something called the shot clock? He had not. Well, in American professional basketball, we have a shot clock that begins when the ball is inbound and you have so many seconds for the team on offense, with the ball, to take a shot; if you do not, you lose possession of the ball.

I said: We are in the fourth quarter. We are deep into the fourth quarter here. The shot clock has begun to run. And the Iraqi team, half of the team, is still on the sidelines. You are arguing about what the rules of the game are, who is going to get into the game, what play to call, who is going to take the shot. Meanwhile, the shot clock is running.

What the Iraqis need to do, in the Parliament where the hatred between the Sunnis and Shias is such that it makes them hard to ever feel or think like a team, somehow they have to find a way to put that behind them. They have to begin making the difficult decisions they have been unwilling and unable to make.

The Iraqi people are waiting for leadership. As in this country or any country with democratic tradition, the people yearn for strong leadership, fair leadership. The Iraqi people are looking to their leaders to show that they can work together, to figure out how to share this enormous oil wealth of their country, a country where they are capable of pumping today something like 300 million barrels of oil at \$70 a barrel. Do the math. I should say 5 million barrels of oil a day, \$70 dollars a barrel. That is \$350 million. They are pumping less than 2 million. They are literally leaving oil on the table, something like \$180 million, almost \$200 million a day on the table. These are revenues they will not realize because they simply cannot figure out how to work together. They need to figure that out.

The cabinet has figured that out. They submitted to the Parliament a plan for sharing the oil revenue. The Parliament has to act on it.

We are going to take the month of August off, not the entire month off. We will be in session until probably the first week in August, we come back right after Labor Day, so we will be out about 28 days. Meanwhile, I am told that the Iraqi Parliament was thinking about taking 2 months off this sum-

mer. They since have said they will take maybe August off. Our soldiers are not. Our soldiers, marines, our airmen, are not taking August off. They are going to be there exposed, at risk, every day for the month of August. The idea that the Iraqi Parliament will not be in session is unconscionable at a time when our troops are being asked to make such sacrifices. They need to be in session. They need to be figuring out how to deal with these difficult issues.

I am convinced if they do that, the Iraqi people will respond. As the Iraqi people respond, it provides us with an opportunity to begin redeploying our troops this year. There is plenty of work they can do in Afghanistan. In some cases there is an opportunity for them to be stationed not far away if needed. In other cases, frankly, there is even a need to have them back here. As an old Governor, commander in chief of my National Guard, I understand full well how much we relied on the National Guard, especially in times of emergency. Whether in the middle of winter or hurricane season as we have right now, there is plenty of work for them to do. Plus, they have families here. Guard and Reserves, they are being asked to do things that—as a former national flight officer, having served in Vietnam, 18 years as a Reserve naval flight officer—we were never asked to do. We are asking our troops to make extraordinary sacrifices as Reservists and Guardsmen.

There is plenty of opportunity for meaningful engagement, both in Afghanistan, in the Middle East region, not far away from Iraq, and frankly back at home for these troops to do, and simply in some cases to come back and be with their families after an extended separation; in some cases to come back and go to work with their old employers; in some cases to go back to their businesses, which are, in too many instances, in trouble in some cases out of business, and be able to re-cuscitate their business or breathe fresh life into it. There is plenty to do.

In the meantime, the Iraqis have 350,000 people in their military and police. Think about that. We have about 150,000 troops over there. They have 350,000. We have been working to train them now for several years. I am told some of the battalions have stepped up; they are able to go out alone. Some of them can lead, but they need our help not too far away. They have got to continue to improve their readiness and their ability to go out and lead the fight. And my counsel to the Iraqis is: You can do this, we can help, just like they say in the Home Depot ad: You can do this, we can help. We will help. God knows we have done a lot and we are prepared to do more.

The signal I hope the President would send us, once we hear from General Petraeus and Ambassador Crocker in the middle of September, is not we are going to surge for another year or two or three, but that we are going to begin redeploying our troops.

They are not going to all be out a year from now. There will be plenty for them to do. I have talked about the four or five major responsibilities they can pursue a year or so from now and for some time after that. But I think that sends the kind of signal the American people are waiting to hear. I think it sends a real strong message to the Iraqis as well that our patience is not infinite, that we have expectations of them, that they need to step up. Again, another sports analogy: They need to step up to the plate. This is their time. This is their country. It is not our country, it is their country. If they want to have a country, they have to make the decisions. If they want to have a country, they need to do what is necessary to bring their people together and to build an institution in their country that can survive and persevere and hopefully can prosper.

As we end this week, a week that has seen a lot of ups and downs here in the Senate, a week that has seen more than its usual degree of acrimony, this is a place where we actually mostly like each other, have a pretty good ability to work together with a fairly high degree of civility and comity. A lot of times too often this week that civility and comity has been lacking. Fortunately, when we left here this morning about 1 o'clock, I felt some of the bumps and bruises were now at least behind us, and we were back to a better footing. I hope as we rejoice here on Monday, we will pick up where we left off early this morning with the near unanimous passage of the Higher Education Act, something Senator KENNEDY and Senator ENZI and others have worked on, crafting together a very fine bipartisan bill, that the spirit we walked out of here with this morning will be waiting for us when we return on Monday.

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

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

The bill clerk proceeded to call the roll.

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

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

JUDICIAL NOMINATIONS

Mr. REID. Mr. President, I came to the floor a month or two ago and indicated at that time that I had had conversations with my counterpart, the distinguished Senator from Kentucky, Mr. MCCONNELL. I related to the Senate that Senator MCCONNELL had said to me that judicial nominations were very important to him. I said if that is the case, then they are important to me, and that I would do everything I could to expedite judicial nominations in spite of what had gone on in recent years relative to how Republicans had treated Democratic nominees of President Clinton.

As the majority leader, I take very seriously the Senate's constitutional duty to provide advice and consent with regard to all Presidential nominees, but especially judicial nominees. The judiciary is the third branch of our Federal Government and is entitled to great respect. The Senate shares a responsibility with the President to ensure that the judiciary is staffed with men and women who possess outstanding legal skills, suitable temperament, and the highest ethical standing.

In a floor statement I have given on more than one occasion—I just recounted one I gave—I expressed regret that the process for confirming judicial nominees had become too partisan in recent years. From 1995 to 2000, the Republican-controlled Senate treated President Clinton and his judicial nominees with great disrespect, leaving almost 70 nominees languishing in the Judiciary Committee without even a hearing. Some of them were there for 4 years with nothing happening. Of course, Republicans have had their complaints—most of which I feel are unjustified, but they are entitled to their opinion—about the way a handful of nominees were treated in the early years of the Bush administration.

The partisan squabbling over judicial nominees reached a low point last Congress when Majority Leader Frist threatened to use the so-called nuclear option, an illegitimate parliamentary maneuver that would have changed Senate rules in a way to limit debate on judicial nominations. It would have had long-term negative ramifications for this body. At the time I said that it was the most serious issue I had worked on in my entire time in Government, that the Republicans would even consider changing the rules so the Senate would become basically the House of Representatives. The Founding Fathers set up a bicameral legislature. The Senate has always been different from the House. That is what the Founding Fathers envisioned. That is the way it should continue. But the so-called nuclear option would have changed that forever.

The effort was averted by a bipartisan group of Senators that was unwilling to compromise the traditions of the Senate for momentary political advantage. I was never prouder of the Senate than when it turned back this misguided attempt to diminish the constitutional role of the Senate just to confirm a few more judges. I believed that had a vote taken place, that never would have happened. There were people who stepped forward. I had a number of Republicans come to me and say: I will not say anything publicly, but what is being attempted here is wrong. But remember, we only had 45 Democrats at the time, so we had to be very careful what would happen. Rather than take the chance on a vote, I was so happy that we had 14 Senators, 7 Republicans and 7 Democrats, who stepped in and said: That is not the way it should be. We were able to nego-

tiated. As a result of that negotiation, we let some judges go that with up-or-down votes here, it wouldn't have happened. But it didn't work out that way.

We averted the showdown as a result of the goodwill of 14 Democratic and Republican Senators. It went away. That is the way it should have gone away.

But in the 2 years since the nuclear option fizzled, I have worked hard, first with Senator Frist and now with Senator MCCONNELL, to keep the process for considering judicial nominees on track. I said then that if the nuclear option had been initiated, and I became leader, I would reverse it. I believed so strongly it was wrong, even though we would have had an advantage at the time.

As Senate leaders, we have worked hand in hand with the very able leaders of the Judiciary Committee, Senators LEAHY and SPECTER. In the last Congress the Senate considered two Supreme Court nominees—I opposed both—Roberts and Alito. In hindsight, I did the right thing with the decisions they have made. But I worked with Senators LEAHY and SPECTER to make sure both nominees received prompt, fair, and thorough consideration in the committee and on the Senate floor.

After Senate Democrats gained a majority in last November's elections, I publicly pledged that the Senate would continue to process judicial nominees in due course and in good faith. I explained that I could not commit to a specific number of confirmations because the right way to measure the success of this process is the quality of the nominees, rather than the quantity of nominees and, ultimately, judges. I said the Senate will work hard to confirm mainstream, capable, experienced nominees who are the product of bipartisan cooperation. President Bush made a wise decision at the beginning of this Congress by not resubmitting a number of controversial judicial nominations from previous years. I took that as a sign of good faith and have tried to reciprocate by working with Chairman LEAHY to confirm non-controversial nominees in an expeditious fashion.

So far this year we have confirmed three court of appeals nominees. Again in hindsight, that is three more than were confirmed in a similar year in the last Clinton term. But we have confirmed three, including a nomination to the Ninth Circuit about which there was some dispute as to whether the seat should be filled by a Californian or someone from Idaho. We have also confirmed 22 district court nominees, and we continue to vote on those at a steady pace.

The judicial confirmation process is working well. We have confirmed 25 judges. It is certainly working much better than it worked when there was a Republican Senate processing President Clinton's nominees. As a result, the judicial vacancy rate is at an all-time low. I have said on the floor and

publicly, this is not payback time with judges. We are going to treat the Republican nominees differently than they treated our nominees.

But all of this hard work cannot prevent good-faith disagreements about the merits of particular nominations. There is one nomination pending in the Judiciary Committee that has aroused significant controversy, the nomination of former Mississippi State Judge Leslie Southwick to the Fifth Circuit Court of Appeals. Senator SPECTER recently said that I told Senator MCCONNELL that Judge Southwick would be confirmed by Memorial Day. Obviously, I can only commit to my own actions, not the actions of others. But I did urge strongly that the Judiciary Committee hold hearings on this, and they did. I urged strongly that this matter be moved as expeditiously as possible, and it has. I urged the Judiciary Committee to do everything it could to move this along, and they did. The problem was, the nomination proved to be controversial and, therefore, it has not moved forward.

The Judiciary Committee has not yet voted on Judge Southwick. But as reported in the press, some Republicans are already threatening to retaliate against the rejection of the Southwick nomination by slowing down Senate business. How much more could they slow it down? What has gone on this year is untoward. Cloture has been filed about 45 times on things that, really, I don't understand why they are doing what they do. To threaten, because of the Southwick nomination, that they are going to slow things down is absurd because they have already slowed things down. They were gearing up to oppose judicial nominees of future Democratic Presidents. That is what they have said. This is so senseless. I think the reaction would be completely unjustified.

My pledge that the Democratic majority would consider judicial nominees in due course and in good faith was hardly a guarantee that every Bush nominee would be confirmed. I was told early on that Judge Southwick was noncontroversial. He had a high rating from the ABA. He had participated in lots of cases. There was no problem. I accepted those representations and, after having accepted them, pushed very hard to move this nomination along. But the facts of his background and his decisionmaking are different than had been represented to me. The Judiciary Committee must still do its work with care, and it should only report those nominees who deserve a lifetime appointment to the Federal bench.

The nomination of Judge Southwick has already been treated more kindly than dozens of Clinton nominees, including nominees to the Fifth Circuit. We have held a hearing. I repeat, during the Clinton administration, almost 70 languished with no hearings. If Southwick has been unable to convince Judiciary Committee members of suit-

ability for the Federal bench, that is his misfortune. Remember, about 70 nominations of President Clinton never even had a hearing. Southwick has had a hearing, and to this point, he has been unable to convince the Judiciary Committee he is the person for the job. Senator LEAHY has stated that anytime Senators LOTT and COCHRAN ask him to put him on the calendar for a vote, he will do so. They haven't asked him to do that yet. Why? Because at this stage it appears Democrats are going to oppose this nomination. But Senator LEAHY said anytime they want to test the vote, they may do that.

I know the administration has sent Judge Southwick around to meet individually with Democratic Judiciary Committee members. Anytime they want that vote, they can have it. Chairman LEAHY and I can only establish a process. We can't promise that the outcome of that process will be to the liking of Republican Senators.

The primary concern that has been raised by Judge Southwick is that he has joined decisions on the Mississippi Appellate Court which demonstrate insensitivity to the rights of racial minorities and others. For example, in the Richmond case, he voted to uphold the reinstatement, with back pay, of a White State employee who used a racial epithet about an African-American coworker.

I ask unanimous consent that the dissent in that opinion by Judge King be printed in the RECORD.

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

BONNIE RICHMOND, APPELLANT V. MISSISSIPPI
DEPARTMENT OF HUMAN SERVICES, APPELLEE
NO. 96-CC-00667 COA
COURT OF APPEALS OF MISSISSIPPI
1998 MISS. APP. LEXIS 637, AUGUST 4, 1998,
DECIDED

I dissent from the majority opinion.

The standard of review applied [*19] to administrative decisions is that they must be affirmed if (1) not arbitrary or capricious, (2) supported by substantial evidence and (3) not contrary to law. *Brinston v. Public Employees' Retirement System*, 706 So. 2d 258, 259 (Miss. 1998).

In this case, the Mississippi Employee Appeals Board, (hereinafter referred to as "EAB") made no specific findings of fact. Instead, it merely entered an order which affirmed "the Order of November 29, 1994"¹, entered by the Hearing Officer Falton O. Mason, Jr. Because the EAB made no findings of its own, we can only conclude that it incorporated by reference and adopted the findings and order of the hearing officer. It is therefore the findings and opinion of the hearing officer which we subject to our review.

¹The hearing officer's order read as follows:

This came on to be heard on November 16, 1994, at 9:30 a.m. in the Supervisors Board Room, in the Desoto County Courthouse, Hernando, Mississippi, Falton O. Mason, Jr., Hearing Officer;

After receiving testimony and hearing argument of counsel, the Court being fully advised in the premises finds:

Bonnie Richmond appealed her termination by the Mississippi Department of

Human Services (hereafter MDHS), for an alleged racial statement made in a private meeting, and later made to the individual after she returned to the DeSoto County Office. The proof shows that she made the alleged statement in a private meeting where the atmosphere and setting were for the free flow of comments and ideas and complaints, her statement was in effect calling the individual a "teachers pet" and that she did not repeat that statement, but did in fact apologize to that individual and that individual did in fact accept the apology.

That based upon the allegations set out in the termination letter, the Appealing Party did in fact sustain her burden of proof, and the Appealing Party is reinstated as of July 8, 1994, with back pay and all benefits restored.

SO ORDERED this the 29th day of November, 1994.

[*20] To facilitate that review, I have included at this juncture the full text of the Hearing Officer's opinion, which reads,

I think in my—it appears to me very simply that the department overreacted on this because first I don't find if, in fact, these employees, Bonnie Richmond and Renee Elmore, were in a meeting with Ms. Johnson and Mr. Everett and Ms. Johnson testified that she tried to make them comfortable and relaxed, if it was an open meeting with a give and take atmosphere and this comment was made in the context it was made in, I don't think it was intended at that time for a racial slur.

If the department—if that's correct, if the department takes that as a racial slur, then I see anytime somebody refers to somebody as a honkie or a redneck or a mick or chubby or a good old boy or anything else, it's an action to file an appeal and try to get some response. I think it overreacted.

I do think it would be unprofessional and it is unprofessional to make that remark. I wouldn't be comfortable making it. At the same time, it depends on what company I'm in and under what circumstances.

The other part is as has been pointed out, the termination letter very [*21] clearly states and the testimony in direct opposition to this, further on May 24 you returned to the DeSoto County office. You approached this black employee and told her that you had been in a meeting with Ms. Johnson and had told them that she was a "good ole nigger." That statement is—that's not true. I mean, the testimony indicated that she didn't approach her, she didn't raise it, that it was Renee Elmore that brought it up. She didn't seek out this black employee to tell her anything about it.

Further, I don't find anywhere where it is—the other comments, your conduct in returning and repeating, which she didn't do. To return to the DeSoto County office and repeat that phrase, had she repeated that phrase, it would have been unacceptable totally as though it was acceptable to the Mississippi Department of Human Services. I don't find it having created a distraction within the DeSoto county office. Nobody testified to that, or the surrounding areas. I don't think it's caused employees to question whether the department condones the use of racial slurs. You know, I think the department overreacted.

The part that bothers me is to allow you to continue in this position [*22] would discredit the agency, impair the agency's ability to provide services, violates the agency's responsibility to the public to administer nondiscriminatory services, violates the agency's duty to administer working environment free of discriminatory practices and procedures and subject the department to potential liability for unlawful discrimination.

If, in fact, she had returned to the DeSoto County office, had brought this subject up

again, and the only person—the only testimony that we have about anybody else hearing about this thing was somebody who Ms. Johnson and Mr. Everett had to make the comment to somebody else. Ms.—what's her name?

Mr. Lynchard: Varrie Richmond.

The Hearing Officer: Ms. Varrie Richmond said she didn't tell anybody else. She said she didn't call the state office about the situation, and apparently, until she was contacted by the state office, she had accepted Bonnie Richmond's apology. I just think the agency overreacted, and if the agency might find itself in a situation where every time somebody in the agency is called a redneck by some other employee, that they are going to be calling the state office and wanting some relief or [*23] a honkie or a good old boy or Uncle Tom or chubby or fat or slim.

I mean, I understand that the term "nigger" is somewhat derogatory, but the term has not been used in recent years in the conversation that it was used in my youth, and at that point—at that time it was a derogatory remark. I think that in this context, I just don't find it was racial discrimination. I just don't find—she possibly should have a letter of reprimand, but I don't think she needs to be terminated.

I'm going to reinstate her with back pay. The agency can do what they feel like they have got to do.

The Department of Human Services (hereinafter referred to as "DHS") gave written notice of its intent to terminate Richmond on June 21, 1994. That notice identified two separate Group III violations (numbers 11 and 16) and provided separately the underlying facts upon which each violation was based.

The first offense was a violation of item number 11, which is "Acts of conduct occurring on or off the job which are plainly related to job performance and are of such nature that to continue the employee in the assigned position could constitute negligence in regard to the agency's duties to the [*24] public or to other state employees. (emphasis added)

The factual basis given to support this allegation was:

On May 23, 1994 while in conference with Joyce Johnson, Division Director of Family and Children's and Jerald Everett of the Division of Human Resources, you referred to one of our black employees as "a good ole nigger." Further on May 24, 1994 upon returning to DeSoto County you approached this black employee and referred to her using exactly the same words as you used when you were in conference with Joyce Johnson and Jerald Everett the day before.

The hearing officer resolved this issue by finding:

(1) DHS overreacted;
 (2) the remark was made in an open meeting with an atmosphere of give and take;
 (3) the term "good ole nigger" was not a racial slur; (transcript 129)

(4) calling Varrie Richmond a "good ole nigger" was equivalent to calling her "teacher's pet"

(order by Hearing Officer Falton Mason, Jr., November 29, 1994.), and;

(5) Renee Elmore, not Bonnie Richmond, initiated the conversation of May 24, 1994 with Varrie Richmond.

The meeting of May 23, 1994, while hastily scheduled, was a formal meeting with two top tier DHS executives, intended to [*25] allow Bonnie Richmond and Renee Elmore to address what they perceived as problems in the DeSoto County office. While the atmosphere was intended to allow for honest discussion, there is no indication that this was intended as an informal or unofficial meeting. Its purpose was to identify problems, and if necessary to address them.

The fact that a business meeting may be conducted in a relaxed and open atmosphere, is not license to engage in boorish, crude, loutish or offensive behavior. The actions of Bonnie Richmond in referring to Varrie Richmond as a "good ole nigger" was indeed boorish, crude, loutish and offensive behavior. This behavior was not merely inappropriate, but highly inappropriate.

That a white employee would suggest the use of the term "good ole nigger," is less inappropriate in a relaxed meeting, raises significant questions about that person's judgment and whether the agency would be negligent in retaining her. That judgment is demonstrated as especially questionable, when one realizes that Bonnie Richmond worked in a division which is approximately 60% black, in an agency with in excess of 50% black employees. Such a demonstrated gross lack of judgment would [*26] justify the dismissal of Bonnie Richmond.

The hearing officer's ruling that calling Varrie Richmond a "good ole nigger" was equivalent to calling her "teacher's pet" strains credulity, finds no basis in reason and would appear to be both arbitrary and capricious. The word "nigger" is, and has always been, offensive. Search high and low, you will not find any non-offensive definition for this term.²

2 1. a. Used as a disparaging term for a Black person: "You can only be destroyed by believing that you really are what the white world calls a nigger" (James Baldwin) b. Used as a disparaging term for any dark-skinned people. 2. Used as a disparaging term for a member of any socially, economically, or politically deprived group of people.

There are some words, which by their nature and definition are so inherently offensive, that their use establishes the intent to offend. Words such as "nigger" when referring to a black person, or the words, "bitch" or "whore" when referring to a female person. The character [*27] of these terms is so inherently offensive that it is not altered by the use of modifiers, such as "good ole."

Much is made of the fact that Renee Elmore indicated she was not offended by the use of the term, "good ole nigger."

The test is not whether Renee Elmore was offended by the use of this term. Rather it is (1) whether this term is universally offensive, *Brown v. East Miss. Electric*, 989 F.2d 858, 859 (5th Cir. 1993), and (2) whether the use of this term is inappropriate and reprehensible. The answer to each of these is a most definitive "yes."

The majority quotes Elmore on page 7, as saying, "Because I felt as if she was describing the actions of a person, I at that time didn't allow myself to feel anything other than what I felt she was doing and I allowed her that leeway to describe her." I suggest that effect must be given to all portions of that quote. Particularly the phrase, "I at that time didn't allow myself to feel anything." (emphasis added).

It is clear that Renee Elmore made a determination to not personalize or allow herself to become emotionally involved in Bonnie Richmond's remark. It is not uncommon for people to deal with offensive remarks [*28] by refusing to associate the remarks with themselves on a personal basis. This makes the remark no less inappropriate or offensive.

However, the resolution of this matter does not hinge upon that fact. The use of the term by Bonnie Richmond in a meeting with two of the top executives of DHS, an agency with about 5000 employees of whom in excess of 50% are black, and where the Division of Family and Children Services has a 60-40 black-white employee ratio demonstrates such a lack of judgment and discretion that to retain her "could" constitute negligence

in regard to the agency's duties to the public or to other state employees.

The hearing officer and majority opinion seem to suggest that absent evidence of a near race riot, the remark is too inconsequential to serve as a basis of dismissal. Such a view requires a level of myopia inconsistent with the facts and reason.

It is (1) the remark, and (2) the lack of judgment in making it in a professional meeting with top departmental executives, which satisfy the requirement, "that to continue the employee in the assigned position could constitute negligence in regard to the agency's duties . . . to other state employees."

The majority [*29] opinion is a scholarly, but sanitized version of the hearing officer's findings and is subject to the same infirmities found in that opinion.

The second reason given for termination of Bonnie Richmond was "Willful violation of State Personnel Board policies, rules and regulations."

The factual basis for this second allegation was the same as the first, except it raised the issue of DHS's consideration of this behavior and its impact upon the integrity of DHS. The record does not reflect that DHS identified any specific Personnel Board policies, rules or regulations.

However, it must be presumed that an agency has the authority to mandate civil conduct from its employees.

The actions of Bonnie Richmond exceed (1) acceptable civil conduct, (2) acceptable social conduct, and (3) acceptable business conduct.

This conduct was, by definition, offensive to the individual referred to and the black employees of DHS in general.

The actions of the EAB were not supported by substantial evidence, and I would therefore reverse.

PAYNE, J., JOINS THIS OPINION.

Mr. REID. Judge Southwick says the decision was about technical issues, but the dissent in the case by Judge King is eloquent. I mean eloquent. I hadn't read that opinion prior to my conversations with Senator McCONNELL, but I have read it. I understand it. I have a totally different view than I had prior to reading that opinion.

The judge's words are eloquent. Here is part of what he said:

There are some words, which by their nature and definition are so inherently offensive, that their use establishes the intent to offend.

Race is a highly sensitive issue throughout the entire United States, but especially in the States that comprise the Fifth Circuit. It took the courageous action of judges, mostly Federal judges, on the Fifth Circuit especially, to carry out the Supreme Court's desegregation decisions and destroy the vestiges of the Jim Crow era. Yet even today no African American from Mississippi sits on that court, despite the many qualified African-American lawyers in that State. Concerns about Judge Southwick need to be seen in that context.

I say that Judge Southwick is not being looked at with lack of favor by the Judiciary Committee because of the color of his skin. It is because of his judicial participation in various opinions.

The members of the Judiciary Committee will decide whether to report

this nomination to the full Senate. If they choose to report the nomination, I will schedule action as quickly as I can. If they reject the nomination, that action will also be on the merits.

After I had read the opinion and understood the case, I visited personally with THAD COCHRAN. I think the world of THAD COCHRAN. I have served with him now in the Congress for 25 years. I have served with Senator LOTT for 25 years. I went to both of them and said: I know how strongly you feel about Judge Southwick, but here are the facts. I read to them the dissent of Judge King. I read to them the full dissent. Anyone who cares to hear what Judge King had to say only has to look at the CONGRESSIONAL RECORD.

I also told them that the Magnolia Bar Association, the African American Bar Association in the State of Mississippi, opposes Judge Southwick. The NAACP opposes Judge Southwick.

Republican Senators may disagree with the decision of the Judiciary Committee when and if it comes, but they should not treat it as an affront or an outrage. It is simply the way in which the Founders envisioned the Senate would work as a partner with the President in deciding who is entitled to lifetime appointments to the Federal bench.

Again, the Judiciary Committee didn't stall Southwick. They scheduled a hearing at a time that was convenient to everyone. It was precise. It was to the point. Everyone was able to ask their questions. They had a full hearing. If he can't convince that committee that he is the man for the job, that is our process. Certainly, at a subsequent time, if and when we get a Democratic President, if they process these nominations in the manner that we have, that will be fine. It is the way we are supposed to work.

Whatever happens with the Southwick nomination, the Senate will continue to process judicial nominations in due course and in good faith, as I have pledged. I repeat, I know how strongly the distinguished Republican leader feels about judges. I think there are a lot of things that are just as important. He feels strongly about this. I accept that. But I would like everyone to look at the record as to what has happened with this nomination. It has been moved expeditiously. They can have a vote anytime they wish in the committee. There are votes that take place almost every Thursday. They can schedule it anytime they want. But I think it would be asking quite a bit for someone to think that when the committee of jurisdiction on an issue turns something down, we should take it up on the floor. That is not how things work.

I would only say, I would think, based on the decisions participated in by Judge Southwick, anyone who has any concern about the feelings of the members of the Judiciary Committee who are Democrats should read this record because it explains very clearly what the problem is in this case.

Mr. President, we were hoping to clear a number of the President's nomi-

nations today—the Export-Import Bank of the United States, two nominees we were ready to clear; the Securities Investor Protection Corporation, one, two, three nominations; the National Oceanic and Atmospheric Administration, we have someone there to clear; the Securities Investor Protection Corporation, we have an individual there who has been cleared on our side.

All these nominations have been cleared on our side. The holdups are with the minority. So we are trying to clear the President's nominations. We cannot do it unless the Republicans agree to it. They are his nominations.

MEASURES PLACED ON THE CALENDAR

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

H.R. 980. An act to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, without amendment and with a preamble:

S. Res. 236. A resolution 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. 248. A resolution 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. 261. A resolution expressing appreciation for the profound public service and educational contributions of Donald Jeffrey Herbert, fondly known as "Mr. Wizard".

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. 1840. A bill to amend the Internal Revenue Code of 1986 to provide recruitment and retention incentives for volunteer emergency service workers; to the Committee on Finance.

By Ms. COLLINS (for herself, Mr. AKAKA, Mr. BENNETT, Mrs. BOXER, Ms. CANTWELL, Mrs. CLINTON, Mr. COLEMAN, Mr. DURBIN, Mrs. DOLE, Ms. KLOBUCHAR, Ms. LANDRIEU, Mrs. LINCOLN, Mrs. MCCASKILL, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Ms. SNOWE, Ms. STABENOW, and Mr. VOINOVICH):

S. 1841. A bill to provide a site for the National Women's History Museum in Washington, District of Columbia, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. KENNEDY (for himself, Mr. KERRY, Mr. DODD, Ms. MIKULSKI, Mrs. CLINTON, Mr. OBAMA, Mr. SANDERS, Mr. INOUE, Mr. LEVIN, Mr. AKAKA, Mr. FEINGOLD, Ms. CANTWELL, Mr. MENENDEZ, and Mr. WHITEHOUSE):

S. 1842. A bill to amend title XVIII of the Social Security Act to provide for patient

protection by limiting the number of mandatory overtime hours a nurse may be required to work in certain providers of services to which payments are made under the Medicare Program; to the Committee on Finance.

By Mr. KENNEDY (for himself, Mr. SPECTER, Mr. HARKIN, Mrs. CLINTON, Ms. SNOWE, Ms. MIKULSKI, Mr. OBAMA, Mr. DURBIN, Mr. DODD, Mr. LEAHY, Mrs. MCCASKILL, Mr. WHITEHOUSE, Mrs. BOXER, Ms. STABENOW, and Mrs. MURRAY):

S. 1843. A bill to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967 to clarify that an unlawful practice occurs each time compensation is paid pursuant to a discriminatory compensation decision or other practice, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 968

At the request of Mrs. BOXER, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 968, a bill to amend the Foreign Assistance Act of 1961 to provide increased assistance for the prevention, treatment, and control of tuberculosis, and for other purposes.

S. 982

At the request of Mrs. CLINTON, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 982, a bill to amend the Public Health Service Act to provide for integration of mental health services and mental health treatment outreach teams, and for other purposes.

S. 1060

At the request of Mr. BIDEN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1060, a bill to reauthorize the grant program for reentry of offenders into the community in the Omnibus Crime Control and Safe Streets Act of 1968, to improve reentry planning and implementation, and for other purposes.

S. 1213

At the request of Mr. LUGAR, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1213, a bill to give States the flexibility to reduce bureaucracy by streamlining enrollment processes for the Medicaid and State Children's Health Insurance Programs through better linkages with programs providing nutrition and related assistance to low-income families.

S. 1318

At the request of Mr. SCHUMER, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1318, a bill to amend the Internal Revenue Code of 1986 to provide an incentive to preserve affordable housing in multifamily housing units which are sold or exchanged.

S. 1338

At the request of Mr. ROCKEFELLER, the name of the Senator from New Jersey (Mr. LAUTENBERG) 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. 1494

At the request of Mr. DOMENICI, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1494, a bill to amend the Public Health Service Act to reauthorize the special diabetes programs for Type I diabetes and Indians under that Act.

S. 1576

At the request of Mr. KENNEDY, the name of the Senator from Maryland (Mr. CARDIN) 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. 1607

At the request of Mr. BAUCUS, the name of the Senator from West Virginia (Mr. ROCKEFELLER) 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. 1692

At the request of Mr. CARDIN, the names of the Senator from Alaska (Mr. STEVENS) and the Senator from Delaware (Mr. BIDEN) were added as cosponsors of S. 1692, a bill to grant a Federal charter to Korean War Veterans Association, Incorporated.

S. 1708

At the request of Mr. DODD, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1708, a bill to provide for the expansion of Federal efforts concerning the prevention, education, treatment, and research activities related to Lyme and other tick-borne diseases, including the establishment of a Tick-Borne Diseases Advisory Committee.

S. 1739

At the request of Mr. ROCKEFELLER, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1739, a bill to amend section 35 of the Internal Revenue Code of 1986 to improve the health coverage tax credit, and for other purposes.

AMENDMENT NO. 2000

At the request of Mr. NELSON of Florida, the name of the Senator from Illinois (Mr. DURBIN) 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. 2067

At the request of Mr. KENNEDY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of amendment No. 2067 intended to be proposed to H.R. 1585, to authorize appro-

priations 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 Ms. COLLINS (for herself, Mr. AKAKA, Mr. BENNETT, Mrs. BOXER, Ms. CANTWELL, Mrs. Clinton, Mr. COLEMAN, Mr. DURBIN, Mrs. DOLE, Ms. KLOBUCHAR, Ms. LANDRIEU, Mrs. LINCOLN, Mrs. MCCASKILL, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Ms. SNOWE, Ms. STABENOW, and Mr. VOINOVICH):

S. 1841. A bill to provide a site for the National Women's History Museum in Washington, District of Columbia, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Ms. COLLINS. Mr. President, I rise to introduce the National Women's History Museum Act of 2007, a bill that would clear the way to locate a long-overdue historical and educational resource in our Nation's capital city.

In each of the last two Congresses, the Senate has approved earlier versions of this bill by unanimous consent. I appreciate that past support, and I appreciate the cosponsorship today from 18 of my colleagues, Senators AKAKA, BENNETT, BOXER, CANTWELL, CLINTON, COLEMAN, DURBIN, DOLE, KLOBUCHAR, LANDRIEU, LINCOLN, MCCASKILL, MIKULSKI, MURKOWSKI, MURRAY, SNOWE, STABENOW, and VOINOVICH.

Women constitute the majority of our population. They make invaluable contributions to our country, not only in traditional venues like the home, schools, churches, and volunteer organizations, but in Government, corporations, medicine, law, literature, sports, entertainment, the arts, and the military services. The need for a museum recognizing the contributions of American women is of long standing.

A presidential commission on commemorating women in American history concluded that, "Efforts to implement an appropriate celebration of women's history in the next millennium should include the designation of a focal point for women's history in our Nation's capital."

That report was issued in 1999. Nearly a decade later, although Congress has commendably made provisions for the National Museum for African American History and Culture, the National Law Enforcement Museum, and the National Building Museum, there is still no national institution in the capital region dedicated to women's role in our country's history.

The proposed legislation calls for no new Federal program and no new claims on the budget. It would simply direct the General Services Adminis-

tration to negotiate and enter into an occupancy agreement with the National Women's History Museum, Inc. to establish a museum in the long-vacant Pavilion Annex of the Old Post Office building in Washington, DC.

The National Women's History Museum is a nonprofit, nonpartisan, educational institution based in the District of Columbia. Its mission is to research and present the historic contributions that women have made to all aspects of human endeavor, and to present the contributions that women have made to the Nation in their various roles in family, the economy, and society.

The Pavilion Annex to the Old Post Office was a commercial failure and remains a continuing drain on Federal maintenance budgets. Putting the building to use as a museum would provide lease payments and establish a new historical and educational destination site on Pennsylvania Avenue that would bring new visitor traffic and new economic activity to the neighborhood.

These are sound reasons for supporting this bill. The best reason, however, is the obligation to demonstrate the gratitude and respect we owe to the many generations of American women who have helped build, sustain, and advance our society. They deserve a building to present their stories, as well as the stories of pioneering women like abolitionist Harriet Tubman, Supreme Court Justice Sandra Day O'Connor, astronaut Sally Ride, and Secretary of State Madeleine Albright.

That women's roll of honor would also include a distinguished predecessor in my Senate seat, the late Senator Margaret Chase Smith, the first woman nominated for President of the United States by a major political party, and the first woman elected to both Houses of Congress. Senator Smith began representing Maine in the U.S. House of Representatives in 1940, won election to the Senate in 1948, and enjoyed bipartisan respect over her long career for her independence, integrity, wisdom, and decency. She remains my role model and, through the example of her public service, an exemplar of the virtues that would be honored in the National Women's History Museum.

I thank my colleagues for their past support of this effort, and urge them to renew that support for this bill.

By Mr. KENNEDY (for himself, Mr. KERRY, Mr. DODD, Ms. MIKULSKI, Mrs. CLINTON, Mr. OBAMA, Mr. SANDERS, Mr. INOUE, Mr. LEVIN, Mr. AKAKA, Mr. FEINGOLD, Ms. CANTWELL, Mr. MENENDEZ, and Mr. WHITEHOUSE):

S. 1842. A bill to amend title XVIII of the Social Security Act to provide for patient protection by limiting the number of mandatory overtime hours a nurse may be required to work in certain providers of services to which payments are made under the Medicare

Program; to the Committee on Finance.

Mr. KENNEDY. Mr. President, it is a privilege to introduce the Safe Nursing and Patient Care Act today, and I am pleased to have my colleague from Massachusetts, Senator KERRY, joining me in this effort. This important bill will limit mandatory overtime for nurses in order to protect patient safety and improve working conditions for nurses.

The widespread insistence on mandatory overtime across the country means that over-worked nurses are often forced to provide care when they are too tired to perform their jobs. The result is unnecessary risk for their patients and for the nurses themselves. A recent study by the University of Pennsylvania School of Nursing found that nurses who work shifts of 12½ hours or more are three times more likely to commit errors than nurses who work a standard shift of 8½ hours or less.

A study by researchers at Columbia University Medical Center and RAND Corporation found that when nurses work too much overtime, their patients are more likely to suffer hospital-related infections.

These studies, and many more like them, compellingly illustrate the critical threat to patient safety when nurses are overworked.

The grueling conditions in which nurses are obliged to work jeopardizes the future of this essential profession. We face a critical shortage of nurses. The American Hospital Association reports that hospitals needed 118,000 more RNs to fill immediate vacancies in December 2005. This is an 8.5 percent vacancy rate, and it is expected to rise to 20 percent in coming years, undermining their ability to provide emergency care. In addition, nearly half a million trained nurses are not currently working in the nursing profession, even though they are desperately needed.

Job dissatisfaction and harsh overtime are major factors in the nursing shortage. As a 2004 report by the CDC concluded, poor working conditions are contributing to difficulties with retention and recruitment in nursing. Nurses are not treated with the respect they deserve in the workplace, and many caring nurses refuse to work in an environment in which they know they are putting their patients at risk.

Our Safe Nursing and Patient Care Act deals with these critical problems. By restricting mandatory overtime for nurses, the act helps ensure that nurses are able to provide the highest quality of care to their patients. By improving the quality of life of nurses, the act encourages more dedicated workers to enter nursing and to make it their lifetime career.

This legislation is obviously needed to protect public safety. Federal safety standards already limit work hours for pilots, flight attendants, truck drivers, railroad engineers and other profes-

sionals. We need to guarantee the same safe working conditions for nurses, who care for so many of our most vulnerable citizens.

Some hospitals have already taken action. In recent years, after negotiations with their nurses, Brockton Hospital and St. Vincent Hospital in Massachusetts have agreed to limit mandatory overtime. Mr. President, 11 States have adopted laws or regulations to end forced overtime. These limits will protect patients and improve working conditions for nurses, and will help in the recruitment and retention of nurses in the future.

Improving conditions for nurses is an essential part of our ongoing effort to reduce medical errors and improve patient outcomes. But it is also a matter of basic fairness and respect. Nurses perform one of the most difficult and important jobs in our society. They care about their patients and want to provide the best possible treatment. They cannot do their job when they're exhausted and overworked. Nurses, and the patients they care for, deserve better. The Safe Nursing and Patient Care Act respects the dignity of hard-working nurses, and I urge my colleagues to support it.

By Mr. KENNEDY (for himself, Mr. SPECTER, Mr. HARKIN, Mrs. CLINTON, Ms. SNOWE, Ms. MIKULSKI, Mr. OBAMA, Mr. DURBIN, Mr. DODD, Mr. LEAHY, Mrs. MCCASKILL, Mr. WHITEHOUSE, Mrs. BOXER, Ms. STABENOW, and Mrs. MURRAY):

S. 1843. A bill to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967 to clarify that an unlawful practice occurs each time compensation is paid pursuant to a discriminatory compensation decision or other practice, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Mr. President, it's an honor to join my colleagues in introducing the Fair Pay Restoration Act to correct the Supreme Court's recent 5-4 decision in Ledbetter v. Goodyear Tire & Rubber Company, which undermined basic protection for workers against pay discrimination under the Civil Rights Act of 1964. The decision also undermines pay discrimination claims under the Americans with Disabilities Act and the Age Discrimination in Employment Act. Our bill would restore the clear intent of Congress when we passed these important laws that workers must have a reasonable time to file a pay discrimination claim after they become victims of discriminatory compensation.

No American should be denied equal pay for equal work. Employees' ability to provide for their children, save for retirement, and enjoy the benefit of their labor should not be limited by discrimination. The Court's decision undermined these bedrock principles by imposing unrealistically short time limits on such claims.

The jury in this case found that Goodyear Tire and Rubber Company discriminated against Lilly Ledbetter by downgrading her evaluations because she was a woman in a traditionally male job. For over a decade, the company used these discriminatory evaluations to pay her less than male workers who held the same position and performed the same duties. Supervisors at the plant where she worked were openly biased against women. One told her that "the plant did not need women," and that they "caused problems." Ms. Ledbetter's pay fell to 15 to 40 percent behind her male counterparts.

Finally, after years, she realized what was happening and filed suit for the back pay she had been unfairly denied. The jury found that the only reason Ms. Ledbetter was paid less was because she was a woman, and she was awarded full damages to correct this basic injustice.

The Supreme Court ruled against her, holding that she filed her lawsuit far too long after Goodyear first began to pay her less than her male colleagues. Never mind that she had no way of knowing at first that male workers were being paid more. Never mind that the company discriminated against her for decades, and that the discrimination continued with each new paycheck she received.

The Supreme Court's ruling defies both Congress's intent and common sense. Pay discrimination is not like other types of discrimination, because employees generally don't know what their colleagues earn, and such information is difficult to obtain.

Pay discrimination is not like being told "You're fired," or "You didn't get the job," when workers at least know they have been denied a job benefit. With pay discrimination, the paycheck typically comes in the mail, and employees usually have no idea if they have been paid fairly. They should be able to file a complaint within a reasonable time after receiving a discriminatory paycheck, instead of having to file the complaint soon after the company first decides to shortchange them for discriminatory reasons.

The decision actually creates a perverse incentive for workers to file lawsuits before they know a pay decision is based on discrimination. Workers who wait to learn the truth before filing a complaint of discrimination could be out of time. As a result, the decision will create unnecessary litigation as workers rush to beat the clock in their claims for equal pay.

The Supreme Court's decision also breaks faith with the Civil Rights Act of 1991, which was enacted with overwhelming bipartisan support, a vote of 93 to 5 in the Senate, and 381 to 38 in the House. The 1991 act had corrected this same problem in the context of seniority, overturning the Court's decision in a separate case. At the time, there was no need to clarify Title VII for pay discrimination claims, since

the courts were interpreting Title VII correctly. Obviously, Congress now needs to act again to ensure that the law adequately protects workers against pay discrimination.

The Congressional Budget Office has made clear that this bill will not create costs for the Equal Employment Opportunity Commission or the Federal courts. It simply restores the status quo as Congress intended and as it existed on May 28, 2007, before the Ledbetter decision was made.

It is unacceptable that some workers are unable to file a lawsuit against ongoing discrimination. Yet that is what happened to Lilly Ledbetter. I hope that all of us, on both sides of the aisle, can join in correcting this obvious wrong.

In recent years, the Supreme Court also has undermined other bipartisan civil rights laws in ways Congress never intended. It has limited the Age Discrimination in Employment Act, made it harder to protect children who are harassed in school, and eliminated peoples' right to challenge practices with a discriminatory impact on their access to public services. The Court has also made it more difficult for workers with disabilities to prove that they're entitled to the protection of the law.

Congress needs to correct these problems as well. The Fair Pay Restoration Act makes sure that what happened to Lilly Ledbetter will not happen to any others. As Justice Ginsburg wrote in her powerful dissent, the Court's decision is "totally at odds with the robust protection against employment discrimination Congress intended." I urge my colleagues, Republicans and Democrats alike, to restore the law as it was before the decision, so that victims of ongoing pay discrimination have a reasonable time to file their claims.

COLLEGE COST REDUCTION ACT OF 2007

On Thursday, July 19, 2007, the Senate passed H.R. 2669.

The bill, as amended, is as follows:

H.R. 2669

Resolved, That the bill from the House of Representatives (H.R. 2669) entitled "An Act to provide for reconciliation pursuant to section 601 of the concurrent resolution on the budget for fiscal year 2008," do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; REFERENCES.

(a) **SHORT TITLE.**—This Act may be cited as the "Higher Education Access Act of 2007".

(b) **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.).

TITLE I—GRANTS TO STUDENTS IN ATTENDANCE AT INSTITUTIONS OF HIGHER EDUCATION

SEC. 101. TUITION SENSITIVITY.

(a) **AMENDMENT.**—Section 401(b) (20 U.S.C. 1070a(b)) is amended by striking paragraph (3).

(b) **AUTHORIZATION AND APPROPRIATION OF FUNDS.**—There is authorized to be appropriated, and there is appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Education to carry out the amendment made by subsection (a), \$5,000,000 for fiscal year 2008.

SEC. 102. PROMISE GRANTS.

(a) **AMENDMENT.**—Subpart 1 of part A of title IV (20 U.S.C. 1070a et seq.) is amended by adding at the end the following:

"SEC. 401B. PROMISE GRANTS.

"(a) **GRANTS.**—

"(1) **IN GENERAL.**—From amounts appropriated under subsection (e) for a fiscal year and subject to subsection (b), the Secretary shall award grants to students in the same manner as the Secretary awards Federal Pell Grants to students under section 401, except that—

"(A) at the beginning of each award year, the Secretary shall establish a maximum and minimum award level based on amounts made available under subsection (e);

"(B) the Secretary shall only award grants under this section to students eligible for a Federal Pell Grant for the award year; and

"(C) when determining eligibility for the awards under this section, the Secretary shall consider only those students who submitted a Free Application for Federal Student Aid or other common reporting form under section 483 as of July 1 of the award year for which the determination is made.

"(2) **STUDENTS WITH THE GREATEST NEED.**—The Secretary shall ensure grants are awarded under this section to students with the greatest need as determined in accordance with section 471.

"(b) **COST OF ATTENDANCE LIMITATION.**—A grant awarded under this section for an award year shall be awarded in an amount that does not exceed—

"(1) the student's cost of attendance for the award year; less

"(2) an amount equal to the sum of—

"(A) the expected family contribution for the student for the award year; and

"(B) any Federal Pell Grant award received by the student for the award year.

"(c) **SUPPLEMENT NOT SUPPLANT.**—Grants awarded from funds made available under subsection (e) shall be used to supplement, and not supplant, other Federal, State, or institutional grant funds.

"(d) **USE OF EXCESS FUNDS.**—

"(1) **FIFTEEN PERCENT OR LESS.**—If, at the end of a fiscal year, the funds available for making grant payments under this section exceed the amount necessary to make the grant payments required under this section to eligible students by 15 percent or less, then all of the excess funds shall remain available for making grant payments under this section during the next succeeding fiscal year.

"(2) **MORE THAN FIFTEEN PERCENT.**—If, at the end of a fiscal year, the funds available for making grant payments under this section exceed the amount necessary to make the grant payments required under this section to eligible students by more than 15 percent, then all of such funds shall remain available for making such grant payments but grant payments may be made under this paragraph only with respect to awards for that fiscal year.

"(e) **AUTHORIZATION AND APPROPRIATION OF FUNDS.**—

"(1) **IN GENERAL.**—There are authorized to be appropriated, and there are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Education to carry out this section—

"(A) \$2,620,000,000 for fiscal year 2008;

"(B) \$3,040,000,000 for fiscal year 2009;

"(C) \$3,460,000,000 for fiscal year 2010;

"(D) \$3,900,000,000 for fiscal year 2011;

"(E) \$4,020,000,000 for fiscal year 2012;

"(F) \$10,000,000 for fiscal year 2013;

"(G) \$3,650,000,000 for fiscal year 2014;

"(H) \$3,850,000,000 for fiscal year 2015;

"(I) \$4,175,000,000 for fiscal year 2016; and

"(J) \$4,180,000,000 for fiscal year 2017.

"(2) **AVAILABILITY OF FUNDS.**—Funds appropriated under paragraph (1) for a fiscal year shall remain available through the last day of the fiscal year immediately succeeding the fiscal year for which the funds are appropriated."

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect on July 1, 2008.

TITLE II—STUDENT LOAN BENEFITS, TERMS, AND CONDITIONS

SEC. 201. DEFERMENTS.

(a) **FISL.**—Section 427(a)(2)(C)(iii) (20 U.S.C. 1077(a)(2)(C)(iii)) is amended by striking "3 years" and inserting "6 years".

(b) **INTEREST SUBSIDIES.**—Section 428(b)(1)(M)(iv) (20 U.S.C. 1078(b)(1)(M)(iv)) is amended by striking "3 years" and inserting "6 years".

(c) **DIRECT LOANS.**—Section 455(f)(2)(D) (20 U.S.C. 1087e(f)(2)(D)) is amended by striking "3 years" and inserting "6 years".

(d) **PERKINS.**—Section 464(c)(2)(A)(iv) (20 U.S.C. 1087dd(c)(2)(A)(iv)) is amended by striking "3 years" and inserting "6 years".

(e) **EFFECTIVE DATE AND APPLICABILITY.**—The amendments made by this section shall take effect on July 1, 2008, and shall only apply with respect to the loans made to a borrower of a loan under title IV of the Higher Education Act of 1965 who obtained the borrower's first loan under such title prior to October 1, 2012.

SEC. 202. STUDENT LOAN DEFERMENT FOR CERTAIN MEMBERS OF THE ARMED FORCES.

(a) **FEDERAL FAMILY EDUCATION LOANS.**—Section 428(b)(1)(M)(iii) (20 U.S.C. 1078(b)(1)(M)(iii)) is amended—

(1) in the matter preceding subclause (I), by striking "not in excess of 3 years";

(2) in subclause (II), by striking "or" and inserting a comma; and

(3) by adding at the end the following:

"and for the 180-day period following the demobilization date for the service described in subclause (I) or (II); or".

(b) **DIRECT LOANS.**—Section 455(f)(2)(C) (20 U.S.C. 1087e(f)(2)(C)) is amended—

(1) in the matter preceding clause (i), by striking "not in excess of 3 years";

(2) in clause (ii), by striking "or" and inserting a comma; and

(3) by adding at the end the following:

"and for the 180-day period following the demobilization date for the service described in clause (i) or (ii); or".

(c) **PERKINS LOANS.**—Section 464(c)(2)(A)(iii) (20 U.S.C. 1087dd(c)(2)(A)(iii)) is amended—

(1) in the matter preceding subclause (I), by striking "not in excess of 3 years";

(2) in subclause (II), by striking the semicolon and inserting a comma; and

(3) by adding at the end the following:

"and for the 180-day period following the demobilization date for the service described in subclause (I) or (II); or".

(d) **APPLICABILITY.**—Section 8007(f) of the Higher Education Reconciliation Act of 2005 (20 U.S.C. 1078 note) is amended by striking "loans for which" and all that follows through the period at the end and inserting "all loans under title IV of the Higher Education Act of 1965."

(e) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on July 1, 2008.

SEC. 203. INCOME-BASED REPAYMENT PLANS.

(a) **FFEL.**—Section 428 (as amended by sections 201(b) and 202(a)) (20 U.S.C. 1078) is further amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (D), by striking "income contingent" and inserting "income-based"; and

(ii) in subparagraph (E)(i), by striking "income-sensitive" and inserting "income-based"; and

(B) by striking clause (iii) of paragraph (9)(A) and inserting the following:

“(iii) an income-based repayment plan, with parallel terms, conditions, and benefits as the income-based repayment plan described in subsections (e) and (d)(1)(D) of section 455, except that—

“(I) the plan described in this clause shall not be available to a borrower of an excepted PLUS loan (as defined in section 455(e)(10)) or of a loan made under 428C that includes an excepted PLUS loan;

“(II) in lieu of the process of obtaining Federal income tax returns and information from the Internal Revenue Service, as described in section 455(e)(1), the borrower shall provide the lender with a copy of the Federal income tax return and return information for the borrower (and, if applicable, the borrower’s spouse) for the purposes described in section 455(e)(1), and the lender shall determine the repayment obligation on the loan, in accordance with the procedures developed by the Secretary;

“(III) in lieu of the requirements of section 455(e)(3), in the case of a borrower who chooses to repay a loan made, insured, or guaranteed under this part pursuant to income-based repayment and for whom the adjusted gross income is unavailable or does not reasonably reflect the borrower’s current income, the borrower shall provide the lender with other documentation of income that the Secretary has determined is satisfactory for similar borrowers of loans made under part D;

“(IV) the Secretary shall pay any interest due and not paid for under the repayment schedule described in section 455(e)(4) for a loan made, insured, or guaranteed under this part in the same manner as the Secretary pays any such interest under section 455(e)(6) for a Federal Direct Stafford Loan;

“(V) the Secretary shall assume the obligation to repay an outstanding balance of principal and interest due on all loans made, insured, or guaranteed under this part (other than an excepted PLUS loan or a loan under section 428C that includes an excepted PLUS loan), for a borrower who satisfies the requirements of subparagraphs (A) and (B) of section 455(e)(7), in the same manner as the Secretary cancels such outstanding balance under section 455(e)(7); and

“(VI) in lieu of the notification requirements under section 455(e)(8), the lender shall notify a borrower of a loan made, insured, or guaranteed under this part who chooses to repay such loan pursuant to income-based repayment of the terms and conditions of such plan, in accordance with the procedures established by the Secretary, including notification that—

“(aa) the borrower shall be responsible for providing the lender with the information necessary for documentation of the borrower’s income, including income information for the borrower’s spouse (as applicable); and

“(bb) if the borrower considers that special circumstances warrant an adjustment, as described in section 455(e)(8)(B), the borrower may contact the lender, and the lender shall determine whether such adjustment is appropriate, in accordance with the criteria established by the Secretary; and”;

(2) in subsection (e)—

(A) in the subsection heading, by striking “INCOME-SENSITIVE” and inserting “INCOME-BASED”;

(B) in paragraph (1)—

(i) by striking “income-sensitive repayment” and inserting “income-based repayment”; and

(ii) by inserting “and for the public service loan forgiveness program under section 455(m), in accordance with section 428C(b)(5)” before the semicolon; and

(C) in paragraphs (2) and (3), by striking “income-sensitive” each place the term occurs and inserting “income-based”; and

(3) in subsection (m)—

(A) in the subsection heading, by striking “INCOME CONTINGENT” and inserting “INCOME-BASED”;

(B) in paragraph (1), by striking “income contingent repayment plan” and all that follows through the period at the end and inserting “income-based repayment plan as described in subsection (b)(9)(A)(iii) and section 455(d)(1)(D).”; and

(C) in the paragraph heading of paragraph (2), by striking “INCOME CONTINGENT” and inserting “INCOME-BASED”.

(b) CONSOLIDATION LOANS.—Section 428C (20 U.S.C. 1078–3) is amended—

(1) in subsection (a)(3)(B)(i)(V), by striking “for the purposes of obtaining an income contingent repayment plan,” and inserting “for the purpose of using the public service loan forgiveness program under section 455(m).”; and

(2) in subsection (b)(5)—

(A) in the first sentence, by striking “, or is unable to obtain a consolidation loan with income-sensitive repayment terms acceptable to the borrower from such a lender,” and inserting “, or chooses to obtain a consolidation loan for the purposes of using the public service loan forgiveness program offered under section 455(m).”; and

(B) in the second sentence, by striking “income contingent repayment under part D of this title” and inserting “income-based repayment”; and

(3) in subsection (c)—

(A) in paragraph (2)(A)—

(i) in the first sentence, by striking “of graduated or income-sensitive repayment schedules, established by the lender in accordance with the regulations of the Secretary.” and inserting “of graduated repayment schedules, established by the lender in accordance with the regulations of the Secretary, and income-based repayment schedules, established pursuant to regulations by the Secretary.”; and

(ii) in the second sentence, by striking “Except as required” and all that follows through “subsection (b)(5),” and inserting “Except as required by such income-based repayment schedules.”; and

(B) in paragraph (3)(B), by striking “income contingent repayment offered by the Secretary under subsection (b)(5)” and inserting “income-based repayment”.

(c) DIRECT LOANS.—Section 455 (as amended by sections 201(c) and 202(b)) (20 U.S.C. 1087e) is further amended—

(1) in subsection (d)—

(A) in paragraph (1)(D)—

(i) by striking “income contingent repayment plan” and inserting “income-based repayment plan”; and

(ii) by striking “a Federal Direct PLUS loan” and inserting “an excepted PLUS loan or any Federal Direct Consolidation Loan that includes an excepted PLUS loan (as defined in subsection (e)(10))”; and

(B) in paragraph (5)(B), by striking “income contingent” and inserting “income-based”; and

(2) in subsection (e)—

(A) in the subsection heading, by striking “INCOME CONTINGENT” and inserting “INCOME-BASED”;

(B) in paragraphs (1), (2), and (3), by striking “income contingent” each place the term appears and inserting “income-based”; and

(C) in paragraph (4)—

(i) by striking “Income contingent” and inserting “Income-based”; and

(ii) by striking “Secretary.” and inserting “Secretary, except that the monthly required payment under such schedule shall not exceed 15 percent of the result obtained by calculating the amount by which—

“(A) the borrower’s adjusted gross income; exceeds

“(B) 150 percent of the poverty line applicable to the borrower’s family size, as determined under section 673(2) of the Community Service Block Grant Act, divided by 12.”;

(D) in paragraph (5), by striking “income contingent” and inserting “income-based”;

(E) by redesignating paragraph (6) as paragraph (8);

(F) by inserting after paragraph (5) the following:

“(6) TREATMENT OF INTEREST.—In the case of a Federal Direct Stafford Loan, any interest due and not paid for under paragraph (2) shall be paid by the Secretary.

“(7) LOAN FORGIVENESS.—The Secretary shall cancel the obligation to repay an outstanding balance of principal and interest due on all loans made under this part, or assume the obligation to repay an outstanding balance of principal and interest due on all loans made, insured, or guaranteed under part B, (other than an excepted PLUS loan, or any Federal Direct Consolidation Loan or loan under section 428C that includes an excepted PLUS loan) to a borrower who—

“(A) makes the election under this subsection or under section 428(b)(9)(A)(iii); and

“(B) for a period of time prescribed by the Secretary not to exceed 25 years (including any period during which the borrower is in deferment due to an economic hardship described in section 435(o)), meets 1 of the following requirements with respect to each payment made during such period:

“(i) Has made the payment under this subsection or section 428(b)(9)(A)(iii).

“(ii) Has made the payment under a standard repayment plan under section 428(b)(9)(A)(i) or 455(d)(1)(A).

“(iii) Has made a payment that counted toward the maximum repayment period under income-sensitive repayment under section 428(b)(9)(A)(iii) or income contingent repayment under section 455(d)(1)(D), as each such section was in effect on June 30, 2008.

“(iv) Has made a reduced payment of not less than the amount required under subsection (e), pursuant to a forbearance agreement under section 428(c)(3)(A)(i) for a borrower described in 428(c)(3)(A)(i)(II).”;

(G) in the matter preceding subparagraph (A) of paragraph (8) (as redesignated by subparagraph (E)), by striking “income contingent” and inserting “income-based”; and

(H) by adding at the end the following:

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

“(10) DEFINITION OF EXCEPTED PLUS LOAN.—In this subsection, the term ‘excepted PLUS loan’ means a Federal Direct PLUS loan or a loan under section 428B that is made, insured, or guaranteed on behalf of a dependent student.”.

(d) CONFORMING AMENDMENTS AND TECHNICAL CORRECTIONS.—The Act (20 U.S.C. 1001 et seq.) is further amended—

(1) in section 427(a)(2)(H) (20 U.S.C. 1077(a)(2)(H))—

(A) by striking “or income-sensitive”; and

(B) by inserting “or income-based repayment schedule established pursuant to regulations by the Secretary” before the semicolon at the end; and

(2) in section 455(d)(1)(C) (20 U.S.C. 1087e(d)(1)(C)), by striking “428(b)(9)(A)(v)” and inserting “428(b)(9)(A)(iv)”.

(e) TRANSITION PROVISION.—A student who, as of June 30, 2008, elects to repay a loan under part B or part D of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq., 1087a et seq.) through an income-sensitive repayment plan under section 428(b)(9)(A)(iii) of such Act (20 U.S.C. 1078(b)(9)(A)(iii)) or an income contingent repayment plan under section 455(d)(1)(D) of such Act (20 U.S.C. 1087e(d)(1)(D)) (as each such section was in effect on the day before the date of enactment of this Act) shall have the option to continue repayment under such section (as such section was in effect on such day), or

may elect, beginning on July 1, 2008, to use the income-based repayment plan under section 428(b)(9)(A)(iii) or 455(d)(1)(D) (as applicable) of the Higher Education Act of 1965, as amended by this section.

(f) **EFFECTIVE DATE AND APPLICABILITY.**—The amendments made by this section shall take effect on July 1, 2008, and shall only apply with respect to a borrower of a loan under title IV of the Higher Education Act of 1965 who obtained the borrower's first loan under such title prior to October 1, 2012.

TITLE III—FEDERAL FAMILY EDUCATION LOAN PROGRAM

SEC. 301. REDUCTION OF LENDER INSURANCE PERCENTAGE.

(a) **AMENDMENT.**—Section 428(b)(1)(G) (20 U.S.C. 1078(b)(1)(G)) is amended—

(i) in the matter preceding clause (i), by striking “insures 98 percent” and inserting “insures 97 percent”;

(2) in clause (i), by inserting “and” after the semicolon;

(3) by striking clause (ii); and

(4) by redesignating clause (iii) as clause (ii).

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

SEC. 302. 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 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’; and

“(II) beginning October 1, 2007, this subparagraph shall be applied by substituting ‘16 percent’ for ‘24 percent’.”

SEC. 303. 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, except that section 428I of the Higher Education Act of 1965 (as in effect on the day before the date of enactment of this Act) shall apply to eligible lenders that received a designation under subsection (a) of such section prior to October 1, 2007, for the remainder of the year for which the designation was made.

SEC. 304. DEFINITIONS.

(a) **AMENDMENTS.**—Section 435 (20 U.S.C. 1085) is amended—

(1) in subsection (o)(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”; and

(B) in subparagraph (B)(ii), by striking “to a family of two” and inserting “to the borrower's family size”; and

(2) by adding at the end the following:

“(p) **ELIGIBLE NOT-FOR-PROFIT HOLDER.**—

“(1) **DEFINITION OF ELIGIBLE NOT-FOR-PROFIT HOLDER.**—The term ‘eligible not-for-profit holder’ means an eligible lender under subsection (d) (except for an eligible lender described in subsection (d)(1)(E)) that requests a special allowance payment under section 438(b)(2)(I)(vi)(II) and that is—

“(A) a State of the United States, or a political subdivision thereof, or an authority, agen-

cy, or other instrumentality thereof (including such entities that are eligible to issue bonds described in section 1.103–1 of title 26, Code of Federal Regulations, or section 144(b) of the Internal Revenue Code of 1986);

“(B) an entity described in section 150(d)(2) of such Code that has not made the election described in section 150(d)(3) of such Code;

“(C) an entity described in section 501(c)(3) of such Code; or

“(D) a trustee acting as an eligible lender on behalf of an entity described in subparagraph (A), (B), or (C),

except that no entity described in subparagraph (A), (B), or (C) shall be owned or controlled in whole or in part by a for-profit entity.

(2) **PROHIBITION.**—In the case of a loan for which the special allowance payment is calculated under section 438(b)(2)(I)(vi)(II) and that is sold by the eligible not-for-profit holder holding the loan to a for-profit entity or to an entity that is not an eligible not-for-profit holder, the special allowance payment for such loan shall, beginning on the date of the sale, no longer be calculated under section 438(b)(2)(I)(vi)(II) and shall be calculated under section 438(b)(2)(I)(vi)(I) instead.

(3) **REGULATIONS.**—Not later than 1 year after the date of enactment of the Higher Education Access Act of 2007, the Secretary shall promulgate regulations in accordance with the provisions of this subsection.”

(b) **APPLICABILITY.**—The amendment made by subsection (a)(1) shall only apply with respect to any borrower of a loan under title IV of the Higher Education Act of 1965 who obtained the borrower's first loan under such title prior to October 1, 2012.

SEC. 305. SPECIAL ALLOWANCES.

(a) **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 “(iii), and (iv)” and inserting “(iii), (iv), and (vi)”;

(2) by adding at the end the following:

“(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) for loans held by an eligible lender not described in subclause (II)—

“(aa) by substituting ‘1.24 percent’ for ‘1.74 percent’ in clause (ii);

“(bb) by substituting ‘1.84 percent’ for ‘2.34 percent’ each place the term appears in this subparagraph;

“(cc) by substituting ‘1.84 percent’ for ‘2.64 percent’ in clause (iii); and

“(dd) by substituting ‘2.14 percent’ for ‘2.64 percent’ in clause (iv); and

“(II) for loans held by an eligible not-for-profit holder—

“(aa) by substituting ‘1.99 percent’ for ‘2.34 percent’ each place the term appears in this subparagraph;

“(bb) by substituting ‘1.39 percent’ for ‘1.74 percent’ in clause (ii);

“(cc) by substituting ‘1.99 percent’ for ‘2.64 percent’ in clause (iii); and

“(dd) by substituting ‘2.29 percent’ for ‘2.64 percent’ in clause (iv).”

(b) **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.**—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 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.”

TITLE IV—WILLIAM D. FORD FEDERAL DIRECT LOAN PROGRAM

SEC. 401. LOAN FORGIVENESS FOR PUBLIC SERVICE EMPLOYEES.

Section 455 (as amended by sections 201(c), 202(b), and 203(c)) (20 U.S.C. 1087e) is further amended by adding at the end the following:

“(m) **REPAYMENT PLAN FOR PUBLIC SERVICE EMPLOYEES.**—

“(1) **IN GENERAL.**—The Secretary shall cancel the balance of interest and principal due, in accordance with paragraph (2), on any eligible Federal Direct Loan not in default for an eligible borrower who—

“(A) has made 120 monthly payments on the Federal Direct Loan after October 1, 2007, pursuant to any combination of—

“(i) payments under an income-based repayment plan under section 455(d)(1)(D);

“(ii) payments under a standard repayment plan under section 455(d)(1)(A); or

“(iii) monthly payments under a repayment plan under section 455(d)(1) of not less than the monthly amount calculated under section 455(d)(1)(A); and

“(B)(i) is employed in a public service job at the time of such forgiveness; and

“(ii) has been employed in a public service job during the period in which the borrower makes each of the 120 payments described in subparagraph (A).

“(2) **LOAN CANCELLATION AMOUNT.**—After the conclusion of the employment period described in paragraph (1), the Secretary shall cancel the obligation to repay, for each year during such period described in paragraph (1)(B)(ii) for which the eligible borrower submits documentation to the Secretary that the borrower's annual adjusted gross income or annual earnings were less than or equal to \$65,000, 1/2 of the amount of the balance of principal and interest due as of the time of such cancellation, on the eligible Federal Direct Loans made to the borrower under this part.

“(3) **DEFINITIONS.**—In this subsection:

“(A) **ELIGIBLE BORROWER.**—The term ‘eligible borrower’ means a borrower who submits documentation to the Secretary that the borrower's annual adjusted gross income or annual earnings is less than or equal to \$65,000.

“(B) **ELIGIBLE FEDERAL DIRECT LOAN.**—The term ‘eligible Federal Direct Loan’ means a Federal Direct Stafford Loan, Federal Direct PLUS Loan, Federal Direct Unsubsidized Loan, or a Federal Direct Consolidation Loan if such consolidation loan was obtained by the borrower under section 428C(b)(5) or in accordance with section 428C(a)(3)(B)(i)(V).

“(C) **PUBLIC SERVICE JOB.**—In this paragraph, the term ‘public service job’ means—

“(i) a full-time job in public emergency management, government, public safety, public law enforcement, public health, public education, public early childhood education, public child care, social work in a public child or family service agency, public services for individuals with disabilities, public services for the elderly, public interest legal services (including prosecution or public defense), public library sciences, public school library sciences, or other public school-based services; or

“(ii) teaching as a full-time faculty member at a Tribal College or University as defined in section 316(b).”

SEC. 402. UNIT COST CALCULATION FOR GUARANTY AGENCY 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 each of the fiscal years 2006 and 2007, account”; and

(2) by adding at the end the following:

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

“(A) **IN GENERAL.**—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) AMOUNT DETERMINATION.—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 dividing the total amount of account maintenance fees paid under subsection (a)(3) for fiscal year 2006 by the number of loans under part B that were outstanding for that fiscal year; and
 “(ii) for subsequent fiscal years, adjust the amount determined under clause (i) as the Secretary determines necessary to account for inflation.”.

TITLE V—FEDERAL PERKINS LOANS

SEC. 501. DISTRIBUTION OF LATE COLLECTIONS.

Section 466(b) (20 U.S.C. 1087ff(b)) is amended by striking “March 31, 2012” and inserting “September 30, 2012”.

TITLE VI—NEED ANALYSIS

SEC. 601. 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 academic year 2009–2010, \$3,750;
 “(ii) for academic year 2010–2011, \$4,500;
 “(iii) for academic year 2011–2012, \$5,250; and
 “(iv) for academic year 2012–2013, \$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 academic year 2009–2010, \$7,000;

“(bb) for academic year 2010–2011, \$7,780;
 “(cc) for academic year 2011–2012, \$8,550; and
 “(dd) for academic year 2012–2013, \$9,330; and
 “(II) for married students where 1 is enrolled pursuant to subsection (a)(2)—
 “(aa) for academic year 2009–2010, \$11,220;
 “(bb) for academic year 2010–2011, \$12,460;
 “(cc) for academic year 2011–2012, \$13,710; and
 “(dd) for academic year 2012–2013, \$14,960;”.

(c) INDEPENDENT STUDENTS WITH DEPENDENTS OTHER THAN A SPOUSE.—Paragraph (4) of section 477(b) (20 U.S.C. 1087qq(b)(4)) is amended to read as follows:

“(4) INCOME PROTECTION ALLOWANCE.—The income protection allowance is determined by the tables described in subparagraphs (A) through (D) (or a successor table prescribed by the Secretary under section 478).

“(A) ACADEMIC YEAR 2009–2010.—For academic year 2009–2010, the income protection allowance is determined by the following table:

“Income Protection Allowance

Family Size	Number in College				
	1	2	3	4	5
2	\$17,720	\$14,690			
3	22,060	19,050	\$16,020		
4	27,250	24,220	21,210	\$18,170	
5	32,150	29,120	26,100	23,070	\$20,060
6	37,600	34,570	31,570	28,520	25,520

NOTE: For each additional family member, add \$4,240.
 For each additional college student, subtract \$3,020.

“(B) ACADEMIC YEAR 2010–2011.—For academic year 2010–2011, the income protection allowance is determined by the following table:

“Income Protection Allowance

Family Size	Number in College				
	1	2	3	4	5
2	\$19,690	\$16,330			
3	24,510	21,160	\$17,800		
4	30,280	26,910	23,560	\$20,190	
5	35,730	32,350	29,000	25,640	\$22,290
6	41,780	38,410	35,080	31,690	28,350

NOTE: For each additional family member, add \$4,710.
 For each additional college student, subtract \$3,350.

“(C) ACADEMIC YEAR 2011–2012.—For academic year 2011–2012, the income protection allowance is determined by the following table:

“Income Protection Allowance

Family Size	Number in College				
	1	2	3	4	5
2	\$21,660	\$17,960			
3	26,960	23,280	\$19,580		
4	33,300	29,600	25,920	\$22,210	
5	39,300	35,590	31,900	28,200	\$24,520
6	45,950	42,250	38,580	34,860	31,190

NOTE: For each additional family member, add \$5,180.
 For each additional college student, subtract \$3,690.

“(D) ACADEMIC YEAR 2012–2013.—For academic year 2012–2013, the income protection allowance is determined by the following table:

“Income Protection Allowance

Family Size	Number in College				
	1	2	3	4	5
2	\$23,630	\$19,590			
3	29,420	25,400	\$21,360		
4	36,330	32,300	28,280	\$24,230	
5	42,870	38,820	34,800	30,770	\$26,750
6	50,130	46,100	42,090	38,030	34,020

NOTE: For each additional family member, add \$5,660.
 For each additional college student, subtract \$4,020.”.

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

(1) by striking paragraph (1) and inserting the following:

“(1) REVISED TABLES.—

“(A) IN GENERAL.—For each academic year after academic year 2008–2009, the Secretary shall publish in the Federal Register a revised

table of income protection allowances for the purpose of such sections, subject to subparagraphs (B) and (C).

“(B) TABLE FOR INDEPENDENT STUDENTS.—

“(i) ACADEMIC YEARS 2009–2010 THROUGH 2012–2013.—For each of the academic years 2009–2010 through 2012–2013, the Secretary shall not develop a revised table of income protection allowances under section 477(b)(4) and the table specified for such academic year under subparagraphs (A) through (D) of such section shall apply.

“(ii) OTHER ACADEMIC YEARS.—For each academic year after academic year 2012–2013, the Secretary shall develop the revised table of income protection allowances by increasing each of the dollar amounts contained in the table of income protection allowances under section 477(b)(4)(D) by a percentage equal to the estimated percentage increase in the Consumer Price Index (as determined by the Secretary) between December 2011 and the December next preceding the beginning of such academic year, and rounding the result to the nearest \$10.

“(C) TABLE FOR PARENTS.—For each academic year after academic year 2008–2009, the Secretary shall develop the revised table of income protection allowances under section 475(c)(4) by increasing each of the dollar amounts contained in the table by a percentage equal to the estimated percentage increase in the Consumer Price Index (as determined by the Secretary) between December 1992 and the December next preceding the beginning of such academic year, and rounding the result to the nearest \$10.”; 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 for each academic year after academic year 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 2011 and the December next preceding the beginning of such academic year, and rounding the result to the nearest \$10.”.

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

SEC. 602. AUTOMATIC ZERO IMPROVEMENTS.

(a) IN GENERAL.—Section 479(c) (20 U.S.C. 1087ss(c)) is amended—

(1) in paragraph (1)(B), by striking “20,000” and inserting “\$30,000”; and

(2) in paragraph (2)(B), by striking “\$20,000” and inserting “\$30,000”.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on July 1, 2009.

SEC. 603. DISCRETION OF STUDENT FINANCIAL AID ADMINISTRATORS.

The third sentence of section 479A(a) (20 U.S.C. 1087tt(a)) is amended—

(1) by inserting “or an independent student” after “family member”; and

(2) by inserting “a change in housing status that results in homelessness (as defined in section 103 of the McKinney-Vento Homeless Assistance Act),” after “under section 487.”.

SEC. 604. DEFINITIONS.

(a) IN GENERAL.—Section 480 (20 U.S.C. 1087vv) is amended—

(1) in subsection (a)(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.”;

(2) in subsection (d)—

(A) by redesignating paragraphs (1), (2), (3) through (6), and (7) as subparagraphs (A), (B), (D) through (G), and (I), respectively, and indenting appropriately;

(B) by striking “INDEPENDENT STUDENT.—The term” and inserting “INDEPENDENT STUDENT.—

“(1) DEFINITION.—The term”;

(C) by striking subparagraph (B) (as redesignated by subparagraph (A)) and inserting the following:

“(B) is an orphan, in foster care, or a ward of the court, or was in foster care when the individual was 13 years of age or older or a ward of the court until the individual reached the age of 18;

“(C) is an emancipated minor or is in legal guardianship as determined by a court of competent jurisdiction in the individual’s State of legal residence.”;

(D) in subparagraph (G) (as redesignated by subparagraph (A)), by striking “or” after the semicolon;

(E) by inserting after subparagraph (G) (as redesignated by subparagraph (A)) the following:

“(H) has been verified as an unaccompanied youth who is a homeless child or youth (as such terms are defined in section 725 of the McKinney-Vento Homeless Assistance Act) during the school year in which the application is submitted, by—

“(i) a local educational agency homeless liaison, designated pursuant to section 722(g)(1)(J)(ii) of the McKinney-Vento Homeless Assistance Act;

“(ii) the director of a program funded under the Runaway and Homeless Youth Act or a designee of the director; or

“(iii) the director of a program funded under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act (relating to emergency shelter grants) or a designee of the director; or”;

and

(F) by adding at the end the following:

“(2) SIMPLIFYING THE DEPENDENCY OVERRIDE PROCESS.—A financial aid administrator may make a determination of independence under paragraph (1)(I) based upon a documented determination of independence that was previously made by another financial aid administrator under such paragraph in the same award year.”;

(3) in subsection (e)—

(A) in paragraph (3), by striking “and” after the semicolon;

(B) in paragraph (4), by striking the period at the end and inserting “; and”;

(C) by adding at the end the following:

“(5) special combat pay.”;

(4) in subsection (f), by striking paragraph (3) and inserting the following:

“(3) A qualified education benefit shall be considered an asset of—

“(A) the student if the student is an independent student; or

“(B) the parent if the student is a dependent student, regardless of whether the owner of the account is the student or the parent.”;

(5) in subsection (j)—

(A) in paragraph (2), 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”; and

(B) by adding at the end the following:

“(4) Notwithstanding paragraph (1), special combat pay shall not be treated as estimated financial assistance for purposes of section 471(3).”;

(6) by adding at the end the following:

“(n) SPECIAL COMBAT PAY.—The term ‘special combat pay’ means pay received by a member of the Armed Forces because of exposure to a hazardous situation.”.

SEC. 605. AUTHORIZATION AND APPROPRIATIONS.

There are authorized to be appropriated, and there are appropriated, out of any money in the Treasury not otherwise appropriated, \$10,000,000 for fiscal year 2008 for the Department of Education to pay the estimated increase in costs in the Federal Pell Grant program under section 401 of the Higher Education Act of 1965 (20 U.S.C. 1070a) resulting from the amendments made by sections 603 and 604 for award year 2007–2008.

TITLE VII—MISCELLANEOUS

SEC. 701. COMPETITIVE LOAN AUCTION PILOT PROGRAM.

Title IV (20 U.S.C. 1070 et seq.) is further amended by adding at the end the following:

“PART I—COMPETITIVE LOAN AUCTION PILOT PROGRAM; STATE GRANT PROGRAM “SEC. 499. COMPETITIVE LOAN AUCTION PILOT PROGRAM.

“(a) DEFINITIONS.—In this section:

“(1) ELIGIBLE FEDERAL PLUS LOAN.—The term ‘eligible Federal PLUS Loan’ means a loan described in section 428B made to a parent of a dependent student.

“(2) ELIGIBLE LENDER.—The term ‘eligible lender’ has the meaning given the term in section 435.

“(b) PILOT PROGRAM.—The Secretary shall carry out a pilot program under which the Secretary establishes a mechanism for an auction of eligible Federal PLUS Loans in accordance with this subsection. The pilot program shall meet the following requirements:

“(1) PLANNING AND IMPLEMENTATION.—During the period beginning on the date of enactment of this section and ending on June 30, 2009, the Secretary shall plan and implement the pilot program under this subsection.

“(2) ORIGINATION AND DISBURSEMENT; APPLICABILITY OF SECTION 428B.—Beginning on July 1, 2009, the Secretary shall arrange for the origination and disbursement of all eligible Federal PLUS Loans in accordance with the provisions of this subsection and the provisions of section 428B that are not inconsistent with this subsection.

“(3) LOAN ORIGINATION MECHANISM.—The Secretary shall establish a loan origination auction mechanism that meets the following requirements:

“(A) AUCTION.—The Secretary administers an auction under this paragraph for each State under which eligible lenders compete to originate eligible Federal PLUS Loans under this paragraph at all institutions of higher education within the State.

“(B) PREQUALIFICATION PROCESS.—The Secretary establishes a prequalification process for eligible lenders desiring to participate in an auction under this paragraph that contains, at a minimum—

“(i) a set of borrower benefits and servicing requirements each eligible lender shall meet in order to participate in such an auction; and

“(ii) an assessment of each such eligible lender’s capacity, including capital capacity, to participate effectively.

“(C) TIMING AND ORIGINATION.—Each State auction takes place every 2 years, and the eligible lenders with the winning bids for the State are the only eligible lenders permitted to originate eligible Federal PLUS Loans made under this paragraph for the cohort of students at the institutions of higher education within the State until the students graduate from or leave the institutions of higher education.

“(D) BIDS.—Each eligible lender’s bid consists of the amount of the special allowance payment (including the recapture of excess interest) the eligible lender proposes to accept from the Secretary with respect to the eligible Federal PLUS Loans made under this paragraph in lieu of the amount determined under section 438(b)(2)(I).

“(E) MAXIMUM BID.—The maximum bid allowable under this paragraph shall not exceed the amount of the special allowance payable on eligible Federal PLUS Loans made under this paragraph computed under section 438(b)(2)(I) (other than clauses (ii), (iii), (iv), and (vi) of such section), except that for purposes of the computation under this subparagraph, section 438(b)(2)(I)(i)(III) shall be applied by substituting ‘1.74 percent’ for ‘2.34 percent’.

“(F) WINNING BIDS.—The winning bids for each State auction shall be the 2 bids containing the lowest and the second lowest proposed special allowance payments, subject to subparagraph (E).

“(G) AGREEMENT WITH SECRETARY.—Each eligible lender having a winning bid under subparagraph (F) enters into an agreement with the Secretary under which the eligible lender—

“(i) agrees to originate eligible Federal PLUS Loans under this paragraph to each borrower who—

“(I) seeks an eligible Federal PLUS Loan under this paragraph to enable a dependent student to attend an institution of higher education within the State;

“(II) is eligible for an eligible Federal PLUS Loan; and

“(III) elects to borrow from the eligible lender; and

“(ii) agrees to accept a special allowance payment (including the recapture of excess interest) from the Secretary with respect to the eligible Federal PLUS Loans originated under clause (i) in the amount proposed in the second lowest winning bid described in subparagraph (F) for the applicable State auction.

“(H) SEALED BIDS; CONFIDENTIALITY.—All bids are sealed and the Secretary keeps the bids confidential, including following the announcement of the winning bids.

“(I) ELIGIBLE LENDER OF LAST RESORT.—

“(i) IN GENERAL.—In the event that there is no winning bid under subparagraph (F), the students at the institutions of higher education within the State that was the subject of the auction shall be served by an eligible lender of last resort, as determined by the Secretary.

“(ii) DETERMINATION OF ELIGIBLE LENDER OF LAST RESORT.—Prior to the start of any auction under this paragraph, eligible lenders that desire to serve as an eligible lender of last resort shall submit an application to the Secretary at such time and in such manner as the Secretary may determine. Such application shall include an assurance that the eligible lender will meet the prequalification requirements described in subparagraph (B).

“(iii) GEOGRAPHIC LOCATION.—The Secretary shall identify an eligible lender of last resort for each State.

“(iv) NOTIFICATION TIMING.—The Secretary shall not identify any eligible lender of last resort until after the announcement of all the winning bids for a State auction for any year.

“(J) GUARANTEE AGAINST LOSSES.—The Secretary guarantees the eligible Federal PLUS Loans made under this paragraph against losses resulting from the default of a parent borrower in an amount equal to 99 percent of the unpaid principal and interest due on the loan.

“(K) LOAN FEES.—The Secretary shall not collect a loan fee under section 438(d) with respect to an eligible Federal Plus Loan originated under this paragraph.

“(L) CONSOLIDATION.—

“(i) IN GENERAL.—An eligible lender who is permitted to originate eligible Federal PLUS Loans for a borrower under this paragraph shall have the option to consolidate such loans into 1 loan.

“(ii) NOTIFICATION.—In the event a borrower with eligible Federal PLUS Loans made under this paragraph wishes to consolidate the loans, the borrower shall notify the eligible lender who originated the loans under this paragraph.

“(iii) LIMITATION ON ELIGIBLE LENDER OPTION TO CONSOLIDATE.—The option described in clause (i) shall not apply if—

“(I) the borrower includes in the notification in clause (ii) verification of consolidation terms and conditions offered by an eligible lender other than the eligible lender described in clause (i); and

“(II) not later than 10 days after receiving such notification from the borrower, the eligible lender described in clause (i) does not agree to match such terms and conditions, or provide more favorable terms and conditions to such borrower than the offered terms and conditions described in subclause (I).

“(iv) CONSOLIDATION OF ADDITIONAL LOANS.—If a borrower has a Federal Direct PLUS Loan

or a loan made on behalf of a dependent student under section 428B and seeks to consolidate such loan with an eligible Federal PLUS Loan made under this paragraph, then the eligible lender that originated the borrower's loan under this paragraph may include in the consolidation under this subparagraph a Federal Direct PLUS Loan or a loan made on behalf of a dependent student under section 428B, but only if—

“(I) in the case of a Federal Direct PLUS Loan, the eligible lender agrees, not later than 10 days after the borrower requests such consolidation from the lender, to match the consolidation terms and conditions that would otherwise be available to the borrower if the borrower consolidated such loans in the loan program under part D; or

“(II) in the case of a loan made on behalf of a dependent student under section 428B, the eligible lender agrees, not later than 10 days after the borrower requests such consolidation from the lender, to match the consolidation terms and conditions offered by an eligible lender other than the eligible lender that originated the borrower's loans under this paragraph.

“(v) SPECIAL ALLOWANCE ON CONSOLIDATION LOANS THAT INCLUDE LOANS MADE UNDER THIS PARAGRAPH.—The applicable special allowance payment for loans consolidated under this paragraph shall be equal to the lesser of—

“(I) the weighted average of the special allowance payment on such loans, except that such weighted average shall exclude the special allowance payment for any Federal Direct PLUS Loan included in the consolidation; or

“(II) the result of—

“(aa) the average of the bond equivalent rates of the quotes of the 3-month commercial paper (financial) rates in effect for each of the days in such quarter as reported by the Federal Reserve in Publication H-15 (or its successor) for such 3-month period; plus

“(bb) 1.59 percent.

“(vi) INTEREST PAYMENT REBATE FEE.—Any loan under section 428C consolidated under this paragraph shall not be subject to the interest payment rebate fee under section 428C(f).

“(c) COLLEGE ACCESS PARTNERSHIP GRANT PROGRAM.—

“(1) PURPOSE.—It is the purpose of this subsection to make payments to States to assist the States in carrying out the activities and services described in paragraph (7) in order to increase access to higher education for students in the State.

“(2) AUTHORIZATION AND APPROPRIATIONS.—There are authorized to be appropriated, and there are appropriated, \$113,000,000 for each of the fiscal years 2008 and 2009 to carry out this subsection.

“(3) PROGRAM AUTHORIZED.—

“(A) GRANTS AUTHORIZED.—From amounts appropriated under paragraph (2), the Secretary shall award grants, from allotments under paragraph (4), to States having applications approved under paragraph (5), to enable the State to pay the Federal share of the costs of carrying out the activities and services described in paragraph (7).

“(B) FEDERAL SHARE; NON-FEDERAL SHARE.—

“(i) FEDERAL SHARE.—The amount of the Federal share under this subsection for a fiscal year shall be equal to $\frac{2}{3}$ of the costs of the activities and services described in paragraph (7).

“(ii) NON-FEDERAL SHARE.—The amount of the non-Federal share under this subsection shall be equal to $\frac{1}{3}$ of the costs of the activities and services described in paragraph (7). The non-Federal share may be in cash or in-kind, and may be provided from a combination of State resources and contributions from private organizations in the State.

“(C) REDUCTION FOR FAILURE TO PAY NON-FEDERAL SHARE.—If a State fails to provide the full non-Federal share required under this paragraph, the Secretary shall reduce the amount of the grant payment under this subsection proportionately.

“(D) TEMPORARY INELIGIBILITY FOR SUBSEQUENT PAYMENTS.—

“(i) IN GENERAL.—The Secretary shall determine a State to be temporarily ineligible to receive a grant payment under this subsection for a fiscal year if—

“(I) the State fails to submit an annual report pursuant to paragraph (9) for the preceding fiscal year; or

“(II) the Secretary determines, based on information in such annual report, that the State is not effectively meeting the conditions described under paragraph (8) and the goals of the application under paragraph (5).

“(ii) REINSTATEMENT.—If the Secretary determines a State is ineligible under clause (i), the Secretary may enter into an agreement with the State setting forth the terms and conditions under which the State may regain eligibility to receive payments under this subsection.

“(4) DETERMINATION OF ALLOTMENT.—

“(A) AMOUNT OF ALLOTMENT.—Subject to subparagraph (B), in making grant payments to States under this subsection, the allotment to each State for a fiscal year shall be equal to the sum of—

“(i) the amount that bears the same relation to 50 percent of the amount appropriated under paragraph (2) for such fiscal year as the number of residents in the State aged 5 through 17 who are living below the poverty line applicable to the resident's family size (as determined under section 673(2) of the Community Service Block Grant Act) bears to the total number of such residents in all States; and

“(ii) the amount that bears the same relation to 50 percent of the amount appropriated under paragraph (2) for such fiscal year as the number of residents in the State aged 15 through 44 who are living below the poverty line applicable to the individual's family size (as determined under section 673(2) of the Community Service Block Grant Act) bears to the total number of such residents in all States.

“(B) MINIMUM AMOUNT.—No State shall receive an allotment under this subsection for a fiscal year in an amount that is less than $\frac{1}{2}$ of 1 percent of the total amount appropriated under paragraph (2) for such fiscal year.

“(5) SUBMISSION AND CONTENTS OF APPLICATION.—

“(A) IN GENERAL.—For each fiscal year for which a State desires a grant payment under paragraph (3), the State agency with jurisdiction over higher education, or another agency designated by the Governor of the State to administer the program under this subsection, shall submit an application to the Secretary at such time, in such manner, and containing the information described in subparagraph (B).

“(B) APPLICATION.—An application submitted under subparagraph (A) shall include the following:

“(i) A description of the State's capacity to administer the grant under this subsection and report annually to the Secretary on the activities and services described in paragraph (7).

“(ii) A description of the State's plan for using the grant funds to meet the requirements of paragraphs (7) and (8), including plans for how the State will make special efforts to provide such benefits to students in the State that are underrepresented in postsecondary education.

“(iii) A description of how the State will provide or coordinate the non-Federal share from State and private funds, if applicable.

“(iv) A description of the existing structure that the State has in place to administer the activities and services under paragraph (7) or the plan to develop such administrative capacity.

“(6) PAYMENT TO ELIGIBLE NONPROFIT ORGANIZATIONS.—A State receiving a payment under this subsection may elect to make a payment to 1 or more eligible nonprofit organizations, including an eligible not-for-profit holder (as defined in section 438(p)), or a partnership of such organizations, in the State in order to carry out

activities or services described in paragraph (7), if the eligible nonprofit organization or partnership—

“(A) was in existence on the day before the date of enactment of the Higher Education Access Act of 2007; and

“(B) as of the day of such payment, is participating in activities and services related to increasing access to higher education, such as those activities and services described in paragraph (7).

“(7) ALLOWABLE USES.—

“(A) IN GENERAL.—Subject to subparagraph (C), a State may use a grant payment under this subsection only for the following activities and services, pursuant to the conditions under paragraph (8):

“(i) Information for students and families regarding—

“(I) the benefits of a postsecondary education;

“(II) postsecondary education opportunities;

“(III) planning for postsecondary education; and

“(IV) career preparation.

“(ii) Information on financing options for postsecondary education and activities that promote financial literacy and debt management among students and families.

“(iii) Outreach activities for students who may be at risk of not enrolling in or completing postsecondary education.

“(iv) Assistance in completion of the Free Application for Federal Student Aid or other common financial reporting form under section 483(a).

“(v) Need-based grant aid for students.

“(vi) Professional development for guidance counselors at middle schools and secondary schools, and financial aid administrators and college admissions counselors at institutions of higher education, to improve such individuals' capacity to assist students and parents with—

“(I) understanding—

“(aa) entrance requirements for admission to institutions of higher education; and

“(bb) State eligibility requirements for Academic Competitiveness Grants or National SMART Grants under section 401A, and other financial assistance that is dependent upon a student's coursework;

“(II) applying to institutions of higher education;

“(III) applying for Federal student financial assistance and other State, local, and private student financial assistance and scholarships;

“(IV) activities that increase students' ability to successfully complete the coursework required for a postsecondary degree, including activities such as tutoring or mentoring; and

“(V) activities to improve secondary school students' preparedness for postsecondary entrance examinations.

“(vii) Student loan cancellation or repayment (as applicable), or interest rate reductions, for borrowers who are employed in a high-need geographical area or a high-need profession in the State, as determined by the State.

“(B) PROHIBITED USES.—Funds made available under this subsection shall not be used to promote any lender's loans.

“(C) USE OF FUNDS FOR ADMINISTRATIVE PURPOSES.—A State may use not more than 2 percent of the total amount of the Federal share and non-Federal share provided under this subsection for administrative purposes relating to the grant under this subsection.

“(8) SPECIAL CONDITIONS.—

“(A) AVAILABILITY TO STUDENTS AND FAMILIES.—A State receiving a grant payment under this subsection shall—

“(i) make the activities and services described in clauses (i) through (vi) of paragraph (7)(A) that are funded under the payment available to all qualifying students and families in the State;

“(ii) allow students and families to participate in the activities and services without regard to—

“(I) the postsecondary institution in which the student enrolls;

“(II) the type of student loan the student receives;

“(III) the servicer of such loan; or

“(IV) the student's academic performance;

“(iii) not charge any student or parent a fee or additional charge to participate in the activities or services; and

“(iv) in the case of an activity providing grant aid, not require a student to meet any condition other than eligibility for Federal financial assistance under this title, except as provided for in the loan cancellation or repayment or interest rate reductions described in paragraph (7)(A)(vii).

“(B) PRIORITY.—A State receiving a grant payment under this subsection shall, in carrying out any activity or service described in paragraph (7)(A) with the grant funds, prioritize students and families who are living below the poverty line applicable to the individual's family size (as determined under section 673(2) of the Community Service Block Grant Act).

“(C) DISCLOSURES.—

“(i) ORGANIZATIONAL DISCLOSURES.—In the case of a State that has chosen to make a payment to an eligible not-for-profit holder in the State in accordance with paragraph (6), the holder shall clearly and prominently indicate the name of the holder and the nature of its work in connection with any of the activities carried out, or any information or services provided, with such funds.

“(ii) INFORMATIONAL DISCLOSURES.—Any information about financing options for higher education provided through an activity or service funded under this subsection shall—

“(I) include information to students and the students' parents of the availability of Federal, State, local, institutional, and other grants and loans for postsecondary education; and

“(II) present information on financial assistance for postsecondary education that is not provided under this title in a manner that is clearly distinct from information on student financial assistance under this title.

“(D) COORDINATION.—A State receiving a grant payment under this subsection shall attempt to coordinate the activities carried out with the payment with any existing activities that are similar to such activities, and with any other entities that support the existing activities in the State.

“(9) REPORT.—A State receiving a payment under this subsection shall prepare and submit an annual report to the Secretary on the program under this subsection and on the implementation of the activities and services described in paragraph (7). The report shall include—

“(A) each activity or service that was provided to students and families over the course of the year;

“(B) the cost of providing each activity or service;

“(C) the number, and percentage, if feasible and applicable, of students who received each activity or service; and

“(D) the total contributions from private organizations included in the State's non-Federal share for the fiscal year.

“(10) SUNSET.—The authority provided to carry out this subsection shall expire on September 30, 2009.

“(d) FINANCIAL LITERACY PROGRAM ESTABLISHED.—

“(1) DEFINITION OF ELIGIBLE ENTITY.—In this subsection, the term ‘eligible entity’ means a nonprofit or for-profit organization, or a consortium of such organizations, with a demonstrated record of effectiveness in providing financial literacy services to students at the secondary and postsecondary level.

“(2) PROGRAM ESTABLISHED.—From amounts appropriated under paragraph (6), the Secretary shall award grants to eligible entities to enable the eligible entities to increase the financial literacy of students who are enrolled or will enroll in an institution of higher education, including

providing instruction to students on topics such as the understanding of loan terms and conditions, the calculation of interest rates, refinancing of debt, debt management, and future savings for education, health care and long-term care, and retirement.

“(3) GRANT PERIOD; RENEWABILITY.—Each grant under this subsection shall be awarded for one 5-year period, and may not be renewed.

“(4) MATCHING REQUIREMENTS.—Each eligible entity that receives a grant under this subsection shall provide, from non-Federal sources, an amount (which may be provided in cash or in kind) to carry out the activities supported by the grant equal to 100 percent of the amount received under the grant.

“(5) APPLICATIONS.—An eligible entity desiring a grant under this subsection shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. Such application shall include the following:

“(A) A detailed description of the eligible entity's plans for providing financial literacy activities and the students and schools the grant will target.

“(B) The eligible entity's plan for using the matching grant funds, including how the funds will be used to provide financial literacy programs to students.

“(C) A plan to ensure the viability of the work of the eligible entity beyond the grant period.

“(D) A detailed description of the activities that carry out this subsection and that are conducted by the eligible entity at the time of the application, and how the matching grant funds will assist the eligible entity with expanding and enhancing such activities.

“(E) A description of the strategies that will be used to target activities under the grant to students in secondary school and enrolled in institutions of higher education who are historically underrepresented in institutions of higher education and who may benefit from the activities of the eligible entity.

“(6) AUTHORIZATION AND APPROPRIATIONS.—There are authorized to be appropriated, and there are appropriated, \$10,000,000 for each of the fiscal years 2008 and 2009 to carry out this subsection.

“(e) SECONDARY SCHOOL GRADUATION AND COLLEGE ENROLLMENT PROGRAM.—

“(1) DEFINITIONS.—In this subsection:

“(A) ELIGIBLE LOCAL EDUCATIONAL AGENCY.—

“(i) IN GENERAL.—The term ‘eligible local educational agency’ means a local educational agency with a secondary school graduation rate of 70 percent or less—

“(I) in the aggregate; or

“(II) applicable to 2 or more subgroups of secondary school students served by the local educational agency that are described in clause (ii).

“(ii) SUBGROUPS.—A subgroup referred to in clause (i)(II) is—

“(I) a subgroup of economically disadvantaged students; or

“(II) a subgroup of students from a major racial or ethnic group.

“(B) ELIGIBLE ENTITY.—The term ‘eligible entity’ means a consortium of a nonprofit organization and an institution of higher education with a demonstrated record of effectiveness in raising secondary school graduation rates and postsecondary enrollment rates.

“(2) PROGRAM ESTABLISHED.—From amounts appropriated under paragraph (7), the Secretary shall award grants to eligible entities to enable the eligible entities to carry out activities that—

“(A) create models of excellence for academically rigorous secondary schools, including early college secondary schools;

“(B) increase secondary school graduation rates;

“(C) raise the rate of students who enroll in an institution of higher education;

“(D) improve instruction and access to supports for struggling secondary school students;

“(E) create, implement, and utilize early warning systems to help identify students at risk of dropping out of secondary school; and

“(F) improve communication between parents, students, and schools concerning requirements for secondary school graduation, postsecondary education enrollment, and financial assistance available for attending postsecondary education.

“(3) USE OF FUNDS.—An eligible entity that receives a grant under this subsection shall use the funds—

“(A) to implement a college-preparatory curriculum for all students in a secondary school served by the eligible local educational agency that is, at a minimum, aligned with a rigorous secondary school program of study;

“(B) to implement accelerated academic catch-up programs, for students who enter secondary school not meeting the proficient levels of student academic achievement on the State academic assessments for mathematics, reading or language arts, or science under section 1111(b)(3) of the Elementary and Secondary Education Act of 1965, that enable such students to meet the proficient levels of achievement and remain on track to graduate from secondary school on time with a regular secondary school diploma;

“(C) to implement an early warning system to quickly identify students at risk of dropping out of secondary school, including systems that track student absenteeism; and

“(D) to implement a comprehensive postsecondary education guidance program that—

“(i) will ensure that all students are regularly notified throughout the students’ time in secondary school of secondary school graduation requirements and postsecondary education entrance requirements; and

“(ii) provides guidance and assistance to students in applying to an institution of higher education and in applying for Federal financial assistance and other State, local, and private financial assistance and scholarships.

“(4) GRANT PERIOD; RENEWABILITY.—Each grant under this subsection shall be awarded for one 5-year period, and may not be renewed.

“(5) MATCHING REQUIREMENTS.—Each eligible entity that receives a grant under this subsection shall provide, from non-Federal sources, an amount (which may be provided in cash or in-kind) to carry out the activities supported by the grant equal to 100 percent of the amount received under the grant.

“(6) APPLICATIONS.—An eligible entity desiring a grant under this subsection shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

“(7) AUTHORIZATION AND APPROPRIATIONS.—There are authorized to be appropriated, and there are appropriated, \$25,000,000 for each of the fiscal years 2008 and 2009 to carry out this subsection.”

SEC. 702. INNOCENT CHILD PROTECTION.

(a) IN GENERAL.—It shall be unlawful for any authority, military or civil, of the United States, a State, or any district, possession, commonwealth or other territory under the authority of the United States, to carry out a sentence of

death on a woman while she carries a child in utero.

(b) DEFINITION.—In this section, the term “child in utero” means a member of the species *homo sapiens*, at any stage of development, who is carried in the womb.

TITLE VIII—OTHER MATTERS

SEC. 801. SENSE OF SENATE ON THE DETAINEES AT GUANTANAMO BAY, CUBA.

(a) FINDINGS.—The Senate makes the following findings:

(1) During the War on Terror, senior members of al Qaeda have been captured by the United States military and intelligence personnel and their allies.

(2) Many such senior members of al Qaeda have since been transferred to the detention facility at Guantanamo Bay, Cuba.

(3) These senior al Qaeda members detained at Guantanamo Bay include Khalid Sheikh Mohammed, who was the mastermind behind the terrorist attacks of September 11, 2001, which killed approximately 3,000 innocent people.

(4) These senior al Qaeda members detained at Guantanamo Bay also include Majid Khan, who was tasked to develop plans to poison water reservoirs inside the United States, was responsible for conducting a study on the feasibility of a potential gas station bombing campaign inside the United States, and was integral in recommending Iyman Farris, who plotted to destroy the Brooklyn Bridge, to be an operative for al Qaeda inside the United States.

(5) These senior al Qaeda members detained at Guantanamo Bay also include Abd al-Rahim al-Nashiri, who was an al Qaeda operations chief for the Arabian Peninsula and who, at the request of Osama bin Laden, orchestrated the attack on the U.S.S. Cole, which killed 17 United States sailors.

(6) These senior al Qaeda members detained at Guantanamo Bay also include Ahmed Khalifan Ghailani, who played a major role in the East African Embassy Bombings, which killed more than 250 people.

(7) The Department of Defense has estimated that of the approximately 415 detainees who have been released or transferred from the detention facility at Guantanamo Bay, at least 29 have subsequently taken up arms against the United States and its allies.

(8) Osama bin Laden, the leader of al Qaeda, said in his 1998 fatwa against the United States, that “[t]he ruling to kill the Americans and their allies—civilians and military—is an individual duty for every Muslim who can do it in any country in which it is possible to do it”.

(9) In the same fatwa, bin Laden said, “[w]e—with God’s help—call on every Muslim who believes in God and wishes to be rewarded to comply with God’s order to kill the Americans and plunder their money wherever and whenever they find it”.

(10) It is safer for American citizens if captured members of al Qaeda and other terrorist organizations are not housed on American soil where they could more easily carry out their mission to kill innocent civilians.

(b) SENSE OF SENATE.—It is the sense of the Senate that detainees housed at Guantanamo Bay, Cuba, including senior members of al Qaeda, should not be released into American society, nor should they be transferred stateside into facilities in American communities and neighborhoods.

NOTICE: REGISTRATION OF MASS MAILINGS

The filing date for 2007 second quarter Mass Mailings is Wednesday, July 25, 2007. If your office did no mass mailings during this period, please submit a form that states “none.”

Mass mailing registrations, or negative reports, should be submitted to the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510-7116.

The Public Records office will be open from 9 a.m. to 5:30 p.m. on the filing date to accept these filings. For further information, please contact the Public Records office on (202) 224-0322.

ORDERS FOR MONDAY, JULY 23, 2007

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m., Monday, July 23; that on Monday, 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 reserved for their use later in the day; that the Senate then proceed to the consideration of S. 1642, with the other provisions of the previous order remaining in effect.

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

ADJOURNMENT UNTIL MONDAY, JULY 23, 2007, AT 10 A.M.

Mr. REID. Mr. President, I believe there is no business now to come before the Senate. That being the case, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 12:03 p.m., adjourned until Monday, July 23, 2007, at 10 a.m.

EXTENSIONS OF REMARKS

BLUE CROSS BLUE SHIELD OF SOUTH CAROLINA CONTRIBUTIONS TO THE ROSA CLARK FREE MEDICAL CLINIC IN OONEE COUNTY, SOUTH CAROLINA

HON. J. GRESHAM BARRETT

OF SOUTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2007

Mr. BARRETT of South Carolina. Madam Speaker, I rise today to thank Blue Cross Blue Shield (BCBS) of South Carolina for their continued support of the Rosa Clark Free Medical Clinic in Oconee County, South Carolina.

For more than 50 years, BCBS of South Carolina has worked to increase access to quality health care for all South Carolina residents with the hope of providing a higher quality of life to individuals and families across the state. The BCBS of South Carolina has shown leadership in attempting to tackle the problem of preventative health care for the uninsured. Their work is a good example of how the private sector, and not the Federal Government, is better equipped to find innovative solutions to the challenges facing our Nation.

In addition to serving nearly 1 million customers and employing 12,000 South Carolinians, BCBS of South Carolina has also awarded millions of dollars in grants to local schools and medical facilities. These philanthropic efforts facilitated the hiring of health care professionals, furthering health care education, and ensuring South Carolinians have access to affordable quality health care.

One example of this giving exists in my home district, the Third District of South Carolina. In 2006, BCBS of South Carolina contributed \$100,000 to the Rosa Clark Free Medical Clinic in Oconee County, which helps provide health care to low-income residents who have no private medical insurance and are ineligible for government insurance programs. In addition, this year they are contributing an additional \$34,040 to the facility as a measure of support for the clinic's ongoing mission of serving those in Oconee County.

I ask my colleagues in the 110th Congress to join me in applauding BCBS of South Carolina for being an active partner with the local community and for their ongoing efforts to help reduce overall health care costs for my constituents and our State. I also want to thank those at the Rosa Clark Free Medical Clinic in my home county for all they do to improve the lives of others on a daily basis.

THE NATIONAL WOMEN'S RIGHTS HISTORY PROJECT ACT

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2007

Ms. SLAUGHTER. Madam Speaker, today, as we mark the anniversary of the first ever

women's rights convention in Seneca Falls, New York, I am proud to celebrate the accomplishments of our foremothers by introducing the National Women's Rights History Project Act.

In contemporary American society, women enjoy rights to education, wages, and property ownership. However, it was only 87 years ago that women were finally granted the right to vote. Yet few Americans have any real knowledge of the long struggle to obtain the rights that we take for granted today. The National Women's Rights History Project Act will provide Americans with the opportunity to learn more about the female heroes that fought tirelessly to secure these rights.

On July 19, 1848, a group of activists including Elizabeth Cady Stanton, Lucretia Mott, and Mary Ann M'Clintock convened the first women's rights convention at Wesleyan Chapel in Seneca Falls, New York. The women's rights convention heralded the beginning of a 72-year struggle for suffrage. During the convention, 68 women and 32 men signed the Declaration of Sentiments, which was drafted to mirror the Declaration of Independence and set out such radical notions like women's freedom to own property, receive an education, and file for divorce.

In 1851, a second women's rights convention was held in Akron, Ohio. It was at this convention that Sojourner Truth delivered the famous "Ain't I a Woman?" speech. The woman's suffrage movement, however, was not solely limited to organized conventions. Under the leadership of Elizabeth Cady Stanton and Susan B. Anthony the National American Women Suffrage Association (NAWSA) was formed.

Susan B. Anthony also established the Equal Rights Association to refute ideas that women were inferior to men and fight for a woman's right to vote. In 1872, Susan B. Anthony and other women voted in the Presidential election, and were arrested and fined for illegal voting. At her trial, which attracted nationwide attention, Susan B. Anthony made a speech that ended with the slogan "Resistance to Tyranny is Obedience to God." She also campaigned for the rights of women to own property, to keep their own earnings, and to have custody of their children. I am especially proud that it was in Rochester, New York, that Susan B. Anthony fought so hard for the rights that women throughout this country rely on today. In fact, in 1900, she persuaded the University of Rochester, in my Congressional District, to admit women.

In the early 1900s, a new generation of leaders joined the women's suffrage movement, including Carrie Chapman Catt, Maud Wood Park, Lucy Burns, Alice Paul, and Harriot E. Blatch. During this era, the women's rights movement increased its momentum by organizing marches, pickets and other protests. Suffragette Alice Paul and other activists began chaining themselves to the White House fence and participating in hunger strikes to gain the attention of Congress.

The struggle for women's suffrage was not easy, and oftentimes it was made more dif-

ficult as a consequence of public misinformation and fear. Consider these remarks which, in 1912, appeared in the New York Times under the title, "The Uprising of Women":

The vote will secure to woman no new privilege that she either deserves or requires . . . Women will get the vote and play havoc with it for themselves and society, if men are not wise and firm enough and it may as well be said, masculine enough, to prevent them.

If by playing havoc, the New York Times meant becoming the single most sought after voting block in the country that often determines the outcome of elections, I guess they were right.

Because of the persistent dedication of Susan B. Anthony and other remarkable leaders, women persevered. Although Susan B. Anthony was not alive to see it, the efforts of the women's rights struggle came to fruition when the nineteenth amendment to the U.S. Constitution, giving women the right to vote, was finally passed by Congress on June 4, 1919, and ratified on August 18, 1920.

We have clearly come a long way in 87 years—and we still have a long way to go. We must work to continue the momentum that started in Seneca Falls, by not only ensuring that all women vote, but that they do so with an understanding of the long fight to obtain this right and with a sense of responsibility to do their part in the struggle for women's equality.

To honor these important women, the National Women's Rights History Project Act will establish a trail route linking sites significant to the struggle for women's suffrage and civil rights. It also will expand the current National Register travel itinerary Web site, "Places Where Women Made History," to include additional historic sites. Finally, this bill will require the Department of the Interior to establish a partnership-based network to offer financial and technical assistance for interpretive and educational program development of national women's rights history.

The women of this country have fought tirelessly to achieve equitable rights for our grandmothers, our mothers, ourselves, and our daughters. It is my hope that this bill will provide Americans with the opportunity to learn more about the female leaders who struggled to secure these rights.

Madam Speaker, I encourage all Members to join me in celebrating their accomplishments by cosponsoring the National Women's Rights History Project Act today.

COMMEMORATING THE 20TH ANNIVERSARY OF MCKINNEY-VENTO HOMELESS ASSISTANCE ACT

HON. RAÚL M. GRIJALVA

OF ARIZONA
IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2007

Mr. GRIJALVA. Madam Speaker, this is a very auspicious time for affordable housing advocates. For the first time in far too long, we

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

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

have significant progress on this critical issue with this new majority in this people's House. Chairman FRANK and Chairwoman WATERS have been true leaders on this issue, and I would like to recognize their efforts.

Today, we also gather to recall a past leader, who 20 years ago brought about a major increment of progress. I speak, of course, of Stewart B. McKinney and Bruce Vento, and the law that bears their name.

There are really very few, extremely few, cases of an elected official committing themselves to accompaniment of those in need the way Congressman MCKINNEY did. Indeed, the late Congressman lost his life as a result of his commitment. And while we commemorate his work and recall the circumstances of his passing, we should not lose sight of the many thousands who died in a similar way, and those who are still on the streets today, and at risk.

Many Americans have passed out of this world in lonely alleys, on top of grates, isolated from friends and family, and then been buried in unmarked plots. Indeed, as noted in the resolution commemorating McKinney-Vento, the condition of homelessness on average causes the loss of 30 years in life expectancy.

The McKinney-Vento programs have been critical in addressing this great American tragedy, and it is worth reflecting on this progress and recognizing this achievement of dedicated leadership. Across the board, McKinney-Vento has addressed the core issue of housing and deeply intertwined issues of health care access, education, job training, and reaching out to homeless youth and getting them back in school, this law has made a difference.

This is an important precedent to keep in mind as we move forward with a new agenda. After all, this was an emergency response, and while necessary and just, it was not claimed that this would put an end to homelessness, and certainly the Federal response to homelessness should not be limited to these programs.

So I look forward to working with advocates like you in this session and continually as we strive to address this problem and better this society. What we are doing, really, is increasing the decency of this country, our level of morality, our concern for our fellow man. When we conquer homelessness, which is fundamentally a problem of social isolation and abandonment, we are truly rebuilding the moral foundation of this great Nation.

TRIBUTE TO BRETT BOOT, BROCK GARDNER AND DANEN CLARKE

HON. LYNN A. WESTMORELAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2007

Mr. WESTMORELAND. Madam Speaker, it is my great honor to inform the House that three of my constituents in Georgia's 3rd Congressional District have won the Honor Medal With Crossed Palms, a distinction given the Boy Scouts of America to herald heroism carried out at extreme personal risk.

These courageous young men put their lives on the line to save a friend, and one of them died in the rescue attempt.

In July of 2005, during the onslaught of Hurricane Cindy, three Eagle Scouts, Brett Boot,

Brock Gardner and Danen Clarke, were at a park in Peachtree City, Ga., with a small group of family and friends. After they helped a man dislodge his golf cart from rising waters, Danen's cousin ventured into what appeared to be still waters near a flooded road and was immediately sucked under by an unseen rip current.

Thinking that the cousin was pinned by a possible grate, the three Scouts waded in the dangerous waters to feel around for him with their feet. The cousin had actually been sucked through a 40-foot-long culvert located 5 feet below the road, which wasn't visible under the high water. The cousin was swept under the road, reappearing on the other side with severe cuts on his feet, but alive.

Danen was then caught under the ferocious current, followed by Brock, whose one leg caught on the entrance of the 4-foot-wide culvert. Brett was behind Brock in the water and was able to secure him with his arms against the pull of the current.

Danen's body was found the next morning in the stream that feeds into Lake Peachtree, caught in branches that prevented him from being swept into the lake. It is believed that Danen hit his head on a large piece of the culvert, knocking him out and causing him to drown.

The awarding of the Honor Medal With Crossed Palms is as prestigious within the scouting community as it is rare. The honor has been awarded nationally only 199 times since it was created in 1922. The Boy Scouts of America have given out only four such medals this year, and I will have the great honor of presenting these awards at a ceremony later this month to Brock and to the siblings of Danen and Brett, the latter of whom is serving his church as a missionary in South America. The medals read: "The Honor Medal With Crossed Palms presented by the Boy Scouts of America upon the Recommendation of the National Court of Honor to Bretton Boot, Danen Clarke and Brock Gardner for unusual heroism and extraordinary skill or resourcefulness in saving or attempting to save life at extreme risk to self."

The courage and selflessness of these young men testifies to their character and to the unwavering values they learned from loving families, their church and, yes, from the Boy Scouts of America. Georgia's 3rd Congressional District proudly claims them as its own. I can think of no more deserving recipients for this award. The July 28th ceremony presents an opportunity to celebrate heroism and to remember and mourn Danen Clarke's sacrifice on that fateful day.

Danen, Brett and Brock set an example for us all. They will serve as an inspiration for present and future generations of Boy Scouts in Troop 208 and throughout the Flint River Council.

SECTION 8 VOUCHER REFORM ACT
OF 2007

SPEECH OF

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2007

The House in Committee of the Whole House on the State of the Union had under

consideration the bill (H.R. 1851) to reform the housing choice voucher program under section 8 of the United States Housing Act of 1937:

Ms. McCOLLUM of Minnesota. Madam Chairman, I rise today in strong support of H.R. 1851, the Section 8 Voucher Reform Act, and applaud Chairwoman MAXINE WATERS and Chairman BARNEY FRANK for their work on this important issue.

Housing, like food and health care, is a basic need, and it should be accessible to all Americans. Unfortunately, too many families find themselves without a stable and secure place to live because they cannot afford the high cost of housing in our country.

The Section 8 voucher program plays a critical role in preventing homelessness by expanding access to affordable housing. It is our nation's largest federal housing program, serving more than 2 million low-income families around our country. However, currently, the demand for Section 8 vouchers far exceeds the availability of vouchers. In my District in Minnesota, there are more than 5,000 households on the waitlist for Section 8, and the average wait time is anywhere from 5 to 7 years.

The Section 8 Voucher Reform Act expands and improves this important program and will ensure more families have access to safe, affordable housing. H.R. 1851 authorizes an additional 100,000 vouchers over the next 5 years. It also updates the formula used to allocate Section 8 voucher funds to housing agencies and simplifies the rent structure to eliminate current inefficiencies, allowing agencies to serve more families.

This legislation encourages self-sufficiency and rewards work by providing incentives, such as reducing rent disincentives for increases in earned income and offering income exemptions for adult full time student dependents. H.R. 1851 also promotes homeownership by allowing families to use a housing voucher as a down payment toward the purchase of their first home. Homeownership is the greatest source of wealth for many Americans. It strengthens our families and our communities.

Madam Speaker, every family deserves clean, stable, and affordable housing. I am proud to rise today in support of this important legislation.

TRIBUTE TO DANLEY STRAIGHT

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2007

Mrs. MUSGRAVE. Madam Speaker, I rise today to pay tribute to the patriotism and self sacrifice of Air Force COL Danley Elson Straight of Longmont, CO, for his service to both his community and to his country during World War II, the Korean war, and the Vietnam war.

Straight was born in Greeley, CO, on October 8, 1922, the 11th of 12 children. After graduating from Greeley High School he earned his bachelor of arts and master of arts degrees from Colorado State College of Education. He also served in the Air Force during three wars and retired with more than 30 years of service as a full colonel command pilot. During his career, "the colonel" as he is

affectionately known, flew more than 29 types of aircraft, including *Flack Bait*, which is on display in the Smithsonian Air and Space Museum.

Straight's years of service to our country are complemented by his service to his community. After retiring from the Air Force in 1976, Straight volunteered with various groups including the American Red Cross, the Boy Scouts, the Longmont Rotary Club, Masons and Shriners, the Patient Advocacy Team, St. Vrain Photographic Society, the Salvation Army, Westview Presbyterian Church, and the Rollins Pass Restoration Association, for which he served as president for more than 25 years. Straight's motto was "Never give up."

On February 7, 2007, Danley Elson Straight passed away at the age of 84. He is survived by his wife of 64 years, Juanita Watson Straight, his 5 children, 10 grandchildren, and 8 great-grandchildren.

Madam Speaker, I am honored to represent Mr. Straight and the other men and women who have given so much for our freedom. Like so many other members of the "greatest generation," I urge my colleagues to join me in expressing my heartfelt gratitude and sincere appreciation for the patriotic service of Danley Elson Straight.

HONORING SERGEANT ERIC A.
LILL OF CHICAGO, ILLINOIS

HON. DANIEL LIPINSKI
OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES
Thursday, July 19, 2007

Mr. LIPINSKI. Madam Speaker, I rise today to honor and pay tribute to Sergeant Eric A. Lill, a courageous young soldier and father, who died in Iraq on July 6, 2007. As we all deeply mourn his loss, we use this time to honor his life and express our gratitude for his dedicated service.

Eric Lill grew up in Chicago's Bridgeport neighborhood and graduated in 1997 from St. Lawrence High School in Burbank, IL. He then attended Marshall University where he played hockey and studied criminal justice. From an early age, Eric desired to serve the public and our Nation, and he felt called to enlist in the U.S. Army.

Eric's determination and outstanding performance enabled him to attain the rank of sergeant and become a mentor to other soldiers. Most recently, Sergeant Lill served under the 2nd Infantry Division and was deployed to Iraq in October 2006. During this time, Sergeant Lill utilized his background and interest in criminal justice to help train Iraqi police officers. Although this mission was hazardous, Sergeant Lill always downplayed the danger to his family so that they would not worry. Two days after Independence Day, an improvised explosive device detonated near Sergeant Lill's vehicle during combat operations in Baghdad. The injuries sustained by Sergeant Lill resulted in his death—he was only 28.

Aside from his military service to our Nation, Eric Lill was dedicated to his family as a loving father and son. He is survived by his two children, Cody and Mikayla, affectionately known to him as "Bug" and "Lala;" his parents, Charmaine and Tony; his sister, Kortne; and his maternal grandparents, John and Marlene Alvarado.

Today, I ask my colleagues to join me in mourning the loss of Sergeant Eric A. Lill. We will never forget his sacrifice and are forever indebted to him, as well as all of our soldiers who have died, for making the ultimate sacrifice for our country. My thoughts, prayers, and deepest sympathies are with the Lill family in this difficult time.

FREE THE ISRAELI SOLDIERS

SPEECH OF

HON. DEBBIE WASSERMAN SCHULTZ

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2007

Ms. WASSERMAN SCHULTZ. Madam Speaker, I rise to recognize the steadfast friendship between the United States and Israel and to express support for Israeli soldiers held captive by terrorist organizations.

July 12, 2007 marks the one year anniversary of Hezbollah's infiltration into northern Israel, and it is a stinging reminder of Hezbollah's attack that sparked the bloody conflict between Israel and Hezbollah in southern Lebanon.

For the past year, three Israeli soldiers have been away from their families, held captive by terrorist organizations. Ehud Goldwasser and Eldad Regev were kidnapped by Hezbollah in the attack on July 12, 2006, and Gilad Shalit was abducted by Hamas on June 25, 2006 near the Gaza Strip.

Gilad Shalit is the youngest of the three men at the age of 20. He began his service in July of 2005, and volunteered to work in a combat unit. Shalit loves math and sports. Ehud Goldwasser, 31, is always willing to lend a helping hand. Passionate about photography, sailing, and the environment, Goldwasser is recently married and looks forward to starting a family. Eldad Regev, 26, is a law student at Bar Ilan University. Regev enjoys soccer, music, and reading. The families and friends of these talented young men look forward to their safe return.

Since its independence in 1948, Israel has continuously struggled to protect its citizens and ensure the safety of its men and women in uniform. As a Member of Congress, I recognize the bond between the United States and Israel and support the Israeli people on this solemn anniversary.

ON THE INTRODUCTION OF LEGISLATION TO PROHIBIT THE USE OF FUNDS FOR MILITARY OPERATIONS IN IRAN WITHOUT CONGRESSIONAL AUTHORIZATION

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2007

Mr. UDALL of Colorado. Madam Speaker, today I am introducing a bill to prevent the Bush Administration from launching war in Iran without prior congressional authorization. It is a companion bill to S. 759, authored by Senator JIM WEBB of Virginia.

This is not a unique proposal—several of our colleagues in the House have introduced resolutions expressing the sense of Congress

that the President should not initiate military action against Iran without first obtaining authorization from Congress.

This legislation would establish a binding legal limit on the ability of the President to expend funds to commence military action against Iran in the absence of explicit prior congressional authorization.

I think several factors require Congress to insist that the President meet that requirement before committing this country to another war.

Those factors include this administration's inability or unwillingness to engage with the Iranian regime, the stated interest on the part of many administration officials and political supporters in attacking Iran, and the U.S. deployment of additional aircraft carrier groups to the Persian Gulf.

These have led many—likely including the Iranian regime—to think the U.S. is intent on preparing a military strike against Iran. While that perception could be far from the mark, I think there is no doubt that there are increased risks of confrontation brought on by heightened tensions in the region.

If we've learned nothing else from the war in Iraq, we should have learned that saber rattling doesn't get us far—especially when the tough rhetoric comes from an administration with a history of mismanaging the war in Iraq, a war that is in its fifth year of straining our military and depleting our Nation's blood and treasure.

As I said in 2002—before voting against the resolution authorizing war in Iraq—I am reluctant to vest in the President all discretion about when and where America will go to war. I thought then and I think today that Congress, which has the constitutional responsibility to declare war, must play a more significant role in authorizing the use of our armed forces in what could become a full-scale war.

My purpose in introducing this legislation is to reassert Congress's constitutional responsibility and to remind the Bush Administration of the important role that Congress plays when it comes to matters of war and peace.

I recognize that the President, as commander-in-chief, must have some flexibility in deciding whether to allow U.S. forces to conduct intelligence gathering and to directly respond to attacks or possible attacks from Iran. That's why my legislation makes exceptions for these contingencies.

Madam Speaker, my introduction of this legislation should not be seen as evidence that I deny the reality of the potential danger Iran presents to our country, our allies, and others.

The prospect of an Iran with nuclear weapons is a matter of serious concern for America and the rest of the world. Since the revelation of its nuclear program, Iran has defied the international community by continuing to work to advance it, Iran's president has publicly stated his intention to "wipe Israel off the map," and there is evidence that Iran is arming insurgents in Iraq and Afghanistan.

So it is no surprise that there are also reports—as recently as last month—that the internal debate on Iran among the White House, State Department, and Defense Department is heating up, and that the mood is shifting back toward military action against Iran. My bill responds to those reports by reasserting the basic principle that Congress must consent before the president can take such action.

Sending our troops into harm's way is a decision that affects all Americans, as we've

learned the hard way in Iraq. So before this president makes any more rash decisions about going to war, I believe he must come to Congress for authorization to commence military action.

The bill I am introducing today—like its companion in the Senate—is intended to do one thing: to restore the balance between the executive and legislative branches with regard to authorizing large-scale military activities. It is a balance that needs restoring after the mismanagement of the war in Iraq, and it is a balance we should be watching closely as some in the Administration continue to discuss presidential authority to wage war in contravention of the Constitution.

COMMENDING AMPUTEES ACROSS AMERICA ON THEIR ACHIEVEMENTS AND MISSION TO INCREASE PUBLIC AWARENESS OF AMPUTEES AS PEOPLE WITH ACTIVE LIFESTYLES

HON. RODNEY ALEXANDER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2007

Mr. ALEXANDER. Madam Speaker, I rise today to commend Amputees Across America for their achievements and mission to increase public awareness of amputees as people with active lifestyles.

Amputees Across America is a group of amputees cycling from coast-to-coast. The riders departed on May 28, 2007 from Tustin, California, and arrive in Alexandria, Louisiana on Monday, July 2. The group is riding in 150-mile relays, visiting hospitals and local amputee support groups. The group will complete their 3,500 mile journey when they arrive in Vero Beach, Florida on July 25, 2007.

While in Alexandria, Amputees Across America cyclists Joe Sapere, Abel Cruz, Clifford Clark, and Beasey Hendrix will visit with patients and members of a stroke and amputee support group to share stories of overcoming their amputations to live healthy, fulfilling lives.

Madam Speaker, I ask my colleagues to join me in commending the mission and achievements of Amputees Across America. I acknowledge their commendable mission and significant contribution to not only the state of Louisiana, but our nation as well.

RECALLING THE INFAMOUS ANNIVERSARY OF THE INVASION OF CYPRUS

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2007

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I rise to recall the tragic anniversary of the Turkish invasion of Cyprus.

On July 20, 1974, Turkey brutally attacked the Republic of Cyprus. To my deep regret, the shameful legacy of this despicable act remains. To this day, Turkish troops illegally occupy Cyprus, splitting the island into two areas, and continuing the oppression of the people of Cyprus which has remained since that infamous day.

Reminiscent of the infamous Berlin Wall, Cyprus has remained divided by “the green line,” a 113-mile barbed-wire fence that has run across the island for the past 33-years. Despite pressure from the United States, the European Union, and the United Nations, Cyprus remains one of the most militarized areas in the world.

Although Cyprus remains divided, there is reason for optimism that the nation will one day be made whole. In late April of 2004, the people of Cyprus went to the polls to vote on a plan of reunification. Unfortunately, this reunification proposal was rushed, allegedly to coincide with the ascension of Cyprus into the European Union. Because of many legitimate concerns, including security, and in a demonstration of great courage and independence, approximately 75 percent of Greek Cypriots opposed the plan. However, this rushed and unfortunate effort must not, and will not, be the end of attempts to reunify the island. A lasting and equitable solution for the people of Cyprus, and the goal of a united Cyprus, is too important to abandon.

I firmly support the efforts begun with the bicommunal agreement reached at the meeting of July 8, 2006. The framework of July 8 established guiding principles to accomplish the goal reunifying the two halves of Cyprus within a bizonal, bicommunal federation. I urge both parties to proceed with establishing working groups so that there can be movement forward in implementing these principles. The remarkable achievement of the July 8 agreement gives me great reason to be hopeful that a solution is near. Yet so long as Cyprus remains divided, we have great work ahead of us.

I remain committed to achieving a solution to this problem so that we never have to gather again to commemorate an anniversary of this condemnable invasion. Madam Speaker, I pray that this will be the last year of a divided Cyprus. It is my fervent hope that, 33 years after Cyprus was torn asunder, all Cypriots can be reunited, living in peace and freedom forever.

APPROVAL OF THE “MEN OF MIKE” RESOLUTION

HON. LEE TERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2007

Mr. TERRY. Madam Speaker, I rise to applaud today's passage of H. Res. 541 by unanimous consent to recognize the Marines of Company “M,” or “Mike Company,” on the occasion of their 25th annual reunion. I am proud that men in my home State of Nebraska served in this distinguished unit.

In fact, former Marine Commandant General Chuck Krulak and General Tom Draude served together in Vietnam in this unit. The U.S. Marine Corps told me that during General Krulak's tenure as CMC, he often took the opportunity in speeches to extol the heroism of fellow Marines from Mike Company—in particular Tom Draude, a former Commander of M/3/7 who was awarded the Silver Star for heroism in a 1966 action.

The Marines of Mike Company served honorably and heroically in the Vietnam war from July 1965 to October 1970. Their service in

defense of freedom, liberty and political self determination for the South Vietnamese people earned the unit numerous citations and commendations for valor, including:

The Presidential Unit Citation Streamer with 2 Bronze Stars;

Navy Unit Commendation Streamer; Meritorious Unit Commendation Streamer with 2 Bronze Stars;

National Defense Service Streamer; Vietnam Service Streamer with 2 Silver Stars and 3 Bronze Stars;

Vietnam Cross of Gallantry with Palm Streamer; and

The Vietnam Meritorious Unit Citation Civil Actions Streamer.

The Men of Mike Company were the subject of a 1968 documentary entitled “A Face of War,” which accurately portrayed the sights and sounds of Marines performing their duties in a combat zone. My constituent, retired Captain James Sackett, appeared in the film as part of the Mike Company “Band of Brothers” who displayed their courage under fire on behalf of all U.S. Marines.

The Marines of Mike Company, along with their loved ones, have held a reunion every year since 1983. They have formed the Mike 3/7 Vietnam Association to honor the memories of their fallen comrades; celebrate the lives of their surviving comrades; express profound appreciation to their families and loved ones; recognize the monumental sacrifices and achievements necessary for freedom; and to hold forth their contribution to the Marine Corps legacy of courage, patriotism and military excellence as an example to future generations.

Americans everywhere owe a debt of gratitude to the Marines of Mike Company for their selfless dedication to duty and their admirable display of courage under fire. The U.S. House of Representatives is proud to honor their sacrifices on the occasion of their 25th annual reunion.

SUPPORT FOR H.R. 2337

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2007

Mr. RAHALL. Madam Speaker, in recent weeks, I have witnessed the lengths to which the oil and gas industry will go to frighten my colleagues about the contents of H.R. 2337, the energy legislation approved last month by the House Natural Resources Committee. The tales they weave would make good fodder for a Stephen King novel.

I have heard arguments of all kinds—that the bill will cause oil and gas prices to increase, that it will harm energy supplies, and even that it will cost American jobs. Falsehoods such as these, while creative, are simply unfounded.

I have seen no data to substantiate these claims or to show how the mild provisions of Titles I and II in my bill will result in such ill effects. And, I might add, what these detractors always conveniently fail to reveal is that the Energy Policy Act of 2005 provided zip in the way of lower prices.

Let me take this opportunity to give you a little insight into what is really behind this smear campaign.

The bottom line here is production royalties from Federal lands and waters are owed to the American people. For the last 6 years under the Bush administration, the oil and gas industry has been pampered by friends in high places.

Consider this: From 2002 to 2005, collections of oil and gas royalties from drilling rigs on public lands have fallen to an annual average of \$48 million—half the average, \$115 million, collected annually in the 20 years prior, despite increased production.

Consider this: Between 1998 and 2001, the Minerals Management Service, MMS, conducted over 540 audits per year. From 2002 through 2005, the average number of audits dropped to 393. And in 2006, MMS completed only 144 audits. That means that MMS reduced the number of oil and gas audits by 22 percent.

By comparison, The New York Times reported recently that the IRS has more than doubled the number of individual tax returns audited from 2000 to 2006, increasing from nearly 618,000 to nearly 1.3 million of us whom IRS decided to scrutinize.

So here we have oil and gas companies raking in profits and getting a wink and a nod when it comes to paying the royalties they owe, while the IRS knuckles down to squeeze every possible nickel and dime out of regular folks and hardworking families. Thank you very much, Mr. President.

From the earliest days of this administration when energy executives, or their representatives, gathered behind the curtains of executive privilege shrouding the Vice President's office, the energy policy of this Nation has been tilted against the regular folks most of us in this body represent. These huge, multinational firms would seem to be the least in need of coddling by and protection of our government, yet, the policies of this administration have sheltered them from "ponying up" their fair share of what is truly owed to the Federal Treasury. At a time when the oil and gas industry is reaping record profits, consumers at the pump are watching the price figures flip by at increasing speed as the quantity of gas they actually pour hums ever more slowly into the tank.

We have an opportunity here, in H.R. 2337, to make some real and positive changes—to even out the policies so slanted in favor of the oil company executives whose nameplates appear at Mr. CHENEY's energy bargaining table. We have the chance to restore some accountability to the system and improve the way the Federal Government manages its public energy resources.

H.R. 2337 will step up the number of audits performed each year and give the agency the teeth it has long needed to go after those companies that underpay the Treasury at the expense of the rest of us.

Madam Speaker, every year over Memorial Day weekend we have a tall tales contest in my home State of West Virginia. That event draws some of the biggest fibbers and spinners the Lord has seen fit to create. Having listened to the bizarre claims ricocheting around these halls in recent weeks, I look forward to next Memorial Day when I expect to see a string of oil and gas executives taking the stage to share their whoppers.

The winner of this time-honored contest, by the way, is awarded an enviable trophy—a golden shovel. What a nice—and appro-

priate—decoration for the walls of some mighty oil company CEO.

IN REMEMBRANCE OF LIVES LOST
IN CYPRUS DURING THE TURKISH
INVASION

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2007

Mr. McINTYRE. Madam Speaker, I rise today in commemoration of the 33rd anniversary of the Turkish invasion of Cyprus, which occurred on July 20, 1974. Many lost their lives and livelihoods as a result of that invasion. It is disappointing that 33 years later the island of Cyprus remains divided and contentious.

A United Nations Security Council resolution states "a Cyprus settlement must be based on a State of Cyprus with a single sovereignty and international personality and a single citizenship, with its independence and territorial integrity safeguarded and comprising two politically equal communities as described in the relevant Security Council resolutions, in a bi-communal and bi-zonal federation and that such a settlement must exclude union in whole or in part with any other country or any form of partition or secession." I look forward to the day when such a settlement is realized.

Cyprus has been a staunch ally of the United States. It has aided our efforts in Afghanistan and Iraq by allowing the United States over-flight and landing rights, as well as port access for our ships. In addition, Cyprus provided valuable assistance for our evacuation and rescue efforts after the 1983 Beirut barracks bombing and the 2006 hostilities in Lebanon.

Also, it is important that we ensure the protection of human rights in Cyprus and work to preserve the Cypriots' religious and cultural heritage. I am troubled by reports that religious sites, including Greek Orthodox churches, have been pillaged, destroyed, or in any way harmed.

I am encouraged that efforts are underway to facilitate the integration of Greek and Turkish Cypriots, specifically the opening of crossing points on this divided island. After 33 years of division and contention, it is time to reach a just and lasting peace that will unify Cyprus and allow it to grow politically, socially, and economically. I encourage my colleagues to support any efforts to reach such a settlement.

PEACE FOR GREEK AND TURKISH
CYPRIOTS

HON. ED WHITFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2007

Mr. WHITFIELD. Madam Speaker, I rise today with the hope that the Island of Cyprus will soon be reunified, and with resolve of her citizens and the help from the international community, both the Greek and Turkish Cypriots will know tranquility.

Tragically, thirty-three years ago, violence and bloodshed ripped Cyprus apart, dividing

the island. Although it is peaceful today, the Greek and Turkish Cypriots are still separated to the detriment of many Turkish Cypriots, who have been deprived of economic and social advancements.

Unfortunately, decades of negotiations under the auspices of the United Nations and involving motherlands Greece and Turkey, have produced no lasting agreement. There was hope in April 2004 when the comprehensive, U.N.-sponsored "Annan Plan," was put to referendum. To the dismay of the international community, this plan failed when the Greek Cypriots overwhelmingly voted against it, despite the fact that the Turkish Cypriots overwhelmingly voted in favor of it.

After the unsuccessful adoption of the "Annan Plan," Turkish Cypriots called for action to discuss the situation. It was then that Turkish Cypriot leader Mehmet Ali Talat and Greek Cypriot leader Tassos Papadopoulos met on July 3rd and 8th, 2006, and agreed to hold further meetings based on a "Set of Principles" aimed at the unification of Cyprus. The meeting of the two leaders and the agreement they reached have been welcomed by the international community, including the United States, the European Union and others.

It is important that this new and positive spirit demonstrated by the two Cypriot leaders be supported by the United States in order to help the parties build trust and forge an atmosphere conducive to progress and prosperity. It is our sincere hope that the spirit of reconciliation and goodwill generated in recent times will continue to be promoted by all parties involved.

Madam Speaker, as the process moves forward it is also important to recognize the resolve of the Turkish Cypriot people who have demonstrated time after time an unwavering commitment to reconciliation as well as remarkable flexibility by supporting the "Annan Plan." Despite their continued commitment to reunify Cyprus, Turkish Cypriots are still awaiting the fulfillment of the promises made to them by the international community that their isolation would be lifted. We believe that both the Turkish Cypriots and Turkey, whose support was crucial in securing the "yes" vote of the Turkish Cypriots in the 2004 referendum, should be rewarded, not penalized, in order for the process to move forward toward a lasting settlement.

More than ever before, it is important to support a diplomatic compromise in Cyprus to ensure a bright future for Greek and Turkish Cypriots.

TRIBUTE TO DR. WILSON WEST

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2007

Mr. SHIMKUS. Madam Speaker, I rise today to honor the late Dr. Wilson West. Dr. West is a native of Belleville, IL, and was a well-known doctor and professor.

Dr. West was born near Centralia on September 13, 1913 and graduated from Salem High School. He went on to earn a bachelor's degree from Southern Illinois University Carbondale. In 1937 he graduated from St. Louis University Medical School. Dr. West was a member of the St. Clair County Medical Society and served as its president in 1971. He

also served on the Board of Directors of the Union Bank of St. Clair County for 25 years.

Dr. West was an active member and leader in the Republican Party and was viewed by many as the foremost authority on the Republican Party in southwestern Illinois. He served as chairman of the St. Clair County Republican Century Club for more than 25 years, elected as a delegate at seven Republican National Conventions, and was an Elector in the Electoral College for three presidential elections. He was very active in local, State, and national politics and hosted prominent politicians at St. Clair County events. He was proud to have attended the inaugurations of many presidents and governors and was a frequent guest at the Governor's Mansion and the White House.

Dr. West wrote for medical research journals and was a professor at Southern Illinois University School of Medicine, Washington University School of Medicine, and Barnes Hospital. Dr. West is the namesake and past recipient of the St. Clair County Medical Society's Wilson H. West Award for service in the health care profession. He was honored as an "outstanding alumnus" by the St. Louis University School of Medicine. In 1966, he received the Everett Dirksen Award and subsequently established a Nursing Scholarship with the same organization. In 2002, Dr. West was awarded the prestigious Eisenhower Commission. He was awarded lifetime membership on the Republican National Committee, the honorary organizations, Republican Speaker's Circle, and the Presidents Club.

Dr. West leaves a legacy to his patients of 60 years of service with dedicated professionalism and compassionate care. He touched many lives with his understanding, care, and concern. He provided outstanding treatment and service to three generations of southwestern Illinoisans.

My thoughts and prayers will be with the family and friends of Dr. Wilson West.

TRIBUTE TO BEECHIE BROOKS

HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2007

Ms. MOORE of Wisconsin. Madam Speaker, I rise today to recognize a community leader and real estate and economic development visionary of the 4th Congressional District, Beechie Brooks.

Beechie Brooks' vision was instrumental in revitalizing and changing the character of neighborhoods in Milwaukee's central city by developing the Halyard Park subdivision. The United Realty Group, a firm that was formed from the merger of several African American real estate companies in 1976, gained approval from the City of Milwaukee's Redevelopment Authority to develop a subdivision of single-family suburban style homes. Mr. Brooks' leadership was integral to creating this "model" of privately financed housing in the central city that continues to draw the attention of people in urban areas around the country. It serves as a testament to the fact that central cities can provide the same quality of life as suburbs.

Beechie Brooks did not rest on his laurels but continued to spearhead development in

the community including: assisted in the development of the Northtown Shopping Center on Dr. Martin Luther King, Jr. Drive and North Avenue which has been renamed Brooks Plaza in his honor; designed and built Brook's X-Press Car Washing Plant on 7th Street and W. North Avenue; oversaw the development of the Masterpiece Supper Club and Motor Lodge on 6th and W. Walnut Streets; and was a founder and treasurer of the state's second oldest African American-owned financial institution, the North Milwaukee State Bank. Mr. Brooks also served on the City of Milwaukee's Board of Assessment, the Wisconsin Real Estate License Examining Board and the NAACP Milwaukee Chapter's Executive Board and chaired their Housing Committee.

Mr. Brooks was devoted to his wife of 58 years, Vernadine who passed away in 2004. They were both active members of St. Mark AME Church. He was instrumental in planning and constructing the building the church currently occupies and continues to serve on St. Mark's Trustee Board that manages the church's real estate holdings. Mr. Brooks is also a member of the Anvil Housing Board which manages the church's two senior citizen housing complexes.

I am honored to have this opportunity to pay tribute to Beechie Brooks for his unwavering commitment to making Milwaukee a great place to live and work.

PUBLIC SAFETY EMPLOYER-EMPLOYEE COOPERATION ACT OF 2007

SPEECH OF

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 17, 2007

Mr. CONYERS. Mr. Speaker, I rise today in support of H.R. 980, the Public Safety Employer-Employee Cooperation Act of 2007. This vital legislation will provide police officers, firefighters, and other public safety officers with basic collective bargaining rights, without undermining state authority or existing state laws—providing modest minimum standards to be included in state laws.

Sadly, some members of this body object to H.R. 980 on the grounds that it supposedly "tramples on state's rights." This could not be further from the truth. The Public Safety Employer-Employee Cooperation Act only requires that states and localities have a bargaining process, it does not mandate binding arbitration, it does not allow strikes, and local employers still retain the final say in all budgetary decisions. Furthermore, most states and localities already meet or exceed the bill's minimum requirement of having a process in place that allows police, firefighters and others sit down and talk about their jobs with their employers. For these reasons, it seems to me that the state's rights objections raised by the bill's opponents do not stand up under scrutiny.

Congress has long recognized the benefits of a cooperative working relationship between labor and management. Over the years we have extended collective bargaining rights to letter carriers, postal clerks, public transit employees, and even Congressional employees. It is long past time that we allow public safety

employees the basic right to bargain collectively and raise workplace and public safety issues with their employers and in passing H.R. 980 today we will correct this wrong.

TRIBUTE TO THE SOUTHERN ILLINOIS UNIVERSITY OF EDWARDSVILLE COUGARS SOFTBALL TEAM

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2007

Mr. SHIMKUS. Madam Speaker, today I rise to honor my alma mater Southern Illinois University of Edwardsville, where I graduated with my MBA in 1997, on winning its first national NCAA Division II softball championship.

The fifth ranked Cougars (49–8) closed out the season with a 16-game winning streak. The 3-hour and 15 minute game was the longest in Division II championship history.

Ashley Price hit an RBI single in the 12th inning to give SIUE a 3–2 championship victory over defending national champion Lock Haven at Firestone Stadium in Akron, OH. The national championship is the 17th in the school's history and first in softball.

Members of the team include Ashley Price, Chaleen Rumpf, Carly Wildenradt, Emily Lenart, Courtney Mall, Lindsey Laas, Haylee Eubanks, Abbie Bates, Katy Biggs, Nicole Beecher, Lauren Zembruski, Sabra McCune, Amanda Puce, Jodie Ohlau, Kaeleigh Rousey, Libby Lenart, Mallory Ruggles and Kaitlin Colosimo. The Head Coach is Sandy Montgomery; Valerie McCoy is the Assistant Coach, and the Student Assistant is Shannon Evans.

I am very pleased to congratulate the softball team of Southern Illinois University of Edwardsville on their national championship and wish them the best of luck for next season.

RECOGNIZING THE IMPORTANT TESTIMONY OF MR. CHARLES DAHAN BEFORE THE CONGRESSIONAL HUMAN RIGHTS CAUCUS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2007

Mr. LANTOS. Madam Speaker, on Wednesday, June 20, 2007, the Congressional Human Rights Caucus held an extraordinary briefing on Morocco's progress toward gender equality.

The briefing addressed the very important issue of women's rights in Morocco that has been the number one priority of King Mohammed VI. The Moudawana (the Family Law), adopted in 2003, has sought to raise women's status as full partners with men, in order to uphold equality between the two spouses and to protect children's rights. Women are now able to initiate divorce and to gain custody of their children. Polygamy has become practically impossible.

Madam Speaker, Mr. Charles Dahan, the World Vice President of the Federation of the Moroccan Jewry, shared his exceptional

knowledge of women's rights in Morocco. Mr. Dahan's speech was not only eloquent but tremendously important in educating the Members and their staff on this issue.

I ask my colleagues to join me in thanking Mr. Dahan for sharing with so many prominent leaders his expertise. With that I would like to place Mr. Dahan's testimony in the CONGRESSIONAL RECORD.

MOROCCO, PROGRESS TOWARD EQUALITY

(By Charles Dahan)

Thank you for inviting me to visit with you about Jews in Morocco today. Let me start with a brief overview of how the Jews came to settle in Morocco.

Two major groups of migration:

1. 3-400 BC Destruction of the Temple. Jews crossed Egypt and settled in the Berber region of what is now Libya and Morocco. These Jews are referred to in Hebrew as "Tochavim". At this time, the Berbers had no organized religion and the Jews lived their Jewish life coexisting with the tribes and, on occasion, conversions would occur. In the 1300s, Islam was introduced in Morocco and most Berbers converted to Islam.

2. 1490s Spanish Inquisition. Both Muslims and Jews were forced out of Spain and settled in Northern Africa. This was a shared historical experience. These Jews are called "Mekorachim" in Hebrew and they numbered between 25-30,000.

There were several important moments where the Jewish contribution to Moroccan life was recognized and, therefore, protected by the Sultans. Two examples are:

We see the creation of "Mellahs" during the 1600s. Jews were considered "dhimmis" (literally, protected persons) at this time by the Sultan. Original purpose of mellahs was to protect Jewish communities. Mellahs developed center of services for royal authority like duties, minting coins, diplomacy, and royal merchants.

In the 1800s, Sir Moses Montefiore met with Sultan Ridi Muhammad b. 'Abd al-Rahman who issued royal decree proclaiming Jews in Morocco were protected by justice under Moroccan law.

A very important development in 1862 is the creation of first school of the Alliance Israelite in Tetouan. The result of this school significantly increased the education level of Jews as the network spread across Morocco. This focus on education of the existing 200-250,000 Moroccan Jews is a major force in their historical value as a community. For example, in 1991 King Hassan II said to Moroccan Jews in a speech "You preceded the Arabs in Morocco, and you still stand out by a quality which distinguishes you in the cultural and religious fields. The Moroccan Talmudic School was universally recognized as the best in the world."

Feast of the throne, 1943: "I consider the Jews as Moroccan citizens with the same full and equal rights, as their Moslem brothers. Their property and their persons are inviolable. I am completely opposed to the new anti-semitic laws, and refuse to be associated with measures which I disapprove. I wish to inform you that, as in the past, the Jews remain under my protection, and I will not tolerate any discrimination between my subjects."

Moroccan independence from France greatly altered the Moroccan Jewish life. Anxiety over the future mounted among Jews. In 1955, a year before Moroccan independence, North African Jews represented 87% of new immigrants in Israel.

Even though the newly independent King Mohammad V declared in 1956 "The Jews

will enjoy every right, in complete equality, and be associated in every form of our national life, including responsibilities within the government", life dramatically changed for the Jews in Morocco. Several social, political and economic factors were conditions for a perfect storm:

Decolonization led to an economic vacuum by the French. A whole level of life had been economically dependent on the French and the balance of this life shifted dramatically adding anxiety to the Jewish population.

Arabization was one of the main objectives of the Nationalists. Remember that French had been the language of education, much culture, daily life and commerce for this generation. The Jewish elite, living outside of the Mellah, did not speak Arabic and this lack of communication led to more confusion and anxiety.

Hardening of the National Political Party was new to the Jews. Encouragement from Nasser and the Arab League led to many demonstrations against the French colonists. In addition, the Party was leaning to the Left with communist ideas and forging relations with Moscow. It was too dangerous to attack French Christian citizens so the Moroccan Jews became the invented symbol of colonization. Any kind of demonstration or riot ended up targeting Moroccan Jews.

After the Independence, King Mohammad V restricted emigration. The Jews were torn between the consequences and uncertainty of their future in Morocco and the illegal departure for a totally unknown life. Some chose to escape and one historical consequence was 1961 ship called the Pisces that sank killing all 43 Jews who had been smuggled aboard. This was an important event that politicized the Moroccan Jews. In 1962, upon the ascension of King Hassan II, Jews were allowed to emigrate. King Hassan told the community: ". . . I have recognized your rights as full-fledged Moroccan citizens. I request that you will be the ambassadors of Morocco wherever you may choose to emigrate and that you defend the reputation of your country whenever it is maligned by the media through bad faith or ignorance".

That was the first major Jewish exodus from Morocco. Two-thirds of that population left Morocco for Israel and Canada. The second exodus was in 1967 during the Six-Day War and the third was in 1973 during the Yom Kippur War.

This brings us to life today as a Moroccan Jew, both inside and outside the country. King Mohammad VI is a young and modern monarch who faces worldwide pressure. His legacy to follow is that of a peacemaker, often behind the scenes. His vision is to bring Morocco to a western level of development.

Although the population of Jews within Morocco has dwindled to approximately 3,000, there remains a vibrant community involved in many levels of society.

Although many of the Moroccan Jews have left, we still retain our unique blending of Judaism and Moroccan culture. This infusion is apparent in:

Religion: only Moroccan Jews pay homage to sainted Rabbis buried on Moroccan soil. These pilgrimages, "hiloulahs," involve a return to Morocco and a visit to the buried site which is tended and respected as well by Moroccan Muslims.

Weddings in Israel and Moroccan Jews worldwide are preceded by Hennas—typical of the Berber/Muslim religion. Also carrying of brides on "litters".

In conclusion, there is more to bring Moroccans together than to separate them. The single biggest threat to unity is extremism.

The United States needs to support Morocco in the strongest way to encourage their development as through the recent Trade Agreement and to help them fight the threat of terrorism. Through investment and development, there are promises to be a bright future.

As for Moroccan Jews who have emigrated, I think the words of Yitzhak Shamir sum it up: "Moroccan Jews were the only Jews that never renounced their country, nor were they rejected by their country".

THE WAR

HON. WM. LACY CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2007

Mr. CLAY. Madam Speaker, in the fall of 2002, I was among the majority of Democrats in the House of Representatives who voted against the Iraq war resolution. Claims about weapons of mass destruction had not been substantiated and there was no evidence that Saddam Hussein was linked to al Qaeda and the 9-11 attacks. I did not accept—as administration officials asserted—that the costs of the war and rebuilding of Iraq could be financed by Iraqi oil revenues. At that time, I told my colleagues that Iraq did not pose a direct threat to our national security and that we should concentrate our power on capturing Osama Bin Laden and destroying al Qaeda.

The invasion and occupation of Iraq has not achieved what its proponents promised. The war has degraded our military, undermined our nation's influence in the world, vitalized terrorists, and left the American people more vulnerable to attack than we were before the war.

Now, the National Intelligence Estimate confirms that while the administration vainly wrestles to salvage some semblance of victory in Iraq, Osama Bin Laden and his followers are poised for a resurgence. Al Qaeda's terrorist network, which was weakened but not destroyed after we invaded Afghanistan, never lost sight of its enemy. Today, al Qaeda poses as grave a threat to the United States as it did before 9-11.

As long as we remain in Iraq, al Qaeda will profit and the American people will pay the price. The security of our Nation demands that we withdraw from Iraq and use all of our military, intelligence and diplomatic resources to tear down the terrorist networks that want to destroy our way of life.

This Administration must stop blindly pandering to elitist dreams of rebuilding other nations in our image. Protecting the American people is a fundamental purpose of our government. The Iraq war is not advancing our national security; it is time to bring our troops home.

The Bush policy in Iraq has already cost the lives of over 3,600 brave Americans, with over 26,000 wounded. It has squandered and scattered resources that we should have devoted to our homeland security. And it has cost the U.S. citizens over half a trillion dollars in hard earned wages and lost Government services.

When history is written, it might say that we lost the first battle in the war against terrorism, but I pray it will not say that we lost the war.

IN RECOGNITION OF THE 90TH
BIRTHDAY OF THELMA NEWMAN
FRAZIER

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2007

Mrs. JONES of Ohio. Madam Speaker, today I ask you and my colleagues to join me in celebrating the life Thelma Newman Frazier on the occasion of her 90th birthday. The daughter of farm workers Eugene Newman and Kate Robinson, Thelma was born on July 26, 1917 in Richland County, AR.

Thelma is truly a child of God having accepted Christ as her Lord and savior at an early age. She is a past member of Morning Star Missionary Baptist Church and currently attends Shalom Church City of Peace.

Thelma was united in holy matrimony to Nathaniel Frazier, Sr. on April 17, 1941. To this union were born two children, Katie M. McKinney and Nathaniel Jr. Sadly, Nathaniel Jr. preceded her in death. In 1952, Thelma and her family migrated to St. Louis, MO. There she became active in the community. A devout member of the Order of the Eastern Star, Thelma worked tirelessly to carry out their mission.

Mrs. Frazier has been rewarded in life by her hard work and dedication to family. She has a devoted daughter, Katie M. McKinney, son-in-law, Lewis L. McKinney Sr., 13 grandchildren, 22 great-grandchildren, and 7 great-great-grandchildren. Her hard work has influenced her family tremendously. She is proud of all their accomplishments.

The matriarch of her family, Mrs. Frazier continues to live independently in St. Louis and is a constant support to her family through her unconditional love and encouragement. If only every child was blessed to have had a mother, grandmother or aunt like Thelma Newman Frazier, the world would be a better place. Happy birthday Mrs. Frazier, and may you be blessed with many, many more.

**RESPONSIBLE REDEPLOYMENT
FROM IRAQ ACT**

SPEECH OF

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2007

Mr. TIAHRT. Mr. Speaker, I rise today in opposition to H.R. 2956, the so-called "Responsible Redeployment from Iraq Act." This legislation is short-sighted, dangerous, and will not bring our Nation closer to success or Iraq closer to security. The only likely result would be to appease the anti-war activists and damage the national security of the United States.

Throughout this country, Americans are growing weary with this war. No one likes war, and every loss pains us. Unfortunately the arguments from the anti-war activists are becoming persuasive. These activists have been able to shape the debate on the war by focusing on the number of U.S. military casualties and the level of violence in Iraq. I do not trivialize these issues. Every soldier's death is a horrendous tragedy for our Nation and a family. In the 4th District of Kansas we have

lost 11 young men in the Global War on Terror, and we must never forget their sacrifice.

However, focusing solely on these grave issues does not address the most basic question facing our Nation in Iraq. The fundamental question of Iraq is, "what are the consequences of success and failure?" Unfortunately, the consequences of losing this war are rarely discussed, and I fear this legislation will likely be passed by this House. The Democrats are fond of saying that we have "lost" in Iraq. While I do not agree with this assessment, I think they need to answer who we lost to. If we lost, who won? Can the Democrats answer this question, and if they do, can the American people live with the answer? The reality is that this ill-advised approach will have dire consequences on Iraq and the United States.

With the premature withdrawal of American Forces from Iraq this legislation accomplishes the first step in al Qaeda's four-prong plan in Iraq. Starting with forcing the U.S. military out of Iraq and ending with the use of Iraq and the wider Middle East to launch additional attacks on Western governments and the U.S. homeland, al Qaeda has a clear plan for global terrorism. Unfortunately, the Democrats only provide the American people with a clear plan for defeat.

Throughout the Iraq War, the President and his military commanders have continually altered both strategy and tactics to meet the changing threats posed by our enemy. The latest strategy, called a "New Way Forward," was outlined by the President at the beginning of this year. This strategy included an additional 21,500 American troops in order to achieve a six-part strategy, which involves letting the Iraqis lead, isolating extremists, and create space for political progress.

This new strategy acknowledges that the Iraqis must ultimately take responsibility for the security and stability of Iraq while understanding that the Coalition Forces have an integral role in helping to provide security for the country in order to allow the Iraqi government and military to succeed. Since January, steps have been taken to fully implement the New Way Forward plan, and only in the last month have all additional forces finally been put into place.

There is still much work to do, but coalition forces are seeing some early signs of progress from this approach. Sectarian murders in Baghdad are now down from January, and because U.S. and Iraqi forces are living among the people they secure, many Iraqis are now coming forward with information on where the terrorists are hiding. Progress is being made at the local level, including more tribal sheiks joining the fight against al Qaeda, citizens forming neighborhood watch groups, young Sunnis signing up for the army and police, and more Shia rejecting militias.

Although progress is being made, it is certainly not moving at the speed I, nor the American people, want. However, the reality is that the "New Way Forward" strategy has only recently entered full implementation. It has not had a chance for success or failure. To change course at this time will only resolve us to defeat, while not providing us an opportunity to succeed. We must give the "New Way Forward" a chance, and not just resign America and its military to failure and Iraq to civil war and a potential genocide.

The Democrats may not understand the dangers of a withdrawal approach, but the

Iraqis do. Hoshiyar Zebari, the Iraqi foreign minister, recently said of the dangers of a premature U.S. military withdrawal, "The dangers vary from civil war to dividing the country or maybe to regional wars. In our estimation the danger is huge. Until the Iraqi forces and institutions complete their readiness, there is a responsibility on the U.S. and other countries to stand by the Iraqi government and the Iraqi people to help build up their capabilities."

Madam Speaker, this is a delicate and dangerous issue. It is essential that we have all the available facts before making decisions on how to move forward towards success. This is why I am looking forward to the September report from General David Petraeus, the U.S. Commander in Iraq, and U.S. Ambassador to Iraq, Ryan Crocker. The progress report will provide essential information on the current situation so Congress and the President can make an informed decision on the next steps in Iraq.

The Democrat plan has real consequences: the likely collapse of the Iraqi state and the creation of terrorist havens. It will embolden the terrorists and endanger the security of our homeland. Now is not the time for knee-jerk reactions. Now is the time for thoughtful consideration, examination of the options and consequences, and creating solutions that will make America more secure, not less. Although patience is not the word Americans want to hear, the consequences are too high to make uninformed decisions prior to reviewing the September progress report. For if we bring the troops home prematurely, we also risk bringing the war home.

Therefore, I ask my colleagues to join with me in opposition to this legislation.

REV. DR. LARRY WAYNE ELLIS
AND FIRST LADY VANDERLER
ELLIS HONORING THEIR 20
YEARS OF LEADERSHIP AT PIL-
GRIM BAPTIST CHURCH

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2007

Mr. LANTOS. Madam Speaker, I rise today to congratulate Reverend Doctor Larry Wayne Ellis and his wife, First Lady Vanderler Ellis, on their two decades of leadership at Pilgrim Baptist Church, located in San Mateo, California, within my Congressional District.

Pastor Larry Wayne Ellis, a native of Clarksville, Tennessee, graduated in 1975 from Austin Peay State University located in Tennessee. In 1981, Dr. Ellis earned a Master of Divinity from Golden Gate Theological Seminary. In 1988, he was awarded a master's degree in counseling psychology with an emphasis in marriage and family counseling from the College of Notre Dame in Belmont. He earned a Doctor of Ministry degree in 1995 from the Northern Baptist Theological Seminary in Lombard, Illinois. Currently, he is vice president and professor at Southern Marin Bible Institute and teaches at Golden Gate Seminary.

In August 1986, the Bay Area Baptist Congress of Christian Education named Dr. Ellis president of their organization. He was selected as Pastor of the Year in 1988, president of the Ministers' Council and moderator for the Bay Area Baptist District Association.

Dr. Ellis served at Mt. Zion Baptist Church of Redwood City for nearly 10 years, serving as full-time minister during the last 4 years of his tenure there. Dr. Ellis' leadership has been instrumental in the revitalization of this Church. Dr. Ellis was called as the pastor of Pilgrim Baptist Church on September 4, 1987.

In addition to his teaching and preaching at Pilgrim, he consistently remains involved in the community. In 1988, he founded C.H.O.I.C.E.S., a drug information and referral non-profit agency. He also serves on several civic and corporate boards. In 1996, Dr. Ellis achieved one of his most recent accomplishments when he became an Adjunct Professor at Golden Gate Seminary in Mill Valley, California. Among his many other accomplishments is the fact that, in 1998, he taught in Russia. Additionally, in 1999, he was selected as President of Congress Christian Education. He currently serves as Vice President of the State Congress of Christian Education. In 1999 Pastor Ellis also founded "Teach The Word" radio ministry. In 2002, he became President and Chief Executive Officer of the Pilgrim Organization, Inc., a youth through senior non-profit organization.

He is married to the former Vanderler Hines and proud father of three children, Tawana, Justin, and Austin.

Madam Speaker, I urge my colleagues in the House to join me in offering sincere congratulations and respect for the 20 years of dedication and service that Pastor Larry Wayne Ellis and his wife, Vanderler Ellis, have given to the Pilgrim Baptist Church community.

TRIBUTE TO MR. ERNEST R.
SUTTON

HON. G.K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2007

Mr. BUTTERFIELD. Madam Speaker, I rise to pay tribute to an outstanding citizen, Mr. Ernest R. Sutton. Mr. Sutton, a native of Elizabeth City, NC, is retiring after 36 years of loyal, dedicated service to the North Carolina Department of Correction. He has served this department in many capacities and now completes his career as the Superintendent for the Pasquotank Correctional Institution. Mr. Sutton is a graduate of Elizabeth City State University in 1977 with a bachelor's of science degree in political science.

I have had the privilege of knowing Mr. Sutton for many years as a friend, supporter, and community leader in the Albemarle Region of our state. I first met Mr. Sutton when he was intricately involved in the Southern Christian Leadership Conference, an organization founded by Dr. Martin Luther King, Jr.

Mr. Sutton currently serves as the Chairman of the Leadership Development and Governance Committees for the American Hospital Association. He is also a member of the Elizabeth City-Pasquotank County Community Relations Committee.

Madam Speaker, Mr. Sutton is an activist for change. In 1997, he introduced the first Hospital/Prison "Health Fair" in North Carolina, and played a key role in the transition of Albemarle Hospital from county owned to a free standing Regional Hospital Authority. In

2000, Mr. Sutton led the development of a unique process to search for and secure a new hospital president and CEO for Albemarle Hospital, Elizabeth City, NC.

Mr. Sutton served as past Vice-Chair of the International Association of the Friends of Africa; past Chairman of the Albemarle Hospital Authority Board of Commissioners; past Chairman of the Albemarle Hospital Executive Committee; past Chairman of the Personnel and Grievance Committee of the Albemarle Hospital Board of Trustees; and past Co-Chair of the Community Relations Committee of Elizabeth City, NC. He also served as Treasurer of the North Carolina 12th District NAACP, past member of the North Carolina Cultural Alliance, and past member of the North Carolina Council on Alcoholism.

Mr. Sutton's work reaches far beyond Elizabeth City. His article "Ernest R. Sutton: Growing Potential," which emphasizes his passion for leadership and human resources development, was featured in the September 2002 issue of Trustee Magazine. He was also interviewed on diversity in health care in the Bridges Magazine—Institute for Diversity in Health Management in the Fall of 2002. As President of Faith Consultants, LLC, Mr. Sutton has conducted several health care lectures and seminars at local universities and for many religious organizations.

Mr. Sutton has received many awards for his work. In 1984, he was the recipient of NAACP Outstanding Humanitarian Award, and went on to receive the silver, gold, and platinum Gavel Awards from the Governance Institute of Physicians, Trustees and Healthcare Executives in La Jolla, CA. In 2002, he received the North Carolina Hospital Association Trustee Service Award: Trustee of the Year, and received the Harvard School of Conflict Resolution and Healthcare Negotiations: Graduate with Distinction Award.

Over this extensive career, Mr. Sutton has made a tremendous impact on his community. Through his commitment and devotion to service, he has helped to lay the ground work for continued change in both Elizabeth City and beyond. I ask that all of my colleagues join me in paying tribute to an exemplary citizen, Mr. Ernest Sutton.

PASSPORT BACKLOG REDUCTION
ACT OF 2007

SPEECH OF

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 16, 2007

Mr. CAPUANO. Madam Speaker, I rise today in strong support of the passage of S. 966, a bill that will help ease the lengthy delays that citizens are experiencing obtaining a passport.

The House will have the opportunity to pass amendments to S. 966, the Passport Backlog Reduction Act. The Senate passed the bill, originally introduced by Senator SCHUMER, by unanimous consent on June 29.

After hearing from many constituents about problems they were having, I introduced my I own bill, H.R. 2960, the Department of State Crisis Response Act of 2007. Along with my colleagues Representatives LOUISE SLAUGHTER, RUBEN HINOJOSA, TED POE, AL GREEN,

MAC THORBERRY, CHARLES GONZALEZ, EDDIE BERNICE JOHNSON, SHELLEY BERKLEY, HENRY CUELLAR, CAROL SHEA-PORTER, JERRY MCNERNEY, PETER WELCH and JASON ALTMIRE, I introduced this legislation to enable the Department of State to respond to a critical shortage of passport processing personnel by re-employing vital former employees. I am pleased that the House Foreign Affairs Committee decided to send the Senate bill, similar in purpose to my bill, to the floor in an effort expedite the process. With passage of S. 966, the State Department can begin working to reduce the passport backlog.

I am hopeful that this legislative action will go far to ease the difficulty and delay many of our constituents have experienced in getting or renewing their passports.

RECOGNIZING ANTONIO
MANIBUSAN PALOMO

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2007

Ms. BORDALLO. Madam Speaker, I rise today to recognize Mr. Antonio Manibusan Palomo for a lifetime of service to our community, and for his efforts to preserve Guam's history and culture. Mr. Palomo, a prolific writer and long-time reporter for Guam media, and a former Guam lawmaker, recently retired as the administrator of the Guam Museum on June 13, 2007.

Tony was born in 1931 in Hagatna, the eldest of the nine children of the late Vicente Gogo Palomo and Dolores Lydia Mendiola Manibusan. He attended Guam's prewar Padre Palomo and Agana Elementary Schools and graduated from George Washington High School. He also attended Belmont Abby Preparatory School in Belmont, North Carolina, and Marquette University in Milwaukee, Wisconsin, graduating from Marquette's College of Journalism in 1954. He worked full-time as a copy boy for the Milwaukee Sentinel while in school. Upon his return to Guam, Tony applied his skills as a proofreader, a general assignment reporter, a sports editor, and an assistant managing editor for the Guam Daily News, forerunner of the Pacific Daily News. He also served as a correspondent for the Associated Press and as a stringer for the Pacific Stars and Stripes.

During his long career as a journalist, Tony served as editor of the Pacific Journal, a daily newspaper; as publisher-editor of Pacific Profile, a monthly magazine; and editor of the Pacifican, a weekly newspaper.

He then served as a special assistant to Guam's first elected Governor, Carlos G. Camacho, and as administrative director and records manager for the Eighth Guam Legislature before being elected to the legislature himself. Tony served in the 12th, 14th, and 15th Guam Legislatures. As a lawmaker, Tony chaired the legislature's Committee on Rules and the Committee on Territorial and Federal Affairs, which spearheaded the movement for a change in Guam's political status. He served as president of Guam's first Constitutional Convention in 1969 and was a member of Guam's first Commission on Self-Determination. He served briefly as general manager of the Guam Tourist Commission, predecessor of

the Guam Visitors Bureau, and as Guam's delegate to the South Pacific Conference in Noumea, New Caledonia, in 1969, and as adviser to the U.S. delegation to the South Pacific Commission.

In 1982, Tony served as special assistant to the assistant secretary of the U.S. Department of Interior. He later served as desk officer for American Samoa and the U.S. Virgin Islands and as DOI's field representative in Guam from 1986 until 1994. He also served as acting assistant secretary of the Interior for Territorial and International Affairs.

He served as chairman of Guam's Political Status Education Coordinating Commission, which produced and published the "Haleta" ("roots") series of history textbooks for Guam's public schools. He is a member of the Chamorro Historic Society, the Guam Humanities Council, the Chamorro Heritage Institute Planning Group, the Manenggon Memorial Foundation, the Fena Memorial Committee, the Guam Preservation Trust, the Council on Cultural Tourism, and GVB's subcommittee on Community Development, and is the corporate secretary of the Latte of Freedom Foundation.

Tony still makes time to teach History of Guam courses at the University of Guam and the Guam Community College today. He continues his long membership in the Knights of Columbus, having served as grand knight, deputy grand knight, recorder, and trustee; as well as in the Young Men's League of Guam, for which he has held the positions of director, historian, and chairman of the Council of Elders. He is a past member of the Benevolent and Protective Order of Elks and the Rotary Club of Tumon, and served on the governor's Vision 2001 and Vision 2005 committees on Family Values and Education and Culture.

Mr. Antonio Manibusan Palomo's many contributions to the history, language and culture of Guam are significant, and today we commend him for his lifetime of service to our community.

ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

SPEECH OF

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 17, 2007

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2641) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2008, and for other purposes:

Mr. UDALL of New Mexico. Mr. Chairman, we as leaders must face and prepare for the reality that America's nuclear footprint is shrinking and that in the coming years our national priorities will shift to address the looming energy crisis. With that in mind, it is abundantly clear that the mission and purpose of Los Alamos National Laboratory, located in my district, must be diversified to ensure its future permanence and to utilize its full potential for scientific research. I stand resolutely behind LANL, and will continue to fully support the men and women who work there, but they must recognize that the bill before us marks

only the first step of the coming reallocation of resources in the nuclear complex. Only in recognizing, accepting, and ultimately embracing this shift, will the lab ensure that they continue to serve in their leading role in combating existing national security threats as well as others that are sure to emerge.

That is why today, Mr. Chairman, I will be voting in favor of the Energy and Water Appropriations bill. In so doing, I am voting for the future of the lab. I am voting for what I believe will be a future as bright as past in helping this country meet its national security challenges. But as I do, I vow to help the leadership at the lab make this diversification a reality. I vow to help the lab remain the pre-eminent lab in the country, home to the best scientists in the world.

Before we vote, however, I would like to briefly recap the steps in the Appropriations process that have brought us to this point today. In May, the Appropriations Subcommittee on Energy and Water marked up its Fiscal Year 2008 bill and reported it to the full Appropriations Committee. This bill included funding cuts that would affect the core mission of the Lab, which gave me great concern. The bill also postponed funding for the RRW and CMRR, projects I have been skeptical of since first being proposed. I am not the only one skeptical of these programs, which is why this bill also wisely included a provision requiring the Administration to thoroughly evaluate and prepare a plan outlining the specific need for not only these projects, but for our entire nuclear stockpile before authorizing millions more taxpayer dollars.

On the other hand, the bill we considered in committee included an unprecedented and long overdue investment in energy efficiency, renewable energy, and climate change research. I applauded the Chairman's vision for these investments, both because it is needed to enhance our nation's security for the future, but also because I firmly believe that the top-notch scientists at LANL have valuable contributions to make in these areas. During this discussion, I received assurances from the Chairman that LANL will have access to these new funds, but they must actively compete for them.

The bill was voice-voted in Committee a few weeks ago and was brought to the floor. During that debate, I led the fight to protect the core mission of the Lab, offering an amendment to restore \$192 million in funding for the Road Runner Supercomputer, the Science campaign, and the Lab's facilities. Not only are these areas needed for the lab to effectively conduct its core mission, but they will also be needed for diversification. However, my amendment was not an endorsement of the status quo regarding our nuclear weapons policy. Unfortunately, my amendment was defeated.

However, during all of this, what became clear was that part of these funding issues for LANL had to do with preparing for conference with the Senate. As the gentleman from Tennessee, Mr. WAMP, stated on the House Floor, ". . . this is the beginning of the process. I know Senator Domenici is going to weigh in. I love it, because these House leaders have given the House a better position to negotiate this bill from than we have ever had in my tenure here, because we need that leverage. Frankly, the Senate has rolled us on this bill for many years. Not any more. We get fair

treatment. We can go in there and negotiate our priorities and come away with a good product." No one who follows the Appropriations process should be shocked by this negotiating tactic.

In the meantime, the Senate Appropriations Committee reported a bill to the full Senate that provides hundreds of millions of dollars in funding increases for LANL. The Senate has yet to pass their legislation, but when they do, as we know, a conference committee will convene to negotiate the differences between the two versions of the legislation. I am confident that the final conference report will result in the restoration of funding for the core mission of the Lab, just as my amendment would have done.

And I will certainly be working for restoration of these funds through conference. Nevertheless, the process to this point must serve as a signal that change is needed if the funding—and the permanence—of the lab is to be certain. It would be folly to assume that the status quo and a static mission will be enough in the years to come. Instead, I hope the idea of diversification is strongly embraced and pursued by LANS, not only to strengthen the lab and its work force, although that is also important, but because the capacity of the lab to produce scientific greatness in pursuit of solving the gravest threats to our nation and to the world is too important.

I have received assurances from the NNSA that diversifying the mission of the lab is possible, but the leadership of the lab must take the initiative to start the process. In fact, there are ongoing discussions at this time about a possible diversified mission for LANL. As we continue the funding process, it is now up to LANL to decide whether it wants to diversify and thrive, or remain focused only on its current mission, which, as we have seen this year, means an uphill battle. I have strongly advised and urged the leadership at the lab to see that diversification is the only way to ensure the future of the lab. I hope that those at the lab believe the same and that in the very near future we will begin to see a true, substantive move toward this important goal.

INTRODUCTION OF THE DENTAL HEALTH PROMOTION ACT OF 2007

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2007

Mr. LEWIS of Kentucky. Madam Speaker, I rise to inform my colleagues of legislation I have introduced today to broaden applications for personal health accounts.

The legislation that I have proposed will amend existing Internal Revenue Service Code to permit the purchase of dental care items, including fluoride toothpaste, powered and manual toothbrushes, dental floss, dental cleaners, oral irrigators, and preventive and therapeutic mouth rinses and toothpastes.

Specifically, my proposal adds a definition to the IRS Code for medical care tax treatment to include "products used to diagnose, cure, mitigate, treat, or prevent the onset of tooth decay, periodontal diseases, and conditions ailing the teeth, gums, and mouth or affecting the proper function thereof."

Personal health care accounts are funding arrangements where health care expenses are

paid or reimbursed with funds set aside in pre-tax accounts. These pre-tax contributions can be made by the employer, the employee, or both, depending on the type of account. In recent years, Congress has worked to make these accounts more accessible and easier to manage.

Expanding access to tax free savings accounts is a sensible way to help individuals manage health care costs and have greater control over their own care options. I believe this addition will create better opportunities for dentists and patients to provide and receive better quality dental care, which is especially important in rural and lower-income communities across the country.

I urge my colleagues to support this bill.

DEPARTMENTS OF LABOR,
HEALTH AND HUMAN SERVICES,
AND EDUCATION, AND RELATED
AGENCIES APPROPRIATIONS
ACT, 2008

SPEECH OF

HON. CAROL SHEA-PORTER

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2007

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3043) making appropriations for the Department of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes:

Ms. SHEA-PORTER. Madam Chairman, I rise today in strong support of this amendment which will put a stop to the unacceptable evaluation component of the Upward Bound Program that turns our Nation's students into guinea pigs for the Department of Education.

This evaluation requires that institutions receiving Upward Bound funds, such as the University of New Hampshire, recruit TWICE as many students than can be served, with the intent to deny half of these applicants and use them as a control group—receiving no Upward Bound assistance at all. I find this bait and switch, which comes at the expense of our students, to be offensive, downright cruel, and—at best—unethical.

I recently introduced H.R. 2700 to suspend this study and prevent the other harmful changes the Administration has made to the Upward Bound program. This amendment to prohibit funding for this study is another means by which we can right this wrong.

The goal of Upward Bound is to support our students in their efforts to obtain a college degree. We must not undermine these efforts with this unethical study.

I urge my colleagues to protect the integrity of this program by standing with us, and our students, by supporting the Gwen Moore-Tom Cole-Bobby Scott-Carol Shea-Porter amendment.

UNITED STATES NEEDS TO
INVEST IN FINANCIAL LITERACY

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2007

Mr. PAYNE. Madam Speaker, there is an urgent need for the United States to invest in financial literacy. On June 15, 2007, the Washington Post reported that, according to the Mortgage Bankers Association, “the percentage of U.S. mortgages entering foreclosures in the first three months of the year was the highest in more than 50 years.” With aggressive subprime lenders preying upon unknowledgeable yet eager homeowners, foreclosure rates around the country have reached unprecedented heights.

On June 10, 2007, the New York Times reported that “private loans have become the fast-growing sector of the student finance market, more than tripling over five years to \$17.3 billion in the 2005–2006 school year, according to the College Board.” Yet, in that same article, it was reported that many students fail to understand the risks associated with private loans as opposed to federally subsidized loans. Along those same lines, easy access to credit cards without the understanding of its potential pitfalls has led to the indebtedness of many college students.

According to the Bureau of Economic Analysis, personal savings for Americans in May 2007 was negative \$139.8 billion, which was an \$18 billion increase from the previous month. The Federal Reserve Board stated that consumer debt has exceeded \$2.4 trillion as of May 2007. According to the 2007 Retirement Confidence Survey conducted by the Employee Benefit Research Institute, it is not registering with American workers that the U.S. retirement system is no longer one of defined benefits but that of defined contributions. In fact, fewer than 50 percent of workers have retirement savings and investments over \$25,000.

These facts are unfortunately not surprising. The results from the JumpStart Coalition for Personal Financial Literacy's 2006 survey showed that of the approximately 5,700 high school seniors nationwide tested, participants scored slightly above 52 percent on a test of very basic financial literacy skills.

The United States must address this growing problem of financial illiteracy. The consequences, as shown by these statistics, could be dire if more is not done. I would encourage the Federal Government to take proactive measures to stem this tide. The Department of Education, in particular, can play a key role in reversing this negative trend by instilling the principles of fiscal discipline while our children are still in their formative years and in fact, can work to incorporate these values into already existing subjects such as mathematics, social studies and business classes.

As a matter of fact, I will soon be introducing the Youth Financial Education Act which would authorize monies for financial literacy through State block grants and through the Fund for the Improvement of Education. I hope to work with other Members of Congress and appropriators to see this important initiative realized.

THE BIPARTISAN IMPORT SAFETY
ACT OF 2007

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2007

Mr. KIRK. Madam Speaker, last month, the U.S. Consumer Product Safety Commission and toy company RC2 announced a recall of 1.5 million various Thomas & Friends wooden railway toys because they might contain dangerous amounts of lead.

Lead poisoning causes vomiting, diarrhea, convulsions, anemia, loss of appetite, abdominal pain, irritability, fatigue, constipation, difficulty sleeping, headaches and coma. It can even be fatal.

The toys on recall are made in China and are retailed throughout the United States.

In March, a wave of pet deaths revealed toxic chemicals in Chinese-manufactured pet food. The U.S. Food and Drug Administration investigated and nearly 100 brands of pet food made with the ingredient were ordered recalled.

A few weeks ago, consumers were advised to discard all toothpaste made in China after federal health officials found toothpaste containing a poison used in antifreeze.

Then it was Thomas the Tank Engine. Just about every family with young kids in America knows Thomas the Tank Engine well.

On Tuesday, about 40 tubes of potentially toxic toothpaste fraudulently labeled Colgate “Triple Action” were pulled from the shelf of a discount store in Arlington Heights, Illinois.

Congress needs to send a clear notice to importers that goods which threaten the safety of kids will be left to rot on America's docks.

That is why I am introducing H.R. 3100, the bipartisan Import Safety Act of 2007, to increase penalties for willful violators of federal regulations on imported goods and increase our commitment to overseas inspections by the FDA and the Commission. This will increase the ability of the U.S. Government to halt the importation of pet food, toothpaste or children's goods that could present a danger to Americans.

33RD ANNIVERSARY OF THE
TURKISH INVASION OF CYPRUS

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2007

Mr. SPACE. Madam Speaker, tomorrow marks the 33rd anniversary of Turkey's illegal invasion and occupation of Cyprus, which occurred on July 20, 1974. This black anniversary commemorates 33 years too long of suffering and injustice for the people of the Republic of Cyprus.

Thirty-three years ago, Turkish troops invaded Cyprus in flagrant disregard for international law. As a result, an estimated 160,000 true Cypriots were displaced and another 5,000 Cypriots were killed. The current occupied area is notably one of the most highly militarized areas in the world with 43,000 Turkish troops stationed there illegally. In an act of further defiance, in 1983, Turkish Cypriots declared themselves a sovereign nation.

To date, they are the only ones who recognize themselves as such.

Together with both the E.U. and the U.N., the U.S. has been a strong ally of the Republic of Cyprus, and we owe it to her to continue our steadfast support. As a Congress, we must uphold our Nation's pledge to advance the July 8th agreement that President Papadopoulos and Turkish Cypriot leader Mehmet Ali Talat reached a year ago. This agreement would begin the process of setting up bi-communal committees and working groups to address day-to-day issues facing those caught up in this conflict.

Unfortunately, Talat is not only yet to move forward with his earlier promise, but has also now gone back on his word. We must work to convince Talat that it is in his best interest, and in the best interest of Turkish Cypriots, to cooperate. They will be left behind and without a seat at the table if they choose to disregard plans for progress toward a solution.

Meanwhile, Greek Cypriots continue working toward their national commitment. The Republic of Cyprus took the initiative to demolish a portion of the fortification at Ledra Street in the capital of Nicosia. Opening up this crossing point was a confidence building step, as was demolishing a Cypriot National Guard post in Kato Pyrgos in an effort to open up another crossing point.

There are steps members of this House can take to show support for the people of the Republic of Cyprus. We can cosponsor legislation to resolve the Cyprus problem—H.R. 1456, H. Res. 405, and H. Res. 407.

H.R. 1456 enables U.S. citizens who own property in Turkish-occupied Cyprus to seek financial remedies with either current inhabitants of their land or the government of Turkey. The intent here is to ensure that property not only benefits the lawful owner, but also that it stays out of the hands of illegal squatters.

H. Res. 405 expresses the sense of Congress for the support and implementation of the July 8th agreement as a way forward for the reunification of Cyprus. And H. Res. 407 expresses the support of the House of Representatives for the positive actions of the Republic of Cyprus to open more crossing points and to reach a cease-fire.

These are all bills that I'm a cosponsor of, and I urge other members to join me in my support for these worthwhile measures.

As a Greek American and as a member of the Hellenic Caucus, I could not feel more strongly about the reunification of Cyprus. The issue is straightforward and clear: we must aid our ally, the Republic of Cyprus, in righting the wrongs of the past 33 years. I cannot think of a better day than today, on the eve of the 33rd anniversary of the Turkish invasion, to express my conviction on the matter.

Tomorrow, we must both remember the past and look to the future. In recognizing the significance of July 20th for the citizens of the Republic of Cyprus, we must recommit ourselves to the cause of restoring the island nation to its rightful inhabitants. I ask for the support of my colleagues in this worthy undertaking.

COSPONSORSHIP OF H.R. 1400, THE IRAN COUNTER-PROLIFERATION ACT OF 2007

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2007

Mr. MARKEY. Madam Speaker, I am proud to cosponsor H.R. 1400, the Iran Counter-Proliferation Act of 2007. This bill will give the United States far superior economic and political leverage against Iran's ongoing and dangerous nuclear program by significantly strengthening our sanctions package against Tehran.

The necessity for the United States and the world to negotiate a final termination to Iran's nuclear program cannot be overstated. The signals that Iran's nuclear program may not be peaceful are legion: Iran is in violation of its International Atomic Energy Agency safeguards agreement, it has yet to explain decades of deception surrounding their nuclear research and construction programs, it is pursuing a uranium enrichment program which could eventually produce weapons-grade uranium, and it is building a heavy-water nuclear reactor which will produce plutonium which could be used for weapons.

An Iranian nuclear weapon could threaten the United States, the security of the Persian Gulf, and it would certainly threaten one of our greatest allies, Israel. Iran's position in the region has unfortunately been greatly strengthened by our misadventure in Iraq, and the regime in Tehran may believe that with a nuclear bomb they could become the regional hegemon, the local strong-man. Such an outcome would be disastrous for the stability of the region, and would be deeply threatening to the United States and our allies. We must do everything we can to avoid this scenario. The Iran Counter-Proliferation Act will put stronger arrows in the diplomatic quiver of the United States through its expanded sanctions package, and it hopefully will help us find a resolution to this important issue.

Iran's development of a nuclear weapon would also be a deeply damaging blow to the Nuclear Nonproliferation Treaty, and could signal the death-knell for international efforts to halt the spread of the bomb. An Iranian nuclear weapon would so dramatically alter the balance of power in the Middle East and Central Asia that other nearby countries could decide that they must pursue a weapons program as well to protect themselves from the sway of Iranian regional hegemony. In such a scenario, an Iranian bomb could spur the development of a Saudi bomb, an Egyptian bomb, or a Turkish bomb. If the cascading security implications for the region from an Iranian nuclear weapon did lead to neighboring countries also pursuing nuclear programs, the NPT may truly be shattered beyond repair.

While I support H.R. 1400 and am proud to cosponsor it, I am concerned that one provision of the bill may have the unintended consequence of undermining our international efforts to unify all governments around the world against Iran's dangerous and destabilizing nuclear program. This bill would remove the President's ability to waive sanctions against foreign countries and corporations if the sanctions could harm the national security interests of the United States. I share the view of the

bill's authors that such Presidential waiver authority has been utilized far too frequently—in fact, the international sanctions contained in the Iran Sanctions Act have never been utilized because they have been waived every year! However, I am concerned that by removing the waiver altogether, we will go too far in the other direction.

A number of American allies would be targeted by a universal application of the sanctions contained in H.R. 1400, and while it may be desirable in many cases to do so, leveraging such costly sanctions against our international partners could in certain circumstances make it more difficult to convince these countries to support our efforts to obtain further multilateral sanctions against Iran. No country and no corporation should get a free pass to conduct business in Iran, but at the same time we must retain the flexibility necessary to assure success at the multilateral level. For this reason, I intend to work with my colleagues to make sure that a tightly-crafted waiver authority is included in the final legislation—not to encourage its use, but to ensure that the United States retains the flexibility that we must have to be successful.

It is also very important that H.R. 1400 includes a provision clarifying that nothing in the act authorizes the use of force or the use of the United States Armed Forces against Iran. I believe that our best strategy for success against the Iranian nuclear program will be a strong combination of economic sanctions, political engagement, and multilateral pressure with a clear and persuasive package of benefits to Iran in exchange for the renunciation of their nuclear program. A successful strategy does not involve the use of force, and in fact the use of force against Tehran would most likely backfire by solidifying the domestic political support for the hard-line regime which is continually loosing the support of its people.

I believe that we can solve the Iranian nuclear issue with smart diplomacy, forceful engagement, unilateral and multilateral sanctions, and a sophisticated understanding what combination of sticks and carrots will be persuasive to the decision-makers in Tehran. While it is my opinion that most of the Bush Administration's efforts in this regard have been heavy-handed, ideologically rigid, uncreative, and ultimately counter-productive, I believe that some of their recent actions point to the slow adoption of a more sophisticated approach towards this extremely important problem. The Iran CounterProliferation Act will help strengthen this approach, and will help us ratchet up the pressure on Iran. It is yet to be seen whether the Bush Administration will be wise enough to couple this bigger stick with a bigger carrot, and I hope that they do so. Far too much hangs in the balance, and the United States strategy must be smart, adaptive, and tough.

I urge adoption of the bill.

“LANDMARKS”

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2007

Mr. KINGSTON. Madam Speaker, during the July 4th holidays with my family, I heard the following inspirational sermon in Denver,

Colorado. I would like to share it with my fellow colleagues:

LANDMARKS
(By Bill Huth)

I am deeply grateful to be a citizen of the USA and I know that it is a privilege to be an American.

I love this week and the 4th of July:

Watermelons are juicy

Flags are waving from businesses and homes

Fireworks light up the night sky

Families are cooking hot dogs and dousing them with mustard and relish

Churches gather to sing patriotic hymns

Apple pies bake in the ovens

There is a sharp crack to the sound of baseball bats

We see old John Wayne movies

There are Parades and we sing "The Star Spangled Banner"

We pray for the nation and for peace

Everywhere we discover Red, White, and Blue

People and families intentionally come to the YMCA of the Rockies

These are Landmarks to mark the birth-day celebration of the USA!

In ancient times, boundary stones or landmarks identified personal property. Boundaries in Israel were sacred because God owned the land. To extend ones property by moving the landmarks was a violation of the covenant and sacred oath. To move a landmark was to renege on the commitment to God's promise.

Unfortunately, moving a boundary stone was and still is a major problem—not so much in the realm of property—but those founding principles, the landmarks, the ancient boundaries on which America was founded. Those landmarks have either been forgotten or diluted in this relativistic, postmodern age when everything seems to be up for grabs, with no absolutes, and everyone interprets things the way they personally see them.

Lets talk today about some of these permanent landmarks that we should recall and revere.

A poet wrote: "We eat from orchards we did not plant. We drink from wells we did not dig. We reap from fields we did not sow. Fires we did not kindle warm us. Roofs we did not build shelter us. We are blessed by monies we did not give."

A landmark will always be that of Sacrifice and Liberty, and we cannot fudge on our own commitment to tend the tree of Liberty by our own acts of self sacrifice and service. If we do, then we stand to lose one of our great American traditions—July 4th!

Someone has said, "The temptation is to enjoy the fruits of citizenship without tending the tree of liberty." Many of us have not personally earned the freedoms we enjoy. We did not go to Germany, North Africa, France, Iwo Jima, Hawaii, Italy—we did not find ourselves on beaches named Omaha, Salerno, or Sword. We, you and me, have not shed our blood or not given an arm or leg or not sacrificed our lives for our Freedom.

John Adams, as he said as he signed the Declaration of Independence, "Whether we

live or die, sink or swim, succeed or fail, I stand behind this document. And if God wills it, I am ready to die in order that this country might experience freedom!" That is patriotism which led men, armed with little more than hunting rifles, to engage in battle with, what was then the most powerful nation on earth. Many of our forefathers paid a terrible price in the Revolutionary war, but finally they won the victory so that you and I might be citizens of this "land of the free and the home of the brave."

Because of them a landmark has been established and my responsibility is to tend the Tree of Liberty.

Another landmark is our commitment to Religious Freedom. In the early days of the country, it was made clear that Congress would not establish a state religion, that Americans would be free to worship God according to the dictates of their own conscience. That is our freedom, to worship, or not.

Peter Marshall prayed before the U.S. Senate, "Lord Jesus, thou who art the way, the truth and the life, hear us as we pray for the truth that shall make all free. Teach us that liberty is not only to be loved but also to be lived. Liberty, Lord, is too precious to be buried in books, costs too much to be hoarded."

French writer Alexis de Toqueville, after visiting America in 1831 wrote, "I sought for the greatness of the U.S. in her commodious harbors, her ample rivers, her fertile field, and boundless forests . . . and it was not there. I sought for it in her rich mines, her vast world commerce, her public school system, and in the institutions of higher learning . . . but it was not there. I went into the churches of America and heard her pulpits flames with righteousness and I understood the secret of her genius and power: America is great because America is good, and if America ever ceases to be good, America will cease to be great!"

The final landmark is very sacred and special to each one of us. Our Constitution ends with "In the year of our Lord." Our National Motto is "In God we trust." The Pledge of Allegiance states "One nation, under God." The landmark is our faith in God, the Divine Creator.

Patrick Henry, first governor of Virginia and member of the Continental Congress stated, "It cannot be emphasized too strongly or too often that this great nation was founded, not by religionists, but by Christians . . . not on religious, but on the Gospel of Jesus Christ."

We all received the news that a Federal Appeals court in San Francisco decided that the Pledge of Allegiance, when recited in schools, represents an unconstitutional endorsement of religion. The ruling overturned a 1954 act of Congress that inserted the phrase, under God, in the pledge.

On every coin, on every dollar we find "In God We Trust" which reminds everyone of us and this nation, that the business and economy of the nation is based on our faith and trust in the Almighty.

The pledge and the motto remind us of the founding principle that this is a nation under the care of God.

A warning from Deuteronomy 8:7-14: "The Lord your God is bringing you into a good land . . . brook of water, fountains and springs, a land of plenty, vines and trees, a land in which you will plenty to eat and lack nothing. A land that will provide you the tools. Take heed lest you forget the Lord your God by not keeping his commandments and his statutes. You shall remember the Lord God for it is He who gives you power . . . Lest you forget the Lord your God and go after other gods and serve them . . . on that day you will perish because you would not obey the voice of the Lord.

When, as a nation, our courts and leaders want to remove the sacred Scriptures, the Ten Commandments, the prayers, no Bibles, the Motto . . . what is next? Will there be censorship of the pulpits of the land? Out of this pulpit to achieve political correctness?

It is fascinating and inspirational to know that:

Twelve of the original thirteen colonies incorporated the entire 10 commandments into their civil and criminal codes.

George Washington said, "It is impossible to govern the world without God and the Bible."

That we have heard so much talk of the "separation of church and state" when we find that the phrase does not appear in the constitution. It was coined from a letter that was penned by Thomas Jefferson to the Danbury Baptist Association assuring them that he would keep the Government out of the Church, and not the church out of government.

When our Presidents take the oath of office, they place their hand on the Bible and concludes the oath of office by affirming "so help me God."

The constitutions of all states mention God.

Abraham Lincoln, the besieged 16th President, said this over a nation on the brink of the Civil War, "We have been the recipients of the choicest bounties of heaven, but we have forgotten God and his gracious hand which preserved us in peace and multiplied and enriched and strengthened us, intoxicated with unbroken success, we have become too self-sufficient to feel the necessity of redeeming and preserving grace, too proud to pray to the God who made us."

Presidents Roosevelt, Wilson, and Coolidge all spoke about our dependence on God.

Franklin Roosevelt prayed this prayer on national radio on D-Day, June 6, 1944: Almighty God, with Thy blessing we shall prevail over the unholy forces of our enemy. Help us to conquer the apostles of greed and racial arrogance. Lead us to the saving of our country. They will be done, Almighty God."

President Ronald Reagan, "If we ever forget that we are 'one nation under God,' then we will be one nation gone under."

Landmarks are there for you and me, from the past, for the future . . . and with your help and the strength of the Lord our God they shall not be moved.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S9645–S9668

Measures Introduced: Four bills were introduced, as follows: S. 1840–1843. **Page S9658**

Measures Reported:

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. 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. 261, expressing appreciation for the profound public service and educational contributions of Donald Jeffrey Herbert, fondly known as "Mr. Wizard". **Page S9658**

Higher Education Amendments Act—Agreement Modified: A unanimous-consent-time agreement was reached providing that at 10 a.m. on Monday, July 23, 2007, Senate begin consideration of S. 1642, to extend the authorization of programs under the Higher Education Act of 1965; that there be a 8 hours of debate on the bill and any amendments thereto with 2 hours of time equally divided and controlled between the Chairman and Ranking Member of the Committee on Health, Education, Labor, and Pensions, or their designees; provided further, that the only amendments in order other than the committee-reported amendment in the nature of a substitute, be a total of twelve relevant first-degree amendments—six for the Chairman and six for the Ranking Member, relevant to the matter of S. 1642 and the substitute, and an additional manager's amendment which has been cleared by the managers or the leaders, with no other amendments in order; that the time on the first-degree amendments be limited to 30 minutes each, equally divided and controlled by the Chairman and Ranking Member; that relevant second-degree amendments be in order and

must be relevant to the amendment to which offered and that an additional time of 15 minutes be available for any second-degree amendments which may be offered, equally divided and controlled, and that upon the disposition of all amendments, the substitute, as amended, if amended, be agreed to, the bill, as amended, be read a third time, and Senate vote on passage of the bill. **Page S9668**

Measures Placed on the Calendar:

Pages S9646, S9658

Additional Cosponsors:

Pages S9658–59

Statements on Introduced Bills/Resolutions:

Pages S9659–61

Text of H.R. 2669 as Previously Passed:

Pages S9661–68

Adjournment: Senate convened at 10 a.m. and adjourned at 12:03 p.m., until 10 a.m. on Monday, July 23, 2007. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S9668.)

Committee Meetings

(Committees not listed did not meet)

YOUTH VIOLENCE AND MENTORING

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, Education, and Related Agencies concluded a hearing to examine youth violence, focusing on the efficacy of mentoring children, after receiving testimony from Martin Lexmond, Milwaukee Public Schools Department of School Innovation, Milwaukee, Wisconsin; Andres A. Alonso, Baltimore City Public School System, Baltimore, Maryland; Thomas M. Brady, School District of Philadelphia, Philadelphia, Pennsylvania; Bob Collins, Los Angeles Unified School District, Los Angeles, California; and Carmita Vaughan, Chicago Public Schools Drop-out Prevention and Recovery, Chicago, Illinois.

House of Representatives

Chamber Action

The House was not in session today. The House is scheduled to meet at 10:30 a.m. on Monday, July 23, 2007.

Committee Meetings

No committee meetings were held.

CONGRESSIONAL PROGRAM AHEAD Week of July 23 through July 27, 2007 Senate Chamber

On *Monday*, at 10 a.m., Senate will begin consideration of S. 1642, Higher Education Amendments Act and consider certain amendments.

On *Tuesday*, following the disposition of S. 1642, Higher Education Amendments Act, Senate will begin consideration of H.R. 2638, Department of Homeland Security Appropriations Act.

During the balance of the week, Senate may consider any cleared legislative and executive business.

Senate Committees

(Committee meetings are open unless otherwise indicated)

Committee on Banking, Housing, and Urban Affairs: July 25, Subcommittee on Security and International Trade and Finance, to hold hearings to examine reforming key international financial institutions for the 21st century, 3:30 p.m., SD-538.

Committee on the Budget: July 26, business meeting to consider the nomination of Jim Nussle, of Iowa, to be Director of the Office of Management and Budget, 10 a.m., SD-608.

Committee on Commerce, Science, and Transportation: July 24, to hold hearings to examine the protection of children on the internet, 10 a.m., SR-253.

July 25, Subcommittee on Interstate Commerce, Trade, and Tourism, to hold hearings to examine United States trade relations with China, 2:30 p.m., SR-253.

July 26, Full Committee, to hold hearings to examine preparation taken for digital television transition, 10 a.m., SR-253.

July 26, Subcommittee on Surface Transportation and Merchant Marine Infrastructure, Safety and Security, to continue hearings to examine the Railroad Safety Enhancement Act, 2:30 p.m., SR-253.

Committee on Energy and Natural Resources: July 25, business meeting to consider pending calendar business, 11:30 a.m., SD-366.

July 26, Subcommittee on Water and Power, to hold hearings to examine S. 300, to authorize appropriations for the Bureau of Reclamation to carry out the Lower Colorado River Multi-Species Conservation Program in the States of Arizona, California, and Nevada, S. 1258, to amend the Reclamation Safety of Dams Act of 1978 to

authorize improvements for the security of dams and other facilities, S. 1477, to authorize the Secretary of the Interior to carry out the Jackson Gulch rehabilitation project in the State of Colorado, S. 1522, to amend the Bonneville Power Administration portions of the Fisheries Restoration and Irrigation Mitigation Act of 2000 to authorize appropriations for fiscal years 2008 through 2014, and H.R. 1025, to authorize the Secretary of the Interior to conduct a study to determine the feasibility of implementing a water supply and conservation project to improve water supply reliability, increase the capacity of water storage, and improve water management efficiency in the Republican River Basin between Harlan County Lake in Nebraska and Milford Lake in Kansas, 2:30 p.m., SD-366.

Committee on Environment and Public Works: July 24, Subcommittee on Private Sector and Consumer Solutions to Global Warming and Wildlife Protection, to hold hearings to examine economic and international issues, focusing on global warming policy, 2:30 p.m., SD-406.

July 25, Subcommittee on Superfund and Environmental Health, to hold an oversight hearing to examine the Environmental Protection Agency's Environmental Justice programs, 2 p.m., SD-406.

July 26, Full Committee, to hold hearings to examine the case for the California waiver, including an update from the Environmental Protection Agency, 10 a.m., SD-406.

Committee on Finance: July 23, business meeting to consider S.J. Res. 16, approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, 5 p.m., SD-215.

July 24, Full Committee, to hold an oversight hearing to examine the government tax policy in farm country, 10 a.m., SD-215.

July 25, Full Committee, business meeting to consider the nominations of David H. McCormick, of Pennsylvania, to be an Under Secretary, and Peter B. McCarthy, of Wisconsin, to be an Assistant Secretary, both of the Department of the Treasury, Kerry N. Weems, of New Mexico, to be Administrator of the Centers for Medicare and Medicaid Services, Tevi David Troy, of New York, to be Deputy Secretary of Health and Human Services, and Charles E. F. Millard, of New York, to be Director of the Pension Benefit Guaranty Corporation, 10 a.m., SD-215.

Committee on Foreign Relations: July 24, to hold hearings to examine the nominations of Michael W. Michalak, of Michigan, to be Ambassador to the Socialist Republic of Vietnam, and Eric G. John, of Indiana, to be Ambassador to the Kingdom of Thailand, 10 a.m., SD-419.

July 24, Full Committee, to hold hearings to examine the nomination of Henrietta Holsman Fore, of Nevada, to be Administrator of the United States Agency for International Development, 2:15 p.m., SD-419.

July 24, Full Committee, to hold a closed briefing regarding Gulf Security dialogue, 4 p.m., S-407, Capitol.

July 25, Full Committee, to hold hearings to examine S. 732, to empower Peace Corps volunteers, 9:30 a.m., SD-419.

July 25, Full Committee, to hold hearings to examine Pakistan's future, focusing on the challenges of building a democracy, 2:30 p.m., SD-419.

July 26, Subcommittee on International Operations and Organizations, Democracy and Human Rights, to hold hearings to examine the United Nations Human Rights Council, focusing on its shortcomings and prospects for reform, 2:30 p.m., SD-419.

Committee on Health, Education, Labor, and Pensions: July 24, to hold hearings to examine the BioShield and Preparedness programs, focusing on improvements needed for epidemics, 10 a.m., SD-628.

July 25, Full Committee, 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. 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, S. 898, to amend the Public Health Service Act to fund breakthroughs in Alzheimer's disease research while providing more help to caregivers and increasing public education about prevention, an original bill entitled, "Newborn Screening Saves Lives Act of 2007", and the nominations of Diane Auer Jones, of Maryland, to be Assistant Secretary for Postsecondary Education, Department of Education, David C. Geary, of Missouri, to be a Member of the Board of Directors of the National Board for Education Sciences, and Miguel Campaneria, of Puerto Rico, to be a Member of the National Council on the Arts, 10 a.m., SD-106.

Committee on Homeland Security and Governmental Affairs: July 24, to hold hearings to examine the nomination of Jim Nussle, of Iowa, to be Director of the Office of Management and Budget, 10 a.m., SD-342.

July 25, Full Committee, to hold hearings to examine the nomination of Dennis R. Schrader, of Maryland, to be Deputy Administrator for National Preparedness, Federal Emergency Management Agency, Department of Homeland Security, 10 a.m., SD-342.

July 25, Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security, to hold hearings to examine the implementation of the Postal Accountability and Enhancement Act. (Public Law 109-435), 3 p.m., SD-342.

Committee on Indian Affairs: July 26, to hold hearings to examine the nomination of Charles W. Grim, of Oklahoma, to be Director of the Indian Health Service, Department of Health and Human Services, 9:30 a.m., SR-485.

Committee on the Judiciary: July 24, to continue oversight hearings to examine the Department of Justice, 9:30 a.m., SH-216.

July 26, Full Committee, 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. 453, to prohibit deceptive practices in Federal elections, S. 1692, to grant a Federal charter to Korean War Veterans Association, Incorporated, an original bill entitled, "School Safety and Law Enforcement Act", and the nomination of Rosa Emilia Rodriguez-Velez, of Puerto Rico, to be United States Attorney for the District of Puerto Rico, 10 a.m., SD-226.

Committee on Small Business and Entrepreneurship: July 25, to hold an oversight hearing to examine Gulf Coast disaster loans, focusing on the future of the disaster assistance program, 10 a.m., SR-428A.

Committee on Veterans' Affairs: July 24, business meeting to mark up the nomination of Charles L. Hopkins, of Massachusetts, to be an Assistant Secretary of Veterans Affairs (Operations, Preparedness, Security and Law Enforcement), 2 p.m., Room to be announced.

July 25, Full Committee, to hold an oversight hearing to examine Department of Veterans Affairs health care funding, 9:30 a.m., SD-562.

Select Committee on Intelligence: July 24, to hold closed hearings to examine certain intelligence matters, 2:30 p.m., SH-219.

July 26, Full Committee, to hold closed hearings to examine certain intelligence matters, 2:30 p.m., SH-219.

House Committees

Committee on Appropriations, July 25, to consider Defense Appropriations for Fiscal Year 2008, 9 a.m., 2359 Rayburn.

Committee on Armed Services, July 24, Subcommittee on Seapower and Expeditionary Forces, hearing on the surface combatant construction update, 2 p.m., 2212 Rayburn.

July 25, full Committee and the Permanent Select Committee on Intelligence, joint hearing on hearing on Implications of the National Intelligence Estimate regarding Al-Qaeda, 1 p.m., 2118 Rayburn.

July 25, Subcommittee on Oversight and Investigations, to continue hearings on A Third Way: Alternatives for Iraq's Future, Part 3, 10 a.m., 2212 Rayburn.

July 26, full Committee, hearing on Upholding the Principle of Habeas Corpus for Detainees, 9 a.m., 2118 Rayburn.

Committee on the Budget, July 25, hearing on Perspectives on Renewing Statutory PAYGO, 10 a.m., 210 Cannon.

Committee on Education and Labor, July 24, Subcommittee on Health, Employment, Labor and Pensions and the Subcommittee on Workforce Protections, joint hearing on the Misclassification of Workers as Independent Contractors: What Policies and Practices Best Protect Workers? 10:30 a.m., 2175 Rayburn.

July 24, Subcommittee on Healthy Families and Communities, hearing on Runaway, Homeless, and Missing Children: Perspectives on Helping the Nation's Vulnerable Youth, 3 p.m., 2175 Rayburn.

July 26, Subcommittee on Higher Education, Lifelong Learning and Competitiveness, hearing on the Workforce Investment Act: Ideas to Improve the Workforce Development System, 10 a.m., 2175 Rayburn.

July 26, Subcommittee on Workforce Protections, hearing on the S-Miner Act (H.R. 2768) and the Miner Health Improvement Enhancement Act of 2007 (H.R. 2769), 2 p.m., 2175 Rayburn.

Committee on Energy and Commerce, July 24, Subcommittee on Telecommunications and the Internet, hearing entitled "Oversight of the Federal Communications Commission—Part 2," 9:30 a.m., 2123 Rayburn.

Committee on Financial Services, July 24, Subcommittee on Capital Markets, Insurance, and Government Sponsored Enterprises, to consider H.R. 2761, Terrorism Risk Insurance Revision and Extension Act of 2007, 10 a.m., 2128 Rayburn.

July 25, full Committee, hearing on Improving Federal Consumer Protection in Financial Services—Consumer and Industry Perspectives, 10 a.m., 2128 Rayburn.

July 25, Subcommittee on Oversight and Investigations, hearing on Rooting Out Discrimination in Mortgage Lending: Using HMDA as a Tool for Fair Lending Enforcement, 2 p.m., 2128 Rayburn.

July 27, Subcommittee on Oversight and Investigations, hearing on Credit-Based Insurance Scores: Are They Fair? 10 a.m., 2128 Rayburn.

Committee of Foreign Affairs, July 24, Subcommittee on the Western Hemisphere, briefing and hearing on Deportees in Latin America and the Caribbean, 3 p.m., 2172 Rayburn.

July 25, full Committee, hearing on Central and Eastern Europe: Assessing the Democratic Transition, 10 a.m., 2172 Rayburn.

July 25, Subcommittee on Asia, the Pacific, and the Global Environment, hearing on an Overview of the Compact of Free Association between the United States and the Republic of the Marshall Islands: Are Changes Needed? 2 p.m., 2255 Rayburn.

July 26, Subcommittee on Asia, the Pacific, and the Global Environment, hearing on Is the Millennium Challenge Corporation Overstating Its Impact: The Case of Vanuatu, 2 p.m., 2172 Rayburn.

July 26, Subcommittee on Terrorism, Nonproliferation, and Trade, hearing on Export Controls: Are We Protecting Security and Facilitating Exports? 2 p.m., B-318 Rayburn.

Committee on Homeland Security, July 24, Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology, hearing on Federal Efforts to Mitigate Vulnerabilities in the Food Supply Chain, 10 a.m., 311 Cannon.

July 24, Subcommittee on Transportation Security and Infrastructure Protection, hearing entitled "Chemical Security—Rising Concern for America: Examination of the Department's Chemical Security Regulation and Its Effect on the Public and Private Sector," 1 p.m., 311 Cannon.

July 25, full Committee, hearing entitled "An Overview of Department of Homeland Security Federal Advisory Committees," 10 a.m., 311 Cannon.

July 26, Subcommittee on Border, Maritime and Global Counterterrorism, hearing on Frequent Traveler Programs: Balancing Security and Commerce at our Land Borders, 2 p.m., 311 Cannon.

Committee on the Judiciary, July 24, Subcommittee on Commercial and Administrative Law, oversight hearing on Privacy in the Hands of the Government: the Privacy and Civil Liberties Oversight Board and the Privacy Officer for the U.S. Department of Homeland Security, 1 p.m., 2237 Rayburn.

July 24, Subcommittee on Crime, Terrorism and Homeland Security, hearing on H.R. 2908, Deaths in Custody Reporting Act of 2007, 1 p.m., 2141 Rayburn.

July 26, Subcommittee on Commercial and Administrative Law, hearing on the Internet Tax Freedom Act, 10 a.m., 2141 Rayburn.

July 26, full Committee, oversight hearing on the Federal Bureau of Investigations, 1:30 p.m., 2141 Rayburn.

Committee on Natural Resources, July 24, Subcommittee on Insular Affairs, oversight hearing on the Implementation of the Compact of Free Association between the United States and the Republic of the Marshall Islands, 2 p.m., 1324 Longworth.

July 24, Subcommittee on Water and Power, hearing on H.R. 1970, Northwestern New Mexico Rural Water Projects Act; and H.R. 2515, Lower Colorado River Multi-Species Conservation Program Act, 10 a.m., 1334 Longworth.

July 25, full Committee, oversight hearing on the Surfacing Reclamation Act of 1977: A 30th Anniversary Review, 10 a.m., 1324 Longworth.

July 26, Subcommittee on Energy and Mineral Resources, hearing on H.R. 2262, Hardrock Mining and Reclamation Act of 2007, 10 a.m., 1324 Longworth.

July 26, Subcommittee on National Parks, Forests and Public Lands, hearing on H.R. 3058, Public Land Communities Transition Assistance Act of 2007, Community Self-Determination Act of 2000, 2 p.m., 1334 Longworth.

Committee on Oversight and Government Reform, July 24, hearing on Inadvertent File Sharing Over Peer-to-Peer Networks, 10 a.m., 2154 Rayburn.

July 25, Subcommittee on Domestic Policy, hearing on ExxonMobil and Shell Answer Questions about Hot Fuels Double Standards, 10 a.m., 2154 Rayburn.

July 26, full Committee, hearing on Iraq Embassy, 10 a.m., 2154 Rayburn.

July 26, Subcommittee on Federal Workforce, Postal Service and the District of Columbia, oversight hearing on the Postal Service: Planning for the 21st Century, 2 p.m., 2154 Rayburn.

July 26, Subcommittee on Information Policy, Census, and National Archives, hearing on 2010 Census Workforce, 2 p.m., 2247 Rayburn.

Committee on Rules, July 23, to consider H.R. 3093, Making appropriations for the Departments of Commerce, and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, 5 p.m., H-313 Capitol.

Committee on Small Business, July 25, hearing on Competitive Bidding for Clinical Lab Services: Where's it

Heading and What Small Businesses Can Expect, 10 a.m., 2360 Rayburn.

July 26, Subcommittee on Investigations and Oversight, hearing to examine the impact that the flooding has had on small businesses in Beaver County, PA and to review SBA's response in meeting the needs of those affected by the floods, 10 a.m., 2360 Rayburn.

Committee on Science and Technology, July 24, Subcommittee on Space and Aeronautics, hearing on NASA's Space Shuttle and International Space Station Programs: Status and Issues, 10 a.m., 2318 Rayburn.

July 26, full Committee, to continue hearings on Globalization of R&D and Innovation, Part II: the University Response, 10 a.m., 2318 Rayburn.

Committee on Transportation and Infrastructure, July 24, Subcommittee on Aviation, hearing on FAA's Aging ATC Facilities: Investigating the Need to Improve Facilities and Worker Conditions, 10 a.m., 2167 Rayburn.

July 26, Subcommittee on Railroads, Pipelines, and Hazardous Materials, hearing on Amtrak Labor Negotiations, 2 p.m., 2167 Rayburn.

Committee on Veterans' Affairs, July 24, Subcommittee on Oversight and Investigations, hearing on IT Inventory Management, 2 p.m., 334 Cannon.

July 25, full Committee, hearing on PTSD and Personality Disorders: Challenges for the VA, 10 a.m., 334 Cannon.

July 26, Subcommittee on Economic Opportunity, hearing on Contract Bundling Oversight, 2 p.m., 334 Cannon.

July 26, Subcommittee on Health, hearing on Gulf War Exposures, 10 a.m., 334 Cannon.

Committee on Ways and Means, July 24, Subcommittee on Oversight, oversight hearing on Tax-Exempt Organizations, focusing on Charities and Foundations, 10 a.m., 1100 Longworth.

Permanent Select Committee on Intelligence, July 24, Subcommittee on Human Intelligence, Analysis and Counterintelligence, executive, to continue hearings on Weapons of Mass Destruction, 10 a.m., H-405 Capitol.

July 25, full Committee, executive, briefing on Hot Spots, 8:45 a.m., H-405 Capitol.

July 26, full Committee, briefing on National Drug Intelligence Center, 1:15 p.m., H-405 Capitol.

July 26, Subcommittee on Terrorism, Human Intelligence, Analysis and Counterintelligence, executive, briefing on Russia Counterintelligence, 10 a.m., H-405 Capitol.

Joint Meetings

Commission on Security and Cooperation in Europe: July 23, to hold hearings to examine energy and democracy, focusing on whether the development of democracy is incompatible with the development of a country's energy resources, 3 p.m., SD-419.

Joint Economic Committee: July 25, to hold hearings to examine the national foreclosure crisis, focusing on subprime mortgage fallout, 10 a.m., SH-216.

Next Meeting of the SENATE

10 a.m., Monday, July 23

Next Meeting of the HOUSE OF REPRESENTATIVES

10:30 a.m., Monday, July 23

Senate Chamber

Program for Monday: Senate will begin consideration of S. 1642, Higher Education Amendments Act, and consider certain amendments.

House Chamber

Program for Monday: To be announced.

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